

# 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  
20th Legislative Day  
Monday, February 27, 1989**

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

Prayer by Rabbi Sol Goodman, Temple Shalom Synagogue, Auburn.

National Anthem by Rumford High School Band.

The Journal of Thursday, February 23, 1989, was read and approved.

Quorum call was held.

**PAPERS FROM THE SENATE**

Bill "An Act Concerning Health Care Insurance" (S.P. 194) (L.D. 431)

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 Prohibit Certain Student Loan Fees" (S.P. 111) (L.D. 166)

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

(The Committee on Reference of Bills had suggested reference to the Committee on Appropriations and Financial Affairs.)

Was referred to the Committee on Education in concurrence.

Bill "An Act to Amend Laws Related to the Bureau of Mental Retardation's Role in In-state Residential Treatment Centers" (S.P. 191) (L.D. 418)

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 Amend the Medical Health Security Act to Include Podiatrists" (S.P. 190) (L.D. 417)

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 Require the Reporting of Burn Injuries Requiring Medical Attention to the Office of the State Fire Marshal" (S.P. 193) (L.D. 430)

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

Was referred to the Committee on Legal Affairs in concurrence.

**Reported Pursuant to Resolve**

Report of the Commission on Marine Research, pursuant to Resolve 1987, chapter 112 ask leave to submit its findings and to report that the accompanying Bill "An Act to Promote Marine Research" (S.P. 106) (L.D. 140) be referred to the Joint Standing Committee on Appropriations and Financial Affairs for public hearing and printed pursuant to Joint Rule 18.

Came from the Senate with the report read and accepted and the bill referred to the Committee on Marine Resources and ordered printed.

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

**Unanimous Ought Not to Pass**

Report of the Committee on Energy and Natural Resources reporting "Ought Not to Pass" on Bill "An Act to Discontinue the State Park Campsite Reservation System" (S.P. 92) (L.D. 97)

Was placed in the Legislative Files without further action pursuant to Joint Rule 15 in concurrence.

**PETITIONS, BILLS AND RESOLVES  
REQUIRING REFERENCE**

The following Bills and Resolve 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:

**Aging, Retirement and Veterans**

Bill "An Act to Allow Teachers to Obtain Retirement Benefits at 55 Years of Age if They Have 30 Years of Service" (H.P. 340) (L.D. 459) (Presented by Representative PARADIS of Frenchville) (Cosponsored by Senator ERWIN of Oxford, Representative RICHARD of Madison and Representative STEVENSON of Unity)

Ordered Printed.

Sent up for Concurrence.

**Business Legislation**

Bill "An Act Relating to the Registration of Dairy Crates" (H.P. 326) (L.D. 442) (Presented by Representative TARDY of Palmyra)

(The Committee on Agriculture had been suggested.)

On motion of Representative Tardy of Palmyra, was referred to the Committee on Business Legislation, ordered printed and sent up for concurrence.

**Agriculture**

Bill "An Act to Eliminate the Barrel as the Unit Measure of Buyers and Sellers of Potatoes" (H.P. 323) (L.D. 439) (Presented by Representative TARDY of Palmyra) (Cosponsored by Senator TWITCHELL of Oxford, Representative MAHANY of Easton and Representative BELL of Caribou)

Ordered Printed.

Sent up for Concurrence.

**Energy and Natural Resources**

Bill "An Act to Study the Use of Pesticides in the State's Forests" (H.P. 347) (L.D. 466) (Presented by Representative RUHLIN of Brewer) (Cosponsored by Representative GOULD of Greenville and Senator ERWIN of Oxford)

(The Committee on Agriculture had been suggested.)

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

**Agriculture**

Bill "An Act Regarding the Consignment or Rental of Diseased Horses" (H.P. 350) (L.D. 469) (Presented by Representative TARDY of Palmyra) (Cosponsored by Representative MCGOWAN of Canaan, Representative WHITCOMB of Waldo and Representative HUSSEY of Milo)

Bill "An Act to Authorize Assistance to Nurseries to Prevent Deer Damage" (H.P. 338) (L.D. 457) (Presented by Representative MURPHY of Berwick) (Cosponsored by Representative FARNUM of South Berwick and Representative SHELTRA of Biddeford)  
 Ordered Printed.  
 Sent up for Concurrence.

**Appropriations and Financial Affairs**

Bill "An Act to Provide for a Carry-over of Funds Appropriated for the Study of Alternative Dispute Resolution in the Superior Court to June 30, 1990" (EMERGENCY) (H.P. 320) (L.D. 436) (Presented by Representative FOSTER of Ellsworth) (Cosponsored by Representative MCGOWAN of Canaan)

Bill "An Act to Create an Educational Bonus for Affordable Housing" (H.P. 332) (L.D. 451) (Presented by Representative HUGLUND of Portland) (Cosponsored by Representative NADEAU of Lewiston, Representative MELENDY of Rockland and Representative FOSTER of Ellsworth)

Bill "An Act to End Homelessness in Maine" (H.P. 337) (L.D. 456) (Presented by Representative NADEAU of Lewiston) (Cosponsored by Senator DUTREMBLE of York, Representative CARTER of Winslow and Speaker MARTIN of Eagle Lake)

Bill "An Act Making Appropriations for Temporary Additional Staff to the Maine Arts Commission for the Percent for Art Program" (H.P. 343) (L.D. 462) (Presented by Representative MCGOWAN of Canaan) (Cosponsored by Representative CARTER of Winslow, Representative MAYO of Thomaston and Representative FOSTER of Ellsworth)

Bill "An Act to Establish Child Care Availability for Individuals in the Substance Abuse Treatment System" (H.P. 344) (L.D. 463) (Presented by Representative CLARK of Brunswick) (Cosponsored by Representative CHONKO of Topsham, Senator CLARK of Cumberland and Senator PERKINS of Hancock)

Bill "An Act to Assist Local Educational Authorities in Replacing Unsafe School Buses" (H.P. 346) (L.D. 465) (Presented by Representative KILKELLY of Wiscasset) (Cosponsored by Representative NORTON of Winthrop, Representative BREWER of Boothbay Harbor and Senator ESTES of York)

Bill "An Act to Assist the Environmental Health Unit of the Maine Bureau of Health" (H.P. 359) (L.D. 475) (Presented by Representative HOLT of Bath) (Cosponsored by Senator KANY of Kennebec, Representative PINES of Limestone and Representative BURKE of Vassalboro)

Ordered Printed.  
 Sent up for Concurrence.

**Banking and Insurance**

Bill "An Act to Expand the High-risk Insurance Program" (H.P. 354) (L.D. 473) (Presented by Representative GOULD of Greenville)  
 Ordered Printed.  
 Sent up for Concurrence.

**Business Legislation**

Bill "An Act to Ensure the Confidentiality of Emergency Medical Services Quality Assurance and Peer Review Activities" (H.P. 341) (L.D. 460) (Presented by Representative BURKE of Vassalboro) (Cosponsored by Representative CARROLL of Gray)  
 Ordered Printed.  
 Sent up for Concurrence.

**Education**

Bill "An Act to Amend an Act Incorporating the Trustees of Bridgton Academy" (H.P. 327) (L.D. 446) (Presented by Representative HASTINGS of Fryeburg) (Cosponsored by Representative CROWLEY of Stockton Springs, Representative JACKSON of Harrison and Senator TWITCHELL of Oxford)

Resolve, Requiring the Department of Educational and Cultural Services to Study Textbooks in Schools and School Libraries of the State (EMERGENCY) (H.P. 358) (L.D. 478) (Presented by Representative HANDY of Lewiston) (Cosponsored by Representative BURKE of Vassalboro and Representative CATHCART of Orono)  
 Ordered Printed.  
 Sent up for Concurrence.

**Energy and Natural Resources**

Bill "An Act Regarding Replanting of Woodlots" (H.P. 334) (L.D. 453) (Presented by Representative HUSSEY of Milo) (Cosponsored by Representative GOULD of Greenville and Representative DEXTER of Kingfield)

Bill "An Act to Ban the Use of Chlorofluorocarbons in All Plastic Foam Boards" (H.P. 349) (L.D. 468) (Presented by Representative MICHAUD of East Millinocket) (Cosponsored by Representative JACQUES of Waterville, Representative DEXTER of Kingfield and Senator KANY of Kennebec)

Bill "An Act to Protect Freshwater Wetlands" (H.P. 335) (L.D. 454) (Presented by Representative DEXTER of Kingfield)

Bill "An Act to Publicize the Identities of Environmental Law Violators" (H.P. 357) (L.D. 477) (Presented by Representative MICHAUD of East Millinocket) (Cosponsored by Senator KANY of Kennebec, Representative JACQUES of Waterville and Representative DEXTER of Kingfield)

Ordered Printed.  
 Sent up for Concurrence.

**Fisheries and Wildlife**

Bill "An Act Concerning Snowmobile Registrations" (H.P. 325) (L.D. 441) (Presented by Representative CLARK of Millinocket) (Cosponsored by Representative JACQUES of Waterville, Representative ANDERSON of Woodland and President PRAY of Penobscot)

Bill "An Act to Require that Residents Have at Least the Same Chances of Receiving Doe Permits as Nonresidents" (H.P. 331) (L.D. 450) (Presented by Representative MITCHELL of Freeport) (Cosponsored by Senator CLARK of Cumberland, Representative JACQUES of Waterville and Representative CHONKO of Topsham)

Ordered Printed.  
 Sent up for Concurrence.

**Judiciary**

Bill "An Act to Amend the Law Relating to Obstruction of Public Ways" (H.P. 333) (L.D. 452) (Presented by Representative GURNEY of Portland) (Cosponsored by Representative O'GARA of Westbrook)

Bill "An Act to Ensure Parental Notice of Harassment Orders Served on Minors" (H.P. 336) (L.D. 455) (Presented by Representative WENTWORTH of Wells) (Cosponsored by Representative RIDLEY of Shapleigh and Representative DIPIETRO of South Portland)

Bill "An Act to Prevent Criminals from Profiting as an Indirect Result of Their Crime" (H.P. 355) (L.D. 474) (Presented by Representative SEAVEY of Kennebunkport) (Cosponsored by Senator BRANNIGAN of Cumberland, Representative MARSANO of Belfast and Senator DUTREMBLE of York)  
 Ordered Printed.

Sent up for Concurrence.

**Labor**

Bill "An Act to Amend the Municipal Public Employees Labor Relations Law" (H.P. 318) (L.D. 434) (Presented by Representative WEBSTER of Cape Elizabeth) (Cosponsored by Representative REED of Falmouth)

Bill "An Act Concerning an Employee's Right to Review the Employee's Personnel File" (H.P. 330) (L.D. 449) (Presented by Representative CLARK of Millinocket) (Cosponsored by Representative PINEAU of Jay, Representative McHENRY of Madawaska and President PRAY of Penobscot)

Bill "An Act Concerning Workers' Compensation Discontinuance Forms" (H.P. 348) (L.D. 467) (Presented by Representative RUHLIN of Brewer) (Cosponsored by Representative REED of Falmouth, Representative McHENRY of Madawaska and Senator WHITMORE of Androscoggin)

Ordered Printed.

Sent up for Concurrence.

**Legal Affairs**

Bill "An Act Requiring Positive Identification for Liquor Sales" (H.P. 319) (L.D. 435) (Presented by Representative MacBRIDE of Presque Isle)

Bill "An Act to Limit Legislative Campaign Spending" (H.P. 329) (L.D. 448) (Presented by Representative HANLEY of Paris) (Cosponsored by Representative HEPBURN of Skowhegan and Representative McCORMICK of Rockport)

Bill "An Act to Amend the Election Laws" (H.P. 351) (L.D. 470) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsored by Representative MARSANO of Belfast)

Bill "An Act Concerning Service of Civil Process by Full-time Law Enforcement Officers" (H.P. 353) (L.D. 472) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsored by Senator BERUBE of Androscoggin)

Ordered Printed.

Sent up for Concurrence.

**Marine Resources**

Bill "An Act to Prohibit the Dragging of Scallops in Medomak River until December 1st" (H.P. 321) (L.D. 437) (Presented by Representative BEGLEY of Waldoboro) (Cosponsored by Senator WHITMORE of Androscoggin)

Bill "An Act to Provide Complimentary Marine Resources Licenses to Certain Persons 75 Years of Age or Older" (H.P. 342) (L.D. 461) (Presented by Representative FARREN of Cherryfield) (Cosponsored by Representative TOWNSEND of Eastport, Representative CARROLL of Southwest Harbor and Senator PERKINS of Hancock)

Ordered Printed.

Sent up for Concurrence.

**State and Local Government**

Bill "An Act to Reduce the Expense of the Legislative Process by Shortening the Length of Legislative Sessions" (H.P. 317) (L.D. 433) (Presented by Representative HANLEY of Paris) (Cosponsored by Representative GARLAND of Bangor, Senator COLLINS of Aroostook and Representative NUTTING of Leeds)

Bill "An Act Concerning Municipal Harbor Commissioner Employment Requirements" (H.P. 322) (L.D. 438) (Presented by Representative KETOVER of

Portland) (Cosponsored by Representative OLIVER of Portland, Senator BRANNIGAN of Cumberland and Representative ADAMS of Portland)

Bill "An Act to Clarify How State Reimbursement to Counties for Housing State Prisoners May Be Spent" (H.P. 324) (L.D. 440) (Presented by Representative McCORMICK of Rockport) (Cosponsored by Senator PERKINS of Hancock, Representative ROLDE of York and Representative SEAVEY of Kennebunkport)

Bill "An Act to Ensure the Appropriate Use of Gifts to the State" (H.P. 356) (L.D. 476) (Presented by Representative ROLDE of York) (Cosponsored by Representative ADAMS of Portland)

Ordered Printed.

Sent up for Concurrence.

**Taxation**

Bill "An Act to Provide a Fabrication Tax Exemption for Small Sawmills" (H.P. 328) (L.D. 447) (Presented by Representative BEGLEY of Waldoboro) (Cosponsored by Representative WHITCOMB of Waldo, Representative TARDY of Palmyra and Senator TWITCHELL of Oxford)

Bill "An Act Relating to the Taxation of Aircraft" (H.P. 345) (L.D. 464) (Presented by Representative DUFFY of Bangor) (Cosponsored by Senator BRANNIGAN of Cumberland, Representative JACKSON of Harrison and Representative POULIOT of Lewiston)

Ordered Printed.

Sent up for Concurrence.

**Transportation**

Bill "An Act to Base Overweight Fines on Weight Allowed by Permit" (H.P. 339) (L.D. 458) (Presented by Representative MICHAUD of East Millinocket) (Cosponsored by Senator WEBSTER of Franklin, Representative DEXTER of Kingfield and Representative CAHILL of Mattawamkeag)

Bill "An Act to Exempt Interstate 95 between Exits 19 and 21 from Truck Weight Restrictions" (H.P. 352) (L.D. 471) (Presented by Representative MITCHELL of Freeport) (Cosponsored by Senator CLARK of Cumberland)

Ordered Printed.

Sent up for Concurrence.

**ORDERS**

**CONSENT CALENDAR**

**First Day**

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

(H.P. 51) (L.D. 72) Bill "An Act to Extend the Reporting Deadline on the Casco Bay Ferry Service Study" (EMERGENCY) Committee on Transportation reporting "Ought to Pass"

Under suspension of the rules, Second Day Consent Calendar notification was given, the House Paper was passed to be engrossed and sent up for concurrence.

**CONSENT CALENDAR**

**Second Day**

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

(H.P. 14) (L.D. 6) Resolve, to Provide for a Commemorative Motor Vehicle License Plate to Celebrate the Sesquicentennial of Aroostook County (Emergency) (C. "A" H-5)

(H.P. 17) (L.D. 10) Bill "An Act to Clarify the Automatic Public Intervenor Provisions of the Solid Waste Management Laws" (EMERGENCY) (C. "A" H-4)

No objections having been noted at the end of the Second Legislative Day, the House Papers were Passed to be Engrossed as Amended 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 Revise the Eligibility Requirements for Elderly Low-cost Drug Recipients" (EMERGENCY) (S.P. 183) (L.D. 340)

- In Senate, Referred to the Committee on Human Resources.

TABLED - February 23, 1989 by Representative SWAZEY of Bucksport.

PENDING - Reference in concurrence.

Was referred to the Committee on Human Resources in concurrence.

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

**SENATE PAPER**

The following Joint Order: (S.P. 213)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Friday, March 3, 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 Paradis of Augusta, the House reconsidered its action whereby Bill "An Act to Ensure the Confidentiality of Emergency Medical Services Quality Assurance and Peer Review Activities" (H.P. 341) (L.D. 460) was referred to the Committee on Business Legislation.

On further motion of the same Representative, was referred to the Committee on Judiciary, ordered printed and sent up for concurrence.

On motion of Representative Melendy of Rockland, Adjourned until Friday, March 3, 1989, at ten o'clock in the morning pursuant to Joint Order (S.P. 213).

**STATE OF MAINE  
ONE HUNDRED AND FOURTEENTH LEGISLATURE  
FIRST REGULAR SESSION  
JOURNAL OF THE SENATE**

In Senate Chamber

Monday

February 27, 1989

Senate called to Order by the President.

Prayer by Reverend Ernest Johnson of the Old South Church in Belgrade.

REVEREND JOHNSON: Let us pray. Almighty God, amid the haste and pressure of business we deliberately turn aside to pray. We turn to Thee because we hope in Thee, we trust in Thee and we believe in Thee, for we have seen Thy hand in the way that we have come. O God, we ask Thy blessing upon the State of Maine and its people. Especially we would ask Thy blessing upon the Governor and his bride as they embark on a new life together. Also, we do ask Thy blessing upon the Maine Legislature, especially upon the State Senate. Grant that we might fulfill Your hope for each of us, that we seek justice, do deeds of mercy, walk humbly with our fellow men. And please hold each of us this day and the next ever within whispering distance of Thy love. In Jesus' name we ask. Amen.

Reading of the Journal of Thursday, February 23, 1989.

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

Out of order and under suspension of the Rules, the Senate considered the following:

**ORDERS**

**Joint Order**

On motion by Senator DUTREMBLE of York, the following Joint Order:

S.P. 213

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Friday, March 3, 1989, at 10 o'clock in the morning.

Which was READ and PASSED.

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

On motion by Senator CLARK of Cumberland, RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

**Off Record Remarks**

**PAPERS FROM THE HOUSE**

**Non-concurrent Matter**

Bill "An Act to Provide for the State Administration and Operation of the Androscoggin County Jail"

S.P. 160 L.D. 308

In Senate, February 22, 1989, referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED.

Comes from the House referred to the Joint Select Committee on CORRECTIONS and ORDERED PRINTED in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.