

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

(Committee on APPROPRIATION AND FINANCIAL AFFAIRS suggested and ORDERED PRINTED.)

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending REFERENCE.

The Chair laid before the Senate the Tabled and Specially Assigned matter:

Bill "An Act to Promote Marine Research"
S.P. 106 L.D. 140

Tabled - February 15, 1989, by Senator CLARK of Cumberland.

Pending - REFERENCE

(Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS suggested and ORDERED PRINTED.)

(In Senate, February 14, 1989, Report of the COMMISSION ON MARINE RESEARCH READ and ACCEPTED.)

On motion by Senator CLARK of Cumberland, Tabled Unassigned, pending REFERENCE.

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

Off Record Remarks

Senator MATTHEWS of Kennebec was granted unanimous consent to address the Senate on the Record.

Senator MATTHEWS: Thank you Mr. President. Mr. President, men and women of the Senate. The Committee on Legal Affairs, which I Chair, just the other day heard a Bill, "An Act to Amend the Liquor License Fees". I want to basically extend an invitation to each and every member of the Senate our thanks to the Director, Mr. Marcotte, who graciously extended an invitation to the Legal Affairs Committee and the Legislature for those who have questions, about equal prices and problems with other states and other kinds of issues, to come over to his office at any time to sit down and chat about those issues or to tour the Bureau. I thought that invitation was well taken and his presentation was well taken. So, I extend that invitation to all of the members of the Senate. Thank you.

ORDERS OF THE DAY

The Chair laid before the Senate the Tabled and Later Today Assigned matter:

Bill "An Act to Establish a Seabrook Station Nuclear Emergency Planning Fund" (Emergency)
S.P. 127 L.D. 212

Tabled - February 16, 1989, by Senator CLARK of Cumberland.

Pending - REFERENCE

(Committee on AGING, RETIREMENT AND VETERANS suggested and ORDERED PRINTED.)

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending REFERENCE.

The ADJOURNMENT ORDER having been returned from the House READ and PASSED, in concurrence, on motion by Senator ESTY of Cumberland, ADJOURNED until Tuesday, February 21, 1989, at 10:00 in the morning.

ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE

FIRST REGULAR SESSION

17th Legislative Day

Tuesday, February 21, 1989

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

Prayer by Father James Nadeau, St. Louis Catholic Church, Fort Kent.

National Anthem by Maine Maritime Academy Band, Castine.

The Journal of Thursday, February 16, 1989 was read and approved.

Quorum call was held.

SENATE PAPERS

Bill "An Act to Exempt from the Laws Pertaining to Agricultural Land and Adjacent Development Residential Buildings which were Planned at the Time of the Passage of the Legislation" (S.P. 130) (L.D. 215)

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

Was referred to the Committee on Agriculture in concurrence.

Bill "An Act to Provide Adequate Salaries for Workers in Residential Treatment Facilities for Emotionally Disturbed Children" (S.P. 126) (L.D. 211)

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

Was referred to the Committee on Appropriations and Financial Affairs in concurrence.

Bill "An Act to Define and Clarify the Authority of the Board of Dental Examiners to Promulgate Rules" (S.P. 132) (L.D. 217)

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 Create a Review Board for Appeals of Denials of Sewage Disposal Licenses" (S.P. 134) (L.D. 219)

Bill "An Act to Revise the Particulate Matter Air Quality Standard" (S.P. 136) (L.D. 221)

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

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

Bill "An Act Concerning the Use of Deadly Force by Correctional Officers and Law Enforcement Officers" (EMERGENCY) (S.P. 125) (L.D. 210)

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

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

Bill "An Act to Amend the Law Concerning the Provision of Equipment and Clothing for Firefighters" (S.P. 129) (L.D. 214)

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 Concerning Technical Changes to the Tax Law" (S.P. 124) (L.D. 209)
Came from the Senate, referred to the Committee on Taxation and Ordered Printed.
Was referred to the Committee on Taxation in concurrence.

Bill "An Act to Provide Lifetime License Plates to Margaret Chase Smith" (S.P. 128) (L.D. 213)
Came from the Senate, referred to the Committee on Transportation and Ordered Printed.
Was referred to the Committee on Transportation in concurrence.

Bill "An Act to Change the Composition of the E-9-1-1 Advisory Committee and the State Emergency Response Commission" (S.P. 131) (L.D. 216)
Bill "An Act to Increase the Total Authorized Indebtedness of the Kennebunk Sewer District from \$3,000,000 to \$8,000,000" (EMERGENCY) (S.P. 135) (L.D. 220)
Came from the Senate, referred to the Committee on Utilities and Ordered Printed.
Were referred to the Committee on Utilities in concurrence.

COMMUNICATIONS

The following Communication:
DEPARTMENT OF PUBLIC SAFETY
STATE HOUSE STATION 42
AUGUSTA, MAINE 04333
February 14, 1989

Edwin H. Pert
Clerk of the House
State House Station #2
Augusta, ME 04333
Dear Clerk Pert:

Enclosed please find a copy of the application submitted to the Bureau of Justice Assistance for funding under the Drug Control and System Improvement Formula Grant Program.

The program requires that the application be submitted to the State Legislature or its designated body for review. Unless I receive further instructions from you, I will consider that the Department of Public Safety has fulfilled its obligation in this area.

Sincerely,
s/John R. Atwood
Commissioner

Was read and with accompanying papers ordered placed on file.

The following Communication:
STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333
February 17, 1989

Honorable Donald V. Carter
House Chair
Honorable Michael D. Pearson
Senate Chair
Joint Standing Committee on
Appropriations and Financial Affairs
State House
Augusta, ME 04333
Dear Chairs:

I am pleased to transmit herewith a copy of the application submitted to the Bureau of Justice Assistance for funding under the Drug Control and System Improvement Formula Grant Program, pursuant to the Public Laws of Maine, 1987, chapter 816.
Sincerely,
s/Edwin H. Pert
Clerk of the House

Was read and with accompanying papers referred to the Committee on Appropriations and Financial Affairs. 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 Repeal the Law Concerning Agricultural Land and Adjacent Development" (H.P. 194) (L.D. 257) (Presented by Representative GOULD of Greenville)

Bill "An Act to Allow Raffling of Livestock by Charitable Organizations for Charitable Purposes" (H.P. 200) (L.D. 280) (Presented by Representative LORD of Waterboro) (Cosponsored by Representative TARDY of Palmyra, Representative SHERBURNE of Dexter and Senator EMERSON of Penobscot)

Bill "An Act to Establish Harness Racing and Fair Dates for Multiple Years" (H.P. 212) (L.D. 292) (Presented by Representative ALIBERTI of Lewiston) (Cosponsored by Senator COLLINS of Aroostook, Representative CHONKO of Topsham and Representative TARDY of Palmyra)

Bill "An Act to Change the Penalty Structure of the Potato Branding Law" (H.P. 221) (L.D. 301) (Presented by Representative TARDY of Palmyra)

Resolve, to Study the Development of a Farmland Preservation Program for Maine (EMERGENCY) (H.P. 206) (L.D. 286) (Presented by Representative MARSH of West Gardiner) (Cosponsored by Representative WHITCOMB of Waldo, Representative MCGOWAN of Canaan and Senator PERKINS of Hancock)

Ordered Printed.
Sent up for Concurrence.

Appropriations and Financial Affairs

Bill "An Act to Provide Increases in Funding to the Hearing Aid Lender Program for the Elderly" (H.P. 203) (L.D. 283) (Presented by Representative MICHAUD of East Millinocket) (Cosponsored by Representative CHONKO of Topsham, Representative MCGOWAN of Canaan and Senator PEARSON of Penobscot)
Ordered Printed.
Sent up for Concurrence.

Later Today Assigned

Bill "An Act to Enhance the Natural Fish Die-off Clean-up Program" (H.P. 207) (L.D. 287) (Presented by Representative RYDELL of Brunswick) (Cosponsored by Senator CAHILL of Sagadahoc, Senator HOLLOWAY of Lincoln and Representative MITCHELL of Freeport)
(The Committee on Appropriations and Financial Affairs had been suggested.)
On motion of Representative Carter of Winslow, tabled pending reference and later today assigned.

Appropriations and Financial Affairs

Bill "An Act to Amend the Elderly Low-cost Drug Program" (H.P. 210) (L.D. 290) (Presented by Representative CLARK of Millinocket) (Cosponsored by Representative RYDELL of Brunswick, Speaker MARTIN of Eagle Lake and Senator BUSTIN of Kennebec)

Bill "An Act Relating to Agricultural Awareness" (H.P. 213) (L.D. 293) (Presented by Representative TARDY of Palmyra) (Cosponsored by Representative WHITCOMB of Waldo, Senator PEARSON of Penobscot and Representative LISNIK of Presque Isle)

Ordered Printed.
Sent up for Concurrence.

Banking and Insurance

Bill "An Act to Improve Regulatory Oversight of Health Maintenance Organizations" (H.P. 205) (L.D. 285) (Presented by Representative WEBSTER of Cape Elizabeth) (Cosponsored by Representative GARLAND of Bangor, Representative STEVENS of Bangor and Senator GILL of Cumberland) (Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 24.)

Ordered Printed.
Sent up for Concurrence.

Business Legislation

Bill "An Act to Require Insurance Agents, Brokers and Consultants to Participate in Continuing Professional Education" (H.P. 217) (L.D. 297) (Presented by Representative CURRAN of Westbrook) (Cosponsored by Representative ALLEN of Washington and Senator PERKINS of Hancock) (Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 24.)

Bill "An Act to Clarify the Maine Used Car Information Laws" (H.P. 220) (L.D. 300) (Presented by Representative ALLEN of Washington) (Cosponsored by Senator BRANNIGAN of Cumberland)

Bill "An Act Amending Various Licensure Laws of Boards and Commissions within the Department of Professional and Financial Regulation" (H.P. 225) (L.D. 305) (Presented by Representative STEVENS of Sabattus) (Cosponsored by Senator BALDACCI of Penobscot and Senator WHITMORE of Androscoggin) (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 Declare Materials Considered Hazardous in Other States to be Hazardous Waste in Maine" (H.P. 198) (L.D. 278) (Presented by Representative RICHARD of Madison) (Cosponsored by Senator WEBSTER of Franklin)

Resolve, to Extend the Reporting Deadline for the Study of Low-level Radioactive Waste in the Town of Greenbush (EMERGENCY) (H.P. 195) (L.D. 258) (Presented by Representative HICHBORN of LaGrange)

Ordered Printed.
Sent up for Concurrence.

Fisheries and Wildlife

Bill "An Act to Increase the Number of Moose Permits Issued to Residents" (H.P. 197) (L.D. 277) (Presented by Representative ROTONDI of Athens) (Cosponsored by Representative DUFFY of Bangor and Representative SMITH of Island Falls)

Bill "An Act to Allow Holders of Maine Hunting Licenses to Hunt on Sunday during Hunting Season"

(H.P. 218) (L.D. 298) (Presented by Representative TUPPER of Orrington.) (BY REQUEST)

Ordered Printed.
Sent up for Concurrence.

Human Resources

Bill "An Act to Establish a Demonstration Project at the York Hospital" (EMERGENCY) (H.P. 196) (L.D. 276) (Presented by Representative ROLDE of York) (Cosponsored by Senator ESTES of York, Representative McPHERSON of Eliot and Representative FARNUM of South Berwick)

Bill "An Act Pertaining to Breast Cancer Treatment" (H.P. 219) (L.D. 299) (Presented by Representative CROWLEY of Stockton Springs) (Cosponsored by Senator CLARK of Cumberland, Senator GILL of Cumberland and Representative MANNING of Portland)

Ordered Printed.
Sent up for Concurrence.

Judiciary

Bill "An Act to Eliminate the Statute of Limitations in Child Molestation or Incest Cases" (H.P. 202) (L.D. 282) (Presented by Representative BOUTILIER of Lewiston) (Cosponsored by Senator HOBBS of York, Senator HOLLOWAY of Lincoln and Representative BURKE of Vassalboro)

Ordered Printed.
Sent up for Concurrence.

Legal Affairs

Bill "An Act to Clarify the Position and Authority of Inspectors and Fire Investigators in the Office of State Fire Marshal" (H.P. 211) (L.D. 291) (Presented by Representative HICKEY of Augusta) (Cosponsored by Senator DILLENBACK of Cumberland, Representative STEVENSON of Unity and Representative TUPPER of Orrington)

Ordered Printed.
Sent up for Concurrence.

State and Local Government

Bill "An Act Relating to Conflict of Interest and Financial Disclosure for Government Officials and Employees" (H.P. 222) (L.D. 302) (Presented by Representative CARROLL of Gray) (Cosponsored by Representative HANDY of Lewiston, Senator BOST of Penobscot and Senator BALDACCI of Penobscot)

(The Committee on Legal Affairs had been suggested).

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

Legal Affairs

Resolve, to Allow Rickie Harvath of Blaine to Bring Civil Action Against the State of Maine (H.P. 204) (L.D. 284) (Presented by Representative MacBRIDE of Presque Isle) (BY REQUEST)

Ordered Printed.
Sent up for Concurrence.

Marine Resources

Bill "An Act to Amend Certain Provisions of the Marine Resources Laws" (H.P. 201) (L.D. 281) (Presented by Representative LOOK of Jonesboro)

(Cosponsored by Representative MARSH of West Gardiner, Senator BRANNIGAN of Cumberland and Representative MITCHELL of Freeport) (Submitted by the Department of Marine Resources pursuant to Joint Rule 24.)

Ordered Printed.
Sent up for Concurrence.

State and Local Government

Bill "An Act Relating to the Knox County Budget Process" (EMERGENCY) (H.P. 214) (L.D. 294) (Presented by Representative McCORMICK of Rockport) (Cosponsored by Senator BRAWN of Knox, Representative SKOGLUND of St. George and Representative HUTCHINS of Penobscot)

Bill "An Act to Establish a Process for the Deorganization of Municipalities and Plantations" (EMERGENCY) (H.P. 223) (L.D. 303) (Presented by Representative WENTWORTH of Wells) (Cosponsored by Representative CARROLL of Gray, Senator GOULD of Waldo and Representative SMITH of Island Falls)

Ordered Printed.
Sent up for Concurrence.

Taxation

Bill "An Act to Provide a Sales Tax Exemption for Centers for Innovation" (H.P. 208) (L.D. 288) (Presented by Representative LISNIK of Presque Isle) (Cosponsored by Representative CASHMAN of Old Town, Senator COLLINS of Aroostook and Representative MARTIN of Van Buren)

Bill "An Act to Clarify the Sales Tax Exemption for Vehicles Used in Interstate or Foreign Commerce" (H.P. 209) (L.D. 289) (Presented by Representative FARNUM of South Berwick) (Cosponsored by Representative MURPHY of Berwick)

Bill "An Act to Change the Taxation of Annuities" (H.P. 215) (L.D. 295) (Presented by Representative TELOW of Lewiston)

Resolve, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Real Estate in the Unorganized Territory (H.P. 224) (L.D. 304) (Presented by Representative HICHBORN of LaGrange) (Cosponsored by Representative PARADIS of Old Town, Representative DEXTER of Kingfield and Representative ROTONDI of Athens) (Submitted by the Department of Finance pursuant to Joint Rule 24.)

Ordered Printed.
Sent up for Concurrence.

Utilities

Bill "An Act to Provide for Rate Adjustments of Consumer-Owned Water Utilities to Reflect Anticipated Construction Costs" (H.P. 199) (L.D. 279) (Presented by Representative CLARK of Millinocket) (Cosponsored by Representative ADAMS of Portland, Representative HOLT of Bath and Representative STROUT of Windham) (Submitted by the Public Utilities Commission pursuant to Joint Rule 24.)

Bill "An Act to Clarify the Jurisdiction of the Public Utilities Commission over the Construction of Transmission Lines by Electric Utilities" (H.P. 216) (L.D. 296) (Presented by Representative CLARK of Millinocket) (Cosponsored by Representative HOLT of Bath, Representative PARADIS of Old Town and Representative STROUT of Windham) (Submitted by the Public Utilities Commission pursuant to Joint Rule 24.)

Ordered Printed.
Sent up for Concurrence.

ORDERS

On motion of Representative McSWEENEY of Old Orchard Beach, the following Order:

ORDERED, that Representative Arnold Brewer, Jr., of Boothbay Harbor be excused February 14 for the duration of his illness.

AND BE IT FURTHER ORDERED, that Representative James G. Skoglund of St. George be excused February 21 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Philip C. Jackson of Harrison be excused February 21, 22, 23 and March 3 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Jo Anne D. Lapointe of Auburn be excused February 21 to 23 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Eugene J. Paradis of Old Town be excused February 22 and 23 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Barbara E. Strout of Windham be excused February 23 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Rosalie H. Aikman of Poland be excused February 23 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Mary R. Cathcart of Orono be excused February 23 and 27 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Maria Glen Holt of Bath be excused February 27 to March 6 for personal reasons.

Was read and passed.

CONSENT CALENDAR

First Day

In accordance with House Rule 49, the following item appeared on the Consent Calendar for the First Day:

(H.P. 105) (L.D. 142) Bill "An Act to Amend the Membership of the Advisory Council to the Department of Marine Resources" (EMERGENCY) Committee on Marine Resources reporting "Ought to Pass"

There being no objections, the above item was ordered to appear on the Consent Calendar of Wednesday, February 22, 1989, under the listing of Second Day.

(At Ease)

The House was called to order by the Speaker.

(Off Record Remarks)

The Chair laid before the House the following item: Bill "An Act to Enhance the Natural Fish Die-off Clean-up Program" (H.P. 207) (L.D. 287) which was tabled earlier in the day and later today assigned pending reference.

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

On motion of Representative Swazey of Bucksport, Adjourned until Wednesday, February 22, 1989, at ten o'clock in the morning.