

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
26th Legislative Day
Tuesday, March 14, 1989**

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

Prayer by Reverend Robert Canfield, Free Methodist Church, Gardiner.

The Journal of Monday, March 13, 1989, was read and approved.

Quorum call was held.

PAPERS FROM THE SENATE

Tabled and Assigned

Bill "An Act Making Allocations Related to the Alcoholism Prevention, Education, Treatment and Research Fund for the Expenditures of State Government for the Fiscal Years Ending June 30, 1990, and June 30, 1991" (EMERGENCY) (S.P. 279) (L.D. 725)

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

On motion of Representative Carter of Winslow, tabled pending reference in concurrence and specially assigned for Wednesday, March 15, 1989.

Bill "An Act Making Appropriations from the General Fund for the Expenditures of State Government for the Fiscal Years Ending June 30, 1990, and June 30, 1991" (EMERGENCY) (S.P. 284) (L.D. 730)

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 Require Counties to Accept Prisoners with Sentences up to One Year in Length and to Provide Assistance to Counties in Developing Community Corrections Programs" (S.P. 277) (L.D. 723)

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 Regarding Reimbursement for Out-of-district Special Education Placements" (EMERGENCY) (S.P. 283) (L.D. 729)

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

Was referred to the Committee on Education in concurrence.

Resolve, to Redesign the Structure of the Board of Environmental Protection (EMERGENCY) (S.P. 276) (L.D. 722)

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 Relating to the Admission of Federal Administrative Law Judges to the Maine Bar" (S.P. 273) (L.D. 719)

Bill "An Act to Clarify the Immunity Provisions for Nonprofit Corporations" (S.P. 274) (L.D. 720)

Bill "An Act to Amend the Protection From Harassment Laws" (S.P. 275) (L.D. 721)

Bill "An Act to Improve the Availability of Emergency Obstetrical Services" (S.P. 281) (L.D. 727)

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 Clarify the Reporting Requirements for Workers' Compensation Insurers" (S.P. 280) (L.D. 726)

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

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

Bill "An Act to Increase the Daily Allowance of Members of the Manufactured Housing Board" (S.P. 278) (L.D. 724)

Bill "An Act to Clarify the Voting Requirements for a Board Containing 3 or More Members" (S.P. 282) (L.D. 728)

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.

(At Ease)

The House was called to order by the Speaker.

COMMUNICATIONS

The following Communication: (S.P. 285)

114TH MAINE LEGISLATURE

March 8, 1989

Senator Joseph C. Brannigan
Representative James Mitchell

Chairpersons

Joint Standing Committee on Marine Resources

114th Legislature

Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Brian P. Tarbox of Cumberland Center for reappointment to the Marine Resources Advisory Council.

Pursuant to P.L. 1989, Chapter 8, this nomination will require review by the Joint Standing Committee on Marine Resources and confirmation by the Senate.

Sincerely,

S/Charles P. Pray

President of the Senate

S/John L. Martin

Speaker of the House

Came from the Senate, Read and Referred to the Committee on Marine Resources.

Was Read and Referred to the Committee on Marine Resources in concurrence.

The following Communication:

ALCOHOL AND DRUG ABUSE PLANNING COMMITTEE

STATE HOUSE STATION #11

AUGUSTA, MAINE 04333

March 5, 1989

Speaker John L. Martin

Speaker of the House

State House Station #2

Augusta, Maine 04333
Dear Speaker Martin:

The enclosed FY'88 Progress Report of the Alcohol and Drug Abuse Planning Committee (ADPC) is presented according to P.L. 1983, c. 464. In compiling the required information, the ADPC relied on the coordination, interaction and communication among the ADPC State Departments. The accomplishments of each department are noted in detail, accompanied with costs and FY'89 plans.

Ron Speckmann, Acting Director of the ADPC during Al Anderson's illness, will provide coordination for any questions concerning this report.

Sincerely,

S/John Atwood, Chairperson
Commissioner, Department
Department of Public Safety
S/DonaId Allen
Commissioner
Department of
Corrections
S/Eve Bither, Commissioner
Department of Education
and Cultural Services
S/Rollin Ives,
Commissioner
Department of
Human Services

S/Susan Parker, Commissioner
Department of Mental Health
and Retardation

Was read and with accompanying report ordered placed on file.

The following Communication: (S.P. 287)
114TH MAINE LEGISLATURE
March 13, 1989

Senator Judy C. Kany
Representative Michael H. Michaud
Chairpersons
Joint Standing Committee on Energy and Natural
Resources
114th Legislature
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Owen R. Stevens of South Berwick for appointment to the Board of Environmental Protection.

Pursuant to Title 38, M.R.S.A. Section 361, this nomination will require review by the Joint Standing Committee on Energy and Natural Resources and confirmation by the Senate.

Sincerely,
S/Charles P. Pray
President of the Senate
S/John L. Martin
Speaker of the House

Came from the Senate, Read and Referred to the Committee on Energy and Natural Resources.

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

**PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE**

The following Bills 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 Amend Certain Portions of the Maine Legislative Retirement System and the Maine Judicial Retirement System to Make Them Comparable to Similar Portions of the Maine State Retirement System Statutes" (H.P. 556) (L.D. 754) (Presented by Representative JALBERT of Lisbon) (Cosponsored by Representative HICKEY of Augusta)

Ordered Printed.

Sent up for Concurrence.

Agriculture

Bill "An Act Regarding Landowner Declaration of Farmland" (H.P. 553) (L.D. 751) (Presented by Representative FARREN of Cherryfield) (Cosponsored by Representative TARDY of Palmyra and Representative RICHARDS of Hampden)

Ordered Printed.

Sent up for Concurrence.

Appropriations and Financial Affairs

Bill "An Act to Provide Funds for Dioxin Testing" (H.P. 554) (L.D. 752) (Presented by Representative MURPHY of Berwick) (Cosponsored by Representative FARNUM of South Berwick and Senator CARPENTER of York)

Ordered Printed.

Sent up for Concurrence.

**PASSED TO BE ENGROSSED
WITHOUT REFERENCE TO COMMITTEE**

Bill "An Act Relating to Municipal Funding" (EMERGENCY) (H.P. 557) (L.D. 755) (Presented by Representative STROUT of Corinth) (Cosponsored by Representative MacBRIDE of Presque Isle, Speaker MARTIN of Eagle Lake and Representative HUSSEY of Milo) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

(The Committee on Appropriations and Financial Affairs had been suggested.)

On motion of Representative Carter of Winslow, under suspension of the rules and without reference to any committee, the bill was read twice, passed to be engrossed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Appropriations and Financial Affairs

Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Alcoholism Prevention, Education, Treatment and Research 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. 563) (L.D. 761) (Presented by Representative FOSS of Yarmouth) (Cosponsored by Senator BRANNIGAN of Cumberland, Representative CHONKO of Topsham and Senator PERKINS of Hancock)

Ordered Printed.

Sent up for Concurrence.

Banking and Insurance

Bill "An Act to Amend the Preferred Provider Arrangement Act of 1986" (H.P. 560) (L.D. 758) (Presented by Representative GWADOSKY of Fairfield) (Cosponsored by Representative ALLEN of Washington, Representative MANNING of Portland and Senator COLLINS of Aroostook)

Ordered Printed.

Sent up for Concurrence.

Business Legislation

Bill "An Act to Make Records of Quasi-judicial Proceedings Confidential" (H.P. 561) (L.D. 759) (Presented by Representative PARADIS of Augusta)

Ordered Printed.

Sent up for Concurrence.

Judiciary

Bill "An Act to Permit Property Managers to Appear on Behalf of Owners of Residential Dwelling Units" (H.P. 562) (L.D. 760) (Presented by Representative PARADIS of Augusta)

Ordered Printed.
Sent up for Concurrence.

Labor

Bill "An Act to Promote the Prompt and Peaceful Settlement of Labor Disputes" (EMERGENCY) (H.P. 555) (L.D. 753) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsored by Representative PINEAU of Jay, Representative ERWIN of Rumford and President PRAY of Penobscot)

Ordered Printed.
Sent up for Concurrence.

Legal Affairs

Bill "An Act Concerning Withdrawal of Candidates" (H.P. 559) (L.D. 757) (Presented by Representative O'GARA of Westbrook) (Cosponsored by Representative STROUT of Windham and Representative MAYO of Thomaston)

Ordered Printed.
Sent up for Concurrence.

Taxation

Bill "An Act to Collect Maine Sales Tax on Mail Order Items Entering the State" (H.P. 558) (L.D. 756) (Presented by Representative BELL of Caribou)

Ordered Printed.
Sent up for Concurrence.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Chris McKenney, a senior at Lincoln Academy, who set a tournament record by scoring 46 points including 6 3-point field goals in the State Championship Game against the Rockland High School Tigers, March 4, 1989; (HLS 209) by Representative KILKELLY of Wiscasset. (Cosponsors: Senator HOLLOWAY of Lincoln, Representative BEGLEY of Waldoboro)

On motion of Representative Kilkelly of Wiscasset, was removed from the Special Sentiment Calendar.

Was read, passed and sent up for concurrence.

Recognizing:

the Lincoln Academy "Eagles" Boys Basketball Team, who won the State Class B Basketball Championship for the first time in their school's history; (HLS 214) by Representative KILKELLY of Wiscasset. (Cosponsors: Senator HOLLOWAY of Lincoln, Representative BEGLEY of Waldoboro)

On motion of Representative Kilkelly of Wiscasset, was removed from the Special Sentiment Calendar.

Was read, passed and sent up for concurrence.

In Memory of:

Mabel W. Burnham, of Kittery, former State Representative and known in the community for her

active participation in civic, church and social activities in the Kittery area; (HLS 212) by Representative LAWRENCE of Kittery. (Cosponsors: Representative ROLDE of York, Senator ESTES of York, Representative McPHERSON of Eliot)

On motion of Representative Lawrence of Kittery, was removed from the Special Sentiment Calendar.

Was read.

The SPEAKER: The Chair recognizes the Representative from Kittery, Representative Lawrence.

Representative LAWRENCE: Mr. Speaker, Ladies and Gentlemen of the House: Mabel Burnham was the type of individual you like to set up as an example for young people. In 1956, she was the first Kittery-elected woman to the Maine State Legislature.

The list of her civic, church and social activities is too long to even to try to list. In her life she had accomplished many things.

This past Monday, when she passed away, the day before her 101st birthday, she left a great legacy. It is fitting that we should honor her here today.

Was adopted and sent up for concurrence.

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative NADEAU from the Committee on Taxation on Bill "An Act to Create Tax Incentives for the Use of Recycled Packaging" (H.P. 68) (L.D. 92) 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 DEXTER from the Committee on Energy and Natural Resources on Bill "An Act to Protect Freshwater Wetlands" (H.P. 335) (L.D. 454) reporting "Leave to Withdraw"

Representative HUSSEY from the Committee on Agriculture on Bill "An Act to Amend the Maine Potato Bag Law" (H.P. 255) (L.D. 367) reporting "Leave to Withdraw"

Representative RYDELL from the Committee on Banking and Insurance on Bill "An Act to Expand the Types of Mental Health Care Providers Eligible for Insurance Reimbursement" (H.P. 99) (L.D. 134) reporting "Leave to Withdraw"

Were 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. 111) (L.D. 148) Bill "An Act to Require the Maine Land Use Regulation Commission to Return in a Timely Fashion Applications for the Approval of Permanent or Seasonal Structures That Have Been Destroyed by an Act of God" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-8)

(H.P. 195) (L.D. 258) Resolve, to Extend the Reporting Deadline for the Study of Low-level Radioactive Waste in the Town of Greenbush (EMERGENCY) Committee on Energy and Natural Resources reporting "Ought to Pass"

(H.P. 88) (L.D. 123) Bill "An Act to Clarify Laws Pertaining to the Enforcement of Forestry Fire Control Laws" Committee on Energy and Natural

Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-9)

(H.P. 125) (L.D. 169) Bill "An Act to Amend Certain Dates Relating to the County Budget Procedure" Committee on State and Local Government reporting "Ought to Pass"

(H.P. 173) (L.D. 238) Bill "An Act to Promote Thorough Consideration of Gubernatorial Appointments" Committee on State and Local Government reporting "Ought to Pass"

There being no objections, the above items were ordered to appear on the Consent Calendar of Wednesday, March 15, 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:

(S.P. 76) (L.D. 66) Bill "An Act to Adopt New Life Safety Requirements for Adult Boarding Care Facilities"

(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)

(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"

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 Papers were Passed to be Engrossed and sent up for concurrence.

**PASSED TO BE ENACTED
Emergency Measure**

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

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

**PASSED TO BE ENGROSSED
WITHOUT REFERENCE TO COMMITTEE**

Bill "An Act Concerning the Effective Date of County and Municipal Laws" (EMERGENCY) (H.P. 564) (L.D. 768) (Presented by Representative JOSEPH of Waterville) (Cosponsored by Senator BERUBE of Androscoggin) (Approved by a Majority of the Legislative Council pursuant to Joint Rule 27.)

(The Committee on State and Local Government had been suggested.)

Under suspension of the rules and without reference to any committee, the bill was read twice, passed to be engrossed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

At Ease)

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:

**PASSED TO BE ENACTED
Emergency Measure**

An Act Concerning the Effective Date of County and Municipal Laws (H.P. 564) (L.D. 768)

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. 123 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.

(Off Record Remarks)

On motion of Representative Lawrence of Kittery, Adjourned until Wednesday, March 15, 1989, at ten o'clock in the morning in memory of Mabel W. Burnham of Kittery, former State Representative.