

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred And Seventeenth Legislature
OF THE
State Of Maine

VOLUME II

FIRST REGULAR SESSION

House of Representatives
May 24, 1995 to June 30, 1995

The same Representative presented House Amendment "A" (H-574) to Committee Amendment "A" (H-492) which was read by the Clerk and adopted.

Committee Amendment "A" (H-492) as amended by House Amendment "A" (H-574) thereto was adopted.

On motion of Representative POULIN of Oakland, tabled pending passage to be engrossed as amended by Committee Amendment "A" (H-492) as amended by House Amendment "A" (H-574) thereto and later today assigned.

Bill "An Act to Create the Hebron Village Water District" (EMERGENCY) (S.P. 530) (L.D. 1447) (C. "A" S-267)

TABLED - June 19, 1995 (Till Later Today) by Representative UNDERWOOD of Oxford.

PENDING - Passage to be Engrossed.

Subsequently, the Bill was passed to be engrossed as amended in concurrence.

An Act to Provide Limited Immunity to Former Employers Who Provide References (S.P. 264) (L.D. 704) (C. "A" S-218)

TABLED - June 15, 1995 (Till Later Today) by Representative JACQUES of Waterville.

Pending - Passage to be Enacted.

Subsequently, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Establish the DNA Data Base and Data Bank Act (S.P. 480) (L.D. 1304) (C. "A" S-219)

TABLED - June 15, 1995 (Till Later Today) by Representative JACQUES of Waterville.

Pending - Passage to be Enacted.

Subsequently, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The Chair laid before the House the following item which was tabled earlier in today's session:

An Act to Increase Access to the Legislature and Government Services for Persons Who Are Deaf or Hard of Hearing and to Make Progress towards Compliance with the Americans with Disabilities Act (H.P. 465) (L.D. 631) (C. "A" H-432) which was tabled by Representative JACQUES of Waterville pending passage to be enacted.

Subsequently, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

TABLED AND TODAY ASSIGNED

The Chair laid before the House the following item which was Tabled and Today Assigned:

Bill "An Act to Change the Licensing Year for Certain Marine Resource Licenses" (H.P. 1032) (L.D. 1451) (C. "A" H-528)

TABLED - June 20, 1995 by Representative CLOUTIER of South Portland.

PENDING - Passage to be Engrossed.

Representative ETNIER of Harpswell presented House Amendment "A" (H-573) which was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Harpswell, Representative Etnier.

Representative ETNIER: Mr. Speaker, Ladies and Gentlemen of the House: Just a brief note of explanation. The committee on Marine Resources, we

have agreed that we would like to add this amendment on here. Basically what is, is a license for the eel fisheries. In consultation with the department, we strongly agreed that we should have a license for this particular fishery in place for next season. If we hadn't done this, there would have been no specific license for that fishery and as you might have heard, was a very popular fishery this year and we believe we should start gathering some good information on. That is the purpose of this amendment. Thank you.

House Amendment "A" (H-573) was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-528) and House Amendment "A" (H-573) and sent up for concurrence.

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

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 Rule 24.

Bill "An Act to Prohibit Retrofits of Nuclear Power Plants without Permission of the Public Utilities Commission" (H.P. 676) (L.D. 927) (C. "A" H-435)

TABLED - June 15, 1995 (Till Later Today) by Representative WATERHOUSE of Bridgton.

PENDING - Passage to be Engrossed.

Subsequently, the Bill was passed to be engrossed as amended and sent up for concurrence.

By unanimous consent, all matters having been acted upon were ordered sent forthwith.

Bill "An Act Concerning a Moment of Silence in Maine Public Schools" (H.P. 656) (L.D. 879)

- In House, Minority "Ought to Pass" Report of the Committee on Education and Cultural Affairs read and accepted and the Bill passed to be engrossed on June 16, 1995.

- In Senate, Majority "Ought Not to Pass" Report of the Committee on Education and Cultural Affairs read and accepted in non-concurrence.

TABLED - June 19, 1995 (Till Later Today) by Representative POULIOT of Lewiston.

PENDING - Motion of same Representative to Adhere.

Subsequently, the House voted to Adhere.

SENATE REPORT - "Ought to Pass" as amended by Committee Amendment "A" (S-282) - Committee on Transportation on Bill "An Act to Widen the Maine Turnpike" (S.P. 489) (L.D. 1323)

TABLED - June 19, 1995 (Till Later Today) by Representative GATES of Rockport.

PENDING - Acceptance of Committee Report.

The SPEAKER: The Chair recognizes the Representative from Rockport, Representative Gates.

Representative GATES: Mr. Speaker, Men and Women of the House: I laid this on the table for one reason and one reason only. It looked like it was going through under the hammer and I wanted to ask for a roll call at this stage. We have heard a lot in this body about what the voters have said and

haven't said in the last election in November, but it was clear what they said in 1990 on the turnpike referendum, they didn't want it widened. Vote as you wish, but I will be voting no. Mr. Speaker, when the vote is taken, I ask for the yeas and nays.

Representative GATES of Rockport requested a roll call on acceptance of the Committee Report.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of more than one-fifth of members present and voting. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative O'Gara.

Representative O'GARA: Mr. Speaker, Ladies and Gentlemen of the House: Very, very briefly, I hope that you will accept the committee amendment and the bill that you see before you on the board here. The committee worked very hard. We worked with an awful lot of groups of people. As I said at one of the meetings we had, there were groups who came together on this compromise that before then, sometimes didn't even want to be in the same room together. They came together on a compromise plan and I think it is a good plan and a lot of people made compromises to arrive at what you have before you here and the committee and I, as its chairman, urge you to support this.

The SPEAKER: The Chair recognizes the Representative from Berwick, Representative Murphy.

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: I really hate to get up tonight because we had a good roll going here, but I have to say that people have got to stop and realize that turnpike is the only main road into the State of Maine. Most things that come into Maine have to go over that. As a person who drives that turnpike from York to South Portland, it is at a point right now, where it is safety factor. I think we all realize the truck accidents we have had on it. Just take a look at it. We do not have any truck accidents from York to Boston because it is widened. A lot of our accidents are there, not only truck, but car accidents.

It is important for the economy of the State of Maine that that turnpike be widened. Route 1 can in no way ever attempt to take care of the congestion. I think it is going to be kind of ironic or funny when they take their cars and charge a \$2 surcharge and put them onto Route 1. Right now in the summer they are backed up to Ogunquit Play House. They will be backed up six or seven miles back to the off ramp of the York toll booth. Even now when you go home sometimes you wait five minutes heading south on a Friday night to get through the toll booth, never mind on a Sunday night. It is very important that we widen that turnpike and we do it now, before some of us have a family member killed because of the fact it is not widened.

I would like to add that it is very important to know there is not one penny of tax dollars in widening that turnpike. You cannot, under the constitution of the State of Maine, take tax dollars and put on a private road. The turnpike is a private road. It is money that the people who use the road, such as myself, pay for. We pay dearly to ride that

road. I pay \$3.25 every time I come to Augusta. It is my choice. I choose to do it because I don't like the alternative. Thank you.

The SPEAKER: The Chair recognizes the Representative from South Berwick, Representative Farnum.

Representative FARNUM: Mr. Speaker, Men and Women of the House: I think of the turnpike as almost a deathtrap now. Our truck drivers travel on it and they say the same thing. For the first time in years, they are really afraid when they drive that turnpike. Only once this year, have I gone home and not seen an accident. Three and four times I have stayed an hour and a half in one spot waiting for the accident to be cleaned up. Think about it. The turnpike, you have to widen it to save lives. If you want to keep killing them, keep it narrow. Thank you.

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

Representative CHARTRAND: Mr. Speaker, Men and Women of the House: I just want to inform you that despite what we see in the lights, you are not voting whether or not to widen the Maine turnpike. If you haven't read through the amendment, the bill is to encourage a complete study of what is necessary to see whether it does, indeed, need widening. The Transportation Committee will be looking at the issue again in January to decide whether or not to grant the bond request for that purpose and it may even be postponed until the study is complete enough that we feel comfortable presenting it. The legislature will get to visit this issue again. If you do vote yes on this issue, you won't be voting to widen it at this time, but only to make sure that the studies are done in a way that we all get enough complete information to make this decision in the future. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is acceptance of the committee report. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 207

YEA - Aikman, Ault, Bailey, Barth, Benedikt, Bigl, Birney, Brennan, Buck, Bunker, Cameron, Campbell, Carleton, Chartrand, Chick, Clark, Cloutier, Clukey, Cross, Daggett, Damren, Davidson, Desmond, DiPietro, Donnelly, Driscoll, Dunn, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gieringer, Gooley, Gould, Greenlaw, Guerrette, Hartnett, Hatch, Heino, Hitchborn, Jacques, Jones, S.; Joy, Joyce, Joyner, Keane, Kerr, Kneeland, Kontos, Labrecque, LaFountain, Lane, Layton, Lemke, Lemont, Libby JD; Libby JL; Lindahl, Look, Lovett, Lumbra, Madore, Marshall, Martin, Marvin, Mayo, McAlevey, McElroy, Mitchell EH; Mitchell JE; Morrison, Murphy, Nass, Nickerson, O'Gara, O'Neal, Ott, Paul, Peavey, Pendleton, Perkins, Pinkham, Plowman, Poirier, Poulin, Pouliot, Reed, G.; Reed, W.; Rice, Ricker, Robichaud, Rosebush, Rowe, Savage, Saxl, J.; Saxl, M.; Simoneau, Sirois, Spear, Stedman, Stevens, Stone, Taylor, Thompson, True, Truman, Tufts, Tuttle, Tyler, Underwood, Vigue, Waterhouse, Watson, Wheeler, Winglass, Winn, Winsor, The Speaker.

NAY - Adams, Ahearne, Berry, Chase, Chizmar, Gates, Heeschen, Johnson, Jones, K.; Luther, Meres, Povich, Richardson, Samson, Shiah, Townsend, Treat, Volenik.

ABSENT - Bouffard, Dexter, Dore, Gerry, Green, Joseph, Kilkelly, Lemaire, Nadeau, Rotondi, Strout, Tripp, Whitcomb, Yackobitz.

Yes, 119; No, 18; Absent, 14; Excused, 0.

119 having voted in the affirmative and 18 voted in the negative, with 14 being absent, the Committee Report was accepted.

The Bill was read once. Committee Amendment "A" (S-282) was read by the Clerk and adopted. The Bill was assigned for second reading Thursday, June 22, 1995.

SENATE DIVIDED REPORT - Majority (8) "Ought to Pass" as amended by Committee Amendment "A" (S-217) - Minority (5) "Ought Not to Pass" - Committee on Banking and Insurance on Bill "An Act to Authorize Participation by the Public Advocate in a Regulatory Proceeding Concerning the Residual Market Mechanism for Workers' Compensation" (S.P. 532) (L.D. 1470) - 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-217).

TABLED - June 16, 1995 by Representative VIGUE of Winslow.

PENDING - Acceptance of either Report.

Representative MAYO of Bath moves the Bill and all accompanying papers be indefinitely postponed.

The SPEAKER: The Chair recognizes the Representative from China, Representative Chase.

Representative CHASE: Mr. Speaker, Men and Women of the House: Although this is a divided report, the Banking and Insurance Committee is in agreement to indefinitely postpone this bill. This bill allowed the public advocate to continue his role in the ongoing suits that had been remanded from the court back to the Superintendent of Insurance. What has happened in the last few days is that the governor has presented a bill that will come before you. It is L.D. 1678 and it will significantly affect fresh start workers' comp charges to employers and a settlement on the part of the insurers, that is the basis for the cases in court. What I am saying is that we don't need L.D. 1470 and we will take up with you L.D. 1678 at the appropriate time. So please support the motion to indefinitely postpone. Thank you.

Subsequently, the Bill and all accompanying papers were indefinitely postponed and sent up for concurrence.

HOUSE REPORT - "Ought to Pass" as amended by Committee Amendment "A" (H-519) - Committee on Agriculture, Conservation and Forestry on Bill "An Act to Protect Traditional Uses in the North Woods" (H.P. 1104) (L.D. 1551)

TABLED - June 19, 1995 (Till Later Today) by Representative KILKELLY of Wiscasset.

PENDING - Acceptance of Committee Report.

Subsequently, the Committee Report was accepted. The Bill was read once. Committee Amendment "A" (H-519) was read by the Clerk.

Representative KILKELLY of Wiscasset presented House Amendment "A" (H-548) to Committee Amendment "A" (H-519) which was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Wiscasset, Representative Kilkelly.

Representative KILKELLY: Mr. Speaker, Men and Women of the House: This is a technical amendment

that corrects a numerical error that was in the original amendment.

House Amendment "A" (H-548) to Committee Amendment "A" (H-519) was adopted.

Committee Amendment "A" (H-519) as amended by House Amendment "A" (H-548) thereto was adopted.

The Bill was assigned for second reading Thursday, June 22, 1995.

By unanimous consent, all matters having been acted upon were ordered sent forthwith.

The Chair laid before the House the following item which was tabled earlier in today's session:

An Act to Amend the Laws Pertaining to the Duties of Skiers and Tramway Passengers by Defining Inherent Risks (H.P. 801) (L.D. 1118) (C. "A" H-404) which was tabled by Representative CAMERON of Rumford pending passage to be enacted.

On motion of Representative CAMERON of Rumford, rules were suspended for the purpose of reconsideration.

On further motion of the same Representative, the House reconsidered its action whereby L.D. 1118 was passed to be engrossed.

The same Representative presented House Amendment "A" (H-575) which was read by the Clerk.

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

Representative CAMERON: Mr. Speaker, Ladies and Gentlemen of the House: This amendment is to my bill. It was the ski area and family bill. The purpose of the amendment is to clarify the definition of skiing. At the end of the definition as it was written, there was reference to bicycles and that didn't seem to fit, so we are taking that out.

The SPEAKER: The Chair recognizes the Representative from Mexico, Representative Luther.

Representative LUTHER: Mr. Speaker, Men and Women of the House: As I read the amendment, I think it now includes toboggans, sleds and anything that you can do at a ski area. When the vote is taken, I request the yeas and nays.

Representative LUTHER of Mexico requested a roll call on adoption of House Amendment "A" (H-575).

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of more than one-fifth of members present and voting. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The Chair recognizes the Representative from Portland, Representative Rowe.

Representative ROWE: Mr. Speaker, Men and Women of the House: I would strongly encourage you to vote for this amendment. It greatly, I think, improved the bill. It clarified the definition of skiing. I think it is very important. I would strongly urge you to vote for this amendment. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is the adoption of House Amendment "A" (H-575). All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 208