

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
12th Legislative Day
Thursday, February 4, 1999

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

Prayer by Reverend Susan LeSueur, St. Anne's Episcopal Church, Calais.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

SENATE PAPERS

Bill "An Act to Consolidate and Improve Agricultural Market Research and New Technology Grants in the Department of Agriculture, Food and Rural Resources to Encourage Economic Development of Maine Farms and Food Processors"

(S.P. 316) (L.D. 950)

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 Individuals be Notified of Cancellation of Insurance Benefits"

(S.P. 311) (L.D. 945)

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 Encourage Economic Development in the State"

(S.P. 315) (L.D. 949)

Bill "An Act to Reduce Unsolicited Communications from the Internet"

(S.P. 318) (L.D. 952)

Bill "An Act to Recodify the Auctioneers Licensing Law"

(S.P. 321) (L.D. 955)

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 Provide Professional Development for Implementing Learning Results"

(S.P. 314) (L.D. 948)

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 Clarify Certain Liens"

(S.P. 313) (L.D. 947)

Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** suggested and ordered printed.

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 Improve Alcohol Server Education Courses"

(S.P. 320) (L.D. 954)

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 Reclassify Certain Waters of the State"

(S.P. 319) (L.D. 953)

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 Change the Composition of the Somerset County Budget Committee"

(S.P. 312) (L.D. 946)

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 Amend the Motor Vehicle Laws"

(S.P. 317) (L.D. 951)

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

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

Non-Concurrent Matter

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

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

REFERRED to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** in the House on January 26, 1999.

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

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

Non-Concurrent Matter

Bill "An Act to Require Testing for HIV and Blood-borne Pathogens of All Prisoners in the Maine Correctional System"

(H.P. 658) (L.D. 914)

REFERRED to the Committee on **JUDICIARY** in the House on February 2, 1999.

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

On motion of Representative THOMPSON of Naples, the House voted to **ADHERE**.

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 Reduce the Amount of Paperwork Required for Transactions Involving the Sale of Wood"

(H.P. 709) (L.D. 976)

Presented by Representative TRAHAN of Waldoboro.

Cosponsored by Representatives: FOSTER of Gray, GILLIS of Danforth, JONES of Pittsfield, MACK of Standish, MENDROS of Lewiston, WESTON of Montville, Senator: BENNETT of Oxford.

Bill "An Act to Require Labeling of Fruits and Vegetables to Identify Country of Origin"

(H.P. 718) (L.D. 1008)

Presented by Representative ETNIER of Harpswell.

APPROPRIATIONS AND FINANCIAL AFFAIRS

Bill "An Act Regarding Access to Higher Education"

(H.P. 714) (L.D. 1004)

Presented by Representative BRENNAN of Portland.

Cosponsored by Senator BERUBE of Androscoggin and Representatives: BELANGER of Caribou, RICHARD of Madison, ROWE of Portland, SHIAH of Bowdoinham, STEVENS of Orono, WATSON of Farmingdale, Senators: MURRAY of Penobscot, SMALL of Sagadahoc.

Bill "An Act to Provide Funding to Install Water Mains on Certain Roads in Standish" (EMERGENCY)

(H.P. 723) (L.D. 1013)

Presented by Representative MACK of Standish.

Cosponsored by Senator LIBBY of York.

BUSINESS AND ECONOMIC DEVELOPMENT

Bill "An Act Concerning Heating Sources in Public Housing"

(H.P. 700) (L.D. 967)

Presented by Representative BRAGDON of Bangor.

Cosponsored by Senator MITCHELL of Penobscot and Representatives: BERRY of Belmont, WILLIAMS of Orono.

CRIMINAL JUSTICE

Bill "An Act to Strengthen the State's Drug Laws"

(H.P. 694) (L.D. 961)

Presented by Representative SCHNEIDER of Durham.

Cosponsored by Representatives: CHIZMAR of Lisbon, MACK of Standish, MADORE of Augusta, McALEVEY of Waterboro, O'BRIEN of Augusta, PEAVEY of Woolwich, POVICH of Ellsworth, SHERMAN of Hodgdon.

HEALTH AND HUMAN SERVICES

Bill "An Act to Clarify the Standard for Cause in the Request for Proposal Process for the Department of Mental Health, Mental Retardation and Substance Abuse Services"

(H.P. 692) (L.D. 959)

Presented by Representative FULLER of Manchester.

Cosponsored by Senator MITCHELL of Penobscot and Representatives: BRAGDON of Bangor, BROOKS of Winterport, COLWELL of Gardiner, KANE of Saco, MAYO of Bath, SNOWE-MELLO of Poland, Senator: PARADIS of Aroostook.

Bill "An Act to Establish a Mental Health, Human Services and Corrections Ombudsman"

(H.P. 708) (L.D. 975)

Presented by Representative TOWNSEND of Portland.

Cosponsored by Senator PENDLETON of Cumberland and Representatives: BRENNAN of Portland, FULLER of Manchester, McALEVEY of Waterboro, O'BRIEN of Augusta, PEAVEY of Woolwich, POVICH of Ellsworth, QUINT of Portland.

Resolve, to Comprehensively Address Protection of Public Health and Natural Resources

(H.P. 712) (L.D. 1002)

Presented by Representative COWGER of Hallowell.

Cosponsored by Senator TREAT of Kennebec and Representatives: BERRY of Livermore, CAMERON of Rumford, DUGAY of Cherryfield, DUPLESSIE of Westbrook, MARTIN of Eagle Lake, SAVAGE of Union, WATSON of Farmingdale, Senator: NUTTING of Androscoggin.

Bill "An Act to Increase Public Trust in Medical Care"

(H.P. 722) (L.D. 1012)

Presented by Representative McKEE of Wayne.

Cosponsored by Senator GOLDTHWAIT of Hancock and Representatives: BROOKS of Winterport, BRYANT of Dixfield, ETNIER of Harpswell, FULLER of Manchester, MAYO of Bath, Senators: PARADIS of Aroostook, PENDLETON of Cumberland, PINGREE of Knox.

INLAND FISHERIES AND WILDLIFE

Bill "An Act to Allow Three Hunters to Hunt Deer Together"

(H.P. 704) (L.D. 971)

Presented by Representative PERKINS of Penobscot.

Bill "An Act to Allow Hunters to Kill One Deer During Each Hunting Season"

(H.P. 705) (L.D. 972)

Presented by Representative KASPRZAK of Newport.

Cosponsored by Representatives: CLARK of Millinocket, DUNLAP of Old Town, MENDROS of Lewiston, PERRY of Bangor.

JUDICIARY

Bill "An Act Regarding the Family Court"

(H.P. 720) (L.D. 1010)

Presented by Representative THOMPSON of Naples.

Bill "An Act to Change the Application of the Durable Financial Power of Attorney Provisions"

(H.P. 721) (L.D. 1011)

Presented by Representative THOMPSON of Naples.

LABOR

Bill "An Act to Allow the Bureau of Labor Standards to Assess Administrative Civil Money Penalties for Labor Law Violations"

(H.P. 693) (L.D. 960)

Presented by Representative HATCH of Skowhegan.
Cosponsored by Senator: MILLS of Somerset.
Submitted by the Department of Labor pursuant to Joint Rule 204.

LEGAL AND VETERANS AFFAIRS

Bill "An Act to Allow Indian Gaming at Established Commercial Race Tracks"

(H.P. 699) (L.D. 966)

Presented by Representative DUNLAP of Old Town.
Cosponsored by Representatives: GOODWIN of Pembroke, LORING of the Penobscot Nation, PERRY of Bangor, RINES of Wiscasset, SOCTOMAH of the Passamaquoddy Tribe, Senator: CAREY of Kennebec.

Bill "An Act to Amend the Illegal Transportation of Liquor Law"

(H.P. 706) (L.D. 973)

Presented by Representative THOMPSON of Naples.

MARINE RESOURCES

Bill "An Act to Regulate the Dragging of Scallops on the Medomak River"

(H.P. 695) (L.D. 962)

Presented by Representative TRAHAN of Waldoboro.
Cosponsored by Representative: STANWOOD of Southwest Harbor.

Bill "An Act to Amend the Laws Regarding Elver Fishing" (EMERGENCY)

(H.P. 707) (L.D. 974)

Presented by Representative TRAHAN of Waldoboro.
Cosponsored by Representative: STANWOOD of Southwest Harbor.

Bill "An Act to Allow for Navigation in Areas of Elver Fishing"

(H.P. 713) (L.D. 1003)

Presented by Representative COWGER of Hallowell.
Cosponsored by Senator HARRIMAN of Cumberland and Representatives: COLWELL of Gardiner, DUNLAP of Old Town, GOOLEY of Farmington, HONEY of Boothbay, SAXL of Portland, WATSON of Farmingdale, WHEELER of Eliot, Senator: TREAT of Kennebec.

NATURAL RESOURCES

Bill "An Act to Repeal the Authorization of Lucerne-in-Maine Village Corporation to Construct Dams and Fishways"

(H.P. 717) (L.D. 1007)

Presented by Representative POVICH of Ellsworth.
Cosponsored by Senator RUHLIN of Penobscot.

STATE AND LOCAL GOVERNMENT

Resolve, Authorizing the Knox County Commissioners to Borrow Not More than \$2,500,000 for Construction or Renovation of a District Court and Office Areas in Knox County (EMERGENCY)

(H.P. 703) (L.D. 970)

Presented by Representative McNEIL of Rockland.
Cosponsored by Senator PINGREE of Knox and Representatives: PIEH of Bremen, POWERS of Rockport, SAVAGE of Union, SKOGLUND of St. George, VOLENIK of Brooklin.

Bill "An Act to Repeal Term Limits"

(H.P. 711) (L.D. 1001)

Presented by Representative CAMERON of Rumford.
Cosponsored by Senator GOLDTHWAIT of Hancock and Representatives: LOVETT of Scarborough, MURPHY of Berwick, SANBORN of Alton, SAVAGE of Union, WHEELER of Eliot, Senators: KONTOS of Cumberland, O'GARA of Cumberland, RUHLIN of Penobscot.

Bill "An Act to Provide for Citizen Participation in the Hancock County Budget"

(H.P. 716) (L.D. 1006)

Presented by Representative POVICH of Ellsworth.
Cosponsored by Representatives: DUGAY of Cherryfield, PERKINS of Penobscot, PINKHAM of Lamoine, STANWOOD of Southwest Harbor, VOLENIK of Brooklin.

Bill "An Act to Allow Private Maintenance of Public Easements"

(H.P. 724) (L.D. 1014)

Presented by Representative McKEE of Wayne.
Cosponsored by Senator NUTTING of Androscoggin and Representatives: BAKER of Bangor, COWGER of Hallowell, DUPLESSIE of Westbrook, FISHER of Brewer, VOLENIK of Brooklin.

TAXATION

Bill "An Act to Promote Good Health Practices in Maine"

(H.P. 696) (L.D. 963)

Presented by Representative KASPRZAK of Newport.
Cosponsored by Representatives: BRAGDON of Bangor, GERRY of Auburn, HEIDRICH of Oxford, MENDROS of Lewiston, SNOWE-MELLO of Poland, TRAHAN of Waldoboro, TWOMEY of Biddeford, WATERHOUSE of Bridgton.

Bill "An Act to Protect Personal Property"

(H.P. 697) (L.D. 964)

Presented by Representative KASPRZAK of Newport.
Cosponsored by Representatives: GERRY of Auburn, MENDROS of Lewiston.

Bill "An Act to Restore Municipal Revenue Sharing"

(H.P. 701) (L.D. 968)

Presented by Representative GAGNON of Waterville.
Cosponsored by Senator NUTTING of Androscoggin and Representatives: AHEARNE of Madawaska, CIANCHETTE of South Portland, COLWELL of Gardiner, LEMOINE of Old Orchard Beach, McGLOCKLIN of Embden, SAVAGE of Union.

Bill "An Act to Exempt Food That is Medically Necessary From Sales Tax"

(H.P. 702) (L.D. 969)
Presented by Representative DAVIDSON of Brunswick.
Cosponsored by Representative: SCHNEIDER of Durham.

On motion of Representative CAMERON of Rumford, the House **RECONSIDERED** its action whereby Bill "An Act to Repeal Term Limits"

(H.P. 711) (L.D. 1001)
Was **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

The **SPEAKER**: The Chair recognizes the Representative from Rumford, Representative Cameron.

Representative **CAMERON**: Mr. Speaker, Men and Women of the House. I would like to ask for a ruling in light of, I apologize, I don't want to raise the issue after what we went through yesterday on referencing, but in light of the discussion yesterday, I am curious as to how this bill goes to State and Local Government versus where the other bill went yesterday. I guess I am looking for a ruling of the House. They both deal with term limits and I am curious why one went one way and one the other. If you could clarify that for us.

The **SPEAKER**: The Chair recognizes the Representative from Sanford, Representative Tuttle.

Representative **TUTTLE**: Mr. Speaker, Men and Women of the House. I think that the quick answer would be that one was specifically a referendum issue. That is why it went to the Committee on Legal and Veterans Affairs. This is a policy issue on the same question and that is why it is going to the Committee on State and Local Government.

Subsequently, the Bill was **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**, ordered printed and sent for concurrence.

TRANSPORTATION

Bill "An Act to Require the State to Reimburse Licensed Vehicle Inspection Stations for Unused Inspection Stickers"

(H.P. 698) (L.D. 965)
Presented by Representative KASPRZAK of Newport.
Cosponsored by Representatives: HEIDRICH of Oxford, MCKENNEY of Cumberland, WHEELER of Bridgewater.

Bill "An Act to Equalize Tolls"

(H.P. 715) (L.D. 1005)
Presented by Representative SHIELDS of Auburn.
Cosponsored by Representative: SNOWE-MELLO of Poland, Senator: SMALL of Sagadahoc.

Bill "An Act to Require Notification of Motor Vehicle Registration Expiration"

(H.P. 719) (L.D. 1009)
Presented by Representative ETNIER of Harpswell. (BY REQUEST)

Pursuant to Public Law

Joint Select Commission to Study the Opening of a Discount Liquor Store in Fort Kent

Representative O'NEAL for the **Joint Select Commission to Study the Opening of a Discount Liquor Store in Fort Kent** pursuant to Public Law 1997, chapter 755, section 2 asks leave to report that the accompanying Resolve, to implement

the Recommendations of the Select Commission to Study the Opening of a Discount State Liquor Store in Fort Kent (EMERGENCY)

(H.P. 725) (L.D. 1015)
Be **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

ORDERS

On motion of Representative SIROIS of Caribou, the following House Order: (H.O. 11)

ORDERED, that Representative Christina L. Baker of Bangor be excused January 28th for legislative business.

AND BE IT FURTHER ORDERED, that Representative Joseph Bruno of Raymond be excused January 26th and January 28th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Elaine Fuller of Manchester be excused February 4th for legislative business.

AND BE IT FURTHER ORDERED, that Representative Bonnie Green of Monmouth be excused February 2nd, 3rd and 4th for personal reasons.

READ and **PASSED**.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Lillian McNeil Eaton, of Thomaston, on the occasion of her 80th Birthday. Mrs. McNeil is a former nurse and is the mother of 4 children. We send our best wishes to her for a wonderful birthday;

(HLS 56)

Presented by Representative McNEIL of Rockland.
Cosponsored by Representative SKOGLUND of St. George, Senator PINGREE of Knox.

On **OBJECTION** of Representative McNEIL of Rockland, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Rockland, Representative McNeil.

Representative **MCNEIL**: Mr. Speaker, Colleagues of the House. I would like to thank Representative Skoglund for the privilege of sponsoring the sentiment for his constituent, as she is a special person in my life. Lillian McNeil Eaton was born and raised here in Maine and spent her career as a registered nurse. She raised four wonderful children. She is the grandmother of 10 and the great grandmother of three. We are all blessed to have her in our lives. It gives me great pleasure today to wish my mother-in-law, Lillian, a very happy 80th birthday. Thank you Mr. Speaker.

PASSED and sent for concurrence.

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

REPORTS OF COMMITTEE

Change of Committee

Representative THOMPSON from the Committee on **JUDICIARY** on Bill "An Act Regarding Survivor Benefits in the Event of Divorce"

(H.P. 212) (L.D. 290)

Reporting that it be **REFERRED** to the Committee on **LABOR**.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **LABOR**.

Sent for concurrence.

Representative CHIZMAR from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Prohibit the Transportation of Open Containers that Contain Liquor"

(H.P. 154) (L.D. 216)

Reporting that it be **REFERRED** to the Committee on **TRANSPORTATION**.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **TRANSPORTATION**.

Sent for concurrence.

CONSENT CALENDAR

First Day

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

(H.P. 122) (L.D. 153) Bill "An Act to Increase the Fee Charged by Bail Commissioners" Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass**

There being no objections, the above item was ordered to appear on the Consent Calendar tomorrow under the listing of Second Day.

UNFINISHED BUSINESS

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

JOINT ORDER - Relative to establishing the Joint Select Committee on the Year 2000 Computer Problem

(S.P. 190)

- In Senate, **READ** and **PASSED**.

TABLED - February 3, 1999 (Till Later Today) by Representative SAXL of Portland.

PENDING - PASSAGE.

On motion of Representative SAXL of Portland, **TABLED** pending **PASSAGE** and specially assigned for Tuesday, February 9, 1999.

TABLED AND TODAY ASSIGNED

The Chair laid before the House the following items which were **TABLED** and today assigned:

Bill "An Act to Provide Term Limits for the Secretary of the Senate and the Clerk of the House of Representatives"

(H.P. 654) (L.D. 904)

(Committee on **STATE AND LOCAL GOVERNMENT** suggested)

TABLED - February 3, 1999 by Representative AHEARNE of Madawaska.

PENDING - REFERENCE.

On motion of Representative AHEARNE of Madawaska, **TABLED** pending **REFERENCE** and specially assigned for Tuesday, February 9, 1999.

Bill "An Act to Provide Computers for Use in the Legislature" (**EMERGENCY**)

(H.P. 666) (L.D. 922)

(Committee on **STATE AND LOCAL GOVERNMENT** suggested)

TABLED - February 3, 1999 by Representative AHEARNE of Madawaska.

PENDING - REFERENCE.

Subsequently, the Bill was **REFERRED** to the committee on **STATE AND LOCAL GOVERNMENT**, ordered printed and sent for concurrence.

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

SENATE PAPERS

The following Joint Order: (S.P. 322)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, February 9, 1999, at 3 o'clock in the afternoon.

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

READ and **PASSED** in concurrence.

On motion of Representative O'BRIEN of Augusta, the House adjourned at 9:50 a.m., until 3:00 p.m., Tuesday, February 9, 1999.