

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

Senator WEBSTER of Franklin was granted unanimous consent to address the Senate off the Record.

Senator TWITCHELL of Oxford was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

On motion by Senator TWITCHELL of Oxford, ADJOURNED until Thursday, March 16, 1989, at 9:00 in the morning.

ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
28th Legislative Day
Thursday, March 16, 1989

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

Prayer by Father Francis Kane, Chaplain, Veterans Administration, Togus.

The Journal of Wednesday, March 15, 1989, was read and approved.

Quorum call was held.

PAPERS FROM THE SENATE

The following Communication:

Maine State Senate
Augusta, Maine 04333
March 15, 1989

The Honorable John L. Martin
Speaker of the House
114th Legislature
Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Housing and Economic Development, the Governor's nomination of Lynn Wachtel of Winchester, Massachusetts for appointment as Commissioner of the Department of Economic and Community Development.

Sincerely,
s/Joy J. O'Brien
Secretary of the Senate

Was read and ordered placed on file.

The following Communication:

Maine State Senate
Augusta, Maine 04333
March 15, 1989

The Honorable John L. Martin
Speaker of the House
114th Legislature
Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Human Resources, the Governor's nomination of Jane Sheehan of Augusta for appointment as the Child Welfare Service Ombudsman.

Sincerely,
s/Joy J. O'Brien
Secretary of the Senate

Was read and ordered placed on file.

Bill "An Act to Improve Emergency Preparedness and Provide Training for Hazardous Materials Response Teams" (S.P. 301) (L.D. 799)

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$13,000,000 for Facilities Serving People with Mental Illness" (S.P. 305) (L.D. 804)

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

Were referred to the Committee on Appropriations and Financial Affairs in concurrence.

Bill "An Act to Amend the Insurance Law Relating to the Type of Coverage Provided by Insurance Carriers" (S.P. 296) (L.D. 794)

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 Regulating Activities Adjacent to Great Ponds" (S.P. 304) (L.D. 802)
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 to Make the Department of Mental Health and Mental Retardation Responsible for the Burial Expenses of State Wards" (S.P. 295) (L.D. 793)
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 Wrongful Death Laws to Encompass Associated Claims" (S.P. 297) (L.D. 795)
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 Include Salaries, Pensions and Insurance for Binding Arbitration under the Municipal Public Employees Labor Relations Law" (S.P. 300) (L.D. 798)
Came from the Senate, referred to the Committee on Labor and Ordered Printed.
Was referred to the Committee on Labor in concurrence.

Bill "An Act to Remove the Present Dollar Limit on Funeral, Cremation and Burial Expenses Relative to Restitution by Criminal Offenders" (S.P. 298) (L.D. 796)
Bill "An Act to Impose Civil Penalties for Intentional Violations of the Maine Unfair Trade Practices Act" (S.P. 299) (L.D. 797)
Came from the Senate, referred to the Committee on Legal Affairs and Ordered Printed.
Were referred to the Committee on Legal Affairs in concurrence.

Bill "An Act to Create a Statewide Uniform Salary and Uniform Qualifications for Sheriffs" (S.P. 303) (L.D. 801)
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.

Bill "An Act to Reorganize the Duties of the Board of the Maine Children's Trust Fund" (S.P. 302) (L.D. 800)
Came from the Senate, referred to the Committee on State and Local Government and Ordered Printed.
(The Committee on Reference of Bills had suggested reference to the Committee on Human Resources.)
Was referred to the Committee on State and Local Government in concurrence.

Unanimous Leave to Withdraw

Report of the Committee on Taxation reporting "Leave to Withdraw" on Bill "An Act to Provide an Income Tax Checkoff to Support the United States Olympic Team" (S.P. 93) (L.D. 98)
Was placed in the Legislative Files without further action pursuant to Joint Rule 15 in concurrence.

Refer to the Committee

on Appropriations and Financial Affairs
Report of the Committee on State and Local Government on Bill "An Act to Extend the Reporting Deadline of the Commission to Implement the Computerization of Criminal History Record Information" (EMERGENCY) (S.P. 179) (L.D. 336) reporting that it be referred to the Committee on Appropriations and Financial Affairs.
Came from the Senate with the report read and accepted and the bill referred to the Committee on Appropriations and Financial Affairs.
Report was read and accepted and the bill referred to the Committee on Appropriations and Financial Affairs in concurrence.

Non-Concurrent Matter

Bill "An Act to Extend the Reporting Deadline on the Casco Bay Ferry Service Study" (EMERGENCY) (H.P. 51) (L.D. 72) which was passed to be engrossed in the House on February 27, 1989.
Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-11) in non-concurrence.
The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Permit Property Managers to Appear on Behalf of Owners of Residential Dwelling Units" (H.P. 562) (L.D. 760) which was referred to the Committee on Judiciary in the House on March 14, 1989.
Came from the Senate referred to the Committee on Legal Affairs in non-concurrence.
The House voted to recede and concur.

**PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE**

The following Bills and Resolutions 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:

Appropriations and Financial Affairs
Bill "An Act to Protect Lakes and to Develop Educational Programs on Boating Safety" (H.P. 592) (L.D. 810) (Presented by Representative SIMPSON of Casco)
Ordered Printed.
Sent up for Concurrence.

Agriculture

Bill "An Act to Require Country of Origin Labeling on Fresh Produce" (H.P. 591) (L.D. 809) (Presented by Representative TARDY of Palmyra) (Cosponsored by Representative PINES of Limestone, Senator KANY of Kennebec and Senator TWITCHELL of Oxford)

Bill "An Act to Simplify Pesticide Inventory Requirements" (EMERGENCY) (H.P. 593) (L.D. 811) (Presented by Representative KILKELLY of Wiscasset) (Cosponsored by Representative TARDY of Palmyra, Senator HOLLOWAY of Lincoln and Representative NUTTING of Leeds)

Ordered Printed.
Sent up for Concurrence.

Legal Affairs

Bill "An Act to Clarify the Affirmative Defense of Breach of Warranty of Habitability" (H.P. 596) (L.D. 814) (Presented by Representative MURPHY of Berwick) (Cosponsored by Representative PLOURDE of Biddeford and Senator CARPENTER of York)

Ordered Printed.
Sent up for Concurrence.

State and Local Government

Bill "An Act to Establish the Boundary Line between the Town of Falmouth and the City of Westbrook" (H.P. 594) (L.D. 812) (Presented by Representative REED of Falmouth) (Cosponsored by Senator ESTY of Cumberland, Representative O'GARA of Westbrook and Representative CURRAN of Westbrook)

Bill "An Act to Subject Municipal Rulemaking to Statutory Administrative Procedures" (H.P. 595) (L.D. 813) (Presented by Representative DUFFY of Bangor) (Cosponsored by Representative JOSEPH of Waterville, Representative CAHILL of Mattawamkeag and Senator BERUBE of Androscoggin)

RESOLUTION, Proposing An Amendment to the Constitution of Maine to Allow for the Popular Initiation of Amendments to the Maine Constitution (H.P. 590) (L.D. 808) (Presented by Representative HEPBURN of Skowhegan) (Cosponsored by Senator TWITCHELL of Oxford and Representative AIKMAN of Poland)

Ordered Printed.
Sent up for Concurrence.

ORDERS

On motion of Representative ALIBERTI of Lewiston, the following Joint Resolution: (H.P. 597) (Cosponsors: Senator BERUBE of Androscoggin, Representative BOUTILIER of Lewiston, Senator GAUVREAU of Androscoggin, Representative HANDY of Lewiston, Representative NADEAU of Lewiston, Representative POULIOT of Lewiston and Representative TELOW of Lewiston)

JOINT RESOLUTION IN HONOR AND RECOGNITION OF THE LATE LOUIS JALBERT OF LEWISTON

WHEREAS, the Legislature has learned with deep regret of the passing of Louis Jalbert, of Lewiston; and

WHEREAS, Louis Jalbert was a member of the House of Representatives for 38 years between 1945 and 1984 and was then affectionately known as the "Dean of the House"; and

WHEREAS, Representative Jalbert served as the minority floor leader in 1947 and 1948, became known over his lengthy political career as "Mr. Democrat" and was regarded as one of the prime movers behind the revitalization of the Democratic Party in Maine; and

WHEREAS, Representative Jalbert was renowned for his expertise and comprehensive knowledge of the operations of the Legislature and of State Government in general and the State budget in particular and was known as a person to whom junior Legislators could turn for advice and assistance; and

WHEREAS, Representative Jalbert's 19 terms in the Maine Legislature stands as the 5th longest record of service of any Legislator in any state of this nation; and

WHEREAS, Representative Jalbert was widely known and highly regarded for his sensitivity to the needs of the less fortunate citizens of his city and his State and was also well known for his consistent support of those employed by State Government; and

WHEREAS, Representative Jalbert's unique record of public service and dedication merits the special gratitude of his colleagues and of the citizens of this State; now, therefore, be it

RESOLVED: That, We, the Members of the One Hundred and Fourteenth Legislature of the State of Maine now assembled in the First Regular Session take this opportunity to express our sorrow at the passing of Louis Jalbert; and be it further

RESOLVED: That our membership pause in a moment of understanding and prayer to inscribe this token of sympathy and condolence to all who share our sorrow at the passing of Representative Jalbert and respectfully request that when the Legislature adjourns this date it do so in honor and lasting tribute to the memory of Representative Jalbert; and be it further

RESOLVED: That suitable copies of this Joint Resolution be prepared and presented to Yvonne Jalbert and to the members of the Jalbert family as an expression of our esteem.

Was read and adopted and sent up for concurrence.
By unanimous consent, ordered sent forthwith to the Senate.

REPORTS OF COMMITTEES

Unanimous Leave to Withdraw

Representative JACKSON from the Committee on Taxation on Bill "An Act to Define Taxation of Natural Resource Protection Areas" (H.P. 73) (L.D. 104) 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:

(S.P. 95) (L.D. 100) Bill "An Act to Amend the Law Regarding the Name of the Division of Eye Care" Committee on Human Resources reporting "Ought to Pass"

There being no objections, the above item was ordered to appear on the Consent Calendar of Monday, March 20, 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. 52) (L.D. 27) Bill "An Act to Revise the Negotiable Checks and Money Orders Law" (C. "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) (C. "A" S-6)

(S.P. 67) (L.D. 50) Bill "An Act to Amend the Chapter Applicable to Medicare Supplement Insurance Policies"

(H.P. 217) (L.D. 297) Bill "An Act to Require Insurance Agents, Brokers and Consultants to Participate in Continuing Professional Education"

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

PASSED TO BE ENACTED

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

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.

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 Create the Youth-at-Risk Alternative Education Program" (H.P. 585) (L.D. 789)

TABLED - March 15, 1989 by Representative GWADOSKY of Fairfield.

PENDING - Reference.

Subsequently, was referred to the Committee on Education, ordered printed and sent up for concurrence.

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

Bill "An Act to Restrict Post-legislative Activity" (H.P. 573) (L.D. 777)

TABLED - March 15, 1989 by Representative PRIEST of Brunswick.

PENDING - Reference.

On motion of Representative Priest of Brunswick, was referred to the Committee on State and Local Government, ordered printed and sent up for concurrence.

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

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

TABLED - March 15, 1989 by Representative GWADOSKY of Fairfield.

PENDING - Acceptance of Committee Report.

Subsequently, the Committee Report was accepted, the bill read once and assigned for second reading Monday, March 20, 1989.

BILL HELD

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 on March 13, 1989.

- In House, Indefinitely Postponed in non-concurrence. HELD at the request of Representative GWADOSKY of Fairfield.

The SPEAKER: The Chair recognizes the Representative from Fairfield, Representative Gwadosky.

Representative GWADOSKY: Mr. Speaker, is the House in possession of L.D. 725?

The SPEAKER: The Chair would answer in the affirmative having been held at the Representative's request.

On motion of Representative Gwadosky of Fairfield, the House reconsidered its action whereby L.D. 725 was indefinitely postponed.

Subsequently, was referred to the Committee on Appropriations and Financial Affairs in concurrence.

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

PAPER FROM THE SENATE

The following Joint Order: (S.P. 309) ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Monday, March 20, 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 McGowan of Canaan, Adjourned until Monday, March 20, 1989, at ten o'clock in the morning pursuant to Joint Order (S.P. 309) in memory of Louis Jalbert, former Representative.