

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

ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE

FIRST REGULAR SESSION

18th Legislative Day

Wednesday, February 22, 1989

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

Prayer by Reverend Victor Stanley, First Baptist Church, Gardiner.

The Journal of Tuesday, February 21, 1989, was read and approved.

Quorum call was held.

PAPERS FROM THE SENATE

Bill "An Act to Allow State Employees and Teachers to Purchase Retirement Credit for Time Worked Under Contract to the Governor's Office from 1974 to 1978" (S.P. 141) (L.D. 261)

Bill "An Act to Allow Teachers to Purchase Retirement Credits for Years Spent Teaching at a Private College Formerly Connected with a Secondary Institute" (S.P. 149) (L.D. 269)

Came from the Senate, referred to the Committee on Aging, Retirement and Veterans and Ordered Printed.

Were referred to the Committee on Aging, Retirement and Veterans in concurrence.

Bill "An Act to Provide for Continued Group Health Insurance Coverage to Certain Injured Employees" (S.P. 142) (L.D. 262)

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

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

Bill "An Act to Strengthen the Regulation of Insurance" (S.P. 155) (L.D. 275)

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 Extend the Transition Period for Implementation of the New Real Estate System" (S.P. 147) (L.D. 267)

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 Clarify and Make Changes to the Statute Governing the Operation of the Department of Corrections" (S.P. 145) (L.D. 265)

Came 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.

Bill "An Act to Amend the School Finance Act to Clarify that Certain Educational Costs Provided to Special Populations are Allowable Special Education Costs" (S.P. 148) (L.D. 268)

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 Establish a Seabrook Station Nuclear Emergency Planning Fund" (EMERGENCY) (S.P. 127) (L.D. 212)

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

(The Committee on Aging, Retirement and Veterans had been suggested.)

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

Bill "An Act to Amend the Interpreter Service for the Hearing Impaired" (S.P. 144) (L.D. 264)

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 Implement the Aroostook Band of Micmacs Settlement Act" (S.P. 152) (L.D. 272)

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

Was referred to the Committee on Judiciary in concurrence.

Bill "An Act to Permit Law Enforcement Officers to Solicit Funds for a Law Enforcement Officers' Memorial" (EMERGENCY) (S.P. 154) (L.D. 274)

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 Seafood Market Development" (S.P. 140) (L.D. 260)

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

Was referred to the Committee on Marine Resources in concurrence.

Bill "An Act to Designate April 9 as Former Prisoner of War Recognition Day" (S.P. 146) (L.D. 266)

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 Prohibit Motor Vehicles on Beaches" (S.P. 139) (L.D. 259)

Bill "An Act to Amend the Commercial Vehicle Weight Requirements" (S.P. 150) (L.D. 270)

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

Were referred to the Committee on Transportation in concurrence.

Bill "An Act to Increase the Annual Public Utilities Commission Regulatory Fund Assessment, Establish a Consumer Assistance Specialist Position and Make Certain Other Changes" (EMERGENCY) (S.P. 143) (L.D. 263)

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

Was referred to the Committee on Utilities in concurrence.

COMMUNICATIONS

The following Communication:
MAINE STATE HOUSING AUTHORITY
295 Water Street, P.O. Box 2669
Augusta, Maine 04330
February 15, 1989

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

I am pleased to submit to you, "Residential Mortgage Delinquencies and Foreclosures in Maine: A Study by the Maine State Housing Authority" pursuant to Private and Special Laws 1987, Chapter 49. This document summarizes the results of data collected by Maine State Housing Authority and is intended to profile residential mortgage foreclosures in the State and to examine the magnitude of foreclosures in Maine and the extent to which economic dislocation is the cause of residential mortgage foreclosure.

I would be pleased to meet with you to discuss the results if you have any questions concerning this study.

Sincerely,
s/Elizabeth H. Mitchell
Director

Was read and with accompanying report ordered placed on file.

The following Communication: (S.P. 138)
WORKERS' COMPENSATION COMMISSION
STATE HOUSE STATION 27
AUGUSTA, MAINE 04333
February 8, 1989

Honorable Charles P. Pray
President of the Senate
State House Station 3
Augusta, Maine 04333
RE: Quarterly Report for the Fourth Quarter of Calendar 1988
39 M.R.S.A. §92(3).

Dear President Pray:
This letter and statistical attachments are the quarterly report of Commissioner caseload and progress mandated by 39 M.R.S.A. §92(3).

During the fourth quarter of 1988 the Commission received an estimated 3,168 petitions and disposed of 3,269 by decision or dismissal.

We have rounded our year-end statistics for simplicity of presentation. In summary, 1988 was a record year in terms of workload. Additional Commissioners and prompt appointments were a major factor in keeping backlog at 1987 levels.

11,200 petitions were decided or dismissed in 1988. The backlog decreased from 7,500 to 7,300 undecided petitions. Often, more than one petition is filed in a case and the backlog represents an estimated 5,200 individual claims.

Approximately 11,000 petitions were filed. By way of comparison, about 8,000 were filed in 1987, 7,500 in 1986. We believe 1988 was unusual. However, the trend is upward due to significant employment growth.

The Commission has developed a statistical model to predict petition filings for the next two years. We anticipate roughly 10,000 in 1989 and 10,500 in 1990.

As in 1987, it took about a year to fully litigate petitions for award or review. 25% of petitions for award and 29% of reviews are decided within 6 months. Timelines are almost identical afterwards. 64% are decided within a year, 85% within 18 months, and 93% within two years. Only 7%

of cases take more than two years to decide, but they are enough to skew the average.

There have been no complaints or filings in connection with the 30 day decision rule of 39 M.R.S.A. §99-B as implemented by Commission Rule 22.11.

A summary of caseload and dispositions is presented in the attached tables. I would be happy to discuss this report further if you wish.

Sincerely,
S/Ralph L. Tucker
Chairman

Came from the Senate, read and with accompanying report ordered placed on file.

Was read and with accompanying report ordered placed on file in concurrence.

The following Communication: (S.P. 156)
STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE HOUSE STATION 17
AUGUSTA, MAINE 04333

DATE: February 10, 1989
TO: Senator Charles P. Pray, President of the Senate

FROM: s/Dean C. Marriott, Commissioner
SUBJ: MAINE'S 1988 WATER QUALITY ASSESSMENT

Pursuant to 38 MRSA Section 464(3)(A) I am submitting the enclosed report on the quality of the State's waters. The report describes existing water quality, identifies those waters which are not attaining the requirements of their classification and describes State, Regional and Local programs for the protection and improvement of waters.

As for what measures are necessary for the correction of water quality problems, some are easier to identify than others. Many of the remaining discharges of untreated municipal wastewater will be corrected through the planned construction of treatment facilities. The elimination of combined sewer overflows will be more difficult, more costly and is currently under study.

Measures for the control of nonpoint source pollution are being identified through development of a federally required Nonpoint Source Pollution Management Program which should be completed by June 30, 1989. The Nonpoint Source Pollution Control Program will be one component of a State Clean Water Strategy. During 1989, the Bureau will be conducting an extensive public participation effort to aid preparation of the Clean Water Strategy. The goal of this effort is to improve water quality management through better targeting of the State's water quality problems.

Came from the Senate, read and with accompanying report ordered placed on file.

Was read and with accompanying report ordered placed on file in concurrence.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

The following Bills and Resolutions 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 Assist Municipalities with Respect to Harbor Improvements" (H.P. 234) (L.D. 318) (Presented by Representative WHITCOMB of Waldo) (Cosponsored by Representative LOOK of Jonesboro,

Representative HIGGINS of Scarborough and Senator ANDREWS of Cumberland)
Ordered Printed.
Sent up for Concurrence.

Business Legislation

Bill "An Act Relating to Confidentiality of Investigative Records of Boards and Commissions" (H.P. 232) (L.D. 316) (Presented by Representative REED of Falmouth) (Cosponsored by Representative ALLEN of Washington) (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 Clarify the Traffic Movement Standards under the Site Location of Development Law" (H.P. 230) (L.D. 314) (Presented by Representative ROLDE of York) (Cosponsored by Representative JACQUES of Waterville, Representative WEBSTER of Cape Elizabeth and Senator CLARK of Cumberland)
Ordered Printed.
Sent up for Concurrence.

Human Resources

Bill "An Act to Expand the Types of Medication Included in the Elderly Low-cost Drug Program" (H.P. 229) (L.D. 313) (Presented by Representative DORE of Auburn) (Cosponsored by Representative BURKE of Vassalboro)
Ordered Printed.
Sent up for Concurrence.

Legal Affairs

Bill "An Act to Establish Consistent Daily Hours for the Sale of Alcoholic Beverages" (H.P. 228) (L.D. 312) (Presented by Representative MURPHY of Berwick) (Cosponsored by Senator BALDACCI of Penobscot)
Ordered Printed.
Sent up for Concurrence.

State and Local Government

Bill "An Act to Amend the Composition of House District 48 and House District 49" (H.P. 226) (L.D. 310) (Presented by Representative MILLS of Bethel) (Cosponsored by Representative HASTINGS of Fryeburg)

Bill "An Act to Adjust the Metes and Bounds Between the Towns of Osborn, Mariaville and Waltham in Hancock County" (H.P. 227) (L.D. 311) (Presented by Representative PARADIS of Old Town) (Cosponsored by Senator PERKINS of Hancock)

Bill "An Act to Deorganize the Town of New Portland" (H.P. 231) (L.D. 315) (Presented by Representative DEXTER of Kingfield)

RESOLUTION, Proposing an Amendment to the Constitution of Maine Requiring Successful Governatorial Candidates to Receive More than 50 Percent of the Votes Duly Cast (H.P. 233) (L.D. 317) (Presented by Representative MAHANY of Easton) (Cosponsored by Representative JOSEPH of Waterville, Senator CLARK of Cumberland and Representative CONLEY of Portland)

Ordered Printed.
Sent up for Concurrence.

(At Ease)

The House was called to order by the Speaker.

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative NADEAU from the Committee on Taxation on Bill "An Act to Create a Veterans' Property Tax Exemption Based on Disability" (H.P. 40) (L.D. 51) reporting "Ought Not to Pass"
Was placed in the Legislative Files without further action pursuant to Joint Rule 15 and sent up for concurrence.

CONSENT CALENDAR

Second Day

In accordance with House Rule 49, the following item appeared on the Consent Calendar for the Second 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)

No objections having been noted at the end of the Second Legislative Day, the House Paper was Passed to be Engrossed and sent up for concurrence.

(At Ease)

The House was called to order by the Speaker.

(Off Record Remarks)

On motion of Representative Telow of Lewiston, Adjourned until Thursday, February 23, 1989, at ten o'clock in the morning.