

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
24th Legislative Day
Wednesday, March 8, 1989

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

Prayer by Father John Marquis, Saint John's Catholic Church, Brunswick.

The Journal of Tuesday, March 7, 1989, was read and approved.

Quorum call was held.

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 Regarding Oxen, Ponies and Draft Horses in Competitions" (H.P. 524) (L.D. 709) (Presented by Representative DELLERT of Gardiner) (Cosponsored by Representative WHITCOMB of Waldo and Senator EMERSON of Penobscot)

Ordered Printed.

Sent up for Concurrence.

Appropriations and Financial Affairs

Bill "An Act to Provide Grants to School Administrative Units" (H.P. 518) (L.D. 703) (Presented by Representative MANNING of Portland) (Cosponsored by Representative POULIOT of Lewiston, Representative OLIVER of Portland and Senator BRANNIGAN of Cumberland)

Bill "An Act to Ensure Community-based Maternal and Child Health Nursing Services Commensurate with Increasing Costs and Community Needs" (H.P. 519) (L.D. 704) (Presented by Representative CLARK of Brunswick) (Cosponsored by Representative MURPHY of Berwick, Representative FOSTER of Ellsworth and Senator BOST of Penobscot)

Bill "An Act to Make Allocations for the Administrative Expenses of the Bureau of Alcoholic Beverages, Department of Finance, for the Fiscal Years Ending June 30, 1990 and June 30, 1991" (EMERGENCY) (H.P. 522) (L.D. 707) (Presented by Representative HIGGINS of Scarborough) (Cosponsored by Representative CARTER of Winslow, Senator PEARSON of Penobscot and Senator PERKINS of Hancock)

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$10,000,000 to Develop a Statewide Enhanced 9-1-1 Emergency Telephone System" (H.P. 527) (L.D. 712) (Presented by Representative KETOVER of Portland) (Cosponsored by Senator GILL of Cumberland, Representative CARTER of Winslow and Representative TELOW of Lewiston)

Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government Necessary to the Proper Operations of State of Maine's Workers' Compensation Commission for the Fiscal Years Ending June 30, 1990, and June 30, 1991" (EMERGENCY) (H.P. 529) (L.D. 714) (Presented by Representative PRIEST of Brunswick) (Cosponsored by Representative CARROLL of Gray, Representative FOSTER of Ellsworth and Senator BRANNIGAN of Cumberland)

Bill "An Act to Make Allocations for the Operating Expenditures of the Intergovernmental Telecommunications Fund, Department of Administration, for the Fiscal Years Ending June 30, 1990, and June 30, 1991" (EMERGENCY) (H.P. 531) (L.D. 716) (Presented by Representative HIGGINS of

Scarborough) (Cosponsored by Senator PERKINS of Hancock, Senator PEARSON of Penobscot and Representative CARTER of Winslow)

Ordered Printed.

Sent up for Concurrence.

Business Legislation

Bill "An Act to Reform the Maine Board of Professional Surveyors Law" (H.P. 513) (L.D. 693) (Presented by Representative ALLEN of Washington) (Cosponsored by Representative LIBBY of Kennebunk) (Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 24.)

Ordered Printed.

Sent up for Concurrence.

At this point, the Speaker appointed the Representative Michaud from East Millinocket to act as Speaker pro tem.

The House was called to order by the Speaker pro tem.

Education

Bill "An Act Concerning Voting Procedures for School District Budgets" (H.P. 532) (L.D. 717) (Presented by Representative SEAVEY of Kennebunkport) (Cosponsored by Representative RIDLEY of Shapleigh and Senator ESTES of York)

Ordered Printed.

Sent up for Concurrence.

Energy and Natural Resources

Bill "An Act to Improve the Air Quality by Limiting the Sulfur Content of Fuel Oils" (H.P. 528) (L.D. 713) (Presented by Representative OLIVER of Portland) (Cosponsored by Senator KANY of Kennebec, Representative COLES of Harpswell and Representative PINEAU of Jay)

Bill "An Act to Implement the Governor's Study to Regain Full Use of Maine's Class C Rivers" (H.P. 533) (L.D. 718) (Presented by Representative NUTTING of Leeds) (Cosponsored by Representative BOUTILIER of Lewiston, Representative MICHAUD of East Millinocket and Senator BERUBE of Androscoggin)

Ordered Printed.

Sent up for Concurrence.

Fisheries and Wildlife

Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Inland Fisheries and Wildlife Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1990 and June 30, 1991" (EMERGENCY) (H.P. 514) (L.D. 694) (Presented by Representative JACQUES of Waterville) (Cosponsored by Senator GOULD of Waldo, Senator ERWIN of Oxford and Representative GREENLAW of Standish)

Bill "An Act to Amend the Muzzle-loading Hunting Season" (H.P. 516) (L.D. 701) (Presented by Representative CLARK of Millinocket) (Cosponsored by Representative TRACY of Rome, Representative HUSSEY of Milo and President PRAY of Penobscot)

Ordered Printed.

Sent up for Concurrence.

Labor

Resolve, to Establish the Commission to Study the Use of Professional Strikebreakers (EMERGENCY) (H.P. 530) (L.D. 715) (Presented by Representative McHENRY of Madawaska) (Cosponsored by President PRAY of Penobscot, Speaker MARTIN of Eagle Lake and Senator ESTY of Cumberland)

Ordered Printed.
Sent up for Concurrence.

Legal Affairs

Bill "An Act to Promote Affordable Housing" (H.P. 521) (L.D. 706) (Presented by Representative STEVENS of Sabattus)

Ordered Printed.
Sent up for Concurrence.

Marine Resources

Bill "An Act Concerning Special Marine Resources Permits" (H.P. 520) (L.D. 705) (Presented by Representative HUTCHINS of Penobscot) (Cosponsored by Senator BRAUN of Knox, 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

RESOLUTION, Proposing Amendments to the Constitution of Maine to Provide for the Popular Election of the Attorney General and the Secretary of State (H.P. 525) (L.D. 710) (Presented by Representative SEAVEY of Kennebunkport) (Cosponsored by Representative LARRIVEE of Gorham and Senator CARPENTER of York)

Ordered Printed.
Sent up for Concurrence.

Taxation

Bill "An Act to Expand the Sales Tax Refund for Agricultural and Other Equipment" (H.P. 517) (L.D. 702) (Presented by Representative WHITCOMB of Waldo) (Cosponsored by Senator TWITCHELL of Oxford, Representative RIDLEY of Shapleigh and Representative PINES of Limestone)

Bill "An Act Concerning Taxation of Certain Business Enterprises" (H.P. 523) (L.D. 708) (Presented by Representative FOSTER of Ellsworth)

Ordered Printed.
Sent up for Concurrence.

Transportation

Bill "An Act Relating to the Expiration of a Valid Certificate of Inspection on a New or Used Motor Vehicle" (H.P. 526) (L.D. 711) (Presented by Representative STEVENS of Sabattus)

Ordered Printed.
Sent up for Concurrence.

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative HUSSEY from the Committee on Transportation on Bill "An Act Concerning the Use of Farm Vehicles" (H.P. 121) (L.D. 158) reporting "Ought Not to Pass"

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

Unanimous Leave to Withdraw

Representative MILLS from the Committee on Transportation on Bill "An Act to Require Driver's License Examinations for Persons 80 Years or Older" (H.P. 128) (L.D. 172) reporting "Leave to Withdraw"

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

CONSENT CALENDAR

First Day

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

(H.P. 75) (L.D. 106) Bill "An Act to Allow Additional Veterans to be Eligible for Veterans' Preference for State Positions" Committee on Aging, Retirement and Veterans reporting "Ought to Pass"

There being no objections, the above item was ordered to appear on the Consent Calendar of Monday, March 13, 1989, under the listing of Second Day.

CONSENT CALENDAR

Second Day

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

(S.P. 40) (L.D. 9) Resolve, to Extend the Reporting Deadline for the Commission on Maine's Future (Emergency) (C. "A" S-2)

No objections having been noted at the end of the Second Legislative Day, the Senate Paper was Passed to be Engrossed as Amended in concurrence.

PASSED TO BE ENGROSSED

As Amended

Bill "An Act to Amend the Law Regarding the State Forest Nursery" (Emergency) (S.P. 97) (L.D. 116) (S. "A" S-4)

Was reported by the Committee on Bills in the Second Reading, read the second time and Passed to be Engrossed as Amended in concurrence.

PASSED TO BE ENACTED

Emergency Measure

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

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 117 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act to Extend the Reporting Deadline on the Casco Bay Ferry Service Study (H.P. 51) (L.D. 72)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the

members elected to the House being necessary, a total was taken. 112 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

(At Ease)

The House was called to order by the Speaker pro tem.

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

PAPERS FROM THE SENATE
Non-Concurrent Matter

Bill "An Act to Provide Consumers Notice of Restaurant Foods Containing Monosodium Glutamate" (H.P. 494) (L.D. 674) which was referred to the Committee on Agriculture in the House on March 7, 1989.

Came from the Senate referred to the Committee on Human Resources in non-concurrence.

On motion of Representative Tardy of Palmyra, the House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Assure an Appropriate Education for Blind Students" (H.P. 495) (L.D. 675) which was referred to the Committee on Human Resources in the House on March 7, 1989.

Came from the Senate referred to the Committee on Education in non-concurrence.

On motion of Representative Handy of Lewiston, the House voted to recede and concur.

CONSENT CALENDAR

First Day

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

(S.P. 66) (L.D. 49) Bill "An Act to Amend the Maine Banking Code" Committee on Banking and Insurance reporting "Ought to Pass"

There being no objections, the above item was ordered to appear on the Consent Calendar of Monday, March 13, 1989, under the listing of Second Day.

At this point, the Speaker resumed the Chair.

The House was called to order by the Speaker.

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

REPORTS OF COMMITTEES
Ought to Pass as Amended

Representative CARTER from the Committee on Appropriations and Financial Affairs on Bill "An Act Making Additional Appropriations from the General Fund and Allocations from Other Funds for the Expenditures of State Government for the Fiscal Year Ending June 30, 1989" (EMERGENCY) (H.P. 26) (L.D. 24) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-7)

Report was read and accepted, the Bill read once.

Committee Amendment "A" was read by the Clerk and adopted.

Under suspension of the rules, the Bill was read a second time, passed to be engrossed as amended and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The following matter was taken up out of order by unanimous consent:

ORDERS OF THE DAY
UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment yesterday, has preference in the Orders of the Day and continues with such preference until disposed of as provided by Rule 24.

The Chair laid before the House the first item of Unfinished Business:

Bill "An Act to Authorize Designation of Department of Mental Health and Mental Retardation Employees to Appear in Probate Court on Behalf of the Department of Mental Health and Mental Retardation" (S.P. 220) (L.D. 536)

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

TABLED - March 7, 1989 (Till Later Today) by Representative GWADOSKY of Fairfield.

PENDING - Motion of same Representative to reconsider reference in concurrence.

Whereupon, the motion to reconsider did prevail.

Subsequently, was referred to the Committee on Judiciary in non-concurrence and sent up for concurrence.

(At Ease to Gong)

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:

PASSED TO BE ENACTED
Emergency Measure

An Act Making Additional Appropriations from the General Fund and Allocations from Other Funds for the Expenditures of State Government for the Fiscal Year Ending June 30, 1989 (H.P. 26) (L.D. 24) (C. "A" H-7)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 131 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

The following item appearing on Supplement No. 4 was taken up out of order by unanimous consent:

PAPER FROM THE SENATE

The following Joint Order: (S.P. 266)
ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Monday, March 13, 1989, at 2 o'clock in the afternoon.

Came from the Senate, read and passed.

Was read and passed in concurrence.

(Off Record Remarks)

On motion of Representative Nadeau of Saco,
Adjourned until Monday, March 13, 1989, at two
o'clock in the afternoon pursuant to Joint Order
(S.P. 266).

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

In Senate Chamber
Wednesday
March 8, 1989

Senate called to Order by the President.

Prayer by Reverend Bruce Hudson of the Highland
Avenue Methodist Church in Gardiner.

REVEREND HUDSON: Let us be in the spirit of
prayer. Creator God, we thank You for this new day
in which to enjoy life and to meet the challenges
before us. We thank You for the opportunity to live
in a country which has a democratic form of
government; one of the people, by the people and for
the people. We know as we gather before You that
there are many problems needing solutions. We are
especially mindful of the environment which sustains
us and the lifestyles that are threatening that
environment. We think of the hungry, the homeless,
and those who, for whatever reasons, fail to
participate in the social order as it presently
exists. Help us, as we enact laws regulating our
lives, to be sensitive to the needs of the many
versus the wants of a few. Especially guide us in
the deliberations of this day that by serving others
we may also be doing Your will. Hear us as we pray.
Amen.

Reading of the Journal of Yesterday.

Out of order and under suspension of the Rules,
on motion by Senator DUTREMBLE of York, the following
Joint Order:

S.P. 266

ORDERED, the House concurring, that when the
House and Senate adjourn, they do so until Monday,
March 13, 1989, at 2 o'clock in the afternoon.

Which was READ and PASSED.

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

PAPERS FROM THE HOUSE
Non-concurrent Matter

Bill "An Act to Revoke Driving Privileges of High
School Dropouts"

S.P. 262 L.D. 652

In Senate, March 7, 1989, referred to the
Committee on TRANSPORTATION and ORDERED PRINTED.

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

The Senate RECEDED and CONCURRED.

COMMUNICATIONS

The Following Communication:

STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333

March 7, 1989

Honorable Joy J. O'Brien
Secretary of the Senate
114th Legislature
Augusta, Maine 04333

Dear Madam Secretary:

The House voted today to adhere to its former
action whereby it indefinitely postponed Bill "An Act
Requiring Protective Headgear for All Operators and