

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Fourteenth Legislature

OF THE

State Of Maine

VOLUME I

FIRST REGULAR SESSION

December 7, 1988 to May 10, 1989

Senator WEBSTER of Franklin was granted unanimous consent to address the Senate off the Record.

Senator CLARK of Cumberland was granted unanimous consent to address the Senate off the Record.

On motion by Senator GAUVREAU of Androscoggin, ADJOURNED until Thursday, February 9, 1989, at 4:00 in the afternoon.

ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
13th Legislative Day
Thursday, February 9, 1989

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

Prayer by Reverend Jonathan Appleyard, Saint Paul's Episcopal Church, Brunswick.

The Journal of Tuesday, February 7, 1989, was read and approved.

Quorum call was held.

SENATE PAPERS

(1-1) The following Communication:

Maine State Senate
Augusta, Maine 04333

February 7, 1989

The Honorable John L. Martin
Speaker of the House
114th Legislature
Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Aging, Retirement and Veterans, the Governor's nominations of William J. Deering of Bangor for appointment and Jon A. Lund of Hallowell for reappointment to the Maine State Retirement Board of Trustees.

William J. Deering is replacing Fred Kenney.

Sincerely,
S/Joy J. O'Brien
Secretary of the Senate

Was read and ordered placed on file.

(1-2) Resolve, to Establish the Commission to Study a Workers' Compensation State Fund (S.P. 89) (L.D. 94)

Comes from the Senate, referred to the Committee on Banking and Insurance and Ordered Printed.

Was referred to the Committee on Banking and Insurance in concurrence.

(1-3) Bill "An Act to Provide a Secure Treatment Facility at the Maine Youth Center" (S.P. 90) (L.D. 95)

Comes from the Senate, referred to the Joint Select Committee on Corrections and Ordered Printed.

Was referred to the Joint Select Committee on Corrections in concurrence.

(1-4) Bill "An Act to Require the Department of Human Services to Investigate Zero Discharge Systems" (Emergency) (S.P. 88) (L.D. 90)

(1-5) Bill "An Act to Discontinue the State Park Campsite Reservation System" (S.P. 92) (L.D. 97)

Come from the Senate, referred to the Committee on Energy and Natural Resources and Ordered Printed.

Were referred to the Committee on Energy and Natural Resources in concurrence.

(1-6) Bill "An Act to Amend the Law Regarding the Name of the Division of Eye Care" (S.P. 95) (L.D. 100)

Comes from the Senate, referred to the Committee on Human Resources and Ordered Printed.

Was referred to the Committee on Human Resources in concurrence.

(1-7) Bill "An Act to Equalize Liquor Prices" (S.P. 91) (L.D. 96)

Comes from the Senate, referred to the Committee on Legal Affairs and Ordered Printed.

Was referred to the Committee on Legal Affairs in concurrence.

(1-8) Bill "An Act to Provide an Income Tax Checkoff to Support the United States Olympic Team" (S.P. 93) (L.D. 98)

(1-9) Bill "An Act to Provide a Sales Tax Exemption for Materials Purchased by Certain Religious Institutions" (S.P. 94) (L.D. 99)

Come from the Senate, referred to the Committee on Taxation and Ordered Printed.

Were referred to the Committee on Taxation in concurrence.

Reported Pursuant to Public Law

(1-10) Report of the Special Commission to Study School Funding and State Tax Law, pursuant to Public Law 1987, chapter 848 ask leave to submit its findings and to report that the accompanying Bill "An Act to Increase the State's Percentage Share in the Education Subsidy Formula to 60%" (S.P. 80) (L.D. 81) be referred to the Joint Standing Committee on Appropriations and Financial Affairs for public hearing and printed pursuant to Joint Rule 18.

Comes from the Senate with the report read and accepted and the bill referred to the Committee on Appropriations and Financial Affairs and ordered printed.

Report was read and accepted and the bill referred to the Committee on Appropriations and Financial Affairs and ordered printed in concurrence.

Reported Pursuant to Public Law

(1-11) Report of the Special Commission to Study School Funding and State Tax Law, pursuant to Public Law 1987, chapter 848 ask leave to submit its findings and to report that the accompanying Bill "An Act to Fund the Cost of the Salaries for Professionals in New or Expanded Special Education or Gifted and Talented Programs on a One-year Basis" (Emergency) (S.P. 81) (L.D. 82) be referred to the Joint Standing Committee on Appropriations and Financial Affairs for public hearing and printed pursuant to Joint Rule 18.

Comes from the Senate with the report read and accepted and the bill referred to the Committee on Education and ordered printed.

Report was read and accepted and the bill referred to the Committee on Education and ordered printed in concurrence.

Reported Pursuant to Public Law

(1-12) Report of the Special Commission to Study School Funding and State Tax Law, pursuant to Public Law 1987, chapter 848 ask leave to submit its findings and to report that the accompanying Bill "An Act to Move Certain Minor Capital Costs from the Operating Allocation to the Debt Service Allocation under the School Finance Act of 1985" (Emergency) (S.P. 82) (L.D. 83) be referred to the Joint Standing Committee on Appropriations and Financial Affairs for public hearing and printed pursuant to Joint Rule 18.

Comes from the Senate with the report read and accepted and the bill referred to the Committee on Education and ordered printed.

Report was read and accepted and the bill referred to the Committee on Education and ordered printed in concurrence.

Reported Pursuant to Resolve

(1-13) Report of the Special Commission on Early Childhood Development and Education, pursuant to Resolve 1987, chapter 110 ask leave to submit its findings and to report that the accompanying Bill "An Act to Improve the Early Childhood Educational Plans Grants Program" (S.P. 63) (L.D. 46) be referred to the Joint Standing Committee on Education for public hearing and printed pursuant to Joint Rule 18.

Comes from the Senate with the report read and accepted and the bill referred to the Committee on Education and ordered printed.

Report was read and accepted and the bill referred to the Committee on Education and ordered printed in concurrence.

Reported Pursuant to Resolve

(1-14) Report of the Special Commission on Early Childhood Development and Education, pursuant to Resolve 1987, chapter 110 ask leave to submit its findings and to report that the accompanying Bill "An Act to Expand the Head Start Preschool Opportunities in Maine" (S.P. 64) (L.D. 47) be referred to the Joint Standing Committee on Education for public hearing and printed pursuant to Joint Rule 18.

Comes from the Senate with the report read and accepted and the bill referred to the Committee on Appropriations and Financial Affairs and ordered printed.

Report was read and accepted and the bill referred to the Committee on Appropriations and Financial Affairs and ordered printed in concurrence.

COMMUNICATIONS

(2-1) The following Communication:
MAINE STATE LEGISLATURE
Augusta, Maine 04333
JOINT STANDING COMMITTEE
ON
STATE AND LOCAL GOVERNMENT

February 7, 1989

The Honorable Charles P. Pray
President of the Maine Senate
State House Station 3
The Honorable John L. Martin
Speaker of the Maine House
State House Station 2

Dear President Pray and Speaker Martin:

We are pleased to inform you that all county delegations to the 114th Legislature have organized with choice of chairpersons.

County delegation chairpersons are as follows:

ANDROSCOGGIN	Senator N. Paul Gauvreau
AROSTOOK	Representative John L. Martin
CUMBERLAND	Representative Donnell P. Carroll
FRANKLIN	Representative Richard H. C. Tracy
HANCOCK	Senator Thomas R. Perkins
KENNEBEC	Representative Ruth Joseph
KNOX	Representative Carol M. Allen
LINCOLN	Representative Marge L. Kilkelly
OXFORD	Representative Phyllis R. Erwin
PENOBSCOT	Representative Thomas A. Duffy
PISCATAQUIS	Representative Richard A. Gould
SAGADAHOC	Representative Reed Coles

SOMERSET Representative Dorothy A. Rotondi
 WALDO Representative Walter E. Whitcomb
 WASHINGTON Senator Edwin C. Randall
 YORK Representative Vinton T. Ridley
 Sincerely,
 S/Georgette B. Berube S/Ruth Joseph
 Senate Chair House Chair
 Was read and ordered placed on file.

PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE

The following Bills were received and, upon the recommendation of the Committee on Reference of Bills, were referred to the following Committees, Ordered Printed and Sent up for Concurrence:

Appropriations and Financial Affairs

(3-1) Bill "An Act to Make Additional Allocations to the Department of Inland Fisheries and Wildlife for the Fiscal Year Ending June 30, 1989" (EMERGENCY) (H.P. 91) (L.D. 126) (Presented by Representative GREENLAW of Standish) (Cosponsored by Senator GOULD of Waldo)

(3-2) Bill "An Act to Provide Reimbursement to Municipalities with State-owned Properties" (H.P. 94) (L.D. 129) (Presented by Representative CARROLL of Gray) (Cosponsored by Representative TOWNSEND of Eastport, Representative ANTHONY of South Portland and Representative PARADIS of Augusta)

Ordered Printed.
 Sent up for Concurrence.

Business Legislation

(3-3) Bill "An Act Relating to Credit Services Organizations" (H.P. 87) (L.D. 122) (Presented by Representative ALLEN of Washington) (Cosponsored by Senator DILLENBACK of Cumberland, Representative CURRAN of Westbrook and Senator THERIAULT of Aroostook) (Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 24.)

(3-4) Bill "An Act to Prohibit Automated Telephone Solicitation" (H.P. 90) (L.D. 125) (Presented by Representative GURNEY of Portland) (Cosponsored by Representative TARDY of Palmyra and Senator BRANNIGAN of Cumberland)

Ordered Printed.
 Sent up for Concurrence.

Energy and Natural Resources

(3-5) Bill "An Act to Clarify Laws Pertaining to the Enforcement of Forestry Fire Control Laws" (H.P. 88) (L.D. 123) (Presented by Representative BEGLEY of Waldoboro) (Cosponsored by Senator DILLENBACK of Cumberland, Representative JALBERT of Lisbon and Senator MATTHEWS of Kennebec) (Submitted by the Department of Conservation pursuant to Joint Rule 24.)

Ordered Printed.
 Sent up for Concurrence.

Fisheries and Wildlife

(3-6) Bill "An Act to Make Complimentary Doe Permits Available to Residents over 70 Years of Age who have a Complimentary Hunting License" (H.P. 96) (L.D. 131) (Presented by Representative SWAZEY of Bucksport) (Cosponsored by Representative ROTONDI of Athens and Representative LIBBY of Kennebunk)

Ordered Printed.
 Sent up for Concurrence.

Legal Affairs

(3-7) Bill "An Act to Limit Political Action Committee Expenditures in Support of or Opposition to Candidates for Legislative Office" (H.P. 92) (L.D. 127) (Presented by Representative MILLS of Bethel) (Cosponsored by Representative NADEAU of Saco, Senator ERWIN of Oxford and Representative HANDY of Lewiston)

(3-8) Bill "An Act to Strengthen Penalties for Furnishing Liquor to Minors" (H.P. 95) (L.D. 130) (Presented by Representative NORTON of Winthrop)

Ordered Printed.
 Sent up for Concurrence.

Marine Resources

(3-9) Bill "An Act to Establish an Exemption from the Seaweed Permit for Certain Noncommercial Harvesting" (H.P. 89) (L.D. 124) (Presented by Representative MITCHELL of Freeport) (Cosponsored by Representative CONSTANTINE of Bar Harbor, Representative TOWNSEND of Eastport and Representative LOOK of Jonesboro)

Ordered Printed.
 Sent up for Concurrence.

Taxation

(3-10) Bill "An Act to Provide a Sales Tax Exemption for Senior Citizen Organizations" (H.P. 93) (L.D. 128) (Presented by Representative SMALL of Bath) (Cosponsored by Representative HICKEY of Augusta, Representative MERRILL of Dover-Foxcroft and Representative JACKSON of Harrison)

(3-11) Bill "An Act Concerning the Tree Growth Tax Law" (H.P. 97) (L.D. 132) (Presented by Representative MICHAUD of East Millinocket) (Cosponsored by Representative DUFFY of Bangor)

Ordered Printed.
 Sent up for Concurrence.

Reported Pursuant to Public Law

(3-12) Representative NUTTING for the Special Commission to Study School Funding and State Tax Law, pursuant to Public Law 1987, chapter 848 ask leave to submit its findings and to report that the accompanying Bill "An Act to Provide for State Payment of Excessive Costs of Out-of-district Special Education Placements" (EMERGENCY) (H.P. 86) (L.D. 115) be referred to the Joint Standing Committee on Appropriations and Financial Affairs for Public Hearing and printed pursuant to Joint Rule 18.

Report was read and accepted.
 On motion of Representative Gwadosky of Fairfield, tabled pending reference and specially assigned for Tuesday, February 14, 1989.

PASSED TO BE ENACTED

Emergency Measure

(10-1) An Act to Amend the Medical Practice Laws (H.P. 30) (L.D. 30)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 130 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

ORDERS OF THE DAY

TABLED AND TODAY ASSIGNED

The Chair laid before the House the first tabled and today assigned matter:

Resolve, to Direct the Manufactured Housing Board to Provide Information to Purchasers of Manufactured Housing (S.P. 70) (L.D. 59)

- In Senate, Referred to the Committee on Housing and Economic Development.

TABLED - February 7, 1989 by Representative MAYO of Thomaston.

PENDING - Reference in concurrence.

On motion of Representative Priest of Brunswick, was referred to the Committee on Legal Affairs in non-concurrence and sent up for concurrence.

The Chair laid before the House the second tabled and today assigned matter:

Bill "An Act to Implement the Interim Recommendations of the Manufactured Housing Commission" (S.P. 71) (L.D. 60)

- In Senate, Referred to the Committee on Housing and Economic Development.

TABLED - February 7, 1989 by Representative MAYO of Thomaston.

PENDING - Reference in concurrence.

On motion of Representative Allen of Washington, was referred to the Committee on Business Legislation in non-concurrence and sent up for concurrence.

The Chair laid before the House the third tabled and today assigned matter:

Bill "An Act to Define Taxation of Natural Resource Protection Areas" (H.P. 73) (L.D. 104) (Committee on Appropriations and Financial Affairs suggested)

TABLED - February 7, 1989 by Representative CARTER of Winslow.

PENDING - Reference.

Was referred to the Committee on Taxation, ordered printed and sent up for concurrence.

The Chair laid before the House the fourth tabled and today assigned matter:

Resolve, to Require the Manufactured Housing Board to Develop a Manufactured Housing Installation Standard (EMERGENCY) (H.P. 48) (L.D. 62)

(Committee on Housing and Economic Development suggested)

TABLED - February 7, 1989 by Representative GWADOSKY of Fairfield.

PENDING - Reference.

On motion of Representative Priest of Brunswick, was referred to the Committee on Legal Affairs, ordered printed and sent up for concurrence.

The Chair laid before the House the fifth tabled and today assigned matter:

Bill "An Act to Restrict State Grants for Community Mental Health Services to Agencies which Provide Salaries Comparable to Equivalent State Positions" (H.P. 43) (L.D. 54)

(Committee on Human Resources suggested)

TABLED - February 7, 1989 by Representative CARTER of Winslow.

PENDING - Reference.

On motion of Representative Gwadosky of Fairfield, was referred to the Committee on Appropriations and Financial Affairs, ordered printed and sent up for concurrence.

The following item appearing on Supplement No. 1 was taken up out of order by unanimous consent:

SENATE PAPER

(1-1) The following Joint Order: (S.P. 103) ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, February 14, 1989, at 10 o'clock in the morning.

Comes from the Senate, read and passed. Was read and passed in concurrence.

The following item appearing on Supplement No. 2 was taken up out of order by unanimous consent:

SENATE PAPER

(1-1) The following Joint Resolution: (S.P. 104) JOINT RESOLUTION COMMEMORATING THE 100th ANNIVERSARY OF THE CITY OF BREWER, MAINE

WHEREAS, one of the chain of historically important cities that is located along the banks of the Penobscot River is Brewer, well known for its excellence in manufacturing and ship building; and

WHEREAS, an early settlement was incorporated as the Town of Brewer in 1822, and was subsequently incorporated in 1889 as the city of Brewer; and

WHEREAS, Brewer is not only historically important as an early brick-making center but also as a hub of the State's ice-making and lumber industries; and

WHEREAS, Brewer stands as a gateway to Downeast Maine and the Canadian Maritimes and is one of Maine's outstanding communities; now, therefore, be it

RESOLVED: That We, the Members of the 114th Legislature of the State of Maine now assembled in the First Regular Session, take this special opportunity on the 100th anniversary of the City of Brewer to commend the officials and citizens of this great city for the success which they have achieved together for more than the last century and to extend to each our sincere hopes and best wishes for continued achievement over the next 100 years; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the citizens and officials of this proud community in honor of the occasion.

Comes from the Senate, read and adopted. Was read and adopted in concurrence.

(Off Record Remarks)

On motion of Representative Hickey of Augusta, Adjourned until Tuesday, February 14, 1989, at ten o'clock in the morning pursuant to Joint Order (S.P. 103).