

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 7th Legislative Day Thursday, January 21, 1999

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

Prayer by Reverend Stephen L. Hastings, Winthrop Congregational Church.

Pledge of Allegiance.

Doctor of the day, Lisa Letourneau, M.D., Scarborough.

The Journal of Tuesday, January 19, 1999 was read and approved.

SENATE PAPERS

Resolve, to Ensure Equity in Public Land Acquisitions

(S.P. 184) (L.D. 538) 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.

Bill "An Act to Require External Review of Coverage Decisions by Health Plans"

(S.P. 177) (L.D. 531)

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 Exempt Free Clinics from Payment of Pharmaceutical Registration Fees"

(S.P. 168) (L.D. 505) Came from the Senate, **REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** and ordered printed.

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

Bill "An Act to Require the State to Pay the Salaries of Sheriffs and County Jail Employees"

(S.P. 176) (L.D. 530)

Bill "An Act to Limit Children's Access to Firearms"

(S.P. 178) (L.D. 532) 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 Improve Wild Game Transportation Laws"

(S.P. 182) (L.D. 536)

Came from the Senate, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.

REFERRED to the Committee on **INLAND FISHERIES AND WILDLIFE** in concurrence. Bill "An Act to Extend the Department of Labor Contribution Rate Table"

(S.P. 169) (L.D. 506)

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

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

Bill "An Act Regarding Burial at the Veterans' Memorial Cemetery"

(S.P. 181) (L.D. 535)

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 Inequities in Lobster and Crab Fishing Licensure Laws" (EMERGENCY)

(S.P. 167) (L.D. 504)

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 Allow Municipalities to Advertise Legal Notices in Weekly Newspapers"

(S.P. 170) (L.D. 507)

Bill "An Act Regarding Retainage on Major State and School Construction Projects"

(S.P. 173) (L.D. 529)

Bill "An Act to Prohibit the State from Competing with Private Industry"

(S.P. 179) (L.D. 533)

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 Exempt Clothing from the Sales Tax" (S.P. 171) (L.D. 508)

Bill "An Act to Bring Equity to the Vehicle Excise Tax"

(S.P. 180) (L.D. 534)

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

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

Bill "An Act to Promote Highway Safety"

(S.P. 172) (L.D. 509)

Bill "An Act to Appropriate Money to Extend Water Lines to Families in Gorham Whose Wells Were Polluted by Highway Construction Activity" (EMERGENCY) (S.P. 183) (L.D. 537)

Bill "An Act to Establish a Citizen Road Watch Program" (S.P. 185) (L.D. 539)

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

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

COMMUNICATIONS

The Following Communication: (H.C. 24) STATE OF MAINE DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION BUREAU OF BANKING 36 STATE HOUSE STATION AUGUSTA, MAINE 04333

January 15, 1999 The Honorable G. Steven Rowe Speaker of the House Maine House of Representatives State House Station 2 Augusta, Maine 04333 Dear Speaker Rowe:

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."

Maine's financial institutions continue to be in sound condition with strong capital, earnings and asset quality. While the institutions have benefited from the continued improvement in the State's economy, their commitment to financing local businesses and consumers has played a significant role in this economic growth. Due to increased speculation that the current economic expansion may be plateauing, the Bureau has heightened its scrutiny of loan quality. To date, the results of this intensified review have shown that credit underwriting standards remain at acceptable levels. Overall, Maine's financial institutions are well-positioned to confront a softening economy.

At this time, Maine's financial institutions are also in a satisfactory position with respect to Year 2000 ("Y2K") issues, as nearly all of Maine's financial institutions have a favorable Y2K rating. Bank regulators have implemented a very comprehensive supervisory program to ensure that financial institutions, heavily dependent upon computers, are prepared for Y2K. The Bureau is working closely with the federal regulators to continue to monitor the institutions' progress. As we move toward yearend, it is critical that public confidence be maintained in the payments system.

The Bureau was pleased that several private, non-bank financial services companies opted to expand their product offerings by taking advantage of the State's 1997 modernization of its financial industry. During 1998, five niche banks were either approved or commenced operations. The State's financial institutions also took advantage of recent legislative and regulatory changes as they seek to retain and then expand their customer and revenue base in the face of increased competition, particularly from non-banks. Failure at the federal level to pass modernization legislation continues to restrict institutions' ability to fully utilize Maine's progressive Banking Code.

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/status99.htm." Very truly yours, S/H. Donald DeMatteis Superintendent

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

The Following Communication: (H.C. 25) STATE OF MAINE DEPARTMENT OF HUMAN SERVICES 11 STATE HOUSE STATION AUGUSTA, MAINE 04333

December 31, 1998

Representative G. Steven Rowe

Speaker of the House

2 State House Station

Augusta, ME 04333

Dear Speaker Rowe:

Pursuant to MSRA 22, Section 1546, we are pleased to submit to the 119th Maine Legislature the Partnership For A Tobacco-Free Maine Annual Report.

Do not hesitate to call me at 207-772-4792 if you have any questions in regards to this. Thank you.

Sincerely,

S/Robert McAfee, MD

Chairperson

Tobacco Prevention & Control Advisory Council

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

The Following Communication: (S.P. 174) 119th MAINE LEGISLATURE

January 14, 1999

Senator Georgette B. Berube

Representative Michael F. Brennan

Chairpersons

Joint Standing Committee on Education and Cultural Affairs

119th Legislature

Augusta, Maine 04333

Dear Senator Berube and Representative Brennan:

Please be advised that Governor Angus S. King, Jr. has nominated Bruce N. Shatz of Augusta for appointment as a member of the Maine Public Broadcasting Board of Trustees.

Pursuant to Public Law 1998, Chapter 599, this nomination will require review by the Joint Standing Committee on Education and Cultural Affairs 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 **EDUCATION AND CULTURAL AFFAIRS**.

READ and **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in concurrence. The Following Communication: (S.P. 175) 119th MAINE LEGISLATURE

January 14, 1999

Senator Georgette B. Berube

Representative Michael F. Brennan

Chairpersons

Joint Standing Committee on Education and Cultural Affairs 119th Legislature

Augusta, Maine 04333

Dear Senator Berube and Representative Brennan:

Please be advised that Governor Angus S. King, Jr. has nominated Harrison L. Richardson of South Portland for reappointment as a member of the Maine Maritime Academy, Board of Trustees and Kristy Lingley of Dennysville for appointment as the student member of the Maine Maritime Academy, Board of Trustees.

Pursuant to P.L. 1975, Chapter 771, Section 428, these nominations will require review by the Joint Standing Committee on Education and Cultural Affairs 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 **EDUCATION AND CULTURAL AFFAIRS**.

READ and **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in concurrence.

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:

AGRICULTURE, CONSERVATION AND FORESTRY

Bill "An Act to Repeal the Licensing of Farmstead Cheese" (H.P. 440) (L.D. 603)

Presented by Representative WATERHOUSE of Bridgton. Cosponsored by Representative PINKHAM of Lamoine.

APPROPRIATIONS AND FINANCIAL AFFAIRS

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$7,000,000 to Purchase School Buses for Public Schools"

(H.P. 450) (L.D. 613)

Presented by Representative McALEVEY of Waterboro. Cosponsored by Senator O'GARA of Cumberland and Representatives: BELANGER of Caribou, BOUFFARD of Lewiston, BRENNAN of Portland, MURPHY of Kennebunk, SULLIVAN of Biddeford, TOBIN of Dexter, Senators: LIBBY of York, PARADIS of Aroostook.

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$26,850,000 for Maine's 7 Technical Colleges" (H.P. 451) (L.D. 614)

Presented by Speaker ROWE of Portland.

Cosponsored by President LAWRENCE of York and Representatives: BERRY of Livermore, CIANCHETTE of South Portland, KNEELAND of Easton, NASS of Acton, TESSIER of Fairfield, Senators: CASSIDY of Washington, MICHAUD of Penobscot.

Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2000 and June 30, 2001" (EMERGENCY)

(H.P. 454) (L.D. 617) Presented by Representative TOWNSEND of Portland. (GOVERNOR'S BILL)

Cosponsored by Senator MICHAUD of Penobscot and Representative: KNEELAND of Easton, Senator: HARRIMAN of Cumberland.

Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2000 and June 30, 2001" (EMERGENCY)

(H.P. 455) (L.D. 618) Presented by Representative TOWNSEND of Portland. (GOVERNOR'S BILL)

Cosponsored by Senator MICHAUD of Penobscot and Representative: KNEELAND of Easton, Senator: HARRIMAN of Cumberland.

BANKING AND INSURANCE

Bill "An Act to Clarify the Duty of Insurance Agencies to Keep Records"

(H.P. 438) (L.D. 601)

Presented by Representative DAVIDSON of Brunswick. Cosponsored by Representatives: DUDLEY of Portland, MAYO of Bath, RICHARDSON of Brunswick, Senator: KIEFFER of Aroostook.

Bill "An Act to Require Health Insurers to Reply to Payment Requests by Family Practice Nurse Practitioners within a Certain Time"

(H.P. 445) (L.D. 608)

Presented by Representative ROSEN of Bucksport. Cosponsored by Senator MITCHELL of Penobscot and Representatives: BRAGDON of Bangor, DUGAY of Cherryfield, LOVETT of Scarborough.

CRIMINAL JUSTICE

Bill "An Act Making It a Crime for Failure of a Junk Dealer to Keep Certain Records"

(H.P. 444) (L.D. 607)

Presented by Representative POVICH of Ellsworth. Cosponsored by Representative: McALEVEY of Waterboro.

EDUCATION AND CULTURAL AFFAIRS

Bill "An Act to Remove the Percentage Reduction Method from the School Funding Law"

(H.P. 436) (L.D. 578)

Presented by Representative GOODWIN of Pembroke. Cosponsored by Representative ANDREWS of York, Senator CASSIDY of Washington and Representatives: DUGAY of Cherryfield, MENDROS of Lewiston, SNOWE-MELLO of Poland, STANLEY of Medway.

HEALTH AND HUMAN SERVICES

Resolve, to Increase Access to Medicaid for People who Need Psychological Services

(H.P. 447) (L.D. 610) Presented by Representative TOWNSEND of Portland. Cosponsored by Representatives: BERRY of Livermore, BOUFFARD of Lewiston, BRUNO of Raymond, FULLER of Manchester, LOVETT of Scarborough, McALEVEY of Waterboro, SNOWE-MELLO of Poland, Senator: PARADIS of Aroostook.

INLAND FISHERIES AND WILDLIFE

Bill "An Act to Allow Noncommercial Whitewater Rafting Clubs to Submit More than One Amended Membership List in Any Calendar Year"

(H.P. 435) (L.D. 577) Presented by Representative WINSOR of Norway. Cosponsored by Representative: WHEELER of Bridgewater.

Bill "An Act to Allow Maine Residents Over 70 Years of Age to Obtain Any Deer Permit"

(H.P. 441) (L.D. 604)

Presented by Representative CAMERON of Rumford. Cosponsored by Representatives PINKHAM of Lamoine, VOLENIK of Brooklin, Senator FERGUSON of Oxford.

Bill "An Act Regarding Juvenile Hunters"

(H.P. 449) (L.D. 612)

Presented by Representative TRUE of Fryeburg. Cosponsored by Senator KIEFFER of Aroostook and Representatives: BERRY of Belmont, CIANCHETTE of South Portland, CROSS of Dover-Foxcroft, HONEY of Boothbay, KNEELAND of Easton, McNEIL of Rockland, PINKHAM of Lamoine, SHOREY of Calais.

JUDICIARY

Bill "An Act to Clarify the Probate Code Regarding Durable Financial Powers of Attorney"

(H.P. 442) (L.D. 605) Presented by Representative THOMPSON of Naples.

Resolve, to Allow Lawsuit Against the State of Maine

(H.P. 448) (L.D. 611) Presented by Representative BROOKS of Winterport. (BY REQUEST)

Committee on LEGAL AND VETERANS AFFAIRS suggested.

On motion of Representative TUTTLE of Sanford, **TABLED** pending **REFERENCE** and later today assigned.

LEGAL AND VETERANS AFFAIRS

Bill "An Act to Prohibit Convicted Felons from Voting"

(H.P. 437) (L.D. 600)

Presented by Representative MACK of Standish. Cosponsored by Representatives: ANDREWS of York, FOSTER of Gray, KASPRZAK of Newport, PLOWMAN of Hampden, SCHNEIDER of Durham, WATERHOUSE of Bridgton, Senators: BENOIT of Franklin, FERGUSON of Oxford.

STATE AND LOCAL GOVERNMENT

Bill "An Act to Require Mandatory Training for Harbor Masters"

(H.P. 439) (L.D. 602)

Presented by Representative PINKHAM of Lamoine. Cosponsored by Senator CASSIDY of Washington and Representatives: DUGAY of Cherryfield, HONEY of Boothbay, JOY of Crystal, McALEVEY of Waterboro, SKOGLUND of St. George, STEDMAN of Hartland.

RESOLUTION, to Amend the Constitution of Maine to Elect 2 Senators from Each County

(H.P. 452) (L.D. 615)

Presented by Representative JOY of Crystal. Cosponsored by Senator DAVIS of Piscataquis and Representatives' CLARK of Millinocket GILLIS of Danforth

Representatives: CLARK of Millinocket, GILLIS of Danforth, JODREY of Bethel, MACK of Standish, STANLEY of Medway, STEDMAN of Hartland, Senator: KIEFFER of Aroostook.

TAXATION

Bill "An Act to Repeal All State Taxes on Phone Service" (H.P. 446) (L.D. 609)

Presented by Representative KASPRZAK of Newport. Cosponsored by Senator PENDLETON of Cumberland and Representatives: FOSTER of Gray, MACK of Standish, McALEVEY of Waterboro, MENDROS of Lewiston, TRAHAN of Waldoboro, WATERHOUSE of Bridgton, WHEELER of Bridgewater.

TRANSPORTATION

Resolve, Naming the East-West Highway the Ronald Reagan International Highway

(H.P. 443) (L.D. 606)

Presented by Representative MACK of Standish. Cosponsored by Senator FERGUSON of Oxford and Representatives: BUCK of Yarmouth, GILLIS of Danforth, JODREY of Bethel, JONES of Pittsfield, KASPRZAK of Newport, MacDOUGALL of North Berwick, SHOREY of Calais, TREADWELL of Carmel.

Pursuant to Statute

Criminal Law Advisory Commission

Representative POVICH for the **Criminal Law Advisory Commission** pursuant to the Maine Revised Statutes, Title 17-A, section 1354, subsection 2 asks leave to report that the accompanying Bill "An Act Relating to the Forfeiture of Bail"

(H.P. 453) (L.D. 616)

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

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

Sent for concurrence.

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

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

SENATE PAPERS

The following Joint Order: (S.P. 191)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, January 26, 1999, at 3 o'clock in the afternoon.

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

Bill "An Act to Appropriate \$4,000,000 for School-based Health Clinics"

(S.P. 196) (L.D. 585)

Bill "An Act to Increase Access to Primary Health Care in Rural Maine" (EMERGENCY)

(S.P. 202) (L.D. 591)

Bill "An Act to Expand Peer Support Services for the Mentally III"

(S.P. 210) (L.D. 599)

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 Facilitate the Use of Major Credit Cards to Pay Fines, Forfeitures and Fees"

(S.P. 199) (L.D. 588)

Bill "An Act to Mandate that Insurance Companies Cover Eating Disorders"

(S.P. 209) (L.D. 598) 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 Reduce Property Taxes by the State Reimbursing Special Education Costs"

(S.P. 200) (L.D. 589) Came from the Senate, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in concurrence.

Bill "An Act to Require the Department of Human Services to Pay Legal Expenses in Custody Cases When the Department of Human Services Loses"

(S.P. 206) (L.D. 595)

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 Allow Citizens 70 Years of Age or Older the Option of Serving Jury Duty"

(S.P. 207) (L.D. 596)

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 Eliminate the Requirement for an Independent Medical Examination under Certain Circumstances"

(S.P. 195) (L.D. 584)

Bill "An Act to Abolish Apportionment in Workers' Compensation Claims"

(S.P. 197) (L.D. 586)

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

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

Bill "An Act to Promote Competition in the State's Liquor Industry"

(S.P. 194) (L.D. 583)

Bill "An Act to Privatize the Liquor Industry"

(S.P. 205) (L.D. 594) 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 Promote the Recycling of Fish Scales as Agricultural Fertilizer"

(S.P. 204) (L.D. 593)

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

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

Bill "An Act to Establish the Chesuncook Soil Series as the Official State Soil" $% \left({{{\left[{{{C_{{\rm{B}}}} \right]}} \right]}} \right)$

(S.P. 203) (L.D. 592)

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 Encourage Contributions to Family Development Account Reserve Funds"

(S.P. 186) (L.D. 579)

Bill "An Act to Increase Income Tax Credit for Child Care Expenses"

(S.P. 193) (L.D. 582)

Bill "An Act to Ameliorate Penalties for Late Filing of Municipal Tax Returns"

(S.P. 198) (L.D. 587)

Bill "An Act to Allow Certain Companies' Operations that Started in 1996 to Qualify for Employment Tax Increment Financing Treatment"

(S.P. 208) (L.D. 597) Came from the Senate, **REFERRED** to the Committee on **TAXATION** and ordered printed.

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

Bill "An Act to Remove Tolls from Roads North of Portland"

(S.P. 201) (L.D. 590) 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 Clarify the Voting Rights of Persons Residing in Certain Sanitary Districts" (EMERGENCY)

(S.P. 187) (L.D. 580)

Resolve, to Ensure Proper Funding of the Public Utilities Commission (EMERGENCY)

(S.P. 192) (L.D. 581)

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.

On motion of Representative RINES of Wiscasset, the House adjourned at 11:12 a.m., until 3:00 p.m., Tuesday, January 26, 1999 pursuant to the Joint Order (S.P. 191).