

MAINE STATE LEGISLATURE

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

Volume II

First Regular Session

May 13, 1999 – June 19, 1999

Second Regular Session

January 5, 2000 – March 22, 2000

ONE HUNDRED AND NINETEENTH LEGISLATURE
SECOND REGULAR SESSION
12th Legislative Day
Thursday, March 9, 2000

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

Prayer by Father Paul Plante, St. John's Church, Winslow.
National Anthem by Marshwood High School Chorus, Eliot.
Pledge of Allegiance.

Doctor of the day, John T. Dow, M.D., Pittsfield.

The Journal of Tuesday, March 7, 2000 was read and approved.

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

CONSENT CALENDAR

First Day

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

(H.P. 1776) (L.D. 2487) Bill "An Act to Amend the Jurisdiction of the District Court" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-861)**

On motion of Representative THOMPSON of Naples, was **REMOVED** from the First Day Consent Calendar.

The Committee Report was **READ**.

The **SPEAKER**: The Chair recognizes the Representative from Naples, Representative Thompson.

Representative **THOMPSON**: Mr. Speaker, Men and Women of the House. I wanted to let you know what we're trying to do here this morning on this bill. We're hoping to get it through this body, send it to the other end and then bring it back for enactment today. The bill does two things and it is a Unanimous Report of the Judiciary Committee. The first item is that it adds the issue of equitable patrician to the jurisdiction of the District Court which is a correction of something which was reflected in a recent Supreme Court decision indicating that it wasn't specifically spelled out in the statute that that jurisdiction lies there. So we are correcting that issue.

The larger issue in the bill is the issue of the Administrative Court. Currently we have an administrative court in the State of Maine, which consists of two judges, which spend about 10 percent of their time on administrative court issues and 90 percent of their time on District Court issues. What we are doing as a committee is eliminating that issue, that court known as the Administrative Court and transferring the judge positions into the District Court where realistically that's where they're spending their time. Fiscally it saves \$1,000 a year because of the two judges. One of them is a Chief Judge and receives an extra \$1,000 stipend because he is the Chief Judge of the Administrative Court. Practically what it does is transfer the issues currently held by the Administrative Court to the District Court and we made it clear in the bill that those issues would also be scheduled on an expedited manner to receive an expedited hearing because that is sometimes necessary in the area of license suspensions. The reason a bill is necessary today is that there is currently a vacancy in the Administrative Court Judge position. The bill is expected to pass and if we did that and reappointed a judge to that position we would have the situation of eliminating the Administrative Court yet having a

judge of the Administrative Court sitting for the next seven years. The committee felt now is the time to eliminate that associate position and then eliminate the entire court next year when the second Administrative Court Judge position becomes vacant. So what we're doing is eliminating an Administrative Court position, making a new District Court position out of that and doing that on an emergency basis so that the Chief Executive can nominate someone to the District Court to fill that position instead of appointing someone to an Administrative Court position which is going to be inaccurate at best. I would hope that you will support the Unanimous Report of the Judiciary Committee on this matter. Thank you.

ACCEPTED. The Bill was **READ ONCE**. **Committee Amendment "A" (H-861)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules, the Bill was given its **SECOND READING** without **REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-861)** and sent for concurrence. **ORDERED SENT FORTHWITH**.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act to Clarify Repair and Inspection Standards for Punctured Tires"

(H.P. 1732) (L.D. 2438)

Majority (10) **OUGHT TO PASS** Report of the Committee on **TRANSPORTATION** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED** in the House on March 3, 2000.

Came from the Senate with the Minority (3) **OUGHT NOT TO PASS** Report of the Committee on **TRANSPORTATION READ** and **ACCEPTED** in **NON-CONCURRENCE**.

On motion of Representative **WHEELER** of Eliot, the House voted to **INSIST** and ask for a **COMMITTEE OF CONFERENCE**. Sent for concurrence.

COMMUNICATIONS

The Following Communication: (H.C. 362)

STATE OF MAINE

**ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON STATE AND LOCAL GOVERNMENT**

March 7, 2000

Honorable Mark W. Lawrence, President of the Senate

Honorable G. Steven Rowe, Speaker of the House

119th Maine Legislature

State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on State and Local Government has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 2417 An Act to Improve the Working Effectiveness of the State Employee Health Commission

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Peggy A. Pendleton