

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

situation. This Bill simply moves the implementation date for the listing of those items in the warrant from 1989 to 1990 and does not nullify the action of the municipalities that complied with the law knowingly.

Which was PASSED TO BE ENGROSSED, without reference to a Committee, and ORDERED PRINTED, in concurrence.

Under suspension of the Rules, ordered sent forthwith to the Engrossing Department.

Senate at Ease

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act Concerning the Effective Date of County and Municipal Laws" (Emergency)

H.P. 564 L.D. 768

Committee on STATE AND LOCAL GOVERNMENT suggested and ORDERED PRINTED.

Comes from the House, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, without reference to a Committee.

Which was, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, without reference to a Committee, and ORDERED PRINTED, in concurrence.

Under suspension of the Rules, ordered sent forthwith to the Engrossing Department.

Off Record Remarks

Senate at Ease

Senate called to order by the President.

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

ENACTORS

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

Emergency

An Act Concerning the Effective Date of County and Municipal Laws

H.P. 564 L.D. 768

This being an Emergency Measure and having received the affirmative vote of 26 Members of the Senate, with No Senators having voted in negative, and 26 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Under suspension of the Rules, ordered sent forthwith.

On motion by Senator DUTREMBLE of York, RECESSED until 11:15 this morning.

After Recess

Senate called to order by the President.

On motion by Senator BALDACCI of Penobscot, ADJOURNED until Wednesday, March 15, 1989, at 10:00 in the morning.

ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE

FIRST REGULAR SESSION

27th Legislative Day

Wednesday, March 15, 1989

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

Prayer by Reverend Joseph Beardsley, United Methodist Church, Milo.

The Journal of Tuesday, March 14, 1989, was read and approved.

Quorum call was held.

PAPERS FROM THE SENATE

Bill "An Act Concerning Retirement Benefits for Certain Law Enforcement Positions" (S.P. 290) (L.D. 763)

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

Bill "An Act to Meet the Increased Need for Crisis Intervention and Community Education Services Provided by Rape Crisis Centers in Maine" (S.P. 292) (L.D. 765)

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 Amend the Laws Relating to the Maine Insurance Guaranty Association and the Maine Self-insurance Guarantee Association" (EMERGENCY) (S.P. 286) (L.D. 750)

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 Motor Vehicle Laws Relating to Dealers' Established Places of Business" (S.P. 293) (L.D. 766)

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 Allow Postponed High School Athletic Events to be Held on Sundays" (S.P. 291) (L.D. 764)

Bill "An Act to Amend the School Finance Act to Include Transportation as a Supportive Service to Special Education for State Agency Clients" (S.P. 294) (L.D. 767)

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

Were referred to the Committee on Education in concurrence.

Bill "An Act to Establish the Maine Medical Malpractice Act" (S.P. 289) (L.D. 762)

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

Was referred to the Committee on Judiciary in concurrence.

Refer to the Committee on Legal Affairs
Report of the Committee on Housing and Economic Development on Resolve, to Direct the Manufactured Housing Board to Provide Information to Purchasers of Manufactured Housing (S.P. 70) (L.D. 59) reporting that it be referred to the Committee on Legal Affairs.

Came from the Senate with the report read and accepted and the Resolve referred to the Committee on Legal Affairs.

Report was read and accepted and the Resolve referred to the Committee on Legal Affairs in concurrence.

Refer to the Committee on Legal Affairs
Report of the Committee on Housing and Economic Development Bill "An Act to Implement the Interim Recommendations of the Manufactured Housing Commission" (S.P. 71) (L.D. 60) reporting that it be referred to the Committee on Legal Affairs.

Came from the Senate with the report read and accepted and the bill referred to the Committee on Legal Affairs.

Report was read and accepted and the bill referred to the Committee on Legal Affairs in concurrence.

COMMUNICATIONS

The following Communication: (S.P. 288)
114TH MAINE LEGISLATURE
March 13, 1989

Senator Georgette B. Berube
Representative Ruth Joseph
Chairpersons
Joint Standing Committee on State and Local Government
114th Legislature
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Dennis P. Lemieux of Brunswick for reappointment and Waldemar G. Buschmann of Oakland and Franklin C. Leavitt, Jr. of Topsham for appointment to the Civil Services Appeals Board.

Pursuant to Title 5, M.R.S.A. Section 7081, these nominations will require review by the Joint Standing Committee on State and Local Government 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 State and Local Government.

Was Read and Referred to the Committee on State and Local Government in concurrence.

The following Communication:
STATE PLANNING OFFICE
STATE HOUSE STATION 38
AUGUSTA, MAINE 04333
March 13, 1989

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

In accordance with Title 25, Section 10, Maine Revised Statutes Annotated, I am submitting to the 114th Legislature the first annual report of the State Nuclear Safety Advisor on issues pertaining to

the safe operation of nuclear facilities, and the safe transportation and storage of nuclear waste.

I would be happy to answer any questions you may have concerning this report.

Sincerely,
S/James R. Bernard
Director
Natural Resources
Policy Division

Was read and with accompanying report ordered placed on file.

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 Concerning Potato Varieties" (H.P. 586) (L.D. 790) (Presented by Representative SMITH of Island Falls) (Cosponsored by Senator CLARK of Cumberland, Representative TARDY of Palmyra and Representative ANDERSON of Woodland)

Ordered Printed.
Sent up for Concurrence.

Appropriations and Financial Affairs

Bill "An Act to Resolve Problems with State-funded Elderly Services Created by Revision in Federal Law and Regulation" (H.P. 565) (L.D. 769) (Presented by Representative LISNIK of Presque Isle) (Cosponsored by Speaker MARTIN of Eagle Lake, Representative SMITH of Island Falls and Senator BRANNIGAN of Cumberland)

Bill "An Act to Require Continued Funding of any State-mandated Program or Standard" (H.P. 583) (L.D. 787) (Presented by Representative LORD of Waterboro) (Cosponsored by Senator ERWIN of Oxford, Representative ANDERSON of Woodland and Representative STROUT of Corinth)

Bill "An Act to Create the Youth-at-Risk Alternative Education Program" (H.P. 585) (L.D. 789) (Presented by Representative ANTHONY of South Portland) (Cosponsored by Senator CLARK of Cumberland, Senator GILL of Cumberland and Representative PARADIS of Frenchville)

Ordered Printed.
Sent up for Concurrence.

On motion of Representative Gwadosky of Fairfield, the House reconsidered its action whereby Bill "An Act to Create the Youth-at-Risk Alternative Education Program" (H.P. 585) L.D. 789 was referred to the Committee on Appropriations and Financial Affairs.

On further motion of the same Representative, tabled pending reference and specially assigned for Thursday, March 16, 1989.

Appropriations and Financial Affairs

Bill "An Act to Provide Support for Nonprofit Community AIDS Organizations Which are Members of a Statewide AIDS Alliance" (EMERGENCY) (H.P. 588) (L.D. 792) (Presented by Representative RYDELL of Brunswick) (Cosponsored by Representative MARSANO of Belfast, Representative LISNIK of Presque Isle and Senator BRANNIGAN of Cumberland)

Ordered Printed.

Sent up for Concurrence.

Business Legislation

Bill "An Act to Strengthen the Licensing Requirements for Foresters" (H.P. 584) (L.D. 788) (Presented by Representative ALLEN of Washington) (Cosponsored by Representative REED of Falmouth and Senator WHITMORE of Androscoggin)
 Ordered Printed.
 Sent up for Concurrence.

Agriculture

Bill "An Act Concerning Agricultural Road Signs" (H.P. 576) (L.D. 780) (Presented by Representative ALLEN of Washington) (Cosponsored by Representative TARDY of Palmyra, Senator TWITCHELL of Oxford and Representative ROTONDI of Athens)
 (Committee on Business Legislation had been suggested)
 On motion of Representative Allen of Washington, was referred to the Committee on Agriculture, ordered printed and sent up for concurrence.

Business Legislation

Bill "An Act to Make Technical Corrections in the Laws Concerning Gasoline Stations" (H.P. 567) (L.D. 771) (Presented by Representative ALLEN of Washington) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)
 Ordered Printed.
 Sent up for Concurrence.

Joint Select Committee on Corrections

Bill "An Act to Provide Full Reimbursement to Counties for Capital Expenditures for Buildings Attributable to the Community Corrections Program" (H.P. 582) (L.D. 786) (Presented by Representative ERWIN of Rumford) (Cosponsored by Senator GAUVREAU of Androscoggin, Representative MANNING of Portland and Senator PEARSON of Penobscot)
 Ordered Printed.
 Sent up for Concurrence.

Energy and Natural Resources

Bill "An Act to Authorize Each County to Establish a Waste Facility Landfill in that County for Towns that Wish to Participate" (H.P. 580) (L.D. 784) (Presented by Representative MILLS of Bethel) (Cosponsored by Senator ERWIN of Oxford, Representative JACKSON of Harrison and Senator TWITCHELL of Oxford)
 Bill "An Act to Modify the Law Pertaining to the Removal of Underground Residential Fuel Tanks" (H.P. 578) (L.D. 782) (Presented by Representative STEVENS of Bangor) (Cosponsored by Representative PARADIS of Frenchville, Senator BALDACCI of Penobscot and Representative HOGlund of Portland)
 Bill "An Act to Protect Maine's Job Opportunity Zones" (H.P. 569) (L.D. 773) (Presented by Representative PARADIS of Frenchville) (Cosponsored by Representative MacBRIDE of Presque Isle, Senator TITCOMB of Cumberland and Representative HEESCHEN of Wilton)
 Ordered Printed.
 Sent up for Concurrence.

Fisheries and Wildlife

Bill "An Act to Prohibit Children Aged 10 and Under from Trapping" (H.P. 566) (L.D. 770) (Presented by Representative CROWLEY of Stockton Springs) (Cosponsored by Representative TRACY of Rome and Senator TWITCHELL of Oxford)
 Ordered Printed.
 Sent up for Concurrence.

Judiciary

Bill "An Act to Clarify the Right of Appeal to Superior Court in Matters Involving Permits for Buildings" (H.P. 571) (L.D. 775) (Presented by Representative ANTHONY of South Portland) (Cosponsored by Representative HASTINGS of Fryeburg)
 Bill "An Act to Increase Fees for Bail Commissioners" (H.P. 579) (L.D. 783) (Presented by Representative CONLEY of Portland) (Cosponsored by Senator HOBBS of York, Representative PARADIS of Augusta and Representative McSWEENEY of Old Orchard Beach)
 Ordered Printed.
 Sent up for Concurrence.

TABLED AND ASSIGNED

Bill "An Act to Restrict Post-legislative Activity" (H.P. 573) (L.D. 777) (Presented by Representative FOSS of Yarmouth) (Cosponsored by Representative McCORMICK of Rockport, Senator BERUBE of Androscoggin and Senator COLLINS of Aroostook)
 (Committee on Legal Affairs had been suggested)
 On motion of Representative Priest of Brunswick, tabled pending reference and specially assigned for Thursday, March 16, 1989.

Legal Affairs

Bill "An Act to Impose Spending Limits on Legislative Campaigns" (H.P. 577) (L.D. 781) (Presented by Representative MILLS of Bethel) (Cosponsored by Representative NADEAU of Saco, Representative MITCHELL of Freeport and Senator ERWIN of Oxford)
 Ordered Printed.
 Sent up for Concurrence.

Marine Resources

Bill "An Act Concerning the Disposal of Abandoned Watercraft" (H.P. 587) (L.D. 791) (Presented by Representative COLES of Harpswell) (Cosponsored by Representative LOOK of Jonesboro, Senator ESTES of York and Representative TOWNSEND of Eastport)
 Ordered Printed.
 Sent up for Concurrence.

State and Local Government

Bill "An Act to Clarify the Common Boundary of the Town of Cape Elizabeth and the Town of Scarborough" (H.P. 572) (L.D. 776) (Presented by Representative WEBSTER of Cape Elizabeth) (Cosponsored by Senator GILL of Cumberland, Senator HOBBS of York and Representative HIGGINS of Scarborough)
 Resolve, Authorizing the Transfer of State Interest in a Parcel of Real Estate to Arthur A. Tukey and Louise H. Tukey (H.P. 589) (L.D. 803) (Presented by Representative KILKELLY of Wiscasset) (Cosponsored by Representative BEGLEY of Waldoboro)
 Ordered Printed.
 Sent up for Concurrence.

Taxation

Bill "An Act Concerning Sales Tax on Telephone Installation Services" (H.P. 574) (L.D. 778) (Presented by Representative RUHLIN of Brewer) (Cosponsored by Representative DUFFY of Bangor, Representative JACKSON of Harrison and Senator BALDACCI of Penobscot)

Bill "An Act Concerning Collection of Excise Taxes from Unorganized Territories" (H.P. 575) (L.D. 779) (Presented by Representative MICHAUD of East Millinocket) (Cosponsored by Representative GOULD of Greenville and President PRAY of Penobscot)

RESOLUTION, Proposing an Amendment to the Constitution of Maine Allowing for Variation in Property Tax Valuations (H.P. 581) (L.D. 785) (Presented by Representative PRIEST of Brunswick) (Cosponsored by Senator ANDREWS of Cumberland, Representative CURRAN of Westbrook and Representative CARROLL of Gray)

Ordered Printed.
Sent up for Concurrence.

Transportation

Bill "An Act to Provide Motor Vehicle Registration Plates to Surviving Spouses of Prisoners of War" (H.P. 570) (L.D. 774) (Presented by Representative LAPOINTE of Auburn) (Cosponsored by Representative MILLS of Bethel, Senator TWITCHELL of Oxford and Representative HICHBORN of LaGrange)

Ordered Printed.
Sent up for Concurrence.

Utilities

Bill "An Act to Provide a Penalty on Delinquent Public Utilities" (H.P. 568) (L.D. 772) (Presented by Representative RICHARD of Madison) (Cosponsored by Representative HANDY of Lewiston, Representative STROUT of Windham and Senator CARPENTER of York) (Submitted by the Public Utilities Commission pursuant to Joint Rule 24.)

Ordered Printed.
Sent up for Concurrence.

ORDERS

REPORTS OF COMMITTEES

Unanimous Leave to Withdraw

Representative MARTIN from the Committee on Transportation on Bill "An Act to Require Transition Speed Zones Adjacent to School Zones" (H.P. 41) (L.D. 52) reporting "Leave to Withdraw"

Representative McPHERSON from the Committee on Transportation on Bill "An Act to Amend the Registration Process for Trailers" (H.P. 126) (L.D. 170) 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:

(S.P. 52) (L.D. 27) Bill "An Act to Revise the Negotiable Checks and Money Orders Law" Committee on Banking and Insurance reporting "Ought to Pass" as amended by Committee Amendment "A" (S-5)

(S.P. 135) (L.D. 220) Bill "An Act to Increase the Total Authorized Indebtedness of the Kennebunk

Sewer District from \$3,000,000 to \$8,000,000" (EMERGENCY) Committee on Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (S-6)

(S.P. 67) (L.D. 50) Bill "An Act to Amend the Chapter Applicable to Medicare Supplement Insurance Policies" Committee on Banking and Insurance reporting "Ought to Pass"

(H.P. 217) (L.D. 297) Bill "An Act to Require Insurance Agents, Brokers and Consultants to Participate in Continuing Professional Education" Committee on Business Legislation reporting "Ought to Pass"

There being no objections, the above items were ordered to appear on the Consent Calendar of Thursday, March 16, 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. 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" (C. "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)

(H.P. 88) (L.D. 123) Bill "An Act to Clarify Laws Pertaining to the Enforcement of Forestry Fire Control Laws" (C. "A" H-9)

No objections having been noted at the end of the Second Legislative Day, the House Papers were Passed to be Engrossed or Passed to be Engrossed as Amended and sent up for concurrence.

(H.P. 125) (L.D. 169) Bill "An Act to Amend Certain Dates Relating to the County Budget Procedure"

On motion of Representative Martin of Eagle Lake, was removed from the Consent Calendar, Second Day.
Was read.

On motion of Representative Gwadosky of Fairfield, tabled pending acceptance of the Committee Report on State and Local Government and specially assigned for Thursday, March 16, 1989.

(H.P. 173) (L.D. 238) Bill "An Act to Promote Thorough Consideration of Gubernatorial Appointments"

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.

PASSED TO BE ENACTED

Emergency Measure

An Act Relating to Municipal Funding (H.P. 557) (L.D. 755)

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. 135 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

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

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

FINALLY PASSED

(H.P. 80) (L.D. 111) Resolve, to Name the Bridge over the Carrabassett River in North Anson the "Robert Garland Bridge" (C. "A" H-6)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, the Resolve was finally passed, signed by the Speaker and sent to the Senate.

ORDERS OF THE DAY

TABLED AND TODAY ASSIGNED

The Chair laid before the House the first tabled and today assigned matter:

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)

- In Senate, Referred to the Committee on Appropriations and Financial Affairs.

TABLED - March 14, 1989 by Representative CARTER of Winslow.

PENDING - Reference in concurrence.

Subsequently, L.D. 725 was indefinitely postponed in non-concurrence and sent up for concurrence.

(At Ease)

The House was called to order by the Speaker.

(Off Record Remarks)

On motion of Representative Jacques of Waterville, Adjourned until Thursday, March 16, 1989, at nine o'clock in the morning.

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

In Senate Chamber
Wednesday
March 15, 1989

Senate called to Order by the President.

Prayer by Reverend William Stone of the Calvary Baptist Church in Newport.

REVEREND STONE: Let us pray. Our Father in heaven, when we long for life without trials, and work without difficulty, remind us that oaks grow strong in contrary winds and diamonds are made under pressure. As the coming of spring rouses nature from winter sleep, so may Thy spirit revive us, giving us new hope and a livelier faith. Help this Maine Senate to see the right way to preserve the things so dearly bought and to resolve the difficulties that seem so great. Today we claim Thy promise; "if any one lack wisdom, let them ask of God, who giveth to everyone liberally and it shall be given them." We ask in the Saviour's name. Amen.

Reading of the Journal of Yesterday.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Clarify the Reporting Requirements for Workers' Compensation Insurers" S.P. 280 L.D. 726

In Senate, March 13, 1989, referred to the Committee on LABOR and ORDERED PRINTED.

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

The Senate RECEDED and CONCURRED.

House Papers

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

Comes from the House referred to the Committee on AGING, RETIREMENT AND VETERANS and ORDERED PRINTED.

Which was referred to the Committee on AGING, RETIREMENT AND VETERANS and ORDERED PRINTED, in concurrence.

Bill "An Act Regarding Landowner Declaration of Farmland"

H.P. 553 L.D. 751

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.

Bill "An Act to Provide Funds for Dioxin Testing"

H.P. 554 L.D. 752

Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Alcoholism Prevention, Education, Treatment and