

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
8th Legislative Day
Tuesday, January 26, 1999

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

Prayer by The Reverend Calvin O. Dame, Unitarian Universalist Community Church, Augusta.

Pledge of Allegiance.

Doctor of the day, Myron K. Krueger, M.D., Brunswick.

The Journal of Thursday, January 21, 1999 was read and approved.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act to Include Marine Products on Roadside Signs" (EMERGENCY)

(H.P. 247) (L.D. 351)

REFERRED to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** in the House on January 14, 1999.

Came from the Senate **REFERRED** to the Committee on **TRANSPORTATION** in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**.

COMMUNICATIONS

The Following Communication: (H.C. 26)

MAINE CHILDREN'S TRUST, INC.
93 WESTERN AVENUE
AUGUSTA, MAINE 04330

January 21, 1999

Joseph Mayo

Clerk of the Maine State House of Representatives
State House Station #2

Augusta, Maine 04333

Dear Clerk Mayo:

Under separate mailing the Maine Children's Trust is conveying 160 copies of our 1998 annual report in accordance with section 3890 of the M.R.S.A. 1058, the Trust's enabling legislation. A copy of our annual audit, which is nearing completion, will be forwarded to your office shortly.

The annual report notes significant accomplishment in the past year; yet all of Maine remains challenged by the need to eliminate child abuse and neglect in the State. The Trust hopes to continue to work with the legislature towards this goal.

I look forward to hearing from your office as necessary.

Sincerely yours,

S/Richard A. Gyory

Executive Director

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

The Following Communication: (H.C. 27)

STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001

January 14, 1999

Honorable Mark Lawrence
President of the Senate
Maine State Senate
3 State House Station
Augusta, ME 04333-0003
Honorable G. Steven Rowe
Speaker of the House
Maine House of Representatives
2 State House Station
Augusta, ME 04333-0002
Dear President Lawrence and Speaker Rowe:

I note from the passage of changes in the Joint Rules that aim to alter the time during which the Governor may recommend bills that there is a strong desire on the part of the 119th Legislature to receive bills early so that they can receive full and careful deliberation by the Legislature. As you know, I have a firm belief that the Chief Executive has the constitutional power and duty to recommend legislation at such times as it is deemed expedient. At the same time, I understand and respect the goals of this Legislature to do its work at minimum taxpayer expense with maximum citizen input. I support those goals.

I believe the interest of the people of Maine are best served if my staff and I have ample time and opportunity to recommend the best bills we can craft *and* the Legislature and its committees have ample time to advertise, hear, and work all the bills. In order to balance these needs, I will make every effort to recommend bills to the Legislature no later than six weeks before the target date established by the Legislature's presiding officers for all bills to be reported out of legislative committees. I will also make every effort to extend to the presiding officers the courtesy of providing timely notice of bills filed after that date, along with the reasons for the timing of the filing. Consistent with my view of the Chief Executive's duty, however, I reserve the power—subject, of course, to the Legislature's constitutional power to dispose of legislation—to recommend legislation at any time should, in my judgment, the interests of the people of Maine or other extraordinary circumstances so require.

I understand and respect the extraordinary time and scheduling constraints under which the 119th Legislature is operating. I hope that the commitments I make today will ensure that our two branches will be able to continue to work amicably and efficiently together on behalf of the best interests of the people of Maine.

Sincerely,

S/Angus S. King, Jr.

Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.P. 188)

119TH MAINE LEGISLATURE

January 19, 1999

Senator Georgette Berube

Representative Michael 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 Margaret D. Copelin of Benton for appointment as a member of the Board of Trustees of the Maine School of Science and Mathematics.

Pursuant to Title 20-A, M.R.S.A., §8204, 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. 189)

119TH MAINE LEGISLATURE

January 19, 1999

Senator Sharon Treat

Representative John Martin

Chairpersons

Joint Standing Committee on Natural Resources

119th Legislature

Augusta, Maine 04333

Dear Senator Treat and Representative Martin:

Please be advised that Governor Angus S. King, Jr. has nominated Roger K. Berle of Portland for appointment as a member of the Land for Maine's Future Board.

Pursuant to Title 5, M.R.S.A., §6204, this nomination will require review by the Joint Standing Committee on Natural Resources 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 **NATURAL RESOURCES**.

READ and **REFERRED** to the Committee on **NATURAL RESOURCES** 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 Require Wildlife Management and Uneven-aged Forest Stand Management on Public Reserved Lands"

(H.P. 463) (L.D. 626)

Presented by Representative SHOREY of Calais.

Cosponsored by Senator CASSIDY of Washington and Representatives: BAGLEY of Machias, CARR of Lincoln, CROSS of Dover-Foxcroft, DUGAY of Cherryfield, GILLIS of Danforth, GOODWIN of Pembroke, SOCTOMAH of the Passamaquoddy Tribe, Senator: KIEFFER of Aroostook.

Bill "An Act to Change the Way Ginseng License and Registration Fees Are Established"

(H.P. 470) (L.D. 677)

Presented by Representative GOOLEY of Farmington.
Cosponsored by Representatives: BELANGER of Caribou, COWGER of Hallowell, HONEY of Boothbay, KASPRZAK of Newport, LaVERDIERE of Wilton, USHER of Westbrook, Senators: BENOIT of Franklin, NUTTING of Androscoggin.
Submitted by the Department of Agriculture, Food and Rural Resources pursuant to Joint Rule 204.

Bill "An Act to Increase the Late Fee for Licensing a Dog"

(H.P. 475) (L.D. 682)

Presented by Representative KASPRZAK of Newport.

Bill "An Act to Prevent an Aggressive Dog from Doing Harm to People"

(H.P. 498) (L.D. 705)

Presented by Representative JONES of Pittsfield.

Cosponsored by Representatives: CAMPBELL of Holden, GAGNON of Waterville, STEDMAN of Hartland.

Bill "An Act to Establish Mandatory Labeling for Genetically Engineered Foods"

(H.P. 506) (L.D. 713)

Presented by Representative BAGLEY of Machias.

Cosponsored by Senator CASSIDY of Washington and Representatives: DUGAY of Cherryfield, McKEE of Wayne, NORBERT of Portland, SHIAH of Bowdoinham, SULLIVAN of Biddeford, TWOMEY of Biddeford, VOLENIK of Brooklin, Senator: KILKELLY of Lincoln.

Bill "An Act to Limit Publicly Owned Land"

(H.P. 520) (L.D. 727)

Presented by Representative JOY of Crystal.

Cosponsored by Representatives: BELANGER of Caribou, CAMPBELL of Holden, DUNCAN of Presque Isle, KNEELAND of Easton, MACK of Standish, SHERMAN of Hodgdon, WHEELER of Bridgewater, Senator: KIEFFER of Aroostook.

Bill "An Act to Further Discourage the Field Theft of Wild Blueberries"

(H.P. 529) (L.D. 736)

Presented by Representative POVICH of Ellsworth.

Cosponsored by Senator GOLDTHWAIT of Hancock and Representatives: BAGLEY of Machias, DUGAY of Cherryfield, GOODWIN of Pembroke, PIEH of Bremen, SANBORN of Alton, Senators: CASSIDY of Washington, KILKELLY of Lincoln.

Bill "An Act to Amend the Animal Welfare Laws"

(H.P. 535) (L.D. 742)

Presented by Representative BUMPS of China.

Cosponsored by Representatives: CAMERON of Rumford, KNEELAND of Easton.

Submitted by the Department of Agriculture, Food and Rural Resources pursuant to Joint Rule 204.

APPROPRIATIONS AND FINANCIAL AFFAIRS

Bill "An Act to Appropriate Funds for Staff Development to Meet the Learning Results Standards"

(H.P. 483) (L.D. 690)

Presented by Representative CAMERON of Rumford.

Cosponsored by Senator FERGUSON of Oxford and Representatives: BRENNAN of Portland, RICHARD of Madison.

Bill "An Act to Authorize a General Fund Bond Issue for Public Land Acquisition"

(H.P. 533) (L.D. 740)

Presented by Representative MATTHEWS of Winslow.
Cosponsored by Representative: COTE of Lewiston, Senator: DOUGLASS of Androscoggin.

Bill "An Act to Fund Public School Alliances"

(H.P. 474) (L.D. 681)

Presented by Representative GAGNON of Waterville.
Cosponsored by Senator DAGGETT of Kennebec and Representatives: BRENNAN of Portland, BUMPS of China, CIANCHETTE of South Portland, GREEN of Monmouth, KANE of Saco, MATTHEWS of Winslow, NUTTING of Oakland, SHIAH of Bowdoinham.

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.

Bill "An Act to Increase the Number of Elm Trees in the State"

(H.P. 487) (L.D. 694)

Presented by Representative GAGNON of Waterville.
Cosponsored by Senator DAGGETT of Kennebec and Representatives: BAGLEY of Machias, FISHER of Brewer, JABAR of Waterville, O'NEIL of Saco, TESSIER of Fairfield, WILLIAMS of Orono, Senator: CAREY of Kennebec.

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

On motion of Representative TOWNSEND of Portland, the Bill was **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**, ordered printed and sent for concurrence.

BANKING AND INSURANCE

Bill "An Act to Increase Consumer Confidence in Insurance Companies"

(H.P. 459) (L.D. 622)

Presented by Representative SKOGLUND of St. George.
Cosponsored by Senator DOUGLASS of Androscoggin and Representatives: BUCK of Yarmouth, DUDLEY of Portland, HATCH of Skowhegan, PERKINS of Penobscot, SAXL of Portland, VOLENIK of Brooklin.

Bill "An Act to Establish a Patient's Bill of Rights"

(H.P. 468) (L.D. 631)

Presented by Representative BROOKS of Winterport.
Cosponsored by Senator PINGREE of Knox and Representatives: HATCH of Skowhegan, KANE of Saco, SAXL of Bangor, SAXL of Portland, STANWOOD of Southwest Harbor, Senators: DAGGETT of Kennebec, FERGUSON of Oxford, PARADIS of Aroostook.

BUSINESS AND ECONOMIC DEVELOPMENT

Bill "An Act to Require Completion of an Ambulance Operator Course"

(H.P. 471) (L.D. 678)

Presented by Representative BULL of Freeport.
Cosponsored by Senator KONTOS of Cumberland and Representatives: CAMERON of Rumford, DUGAY of Cherryfield, McALEVEY of Waterboro, MUSE of South Portland, STANWOOD of Southwest Harbor, TUTTLE of Sanford, WHEELER of Bridgewater, Senator: LIBBY of York.

Bill "An Act to Require Certain Disclosures by Providers of Funeral Services"

(H.P. 525) (L.D. 732)

Presented by Representative STANLEY of Medway.
Cosponsored by Representative POVICH of Ellsworth and Representatives: BERRY of Livermore, DUNLAP of Old Town, FRECHETTE of Biddeford, GOODWIN of Pembroke, KANE of Saco, SAMSON of Jay, TESSIER of Fairfield, Senator: CATHCART of Penobscot.

CRIMINAL JUSTICE

Bill "An Act to Create a Seamless Treatment Plan for the Juvenile Offender with Substance Abuse Problems" (EMERGENCY)

(H.P. 466) (L.D. 629)

Presented by Representative BAKER of Bangor.
Cosponsored by Senator MURRAY of Penobscot and Representatives: BELANGER of Caribou, BROOKS of Winterport, MARTIN of Eagle Lake, MAYO of Bath, POVICH of Ellsworth, SKOGLUND of St. George, SNOWE-MELLO of Poland, Senator: FERGUSON of Oxford.

Bill "An Act to Give the Commissioner of Public Safety Law Enforcement Powers"

(H.P. 477) (L.D. 684)

Presented by Representative POVICH of Ellsworth.
Cosponsored by Representatives: McALEVEY of Waterboro, QUINT of Portland, Senator: MICHAUD of Penobscot.
Submitted by the Department of Public Safety pursuant to Joint Rule 204.

Bill "An Act to Provide for Sentence Reform"

(H.P. 489) (L.D. 696)

Presented by Representative WATERHOUSE of Bridgton.
Cosponsored by Senator BENNETT of Oxford and Representatives: AHEARNE of Madawaska, CAMERON of Rumford, LABRECQUE of Gorham, MacDOUGALL of North Berwick, MAYO of Bath, O'NEAL of Limestone, WHEELER of Eliot, Senator: CAREY of Kennebec.

Bill "An Act to Assist the Department of Public Safety in Implementing the Requirements of Fingerprint-based Background Checks" (EMERGENCY)

(H.P. 534) (L.D. 741)

Presented by Representative McALEVEY of Waterboro.
Cosponsored by Senator O'GARÁ of Cumberland and Representatives: CARR of Lincoln, TOBIN of Dexter.
Submitted by the Department of Public Safety pursuant to Joint Rule 204.

Bill "An Act to Revise Maine's Trespass Laws"

(H.P. 531) (L.D. 738)

Presented by Representative DUNLAP of Old Town.

Cosponsored by Senator CAREY of Kennebec and Representatives: AHEARNE of Madawaska, BRYANT of Dixfield, CLARK of Millinocket, MARTIN of Eagle Lake, STANLEY of Medway, TRUE of Fryeburg, WILLIAMS of Orono, Senator: MICHAUD of Penobscot.

Committee on **CRIMINAL JUSTICE** suggested.

On motion of Representative POVICH of Ellsworth, **TABLED** pending **REFERENCE** and later today assigned.

EDUCATION AND CULTURAL AFFAIRS

Bill "An Act to Require Public Hearings for School Administrative District Referenda"

(H.P. 461) (L.D. 624)

Presented by Representative WESTON of Montville.

Cosponsored by Senator SMALL of Sagadahoc and Representatives: DESMOND of Mapleton, JONES of Pittsfield, O'BRIEN of Augusta, RICHARD of Madison, SKOGLUND of St. George, STEDMAN of Hartland, Senator: MURRAY of Penobscot.

Bill "An Act to Establish the Maine Communities in the New Century Program"

(H.P. 467) (L.D. 630)

Presented by Speaker ROWE of Portland.

Cosponsored by Senator PINGREE of Knox and Representatives: BELANGER of Caribou, BUMPS of China, MARTIN of Eagle Lake, TOWNSEND of Portland, WATSON of Farmingdale, Senators: CATHCART of Penobscot, LAWRENCE of York, SMALL of Sagadahoc.

Bill "An Act to Amend Voting Procedures for School Unions" (EMERGENCY)

(H.P. 493) (L.D. 700)

Presented by Representative PERKINS of Penobscot.

Bill "An Act to Provide Educational Opportunities for Persons Who Resided in Foster Care as Children"

(H.P. 501) (L.D. 708)

Presented by Representative BRENNAN of Portland.

Cosponsored by Representatives: DAVIDSON of Brunswick, GREEN of Monmouth, KANE of Saco, McKEE of Wayne, RICHARD of Madison, SHIAH of Bowdoinham, WATSON of Farmingdale.

Bill "An Act to Amend the Law Relating to School Construction and School Facilities"

(H.P. 509) (L.D. 716)

Presented by Representative RICHARD of Madison.

Cosponsored by Senator PENDLETON of Cumberland and Representatives: BRENNAN of Portland, MURPHY of Kennebunk, Senators: CASSIDY of Washington, SMALL of Sagadahoc, TREAT of Kennebec.

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

Bill "An Act to Increase State Funding for the Purchase of School Buses"

(H.P. 522) (L.D. 729)

Presented by Representative BERRY of Livermore.

Cosponsored by Senator NUTTING of Androscoggin and Representatives: BRYANT of Dixfield, JACOBS of Turner,

KNEELAND of Easton, LaVERDIERE of Wilton, MITCHELL of Vassalboro, STANLEY of Medway.

Bill "An Act to Form a New Local Education Agency" (EMERGENCY)

(H.P. 532) (L.D. 739)

Presented by Representative POWERS of Rockport.

Cosponsored by Senator LONGLEY of Waldo and Representatives: BERRY of Belmont, SAVAGE of Union, Senator: PINGREE of Knox.

HEALTH AND HUMAN SERVICES

Bill "An Act Concerning the Authority of the Maine Health and Higher Educational Facilities Authority"

(H.P. 462) (L.D. 625)

Presented by Representative TOWNSEND of Portland.

Cosponsored by Senator HARRIMAN of Cumberland and Representatives: BERRY of Livermore, BRUNO of Raymond, STEVENS of Orono, Senator: BERUBE of Androscoggin.

Bill "An Act to Allow Medical History and Other Information to be Distributed to Immediate Family" (EMERGENCY)

(H.P. 481) (L.D. 688)

Presented by Representative GOODWIN of Pembroke.

Cosponsored by Representatives BRAGDON of Bangor, PLOWMAN of Hampden, Senator MURRAY of Penobscot, Senator PARADIS of Aroostook and Representatives: BROOKS of Winterport, DUGAY of Cherryfield, KANE of Saco, LOVETT of Scarborough, MARTIN of Eagle Lake, QUINT of Portland, SNOWE-MELLO of Poland, STANLEY of Medway.

Bill "An Act to Alter the Administration of the Dental Cub Care Program"

(H.P. 486) (L.D. 693)

Presented by Representative MARVIN of Cape Elizabeth.

Cosponsored by Representatives: BOLDUC of Auburn, BRAGDON of Bangor, CAMERON of Rumford, LOVETT of Scarborough, MADORE of Augusta, Senator: DAGGETT of Kennebec.

Bill "An Act to Amend the Radon Registration Act"

(H.P. 514) (L.D. 721)

Presented by Representative TESSIER of Fairfield.

Cosponsored by Senator CATHCART of Penobscot and Representatives: FULLER of Manchester, MAILHOT of Lewiston.

Submitted by the Department of Human Services pursuant to Joint Rule 204.

Bill "An Act to Clarify Confidentiality of Mental Health Information"

(H.P. 518) (L.D. 725)

Presented by Representative KANE of Saco.

Cosponsored by Senator MITCHELL of Penobscot and Representatives: BRENNAN of Portland, BROOKS of Winterport, GAGNON of Waterville.

Bill "An Act to Require the Department of Human Services to Pursue the Elderly Drug Waiver"

(H.P. 526) (L.D. 733)

Presented by Representative GERRY of Auburn.

Cosponsored by Representatives: MENDROS of Lewiston, SHIELDS of Auburn.

Bill "An Act to Strengthen the Child Care Licensing Laws"
(H.P. 527) (L.D. 734)

Presented by Representative TOWNSEND of Portland.
Cosponsored by Senator PARADIS of Aroostook and Representative: QUINT of Portland.
Submitted by the Department of Human Services pursuant to Joint Rule 204.

Bill "An Act to Increase Adoptions"
(H.P. 515) (L.D. 722)

Presented by Representative BRAGDON of Bangor.
Cosponsored by Representative: QUINT of Portland, Senator: MITCHELL of Penobscot.
Submitted by the Department of Human Services pursuant to Joint Rule 204.

Committee on **HEALTH AND HUMAN SERVICES** suggested.

On motion of Representative KANE of Saco, the Bill was **REFERRED** to the Committee on **JUDICIARY**, ordered printed and sent for concurrence.

INLAND FISHERIES AND WILDLIFE

Bill "An Act to Repeal Prior Registration for Noncommercial Whitewater Rafting Trips" (EMERGENCY)

(H.P. 494) (L.D. 701)
Presented by Representative PERKINS of Penobscot.

Bill "An Act to Prohibit Closed Hunts"
(H.P. 521) (L.D. 728)

Presented by Representative DUNLAP of Old Town.
Cosponsored by Senator KILKELLY of Lincoln and Representatives: AHEARNE of Madawaska, MARTIN of Eagle Lake, STANLEY of Medway, TRUE of Fryeburg, WILLIAMS of Orono, Senators: NUTTING of Androscoggin, RAND of Cumberland.

Bill "An Act to Allow Certain Disabled Persons to Fly-fish With Open-faced Reels"

(H.P. 523) (L.D. 730)
Presented by Representative BERRY of Livermore.
Cosponsored by Representatives: BRYANT of Dixfield, MITCHELL of Vassalboro.

Bill "An Act to Extend the Open Water Fishing Season"
(H.P. 530) (L.D. 737)

Presented by Representative DUNLAP of Old Town.
Cosponsored by Representatives: BRYANT of Dixfield, O'NEIL of Saco, STANLEY of Medway, TRUE of Fryeburg, WILLIAMS of Orono, Senator: KILKELLY of Lincoln.

JUDICIARY

Bill "An Act Regarding Wrongful Death Actions"
(H.P. 480) (L.D. 687)

Presented by Representative SCHNEIDER of Durham.
Cosponsored by Senator DOUGLASS of Androscoggin and Representatives: LaVERDIERE of Wilton, MARVIN of Cape Elizabeth, THOMPSON of Naples.

Bill "An Act to Require Courts to Reimburse Jurors for Parking Expenses"

(H.P. 490) (L.D. 697)
Presented by Representative MACK of Standish.

Cosponsored by Senator RAND of Cumberland and Representatives: CAMPBELL of Holden, MAYO of Bath, McALEVEY of Waterboro, NORBERT of Portland, QUINT of Portland, SAXL of Portland, THOMPSON of Naples, Senator: O'GARA of Cumberland.

Bill "An Act Concerning Minors' Consent for Services"
(H.P. 492) (L.D. 699)

Presented by Representative THOMPSON of Naples.

Bill "An Act to Create the Maine Civil Rights Act of 1999"
(H.P. 496) (L.D. 703)

Presented by Representative MACK of Standish.
Cosponsored by Representatives: BOWLES of Sanford, GLYNN of South Portland, KASPRZAK of Newport, MacDOUGALL of North Berwick, MAYO of Bath, STANWOOD of Southwest Harbor, Senators: DAVIS of Piscataquis, FERGUSON of Oxford.

Bill "An Act to Expedite Treatment of Certain Persons with Mental Illness"

(H.P. 499) (L.D. 706)
Presented by Representative SKOGLUND of St. George.

Cosponsored by Senator KILKELLY of Lincoln and Representatives: BROOKS of Winterport, DESMOND of Mapleton, FULLER of Manchester, GERRY of Auburn, MURPHY of Berwick, SAXL of Bangor.

Bill "An Act to Define Paralegals and Legal Assistants"
(H.P. 517) (L.D. 724)

Presented by Representative MADORE of Augusta.
Cosponsored by Senator KONTOS of Cumberland and Representatives: JABAR of Waterville, NASS of Acton, POWERS of Rockport, SAVAGE of Union, SCHNEIDER of Durham, Senator: BENOIT of Franklin.

Bill "An Act to Require an Audit and Program Review of the Maine Governmental Facilities Authority"

(H.P. 504) (L.D. 711)
Presented by Representative GERRY of Auburn.

Cosponsored by Senator BENNETT of Oxford and Representatives: GOODWIN of Pembroke, MENDROS of Lewiston.

Committee on **JUDICIARY** suggested.
On motion of Representative THOMPSON of Naples, the Bill was **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**, ordered printed and sent for concurrence.

LABOR

Bill "An Act to Revise the Fact-finding Process under the Public Employees Labor Relations Laws"

(H.P. 495) (L.D. 702)
Presented by Representative MARTIN of Eagle Lake.

LEGAL AND VETERANS AFFAIRS

Resolve, to Allow James E. Segien of Eastport to Sue the State and the Town of Eastport

(H.P. 457) (L.D. 620)

Presented by Representative GOODWIN of Pembroke.

Bill "An Act to Amend the Election Laws"

(H.P. 510) (L.D. 717)

Presented by Representative TUTTLE of Sanford.

Cosponsored by Senator DAGGETT of Kennebec and Representatives: CHIZMAR of Lisbon, GAGNE of Buckfield, LABRECQUE of Gorham.

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

Bill "An Act to Allow Multipart Referendum Questions for Referenda at the Municipal Level"

(H.P. 507) (L.D. 714)

Presented by Representative GLYNN of South Portland.

Cosponsored by Senator AMERO of Cumberland and Representatives: BUMPS of China, CIANCHETTE of South Portland, GERRY of Auburn, MUSE of South Portland.

Committee on **LEGAL AND VETERANS AFFAIRS** suggested.

On motion of Representative TUTTLE of Sanford, the Bill was **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

On motion of Representative GLYNN of South Portland, the House **RECONSIDERED** its action whereby the Bill was **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

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

Representative **GLYNN**: Mr. Speaker, Men and Women of the House. This proposal is "An Act to Allow Multipart Referendum Questions for Referenda at the Municipal Level." The issue would properly be addressed by State and Local Government Committee or by Legal and Veterans Affairs. I am unclear as to why this matter has been proposed to refer to Education. If it is felt and deemed not appropriate to Legal and Veterans Affairs, I believe it should go to State and Local Government. Therefore, I move that this item be referred to State and Local Government.

The **SPEAKER**: That motion is out of order.

On motion of Representative MURPHY of Kennebec, **TABLED** pending the motion of Representative TUTTLE of Sanford to **REFER** the Bill to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and specially assigned for Thursday, January 28, 1999.

Bill "An Act to Submit Legislative Term Limits to Referendum in November 1999"

(H.P. 472) (L.D. 679)

Presented by Representative TRIPP of Topsham.

Cosponsored by Senator KONTOS of Cumberland and Representatives: BOUFFARD of Lewiston, BROOKS of Winterport, LaVERDIERE of Wilton, O'NEAL of Limestone, USHER of Westbrook, Senators: BENOIT of Franklin, FERGUSON of Oxford, KILKELLY of Lincoln.

Committee on **LEGAL AND VETERANS AFFAIRS** suggested.

Representative GERRY of Auburn moved that the Bill be **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

On motion of Representative TUTTLE of Sanford, **TABLED** pending the motion of Representative GERRY of Auburn to **REFER** the Bill to the Committee on **STATE AND LOCAL GOVERNMENT** and later today assigned.

MARINE RESOURCES

Bill "An Act Concerning the Method of Taking of Soft Shell Clams"

(H.P. 513) (L.D. 720)

Presented by Representative PIEH of Bremen.

Cosponsored by Representative: HONEY of Boothbay.

Submitted by the Department of Marine Resources pursuant to Joint Rule 204.

Bill "An Act to Establish a Marine Recreation Fishing Conservation and Management Fund"

(H.P. 516) (L.D. 723)

Presented by Representative ETNIER of Harpswell.

Cosponsored by Representative: USHER of Westbrook.

Submitted by the Department of Marine Resources pursuant to Joint Rule 204.

NATURAL RESOURCES

Bill "An Act to Clarify the Reporting of Discharges of Hazardous Matter"

(H.P. 485) (L.D. 692)

Presented by Representative DAIGLE of Arundel.

Cosponsored by Representative: CLARK of Millinocket, JOY of Crystal, MARTIN of Eagle Lake.

Resolve, Creating a Task Force to Investigate the Effects of Unratified International Treaties Implemented by State Agencies

(H.P. 505) (L.D. 712)

Presented by Representative SNOWE-MELLO of Poland.

Cosponsored by Representatives: FOSTER of Gray, JOY of Crystal, MacDOUGALL of North Berwick, STEDMAN of Hartland, TRAHAN of Waldoboro, TREADWELL of Carmel, WATERHOUSE of Bridgton, Senator: BENOIT of Franklin.

STATE AND LOCAL GOVERNMENT

Bill "An Act to Allow Towns to Sand and Plow Private Ways"

(H.P. 458) (L.D. 621)

Presented by Representative STANLEY of Medway.

Cosponsored by Representatives: BRYANT of Dixfield, HATCH of Skowhegan, RINES of Wiscasset.

Bill "An Act to Require the Legislature to Examine Executive Orders for Violations of Separation of Powers"

(H.P. 464) (L.D. 627)

Presented by Representative JOY of Crystal.

Cosponsored by Representatives: BERRY of Belmont, CAMPBELL of Holden, CLARK of Millinocket, MACK of Standish, MURPHY of Kennebec, PLOWMAN of Hampden, WATERHOUSE of Bridgton, Senator: CAREY of Kennebec.

Bill "An Act to Allow the Revocation of Certain Licenses and Automobile Registrations for Payment by an Insufficient Funds Check"

(H.P. 476) (L.D. 683)

Presented by Representative FOSTER of Gray.
Cosponsored by Senator ABROMSON of Cumberland and Representatives: BERRY of Belmont, BOWLES of Sanford, GAGNE of Buckfield, GILLIS of Danforth, MacDOUGALL of North Berwick, SNOWE-MELLO of Poland, TUTTLE of Sanford, WINSOR of Norway.

Bill "An Act to Create a Uniform Standard Governing Legislative Leave of Absence"

(H.P. 502) (L.D. 709)

Presented by Representative BROOKS of Winterport.
Cosponsored by Representatives: BRAGDON of Bangor, BRUNO of Raymond, CAMERON of Rumford, GILLIS of Danforth, MUSE of South Portland, O'BRIEN of Augusta, TRIPP of Topsham, WATERHOUSE of Bridgton.

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

(H.P. 508) (L.D. 715)

Presented by Representative CAMERON of Rumford.
Cosponsored by Senator KIEFFER of Aroostook and Representative: MURPHY of Berwick, Senator: FERGUSON of Oxford.

TAXATION

Bill "An Act to Eliminate the Vehicle Excise Tax"

(H.P. 465) (L.D. 628)

Presented by Representative TRIPP of Topsham. (BY REQUEST)
Cosponsored by Representative: MACK of Standish.

Bill "An Act to Cut the Gasoline Tax by 5 Cents Per Gallon"

(H.P. 473) (L.D. 680)

Presented by Representative MACK of Standish.
Cosponsored by Representatives: DUNCAN of Presque Isle, MENDROS of Lewiston, SNOWE-MELLO of Poland, TOBIN of Dexter, TRAHAN of Waldoboro, WESTON of Montville, Senators: BENOIT of Franklin, KIEFFER of Aroostook.

Bill "An Act to Require Sellers of Property to Notify Purchasers of Tax Due"

(H.P. 484) (L.D. 691)

Presented by Representative DAIGLE of Arundel.
Cosponsored by Representatives: BUCK of Yarmouth, TRUE of Fryeburg.

Bill "An Act to Exempt from Income Tax Pension Income Earned Outside of the State"

(H.P. 500) (L.D. 707)

Presented by Representative KASPRZAK of Newport.
Cosponsored by Senator LIBBY of York and Representatives: AHEARNE of Madawaska, MacDOUGALL of North Berwick, MACK of Standish, MARVIN of Cape Elizabeth, MENDROS of Lewiston, NASS of Acton, PEAVEY of Woolwich, PINKHAM of Lamoine.

Bill "An Act to Increase the Homestead Exemption"

(H.P. 519) (L.D. 726)

Presented by Representative SULLIVAN of Biddeford.
Cosponsored by Senator DAGGETT of Kennebec and Representatives: O'NEIL of Saco, SANBORN of Alton, SAXL of Bangor, SAXL of Portland, SHIAH of Bowdoinham, TWOMEY of Biddeford, Senator: LaFOUNTAIN of York.

Bill "An Act to Exclude the Purchase and Lease of Telecommunications and Internet Equipment from Sales and Use Tax"

(H.P. 524) (L.D. 731)

Presented by Representative MURPHY of Kennebunk.
Cosponsored by Representatives: BELANGER of Caribou, CAMPBELL of Holden, DAIGLE of Arundel, DAVIDSON of Brunswick, SAXL of Portland, Senators: BENNETT of Oxford, MacKINNON of York.

TRANSPORTATION

Bill "An Act to Exempt the East-west Highway and Interstate 95 North of Houlton from the Sensible Transportation Policy Act"

(H.P. 456) (L.D. 619)

Presented by Representative CAMPBELL of Holden.
Cosponsored by Representatives: BROOKS of Winterport, CAMERON of Rumford, FISHER of Brewer, JODREY of Bethel, KNEELAND of Easton, MACK of Standish, SHOREY of Calais, Senator: MURRAY of Penobscot.

Bill "An Act to Withhold Work-restricted Licenses from Habitual Offenders Newly Convicted of Operating under the Influence or Who are not in Treatment Program"

(H.P. 478) (L.D. 685)

Presented by Representative MARTIN of Eagle Lake.

Bill "An Act to Allow Motorcycles Operated for Traffic Enforcement to Emit a Combination of Blue and Red Light"

(H.P. 488) (L.D. 695)

Presented by Representative DAVIS of Falmouth.
Cosponsored by Representatives: BRUNO of Raymond, SCHNEIDER of Durham, WESTON of Montville.

UTILITIES AND ENERGY

Bill "An Act to Allow for Cooperative Purchase of Electricity by Governmental Units" (EMERGENCY)

(H.P. 497) (L.D. 704)

Presented by Representative MITCHELL of Vassalboro.
Cosponsored by Senator DAGGETT of Kennebec and Representatives: BERRY of Livermore, COLWELL of Gardiner, COWGER of Hallowell, SAXL of Portland.

Bill "An Act Regarding Criteria for Approval of a Public Utility Reorganization by the Public Utilities Commission"

(H.P. 503) (L.D. 710)

Presented by Representative McNEIL of Rockland.
Cosponsored by Senator PINGREE of Knox and Representatives: BERRY of Belmont, JOY of Crystal, ROSEN of Bucksport, Senator: CAREY of Kennebec.

Bill "An Act Authorizing the Public Utilities Commission to Award Damages to Customers Damaged by Substandard Utility Service"

(H.P. 528) (L.D. 735)

Presented by Representative COLWELL of Gardiner.
Cosponsored by Representative: BULL of Freeport, PERKINS of Penobscot.
Submitted by the Office of Public Advocate pursuant to Joint Rule 204.

**JOINT SELECT COMMITTEE ON RESEARCH AND DEVELOPMENT
AND**

EDUCATION AND CULTURAL AFFAIRS

Bill "An Act to Implement a Recommendation of the Joint Select Committee on Research and Development Relating to the Employment Needs of Growing High-technology Companies"
(H.P. 479) (L.D. 686)

Presented by Speaker ROWE of Portland.
Cosponsored by Senator BENNETT of Oxford and Representatives: BELANGER of Caribou, BERRY of Livermore, COWGER of Hallowell, HONEY of Boothbay, TESSIER of Fairfield, Senator: CATHCART of Penobscot.

Bill "An Act to Implement a Recommendation of the Joint Select Committee on Research and Development to Establish a Center for Advanced Law and Management"
(H.P. 491) (L.D. 698)

Presented by Speaker ROWE of Portland.
Cosponsored by Senator KONTOS of Cumberland and Representatives: BELANGER of Caribou, HONEY of Boothbay, MURPHY of Kennebunk, SAXL of Portland, STEVENS of Orono, TESSIER of Fairfield, Senators: CATHCART of Penobscot, MacKINNON of York.

Pursuant to Statute

Department of Agriculture, Food and Rural Resources

Representative PIEH for the **Department of Agriculture, Food and Rural Resources** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 565: Nutrient Management Rules, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources (EMERGENCY)

(H.P. 460) (L.D. 623)

Be **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed pursuant to Joint Rule 218.
Sent for concurrence.

**Pursuant to Statute
Department of Education**

Representative BRENNAN for the **Department of Education** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 64: Maine School Facilities Program and School Revolving Renovation Fund, a Major Substantive Rule of the Department of Education (EMERGENCY)

(H.P. 469) (L.D. 632)

Be **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.
Sent for concurrence.

**Pursuant to Statute
Department of Education**

Representative BRENNAN for the **Department of Education** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 64: Rules Relating to the Maine School Facilities Program and School Revolving Renovation Fund, Major Substantive Rules of the Department of Education (EMERGENCY)

(H.P. 512) (L.D. 719)

Be **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.
Sent for concurrence.

**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 Pertaining to Maturity Dates of Bonds of the Maine Turnpike Authority"

(H.P. 511) (L.D. 718)

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.

ORDERS

On motion of Speaker ROWE of Portland, the following Joint Resolution: (H.P. 482) (Cosponsored by President LAWRENCE of York)

JOINT RESOLUTION HONORING THE AREA AGENCIES ON AGING AS THE PRIMARY RESOURCE FOR MAINE'S SENIOR CITIZENS AND THEIR FAMILIES

WHEREAS, We are committed to the inherent dignity of the individual in our democratic society; and

WHEREAS, the older people of our State are entitled to health, honor, dignity, freedom, independence and efficient community services; and

WHEREAS, senior citizens and their families have a right to effective services and easy access to information about those services; and

WHEREAS, the 5 area agencies on aging have been serving as the most comprehensive source of information and assistance for Maine's senior citizens for over 25 years; and

WHEREAS, the area agencies on aging have, since 1972, served over 4,000,000 people in various capacities, including

delivering over 7,000,000 meals, providing meal sites, affordable housing opportunities, transportation, companions and assistance in "negotiating the system"; and

WHEREAS, over 3,500 volunteers each year have the opportunity to serve Maine's senior citizens through the area agencies on aging; and

WHEREAS, the area agencies on aging and their volunteer boards of directors serve as the focal point for senior citizens within our Maine communities; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Nineteenth Legislature, now assembled in the First Regular Session, take this occasion to recognize and commend the 5 area agencies on aging for their services to Maine's senior citizens and their families and we urge them to continue their excellent work: Aroostook Area Agency on Aging, Eastern Agency on Aging, Senior Spectrum (central), SeniorsPlus (western) and Southern Maine Area Agency on Aging; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the 5 area agencies on aging, Aroostook Area Agency on Aging, Eastern Agency on Aging: Senior Spectrum (central), SeniorsPlus (western) and Southern Maine Agency on Aging.

READ and ADOPTED.

Sent for concurrence.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Roland Pelletier, of Biddeford, who has been named as the 1998 Volunteer of the Year by the City of Biddeford for his outstanding contributions to the city. We acknowledge his dedication and support and extend our congratulations to him;

(SLS 38)

On **OBJECTION** of Representative TWOMEY of Biddeford, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Biddeford, Representative Twomey.

Representative **TWOMEY**: Mr. Speaker, Men and Women of the House. I ask that you join me in congratulating Roland Pelletier as the Volunteer of the Year from Biddeford. Mr. Pelletier is a Vietnam veteran who donates countless hours as a volunteer in our school system. I believe his tireless energy is one of the reasons why Biddeford has two schools of excellence. He makes volunteerism a noble pursuit and I would like you all to congratulate him with me. Thank you Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Oxford, Representative Heidrich.

Representative **HEIDRICH**: Mr. Speaker, Ladies and Gentlemen of the House. I, too, would like to salute Roland Pelletier. The first time I met Roland Pelletier was about four years ago. I had a Marine Corp. detachment that goes into various schools and we do a flag program. Mr. Pelletier volunteered in our program. We have a lot of fun together, being he is former Army and I am, of course, Marine Corp. There is always that thing we bang our heads against. I guess that is why both of us are a little light up on top. It is a pleasure to stand here. He is an exceptional man. I salute you. Thank you Mr. Speaker.

PASSED in concurrence.

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

CONSENT CALENDAR

First Day

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

(H.P. 36) (L.D. 50) Bill "An Act to Make Additional Appropriations and Allocations for the Expenditures of State Government for the Fiscal Year Ending June 30, 1999" (EMERGENCY) Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-18)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the House Paper was **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

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

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Thursday, January 21, 1999, has preference in the Orders of the Day and continues with such preference until disposed of as provided by House Rule 502.

Resolve, to Allow Lawsuit Against the State of Maine

(H.P. 448) (L.D. 611)

(Committee on **LEGAL AND VETERANS AFFAIRS** suggested) **TABLED** - January 21, 1999 (Till Later Today) by Representative TUTTLE of Sanford.

PENDING - REFERENCE.

On motion of Representative TUTTLE of Sanford, the Resolve was **REFERRED** to the Committee on **JUDICIARY**, ordered printed and sent for concurrence.

The following item was taken up out of order by unanimous consent:

COMMUNICATIONS

The Following Communication: (H.C. 28)

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

January 26, 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(J), I have made the following appointments to the Standing Committees of the House:

Bills in the Second Reading

Robert A. Cameron, Chair (R-Rumford)

Elizabeth Watson (D-Farmingdale)
Richard H. C. Tracy (D-Rome)
Joseph E. Brooks (D-Winterport)
Bruce S. Bryant (D-Dixfield)
David R. Madore (R-Augusta)
Judith B. Peavey (R-Woolwich)
Deborah Kaler McNeil (R-Rockland)

Elections

Nancy L. Chizmar, Chair (D-Lisbon)
Gerald N. Bouffard (D-Lewiston)
Elaine Fuller (D-Manchester)
Zachary E. Matthews (D-Winslow)
Kenneth F. Lemont (R-Kittery)
Royce W. Perkins (R-Penobscot)
Christine R. Savage (R-Union)
Richard Kneeland (R-Easton)

Engrossed Bills

Patrick Colwell, Chair (D-Gardiner)
Thomas Bull (D-Freeport)
Patricia T. Jacobs (D-Turner)
Joanne T. Twomey (D-Biddeford)
David A. Lindahl (R-Northport)
Julie Ann O'Brien (R-Augusta)
William J. Schneider (R-Durham)
David L. Tobin (R-Windham)

Ethics

Christopher P. O'Neil, Chair (D-Saco)
Linda Rogers McKee (D-Wayne)
Paul Volenik (D-Brooklin)

Charles C. LaVerdiere (D-Wilton)
Glenys P. Lovett (R-Scarborough)
Howard A. Chick (R-Lebanon)
Peter E. Cianchette (R-South Portland)
Richard W. Rosen (R-Bucksport)

Leaves of Absence

Albert P. Gamache, Chair (D-Lewiston)
Rosaire J. Sirois (D-Caribou)
Rosita Gagne (D-Buckfield)
Christopher T. Muse (D-South Portland)
Harry G. True (R-Fryeburg)
John T. Buck (R-Yarmouth)
Sumner A. Jones, Jr. (R-Pittsfield)
Lois A. Snowe-Mello (R-Poland)

Rules and Business of the House

The Speaker, Ex Officio
Michael V. Saxl (D-Portland)
Thomas W. Murphy, Jr. (R-Kennebunk)
Richard H. Campbell (R-Holden)

Sincerely,

S/G. Steven Rowe

Speaker of the House

READ and ORDERED PLACED ON FILE.

On motion of Representative THOMPSON of Naples, the House adjourned at 4:25 p.m., until 10:00 a.m., Thursday, January 28, 1999 in honor and lasting tribute to Justice David Roberts.