

MAINE STATE LEGISLATURE

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House Legislative Record
of the
One Hundred and Eighteenth Legislature
of the
State of Maine

Volume III

Second Regular Session

March 19, 1998 - March 31, 1998

Second Special Session

April 1, 1998 - April 8, 1998

Appendix
House Legislative Sentiments
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**Resolve Pursuant to the Constitution
Public Land**

Resolve, Authorizing Certain Land Transactions by the Bureau of Parks and Lands

(H.P. 1626) (L.D. 2254)
(C. "A" H-969)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 23 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary a total was taken. 109 voted in favor of the same and 12 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

An Act to Increase the Bonding Limits of the Maine Turnpike Authority

(H.P. 535) (L.D. 726)
(C. "A" H-922)

An Act to Amend the Laws Concerning Juvenile Petition, Adjudication and Disposition

(H.P. 662) (L.D. 915)
(C. "A" H-970)

An Act to Improve Allopathic and Osteopathic Physician Oversight

(H.P. 1124) (L.D. 1580)
(C. "A" H-958)

An Act to Promote Professional Competence and Improve Patient Care

(S.P. 571) (L.D. 1728)
(C. "A" S-543)

An Act to Amend the Laws Relating to Development and Centralized Listing of Municipal Ordinances That Apply to Forest Practices

(S.P. 583) (L.D. 1746)
(C. "A" S-527)

An Act to Modernize Maine's Fuel Tax Laws

(S.P. 585) (L.D. 1748)
(C. "A" S-537)

An Act to Amend Certain Motor Vehicle Laws

(H.P. 1385) (L.D. 1939)
(C. "A" H-930)

An Act to Implement the Recommendations of the Maine Indian Tribal-State Commission Relating to the Names of Geographic Features in Passamaquoddy Territory

(H.P. 1401) (L.D. 1953)
(C. "A" H-944)

An Act to Expand Access to Employment Security Data to Authorized Agents of Child Support Enforcement Agencies

(H.P. 1433) (L.D. 1997)

An Act to Conform Maine's Safe Drinking Water Laws with the 1996 Amendments of the Federal Safe Drinking Water Act

(H.P. 1441) (L.D. 2005)
(S. "A" S-559 to C. "A" H-904)

An Act to Implement the Recommendations of the Governor's Advisory Committee on Gambling

(H.P. 1456) (L.D. 2047)
(C. "A" H-965)

An Act to Ensure Equitable School Funding

(H.P. 1457) (L.D. 2048)
(C. "A" H-979)

An Act to Improve the Integrity of the Citizen Initiative Process

(H.P. 1483) (L.D. 2082)
(C. "A" H-938)

An Act to Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 1999

(H.P. 1522) (L.D. 2144)
(H. "A" H-896 to C. "A" H-871)

An Act to Amend the Laws Relating to Archives and the Retention and Admissibility of Electronic Records

(H.P. 1525) (L.D. 2147)
(C. "A" H-945)

An Act to Establish an Advisory Commission on Women Veterans

(H.P. 1532) (L.D. 2159)
(C. "A" H-964)

An Act to Implement the Recommendations of the Commission to Study the Certificate of Need Laws

(H.P. 1633) (L.D. 2261)
(C. "A" H-968)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Resolves

Resolve, to Establish a Plan to Enhance the Enforcement of Civil and Criminal Violations

(S.P. 480) (L.D. 1482)
(C. "A" S-549)

Resolve, to Create the Commission to Study Establishing a Rail Authority to Develop Rail Service from Calais to Eastport and Brewer

(H.P. 1138) (L.D. 1594)
(H. "A" H-946 to C. "A" H-925)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

An Act to Ensure Long-term Funding of the Maine Agricultural Experiment Station Research Farms Connected with Land Grant Colleges

(H.P. 1440) (L.D. 2004)
(C. "A" H-929)

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

On motion of Representative KONTOS of Windham, was **SET ASIDE**.

On further motion of the same Representative, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

UNFINISHED BUSINESS

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

SENATE DIVIDED REPORT - Majority (10) **Ought to Pass as Amended by Committee Amendment "A" (S-563)** - Minority (2) **Ought to Pass as Amended by Committee Amendment "B" (S-564)** - Committee on **TRANSPORTATION** on Bill "An Act to Reduce Motor Vehicle Fatalities and Injuries among Young Drivers"

(S.P. 782) (L.D. 2109)

-In Senate, Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE**

ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-563).

TABLED - March 23, 1998 (Till Later Today) by Representative DRISCOLL of Calais.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-563)** Report.

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative Chartrand.

Representative CHARTRAND: Madam Speaker, Men and Women of the House. I rise to encourage you to vote against the prevailing motion and I will explain why. This bill, I am sure you have heard of it, it was the result of a lot of work through the Secretary of State's Office and the commission over the last year to come up with a set of laws and changes in Maine laws that would help reduce the number of fatalities and injuries among young drivers. There is a lot of good in this bill. If you vote against this Majority Report, you will have an opportunity to pass one very similar to this with a couple of minor changes that I thought were more appropriate. When we receive something this comprehensive with this many changes and suggestions to law in it, I think it is our duty both in committee and in this House to examine it no matter how many people came up with the bill to look at all the aspects of it and see if it really, in all facets, meets the intent of what it was originally intended to do and if the impact of it is indeed appropriate for what we are trying to accomplish. Most of this, I think, meets that test, but there was one aspect of it that I felt received very little publicity and very few people knew about and I objected to it in committee and brought it to the floor so that you too would hear about it and at least have a chance to make a reasonable decision and know what you are voting on. This part of it, I don't believe, has anything to do with young drivers. It has something to do with older drivers and it does change quite drastically the current penalties for older drivers convicted of driving under the influence.

Right now somebody who is driving under the influence with somebody under 16 in the vehicle at that time has a definite three month suspension of license, mandatory 48 hours in jail and a \$400 fine. Should this bill pass, that will remain so except the level will rise to 21 years old and the mandatory suspension will be one year, which basically will quadruple the license suspension time for any adult driver convicted of OUI whether it is first offense. It will quadruple the suspension time if anybody under 21 is in that vehicle. I know the intent of that and I can see it is honorable in that we don't want to have older drivers improperly influencing young drivers or young people in general by driving with them while they are under the influence, especially those who are maybe in their young 20s and are participating in drinking with the younger drivers. The problem with this change, which makes it mandatory that any older driver with anybody under 21 in the car gets a mandatory one year suspension of the license. I think it is also going to hit a lot of people who maybe certainly would be making a mistake that first time they are convicted with somebody younger than 21 in the car. Is it really the intent that every one of those people will receive a mandatory one year license suspension? I think that may be going a little bit too far and I think we are going to find some grandparents who happen to make a mistake and had too much to drink that night and have a small person in the car or a 20 year old person who have no intent of improperly influencing that person. Nonetheless, they are going to lose their license for one year without any questions. There are a lot of people in this state if they lose their license for one year that is going to severely impact their ability to earn a living.

Right now the Secretary of State has the ability, discretionary authority, to add an extra nine months suspension onto anybody on that. The Minority Report would continue to have that discretionary authority. Anybody in the position where it appears they are improperly influencing young drivers in the car can receive the extra nine months, but allowing it to remain discretionary will avoid, in every single case, making a mandatory one year license suspension. If you do go with the mandatory one year license suspension, you are going to find some people who really will be unfairly receiving a one year suspension while somebody else who may actually may be driving faster, who may have a higher alcohol limit, but won't have anyone under 21 in their car will receive a three month license suspension. Meanwhile anybody under 21 in their car receives a year license suspension only for the reason that there is somebody under 21 in the vehicle. I don't think that is quite fair. In some cases they may deserve it. The Secretary of State would be able to enforce that if we left it discretionary. If we make it mandatory, we are going to see an unfair application of that extra nine month suspension in every single case after this bill is passed.

When I asked the Secretary of State's Office what the intent of this section of the bill was, they told me that it was to go after the drivers in their young 20s for influencing people just under the drinking age in their cars. If we could limit it to people in that age group, that would be fine. That is not the way the bill was written and I think if we give the Secretary of State's Office the discretion to enforce it in those cases where they see it is necessary, that is adequate. They have told me that they could accept that and they would enforce it rigorously, which I would encourage. I would like to allow them the discretion in some cases to just go with the standard fine, which is three months suspension, \$400 fine and a mandatory 48 hour incarceration. I think that may be adequate for some people the first time. If you don't agree with that, then vote for the Majority Report and you will go for a mandatory one year suspension in all cases. If you would like to leave it discretionary, then I would encourage you to vote against the prevailing motion. Thank you.

On motion of Representative KONTOS of Windham, **TABLED** pending the motion of Representative DRISCOLL of Calais to **ACCEPT** the **Majority Ought to Pass as Amended** Report and later today assigned.

An Act to Amend the Laws Regarding Reimbursement to the Counties for Community Corrections (EMERGENCY) (MANDATE)

(H.P. 40) (L.D. 65)
(C. "A" H-919)

TABLED - March 23, 1998 (Till Later Today) by Representative SAXL of Portland.

PENDING - **PASSAGE TO BE ENACTED.**

On motion of Representative POVICH of Ellsworth, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION.**

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED.**

On further motion of the same Representative, the rules were **SUSPENDED** for the purpose of **FURTHER RECONSIDERATION.**

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-919)** was **ADOPTED.**