

# 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

**FINALLY PASSED  
Emergency Measure**

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

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. 102 voted in favor of the same and none against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

The Chair laid before the House the following matter: An Act to Expand the Eligibility for Participation in the Maine Conservation Corps to Include More Low-income Maine People (H.P. 100) (L.D. 135) which was tabled earlier in the day and later today assigned pending passage to be enacted.

This being an emergency measure, a two-thirds vote of all the members elected to be House being necessary, a total was taken. 104 having voted in favor of same and 1 against, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The Chair laid before the House the following matter: Resolve, to Provide for a Commemorative Motor Vehicle License Plate to Celebrate the Sesquicentennial of Aroostook County (H.P. 14) (L.D. 6) (S. "A" S-3 to C. "A" H-5) which was tabled earlier in the day and later today assigned pending final passage.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 101 having voted in favor of same and 2 against, the Resolve was finally passed, signed by the Speaker and sent to the Senate.

(Off Record Remarks)

On motion of Representative Jalbert of Lisbon, Adjourned until Tuesday, March 14, 1989, at ten o'clock in the morning.

The ADJOURNMENT ORDER having been returned from the House READ and PASSED, in concurrence, on motion by Senator BRANNIGAN of Cumberland, ADJOURNED until Monday, March 13, 1989, at 2:00 in the afternoon.

**ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE  
FIRST REGULAR SESSION  
25th Legislative Day  
Monday, March 13, 1989**

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

Prayer by Reverend James Lufkin, First Baptist Church of Woodland.

National Anthem by Freeport High School Band.

The Journal of Wednesday, March 8, 1989, was read and approved.

Quorum call was held.

**PAPERS FROM THE SENATE**

Bill "An Act Concerning Out-of-state Service for Members of the Maine State Retirement System" (S.P. 268) (L.D. 696)

Bill "An Act to Clarify Certain Provisions in the Maine State Retirement System Laws" (S.P. 270) (L.D. 698)

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 Regarding the Exclusion of Family Members under a Motor Vehicle Liability Insurance Policy" (S.P. 267) (L.D. 695)

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 Amend the Alternative Election Procedure for School Budgets on a Local Basis" (S.P. 272) (L.D. 700)

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 Require Municipalities to Permit the Circulation of Petitions on Local Issues" (S.P. 269) (L.D. 697)

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.

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Base the Valuation of All Real Estate on the Current Use of the Real Estate (S.P. 271) (L.D. 699)

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

Was referred to the Committee on Taxation in 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:

**Aging, Retirement and Veterans**

Bill "An Act to Improve the Cost-of-living Adjustment Under the Maine State Retirement System"

(H.P. 538) (L.D. 735) (Presented by Representative HICKEY of Augusta) (Cosponsored by Senator BRANNIGAN of Cumberland, Senator CAHILL of Sagadahoc and Representative STROUT of Corinth)

Ordered Printed.  
Sent up for Concurrence.

**Appropriations and Financial Affairs**

Bill "An Act to Provide Funding for the Beals Island Regional Shellfish Hatchery" (H.P. 539) (L.D. 736) (Presented by Representative LOOK of Jonesboro) (Cosponsored by Senator PERKINS of Hancock, Senator PEARSON of Penobscot and Representative TOWNSEND of Eastport)

Bill "An Act to Promote Access to, and Security for, Maine's Official Historical Documents" (H.P. 549) (L.D. 746) (Presented by Representative ROLDE of York) (Cosponsored by Representative ADAMS of Portland)

Bill "An Act to Fund Asbestos Removal in State Facilities and Public Schools" (H.P. 551) (L.D. 748) (Presented by Representative ROLDE of York)

Ordered Printed.  
Sent up for Concurrence.

**Banking and Insurance**

Bill "An Act to Repeal the Maine Health Security Act" (H.P. 535) (L.D. 732) (Presented by Representative SWAZEY of Bucksport) (BY REQUEST)

Ordered Printed.  
Sent up for Concurrence.

**Education**

Bill "An Act Concerning Teacher Contracts" (H.P. 536) (L.D. 733) (Presented by Representative HANDY of Lewiston) (Cosponsored by Representative RUHLIN of Brewer, Representative OLIVER of Portland and Representative PARADIS of Frenchville)

Ordered Printed.  
Sent up for Concurrence.

**Energy and Natural Resources**

Bill "An Act to Clarify the Relationship Between Woodcutters and Landowners" (H.P. 541) (L.D. 738) (Presented by Representative NUTTING of Leeds) (Cosponsored by Representative DEXTER of Kingfield, Representative GOULD of Greenville and Senator WEBSTER of Franklin)

Ordered Printed.  
Sent up for Concurrence.

**Fisheries and Wildlife**

Bill "An Act Pertaining to the Placing of Bear Bait" (H.P. 542) (L.D. 739) (Presented by Representative DUFFY of Bangor) (Cosponsored by Representative CONLEY of Portland)

Ordered Printed.  
Sent up for Concurrence.

**Human Resources**

Bill "An Act to Amend the Northern Maine General Hospital Charter to Operate Programs for Disadvantaged Individuals" (H.P. 537) (L.D. 734) (Presented by Speaker MARTIN of Eagle Lake)

Bill "An Act to Protect the Identity of Complainants Concerning Health Care Facilities and Providers and Certain Financial Information for the Maine Managed Care Insurance Plan Demonstration"

(H.P. 552) (L.D. 749) (Presented by Representative HEPBURN of Skowhegan) (Cosponsored by Senator WEYMOUTH of Kennebec and Senator CLARK of Cumberland)

Resolve, Establishing a Commission to Study the Level of Care of Maine's Elderly Citizens (H.P. 550) (L.D. 747) (Presented by Representative GRAHAM of Houlton) (Cosponsored by Representative PEDERSON of Bangor and Representative AULT of Wayne)

Ordered Printed.  
Sent up for Concurrence.

**Judiciary**

Bill "An Act to Make Public the Proceedings of the Board of Overseers of the Bar" (H.P. 545) (L.D. 742) (Presented by Representative COLES of Harpswell) (BY REQUEST) (Cosponsored by Speaker MARTIN of Eagle Lake and Representative PARADIS of Old Town)

Bill "An Act to Clarify the Provisions of the Act to Protect Elderly, Infirm Persons from Improvident Transfers of Title to Property" (H.P. 548) (L.D. 745) (Presented by Representative CONLEY of Portland)

Ordered Printed.  
Sent up for Concurrence.

**Labor**

Bill "An Act to Amend the Definition of Employer to Include Governmental Entities" (H.P. 534) (L.D. 731) (Presented by Representative RAND of Portland) (Cosponsored by Representative McKEEN of Windham, Representative PINEAU of Jay and Representative McHENRY of Madawaska)

Ordered Printed.  
Sent up for Concurrence.

**Legal Affairs**

Bill "An Act Concerning Motor Vehicle Licenses for Certain Drug and Alcohol Offenders" (H.P. 543) (L.D. 740) (Presented by Representative BOUTILIER of Lewiston) (Cosponsored by Senator MATTHEWS of Kennebec, Representative SKOGLUND of St. George and Representative PLOURDE of Biddeford)

Bill "An Act to Remove the Limitations on Raffles Conducted by Nonprofit Entities" (H.P. 544) (L.D. 741) (Presented by Representative FARNSWORTH of Hallowell) (Cosponsored by Representative NORTON of Winthrop and Senator MATTHEWS of Kennebec)

Bill "An Act to Clarify the Landlord's Duty to Mitigate Damages" (H.P. 546) (L.D. 743) (Presented by Representative MURPHY of Berwick) (Cosponsored by Representative PAUL of Sanford)

Ordered Printed.  
Sent up for Concurrence.

**Taxation**

Bill "An Act Relating to the Taxable Status of Leased School Property" (EMERGENCY) (H.P. 540) (L.D. 737) (Presented by Representative TRACY of Rome) (Cosponsored by Senator KANY of Kennebec, Representative LAPOINTE of Auburn and Representative MILLS of Bethel)

Ordered Printed.  
Sent up for Concurrence.

**Transportation**

Resolve, to Study the Feasibility of an Interstate 95 Interchange to Access the Town of Sanford (H.P. 547) (L.D. 744) (Presented by Representative HALE of Sanford) (Cosponsored by

Representative RIDLEY of Shapleigh, Representative PAUL of Sanford and Senator TWITCHELL of Oxford) Ordered Printed. Sent up for Concurrence.

ORDERS

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

ORDERED, that Representative Bradford E. Boutilier of Lewiston be excused February 27 for health reasons and March 3 and 6 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative John Jalbert of Lisbon be excused March 3 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative M. Ida Luther of Mexico be excused March 6, 7 and 8 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Peggy A. Pendleton of Scarborough be excused March 7 for health reasons and March 15 to 17 for legislative business.

Was read and passed.

SPECIAL SENTIMENT CALENDAR

In accordance with House Rule 56 and Joint Rule 34, the following item:

Recognizing:

Gregory C. Hanscom, Chief of Police for the City of Lewiston, in appreciation of his outstanding contributions and dedication to the people of Lewiston as Chief of Police for 4 years; (HLS 194) by Representative HANDY of Lewiston. (Cosponsors: Senator GAUVREAU of Androscoggin, Senator BERUBE of Androscoggin, Representative NADEAU of Lewiston, Representative TELOW of Lewiston, Representative POULIOT of Lewiston, Representative ALIBERTI of Lewiston, Representative BOUTILIER of Lewiston)

Was read and passed 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:

(S.P. 76) (L.D. 66) Bill "An Act to Adopt New Life Safety Requirements for Adult Boarding Care Facilities" Committee on Human Resources reporting "Ought to Pass"

There being no objections, the above item was ordered to appear on the Consent Calendar of Tuesday, March 14, 1989, under the listing of Second Day.

CONSENT CALENDAR

Second Day

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

(H.P. 75) (L.D. 106) Bill "An Act to Allow Additional Veterans to be Eligible for Veterans' Preference for State Positions"

(S.P. 66) (L.D. 49) Bill "An Act to Amend the Maine Banking Code"

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

ENACTOR

Emergency Measure Later Today Assigned

An Act to Expand the Eligibility for Participation in the Maine Conservation Corps to Include More Low-income Maine People (H.P. 100) (L.D. 135)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

On motion of Representative Gwadosky of Fairfield, tabled pending passage to be enacted and later today assigned.

ENACTOR

Emergency Measure Later Today Assigned

Resolve, to Provide for a Commemorative Motor Vehicle License Plate to Celebrate the Sesquicentennial of Aroostook County (H.P. 14) (L.D. 6) (S. "A" S-3 to C. "A" H-5)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

On motion of Representative Gwadosky of Fairfield, tabled pending passage to be enacted and later today assigned.

(At Ease)

The House was called to order by the Speaker.

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

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative FARREN from the Committee on Fisheries and Wildlife on Bill "An Act to Prohibit the Use of Personal Watercraft" (H.P. 56) (L.D. 77) 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 Authorizing Local Control of the Posting of Speed Limits" (H.P. 113) (L.D. 150) 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 items appeared on the Consent Calendar for the First Day:

(H.P. 115) (L.D. 152) Bill "An Act to Make Supplemental Allocations to the Department of Inland Fisheries and Wildlife for the Fiscal Years Ending June 30, 1990 and June 30, 1991" (EMERGENCY) Committee on Fisheries and Wildlife reporting "Ought to Pass"

(H.P. 163) (L.D. 228) Bill "An Act to Alter Certain Provisions of the Weights and Measures Laws to Recognize the Recently Created National Institute of Standards and Technology" Committee on Agriculture reporting "Ought to Pass"

There being no objections, the above items were ordered to appear on the Consent Calendar of Tuesday, March 14, 1989, under the listing of Second Day.

**FINALLY PASSED  
Emergency Measure**

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

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. 102 voted in favor of the same and none against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

The Chair laid before the House the following matter: An Act to Expand the Eligibility for Participation in the Maine Conservation Corps to Include More Low-income Maine People (H.P. 100) (L.D. 135) which was tabled earlier in the day and later today assigned pending passage to be enacted.

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This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 101 having voted in favor of same and 2 against, the Resolve was finally passed, signed by the Speaker and sent to the Senate.

(Off Record Remarks)

On motion of Representative Jalbert of Lisbon, Adjourned until Tuesday, March 14, 1989, at ten o'clock in the morning.

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

In Senate Chamber  
Monday  
March 13, 1989

Senate called to Order by the President.

Prayer by Reverend Doctor Peter Misner of the Veterans Administration Center, Togus.

REVEREND MISNER: Let us pray. Almighty God, Whose power is evident in the vastness of the universe and in the most intimate detail of our life, we pause at the opening of this session to acknowledge Your presence and to seek Your guidance in the work which comes today before this Senate. We recognize before You that we have received the gifts of life and the responsibilities of high office that through them we may serve the common good. Yet we hold these treasures in earthen vessels, and need a sense of vision beyond our own, and a strength beyond that which, by our own power, we can bring to bear. Therefore, we ask Your guidance in the deliberation of the issues before this body today. Grant that each issue may receive that level of concern and care we would have for the agenda of our personal lives, or those of our closest companions. You have given to us a great heritage, and a setting for life which is as beautiful as it is diverse. May we so work today, that the tomorrows in the State of Maine may be better for our having walked this way. This we ask through the faith of our Fathers. Amen.

Reading of the Journal of Wednesday, March 8, 1989.

PAPERS FROM THE HOUSE  
Non-concurrent Matter

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

Committee on JUDICIARY suggested and ORDERED PRINTED.

In Senate, March 3, 1989, referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED.

Comes from the House referred to the Committee on JUDICIARY and ORDERED PRINTED in NON-CONCURRENCE. The Senate RECEDED and CONCURRED.

House Papers

Bill "An Act Regarding Oxen, Ponies and Draft Horses in Competitions"

H.P. 524 L.D. 709

Comes from the House referred to the Committee on AGRICULTURE and ORDERED PRINTED.

Which was referred to the Committee on AGRICULTURE and ORDERED PRINTED, in concurrence.

Off Record Remarks

Bill "An Act to Provide Grants to School Administrative Units"

H.P. 518 L.D. 703

Bill "An Act to Ensure Community-based Maternal and Child Health Nursing Services Commensurate with Increasing Costs and Community Needs"