

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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

**ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
16th Legislative Day
Thursday, February 16, 1989**

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

Prayer by Reverend Herbert Bailey, Williams Temple Church of God in Christ, Portland.

The Journal of Wednesday, February 15, 1989, was read and approved.

Quorum call was held.

PAPERS FROM THE SENATE

Bill "An Act to Amend the Continuing Care Retirement Law" (S.P. 120) (L.D. 186)

Bill "An Act Relating to Workers' Compensation Insurance" (S.P. 122) (L.D. 188)

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

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

Bill "An Act to Ensure Coordinated Investigations of Complaints Regarding Special Education" (S.P. 117) (L.D. 183)

Bill "An Act to Promote Greater Equity in the Loans of the Maine Educational Loan Authority" (S.P. 119) (L.D. 185)

Bill "An Act to Amend the Laws Relating to Truants, Dropouts and Alternative Programs" (S.P. 121) (L.D. 187)

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

Were referred to the Committee on Education in concurrence.

Bill "An Act to Exempt Speech and Hearing Centers from Home Health Care Licensure" (S.P. 123) (L.D. 189)

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 Clarifying Intoxication Under the Workers' Compensation Law" (S.P. 118) (L.D. 184)

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

Was referred to the Committee on Labor in concurrence.

Bill "An Act to Amend the Schedule of Fees for Permits, Licenses and Certificates Issued by the State Fire Marshal" (S.P. 116) (L.D. 182)

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

Was referred to the Committee on Legal Affairs in concurrence.

COMMUNICATIONS

The following Communication:

**MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333
SPECIAL COMMISSION TO STUDY
SCHOOL FUNDING AND STATE TAX LAW
February 16, 1989**

President Pray
Speaker Martin
State House

Augusta, ME 04333

Dear President Pray and Speaker Martin:

The Special Commission to Study School Funding and State Tax Law is pleased to submit its report to the Legislature pursuant to P.L. 1988 c.8488, section 11.

Sincerely,
s/Sen. Stephen M. Bost,
Chair

Was read and with accompanying report ordered placed on file.

The following Communication:

**STATE OF MAINE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS
February 15,**

1989

The Honorable John L. Martin
Speaker of the House of Representatives
State House

Augusta, Maine 04333

Dear Speaker Martin:

Please find enclosed the final report of the Joint Standing Committee on Appropriations and Financial Affairs studying the methods by which the Department of Human Services and the Department of Mental Health and Mental Retardation purchase "community services". Legislation to implement our statutory recommendations has been submitted to the Revisor of Statutes.

The Appropriations Committee has fulfilled its obligations as directed by Public Law 1987, c. 816, Part KK, section 29. We would be pleased to answer any questions you may have regarding our recommendations.

Respectfully submitted,
Michael D. Pearson Donald V. Carter
Senate Chair House Chair

Was read and with accompanying report ordered placed on file.

The following Communication: (H.P. 190)

**Maine Turnpike Authority
430 Riverside Street
Portland, ME 04103**

February 15, 1989

Honorable John L. Martin

Speaker of the House

P.O. Box 250

Eagle Lake, ME 04739

Dear Speaker Martin:

I am pleased to submit to you in accordance with Section 1966, paragraph 4, of Title 23, M.R.S.A., the Maine Turnpike Authority's Legislative Report, which will serve as the semi-annual report to the Transportation Committee.

I look forward to working with you, other members of leadership, the Joint Standing Committee on Transportation and the Legislature as we work toward meeting Maine's transportation needs.

The Authority intends to continue to work closely with the Transportation Committee in 1989. We will be briefing the committee as to the status of our various programs, including the widening shortly. If you would like a similar briefing, please let me know.

If I can be of further assistance in this regard, please feel free to contact me at any time.

Sincerely,
s/Paul E. Violette
Executive Director

Was read and with accompanying report ordered placed on file and sent up for concurrence.

The following Communication: (H.P. 191)
DEPARTMENT OF CONSERVATION
State House Station 22
Augusta, Maine 04333

February 14, 1989

Speaker John L. Martin
Speaker of the House
State House Station #2
Augusta, Maine 04333

Dear Speaker Martin:

Attached are recent revisions to the Land Use Regulation Commission's regulations. As required by 12 M.R.S.A., Section 685-A, 8, we are submitting these amendments to the Legislature for approval or modification. The referenced part of the Land Use Regulation Law reads as follows:

"Amendments to land use standards so adopted shall be effective immediately but shall be submitted to the next regular or special session of the Legislature for approval or modification. If the Legislature fails to act, such standards shall continue in full force and effect."

Please let me know if we can be of any assistance in your review of these amendments.

Sincerely,
S/Paul B. Frederic
Director
Land Use Regulation
Commission

Was Read and with accompanying papers Referred to the Committee on Energy and Natural Resources and sent up for concurrence.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

The following Bills and Resolves 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:

Agriculture

Bill "An Act to Alter Certain Provisions of the Weights and Measures Laws to Recognize the Recently Created National Institute of Standards and Technology" (H.P. 163) (L.D. 228) (Presented by Representative TARDY of Palmyra) (Cosponsored by Representative PARENT of Benton) (Submitted by the Department of Agriculture, Food and Rural Resources pursuant to Joint Rule 24.)

Ordered Printed.
Sent up for Concurrence.

Taxation

Bill "An Act to Expand the Circuit Breaker Program" (H.P. 172) (L.D. 237) (Presented by Representative KETOVER of Portland) (Cosponsored by Representative MAYO of Thomaston, Senator ANDREWS of Cumberland and Representative DiPIETRO of South Portland)

(The Committee on Appropriations and Financial Affairs had been suggested.)

On motion of Representative Cashman of Old Town, was referred to the Committee on Taxation, ordered printed and sent up for concurrence.

Appropriations and Financial Affairs

Resolve, Appropriating Funds for the Chester Dental Clinic (H.P. 175) (L.D. 240) (Presented by Representative MICHAUD of East Millinocket)

(Cosponsored by President PRAY of Penobscot, Senator PEARSON of Penobscot and Representative CAHILL of Mattawamkeag)

Ordered Printed.
Sent up for Concurrence.

Banking and Insurance

Bill "An Act to Amend the Revised Maine Securities Act and Related Statutes" (H.P. 189) (L.D. 254) (Presented by Representative CURRAN of Westbrook) (Cosponsored by Senator BRANNIGAN of Cumberland, Representative RYDELL of Brunswick and Representative FOSS of Yarmouth)

Ordered Printed.
Sent up for Concurrence.

Business Legislation

Bill "An Act to Amend the Charitable Solicitations Act" (H.P. 165) (L.D. 230) (Presented by Representative STEVENS of Sabattus) (Cosponsored by Senator BALDACCI of Penobscot) (Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 24.)

Ordered Printed.
Sent up for Concurrence.

Energy and Natural Resources

Bill "An Act to Establish the Maine Greenbelt Commission" (H.P. 182) (L.D. 247) (Presented by Representative WHITCOMB of Waldo) (Cosponsored by Representative MICHAUD of East Millinocket, Representative MARSH of West Gardiner and Senator LUDWIG of Aroostook)

Bill "An Act to Strengthen Land Use Management in Maine's Unorganized Territories" (EMERGENCY) (H.P. 183) (L.D. 248) (Presented by Representative MITCHELL of Freeport) (Cosponsored by Representative SIMPSON of Casco, Representative LOOK of Jonesboro and Representative O'DEA of Orono)

Ordered Printed.
Sent up for Concurrence.

Fisheries and Wildlife

Bill "An Act Concerning the Fishing of Smelt" (H.P. 161) (L.D. 226) (Presented by Representative JACQUES of Waterville)

Bill "An Act to Prohibit Anyone from Hunting or Trapping on Land which Has Been Posted to Prohibit Hunting or Trapping" (H.P. 174) (L.D. 239) (Presented by Representative CLARK of Millinocket) (Cosponsored by President PRAY of Penobscot, Representative DUFFY of Bangor and Representative HUSSEY of Milo)

Bill "An Act to Eliminate the Requirement that First-time Trappers take a Safety Course" (H.P. 180) (L.D. 245) (Presented by Representative CLARK of Millinocket) (Cosponsored by Representative SMITH of Island Falls, Senator ERWIN of Oxford and Representative DUFFY of Bangor)

Bill "An Act Concerning Agents Selling Hunting and Fishing Licenses" (H.P. 181) (L.D. 246) (Presented by Representative JACQUES of Waterville) (Cosponsored by Senator ERWIN of Oxford, Representative McGOWAN of Canaan and Representative DUFFY of Bangor)

Ordered Printed.
Sent up for Concurrence.

Human Resources

Bill "An Act Concerning Public Assistance Eligibility" (H.P. 157) (L.D. 222) (Presented by Representative HOLT of Bath) (Cosponsored by Representative LISNIK of Presque Isle, Senator PEARSON of Penobscot and Representative PARADIS of Old Town)

Bill "An Act to Amend the Law Governing Disposition of the Bodies of Persons Who Die in State Correctional Facilities" (H.P. 171) (L.D. 236) (Presented by Representative STROUT of Windham) (Cosponsored by Representative MELENDY of Rockland, Senator RANDALL of Washington and Senator MATTHEWS of Kennebec) (Submitted by the Department of Corrections pursuant to Joint Rule 24.)

Bill "An Act to Prohibit Smoking in Enclosed Areas on Ferries" (H.P. 176) (L.D. 241) (Presented by Representative RAND of Portland) (Cosponsored by Senator TITCOMB of Cumberland, Representative MANNING of Portland and Representative DELLERT of Gardiner)

Ordered Printed.

Sent up for Concurrence.

Judiciary

Bill "An Act to Grant the Power of Equitable Jurisdiction to the Maine District Court" (H.P. 167) (L.D. 232) (Presented by Representative MARSANO of Belfast) (Cosponsored by Representative CONLEY of Portland and Representative HASTINGS of Fryeburg)

Bill "An Act to Amend How Municipalities Designate Court Officers" (H.P. 179) (L.D. 244) (Presented by Representative RICHARD of Madison) (Cosponsored by Representative ROTONDI of Athens and Representative PAUL of Sanford)

Ordered Printed.

Sent up for Concurrence.

Labor

Bill "An Act to Allow All Employees to Observe Religious Holidays" (H.P. 162) (L.D. 227) (Presented by Representative LUTHER of Mexico) (Cosponsored by Representative TRACY of Rome, Representative PINEAU of Jay and Representative RUHLIN of Brewer)

Bill "An Act to Amend the Labor Laws Regarding Union Strike Activities" (H.P. 166) (L.D. 231) (Presented by Representative BEGLEY of Waldoboro) (Cosponsored by Senator DUTREMBLE of York, Representative CURRAN of Westbrook and Representative TAMMARO of Baileyville)

Ordered Printed.

Sent up for Concurrence.

Legal Affairs

Bill "An Act to Change the Definition of Blood-alcohol Level" (H.P. 188) (L.D. 253) (Presented by Representative PRIEST of Brunswick) (Cosponsored by Representative BEGLEY of Waldoboro, Senator MATTHEWS of Kennebec and Representative CARROLL of Southwest Harbor)

Ordered Printed.

Sent up for Concurrence.

State and Local Government

Bill "An Act to Correct Errors in the County and Municipal Law Recodification" (Emergency) (H.P. 156) (L.D. 208) (Presented by Representative CARROLL of Gray) (Cosponsored by Senator BERUBE of Androscoggin and Representative JOSEPH of Waterville)

Bill "An Act to Preserve Maine's Part-time Citizen Legislature by Making the Legislative Process More Efficient and Less Costly to Maine Taxpayers"

(H.P. 159) (L.D. 224) (Presented by Representative NUTTING of Leeds) (Cosponsored by Representative HANLEY of Paris, Representative LORD of Waterboro and Senator COLLINS of Aroostook)

Bill "An Act to Annex Township 4, Range 3 WELS to the Town of Island Falls" (H.P. 164) (L.D. 229) (Presented by Representative SMITH of Island Falls) (Cosponsored by Senator PEARSON of Penobscot and Speaker MARTIN of Eagle Lake)

Bill "An Act to Promote Thorough Consideration of Gubernatorial Appointments" (H.P. 173) (L.D. 238) (Presented by Representative MICHAUD of East Millinocket) (Cosponsored by Representative DEXTER of Kingfield, Representative JOSEPH of Waterville and Senator BERUBE of Androscoggin)

Bill "An Act to Return Certain Positions within the Department of Environmental Protection to Classified Service under the Civil Service Law" (H.P. 177) (L.D. 242) (Presented by Representative KETOVER of Portland) (Cosponsored by Representative OLIVER of Portland, Senator HOLLOWAY of Lincoln and Representative JACQUES of Waterville)

Bill "An Act to Allow the Town of Standish to Plow and Sand Certain Private Roads" (H.P. 186) (L.D. 251) (Presented by Representative GREENLAW of Standish)

Ordered Printed.

Sent up for Concurrence.

Taxation

Bill "An Act to Extend the Sales Tax Exemption to Certain Vietnam Veterans' Registry-keeping Organizations" (H.P. 158) (L.D. 223) (Presented by Representative JACKSON of Harrison) (Cosponsored by Representative DUFFY of Bangor, Representative PARADIS of Old Town and Senator TWITCHELL of Oxford)

Bill "An Act to Provide a Sales Tax Exemption for Residential Customers of Electricity" (H.P. 160) (L.D. 225) (Presented by Representative TOWNSEND of Eastport) (BY REQUEST)

Bill "An Act Relating to the Meals Tax" (H.P. 168) (L.D. 233) (Presented by Representative HOGLUND of Portland) (Cosponsored by Senator BRANNIGAN of Cumberland, Speaker MARTIN of Eagle Lake and Representative JACKSON of Harrison)

Bill "An Act to Reinstate the Tax Exemption Related to Lottery Winnings" (H.P. 178) (L.D. 243) (Presented by Representative NORTON of Winthrop) (Cosponsored by Representative BEGLEY of Waldoboro and Representative GOULD of Greenville)

Bill "An Act to Impose a Tax on Capital Gains from Speculative Land Sales" (H.P. 184) (L.D. 249) (Presented by Representative O'DEA of Orono) (Cosponsored by Representative MAYO of Thomaston, Senator PEARSON of Penobscot and Senator ANDREWS of Cumberland)

Ordered Printed.

Sent up for Concurrence.

Transportation

Bill "An Act to Extend Maine Turnpike Commuter Passes" (H.P. 170) (L.D. 235) (Presented by Representative ROLDE of York)

Resolve, Establishing the Commission to Study Route 1 in Southern Maine (EMERGENCY) (H.P. 169) (L.D. 234) (Presented by Representative ROLDE of York)

Ordered Printed.

Sent up for Concurrence.

Energy and Natural Resources

Bill "An Act to Eliminate the Registration Fee on Municipal Dams" (H.P. 185) (L.D. 250) (Presented by Representative PINES of Limestone) (Cosponsored by Representative ALLEN of Washington and Senator THERIAULT of Aroostook)

(The Committee on Utilities had been suggested.)

On motion of Representative Clark of Millinocket, was referred to the Committee on Energy and Natural Resources, ordered printed and sent up for concurrence.

Utilities

Bill "An Act to Increase the Debt Limit for the South Berwick Water District" (H.P. 187) (L.D. 252) (Presented by Representative FARNUM of South Berwick)

Ordered Printed.
Sent up for Concurrence.

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

COMMUNICATIONS

The following Communication: (H.P. 192)

STATE OF MAINE
OFFICE OF SECRETARY OF STATE
AUGUSTA, MAINE 04333

February 15, 1989
To the Honorable 114th Legislature of the State of Maine
Attention: House of Representatives, Clerk Pert

Info: Senate, Secretary O'Brien

I have the honor to transmit herewith an initiated resolution entitled, "A Resolution regarding the Testing of Cruise Missiles in Maine," and the results of the examination by this office of the initiative petitions relative to it.

The minimum number of valid signatures required to initiate this resolution is 42,686. These petitions were filed in this office on January 18, 1989 which met the requirement of the Maine Constitution. After extensive review we have determined the number of valid signatures is 66,142.

In view of the foregoing determination, I hereby certify that these petitions have met the constitutional requirement of the minimum of 42,686 valid signatures. Since these petitions have previously satisfied the constitutional requirements in all respects, under the provisions of Article IV, Part Third, Section 18, of the Constitution of Maine, I do hereby declare this initiative petition to be valid.

In the event the Legislature rejects this initiative proposal, a referendum election will be called for November, 1989.

Respectfully,
s/G. William Diamond
Secretary of State

Was read and ordered placed on file and sent up for concurrence.

The accompanying Bill "A Resolution Regarding the Testing of Cruise Missiles in Maine" (I.B. 1) (L.D. 255)

On Motion of Representative GWADOSKY of Fairfield, (I.B. 1) (L.D. 255) was referred to the Committee on State and Local Government, ordered printed and sent up for concurrence.

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

COMMUNICATIONS

The following Communication: (H.P. 193)

STATE OF MAINE
OFFICE OF SECRETARY OF STATE
AUGUSTA, MAINE 04333

February 15, 1989
To the Honorable 114th Legislature of the State of Maine

Attention: House of Representatives, Clerk Pert

Info: Senate, Secretary O'Brien

I have the honor to transmit herewith an initiated bill, "AN ACT to Limit Spending and Contributions in Campaigns for Governor," and the results of the examination by this office of the initiative petitions relative to it.

The minimum number of valid signatures required to initiate this legislation is 42,686. These petitions were filed in this office on January 26, 1989 which met the requirement of the Maine Constitution. After extensive review we have determined the number of valid signatures is 46,668.

In view of the foregoing determination, I hereby certify that these petitions have met the constitutional requirement of the minimum of 42,686 valid signatures. Since these petitions have previously satisfied the constitutional requirements in all respects, under the provisions of Article IV, Part Third, Section 18, of the Constitution of Maine, I do hereby declare this initiative petition to be valid.

In the event the Legislature rejects this initiative proposal, a referendum election will be called for November, 1989.

Respectfully,
s/G. William Diamond
Secretary of State

Was read and ordered placed on file and sent up for concurrence.

The accompanying Bill "An Act to Limit Spending and Contributions in Campaigns for Governor" (I.B. 2) (L.D. 256)

On motion of Representative GWADOSKY of Fairfield, (I.B. 2) (L.D. 256) was referred to the Committee on Legal Affairs, ordered printed and sent up for concurrence.

(At Ease)

The House was called to order by the Speaker.

The following item appearing on Supplement No. 3 was taken up out of order by unanimous consent:

SENATE PAPER

The following Joint Order: (S.P. 137)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, February 21, 1989, at 10 o'clock in the morning.

Came from the Senate, read and passed.

Was read and passed in concurrence.

(Off Record Remarks)

On motion of Representative Aliberti of Lewiston, Adjourned until Tuesday, February 21, 1989, at ten o'clock in the morning pursuant to Joint Order (S.P. 137).