

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

WHEREAS, that settlement became known as Royalsborough and was subsequently incorporated on February 17, 1789 as the Town of Durham; and

WHEREAS, Durham, also called Southwest Bend, is not only historically important as an early source of materials and expertise for Maine's shipbuilding industry, but also has since 1789 been a farming center known for the quality of its products and natural beauty; 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 eve of the 200th anniversary of the Town of Durham to commend the officials and citizens of this great town for the success which they have achieved together for 2 centuries and to extend to each our sincere hopes and best wishes for continued achievement over the next 200 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.

Which was READ and ADOPTED.

Under suspension of the Rules, ordered sent down forthwith for concurrence.

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

Off Record Remarks

On motion by Senator BUSTIN of Kennebec, RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

At this point, the Senate retired to the Hall of the House, where a Joint Convention was formed.

AFTER CONVENTION

IN SENATE

Senate called to order by the President.

On motion by Senator TITCOMB of Cumberland, ADJOURNED until Wednesday, February 15, 1989, at 10:00 in the morning.

ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE

FIRST REGULAR SESSION

15th Legislative Day

Wednesday, February 15, 1989

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

Prayer by Reverend Philip Shearman, First Parish Congregational Church, Gorham.

The Journal of Tuesday, February 14, 1989, was read and approved.

Quorum call was held.

PAPERS FROM THE SENATE

Bill "An Act to Provide Civil Penalties for Certain Unfair Trade Practices by Insurers" (S.P. 105) (L.D. 137)

Came 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.

Bill "An Act to Amend the Home Construction Contracts Law" (S.P. 113) (L.D. 168)

Came from the Senate, referred to the Committee on Business Legislation and Ordered Printed.

Was referred to the Committee on Business Legislation in concurrence.

Bill "An Act to Grant Rulemaking Authority to the Maine Arts Commission" (S.P. 108) (L.D. 163)

Came from the Senate, referred to the Committee on Education and Ordered Printed.

Was referred to the Committee on Education in concurrence.

Bill "An Act to Provide Adult Day Care Through Long-term Care Facilities and Other Community Sites" (S.P. 110) (L.D. 165)

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

Was referred to the Committee on Human Resources in concurrence.

Bill "An Act to Make Retail Liquor Prices Uniform Throughout the State" (S.P. 112) (L.D. 167)

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

Was referred to the Committee on Legal Affairs in concurrence.

Bill "An Act to Validate and Approve the Town of China's Town Meeting and School Construction Referendum and Related Proceedings" (S.P. 109) (L.D. 164)

Came from the Senate, referred to the Committee on State and Local Government and Ordered Printed.

Was referred to the Committee on State and Local Government in concurrence.

Bill "An Act to Provide a Sales Tax Exemption to Granges" (S.P. 107) (L.D. 162)

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

Was referred to the Committee on Taxation in concurrence.

Non-Concurrent Matter

Resolve, to Require the Manufactured Housing Board to Develop a Manufactured Housing Installation Standard (EMERGENCY) (H.P. 48) (L.D. 62) which was referred to the Committee on Legal Affairs in the House on February 9, 1989.

Came from the Senate referred to the Committee on Housing and Economic Development in non-concurrence.

On motion of Representative Gwadosky of Fairfield, tabled pending further consideration and later today assigned.

Non-Concurrent Matter

Resolve, to Direct the Manufactured Housing Board to Provide Information to Purchasers of Manufactured Housing (S.P. 70) (L.D. 59) which was referred to the Committee on Legal Affairs in the House on February 9, 1989.

Came from the Senate with that Body having Adhered to its former action whereby the Bill was referred to the Committee on Housing and Economic Development in non-concurrence.

On motion of Representative Gwadosky of Fairfield, tabled pending further consideration and later today assigned.

Non-Concurrent Matter

Bill "An Act to Implement the Interim Recommendations of the Manufactured Housing Commission" (S.P. 71) (L.D. 60) which was referred to the Committee on Business Legislation in the House on February 9, 1989.

Came from the Senate with that Body having Adhered to its former action whereby the Bill was referred to the Committee on Housing and Economic Development in non-concurrence.

On motion of Representative Gwadosky of Fairfield, tabled pending further consideration and later today assigned.

**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

Bill "An Act to Provide Funds for the Montpelier Museum in Thomaston" (H.P. 148) (L.D. 200) (Presented by Representative MAYO of Thomaston) (Cosponsored by Representative MELENDY of Rockland, Representative SKOGLUND of St George and Representative ROLDE of York)

Bill "An Act Making Allocations for the Expenditure of Funds Received by the State as a Result of Federal Court Orders in the Stripper Well Overcharge Case Involving the Shell Oil Company" (EMERGENCY) (H.P. 152) (L.D. 204) (Presented by Representative LISNIK of Presque Isle) (Cosponsored by Senator PERKINS of Hancock, Representative HIGGINS of Scarborough and Representative MCGOWAN of Canaan) (Submitted by Office of Energy Resources pursuant to Joint Rule 24.)

Bill "An Act to Increase Funding of the Bureau of Maine's Elderly" (H.P. 155) (L.D. 207) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsored by Representative HICKEY of Augusta, Senator CLARK of Cumberland and Representative GRAHAM of Houlton)

Ordered Printed.
Sent up for Concurrence.

Banking and Insurance

Bill "An Act to Require Dependency Information in Credit Card Applications by Students" (H.P. 139) (L.D. 191) (Presented by Representative DORE of Auburn) (Cosponsored by Representative HOGLUND of Portland, Senator THERIAULT of Aroostook and Representative BREWER of Boothbay Harbor)

Ordered Printed.
Sent up for Concurrence.

Business Legislation

Bill "An Act Concerning the Retail Sale of Nonoriginal Paintings" (EMERGENCY) (H.P. 145) (L.D. 197) (Presented by Representative CASHMAN of Old Town) (Cosponsored by Representative ALLEN of Washington)

Bill "An Act Relating to Collision Damage Waivers for Rented Motor Vehicles" (H.P. 149) (L.D. 201) (Presented by Representative ALLEN of Washington) (Cosponsored by Senator PERKINS of Hancock, Senator TWITCHELL of Oxford and Representative TUPPER of Orrington)

Ordered Printed.
Sent up for Concurrence.

Fisheries and Wildlife

Bill "An Act to Promote Coyote Control" (H.P. 146) (L.D. 198) (Presented by Representative SMITH of Island Falls) (Cosponsored by Representative ROTONDI of Athens and Representative BEGLEY of Waldoboro)

Bill "An Act to Provide that Money Collected from Snowmobile Registration Fees be Returned to Registered Snowmobile Clubs" (H.P. 147) (L.D. 199) (Presented by Representative CLARK of Millinocket) (Cosponsored by Representative DUFFY of Bangor, Representative ANDERSON of Woodland and Senator ERWIN of Oxford)

Ordered Printed.
Sent up for Concurrence.

Housing and Economic Development

Bill "An Act to Establish the Maine Elderly Tax Assistance Program" (H.P. 144) (L.D. 196) (Presented by Representative ROLDE of York)

Ordered Printed.
Sent up for Concurrence.

Human Resources

Bill "An Act to Prohibit the Establishment of Maximum Limit Reimbursement for Adjustments to the Prospective Rate for Nursing Staff Wages" (H.P. 154) (L.D. 206) (Presented by Representative BOUTILIER of Lewiston) (Cosponsored by Representative CARROLL of Gray, Representative MCGOWAN of Canaan and Senator BUSTIN of Kennebec)

Ordered Printed.
Sent up for Concurrence.

Agriculture

Bill "An Act to Prohibit and Provide a Penalty for Trespass by Animals" (H.P. 153) (L.D. 205) (Presented by Representative HUSSEY of Milo) (Cosponsored by Representative TARDY of Palmyra, Senator EMERSON of Penobscot and Representative TUPPER of Orrington)

(The Committee on Legal Affairs had been suggested).

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

Taxation

Bill "An Act Concerning Trade-in Equipment" (H.P. 138) (L.D. 190) (Presented by Representative McPHERSON of Eliot) (Cosponsored by Representative DEXTER of Kingfield)

Bill "An Act to Clarify the Taxation of Retirement Benefits" (H.P. 141) (L.D. 193) (Presented by Representative ROLDE of York)

Bill "An Act to Permit Municipalities to Have the Option of a Local Sales Tax" (H.P. 143) (L.D. 195) (Presented by Representative LAWRENCE of Kittery)

Ordered Printed.

Sent up for Concurrence.

Transportation

Bill "An Act Concerning Motor Vehicle Registration Plate Design" (H.P. 140) (L.D. 192) (Presented by Representative SMITH of Island Falls) (Cosponsored by Representative HUSSEY of Milo, Representative TARDY of Palmyra and Representative GRAHAM of Houlton)

Bill "An Act to Regulate the Use of Speed Traps and Prevent the Use of Radar Detectors" (H.P. 150) (L.D. 202) (Presented by Representative ALIBERTI of Lewiston) (Cosponsored by Senator COLLINS of Aroostook and Representative SMITH of Island Falls)

Bill "An Act to Extend the Season in Which Studded Snow Tires Are Permitted" (H.P. 151) (L.D. 203) (Presented by Representative TRACY of Rome) (Cosponsored by Senator TWITCHELL of Oxford and Representative MOHOLLAND of Princeton)

Ordered Printed.

Sent up for Concurrence.

Utilities

Bill "An Act to Amend the Charter of the Waldoboro Sewer District" (H.P. 142) (L.D. 194) (Emergency) (Presented by Representative BEGLEY of Waldoboro) (Cosponsored by Senator HOLLOWAY of Lincoln)

Ordered Printed.

Sent up for Concurrence.

(At Ease)

The House was called to order by the Speaker.

SPECIAL SENTIMENT CALENDAR

In Memory of:

Leon M. Sanborn, of Gorham, beloved family member and known in the community as an active participant in local and state politics, having served as town moderator, councilman and as a member of the 94th, 95th and 99th Legislatures in the House of Representatives; (HLS 105) by Representative LARRIVEE of Gorham. (Cosponsors: Senator ESTY of Cumberland, Representative McKEEN of Windham)

On motion of Representative Larrivee of Gorham, was removed from the Special Sentiment Calendar.

Was read.

The SPEAKER: The Chair recognizes the Representative from Gorham, Representative Larrivee.

Representative LARRIVEE: Mr. Speaker, Members of the House: Just briefly, I would like to speak about Leon Sanborn who was a dear friend of those of us in Gorham. He was always involved and interested and willing to serve. He was one of those types who was willing to sit at the Restaurant -- I think you all know what the Restaurant is -- every morning of the week and make sure that all of us on the Council and here in the House and the Senate knew what his opinions were.

We regret his passing.

I thank you for your memoriam today.

Subsequently, the Resolution was adopted and sent up for concurrence.

**ORDERS OF THE DAY
TABLED AND TODAY ASSIGNED**

The Chair laid before the House the first Tabled and Today Assigned matter:

Bill "An Act to Increase the Age Limit for Child Support" (H.P. 119) (L.D. 156)

(Committee on Human Resources suggested)

TABLED - February 14, 1989 by Representative GWADOSKY of Fairfield.

PENDING - Reference.

Subsequently, was referred to the Committee on Judiciary, ordered printed and sent up for concurrence.

The Chair laid before the House the second Tabled and Today Assigned matter:

Bill "An Act to More Effectively Recover Money Fraudulently Obtained from Public Assistance" (H.P. 98) (L.D. 133)

(Committee on Judiciary suggested)

TABLED - February 14, 1989 by Representative GWADOSKY of Fairfield.

PENDING - Motion of Representative COTE of Auburn to refer to the Committee on Judiciary.

Representative Cote of Auburn withdrew her motion to refer the Bill to the Committee on Judiciary.

Subsequently, the Bill was referred to the Committee on Human Resources, ordered printed and sent up for concurrence.

The Chair laid before the House the third Tabled and Today assigned matter:

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)

(Committee on Appropriations and Financial Affairs suggested)

TABLED - February 14, 1989 by Representative GWADOSKY of Fairfield.

PENDING - Reference.

Subsequently, was referred to the Committee on Education, ordered printed and sent up for concurrence.

The Chair laid before the House the following matters: Resolve, to Require the Manufactured Housing Board to Develop a Manufactured Housing Installation Standard (EMERGENCY) (H.P. 48) (L.D. 62) which was referred by the House to the Committee on Legal Affairs, came from the Senate referred to the Committee on Housing and Economic Development and was tabled earlier in the day and later today assigned pending further consideration.

Subsequently, the House voted to Insist.

The Chair laid before the House the following matter: Resolve, to Direct the Manufactured Housing Board to Provide Information to Purchasers of Manufactured Housing (S.P. 70) (L.D. 59) which was referred to the Committee on Legal Affairs in the House on February 9, 1989, came from the Senate with that Body having Adhered to its former action whereby the Bill was referred to the Committee on Housing and Economic Development which was tabled earlier in the day and later today assigned pending further consideration.

Subsequently, the House voted to recede and concur.

On motion of Representative Carroll of Gray,
Adjourned until Thursday, February 16, 1989 at
ten o'clock in the morning in memory of Leon M.
Sanborn.

The Chair laid before the House the following matter: Bill "An Act to Implement the Interim Recommendations of the Manufactured Housing Commission" (S.P. 71) (L.D. 60) which was referred to the Committee on Business Legislation in the House on February 9, 1989, came from the Senate with that Body having Adhered to its former action whereby the Bill was referred to the Committee on Housing and Economic Development, which was tabled earlier in the day and later today assigned pending further consideration.

Subsequently, the House voted to recede and concur.

(At Ease)

The House was called to order by the Speaker.

(Off Record Remarks)

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

SENATE PAPER

The following Joint Resolution: (S.P. 96)

JOINT RESOLUTION HONORING DEPUTY SECRETARY OF STATE PETER W. DANTON UPON HIS RETIREMENT

WHEREAS, Peter W. Danton has contributed his enormous talents and energy as a public servant of the State of Maine; and

WHEREAS, among his accomplishments he has served as Deputy Secretary of State, advisor to the Governor and Senator from York County for 7 terms, including 3 as Assistant Minority Leader; and

WHEREAS, he has served in each capacity faithfully, honorably and with sincere dedication; and

WHEREAS, despite his retirement on February 15, 1989, he will continue to serve the people of Maine as a member of the Board of Trustees of the Maine Turnpike Authority; now, therefore, be it

RESOLVED: That We, the Members of the Senate and House of Representatives of the One Hundred and Fourteenth Legislature of the State of Maine, take this opportunity to recognize the Honorable Peter W. Danton and extend to him the best wishes of both Houses of the Legislature for his continued success, prosperity and happiness for future years in retirement and to offer him our sincerest gratitude; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to Peter W. Danton on behalf of the Maine Legislature in token of our esteem.

Came from the Senate, read and adopted.

Was read and adopted in concurrence.