

# 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

On further motion by same Senator, the Senate SUSPENDED THE RULES.

On further motion by same Senator, the Senate RECONSIDERED whereby it ADOPTED Senate Amendment "A" (S-4).

On further motion by same Senator, Senate Amendment "A" (S-4) INDEFINITELY POSTPONED in NON-CONCURRENCE.

On further motion by same Senator, Senate Amendment "B" (S-13) READ.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Kennebec, Senator Kany.

Senator KANY: Thank you Madam President. Madam President, men and women of the Senate. The proffered Amendment would replace the Emergency preamble with a retroactivity clause. Thank you.

On further motion by same Senator, Senate Amendment "B" (S-13) ADOPTED.

Which was PASSED TO BE ENGROSSED, as Amended in NON-CONCURRENCE.

Sent down for concurrence.

Senator BRANNIGAN of Cumberland was granted unanimous consent to address the Senate off the Record.

The ADJOURNMENT ORDER having been returned from the House READ and PASSED, in concurrence, on motion by Senator BERUBE of Androscoggin, ADJOURNED in memory of Louis Jalbert until Monday, March 20, 1989, at 10:00 in the morning.

**ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE  
FIRST REGULAR SESSION  
29th Legislative Day  
Monday, March 20, 1989**

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

Prayer by Reverend Desmond Parker, Chebeague Island United Methodist Church.

National Anthem by Rockland District High School Band.

The Journal of Thursday, March 16, 1989, was read and accepted.

Quorum call was held.

**PAPERS FROM THE SENATE**

Bill "An Act to Amend the State Antitrust Laws" (S.P. 308) (L.D. 807)

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 Relating to Vocational Rehabilitation under the Workers' Compensation Act" (S.P. 307) (L.D. 806)

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 Create the Individual Income Tax Windfall Fund" (EMERGENCY) (S.P. 306) (L.D. 805)

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

Was referred to the Committee on Taxation in concurrence.

**Unanimous Leave to Withdraw**

Report of the Committee on Aging, Retirement and Veterans reporting "Leave to Withdraw" on Bill "An Act to Allow Teachers to Purchase Retirement Credits for Years Spent Teaching at a Private College Formerly Connected with a Secondary Institute" (S.P. 149) (L.D. 269)

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

**Divided Report**

Majority Report of the Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-9) on Bill "An Act to Validate and Approve the Town of China's Town Meeting and School Construction Referendum and Related Proceedings" (S.P. 109) (L.D. 164)

Signed:

Senators:

CARPENTER of York  
BERUBE of Androscoggin  
ESTY of Cumberland  
ROTONDI of Athens  
McCORMICK of Rockport  
WENTWORTH of Wells  
LARRIVEE of Gorham  
DAGGETT of Augusta  
HEESCHEN of Wilton  
CAHILL of Mattawamkeag  
BEGLEY of Waldoboro  
JOSEPH of Waterville

Representatives:

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Signed:

Representative: HANLEY of Paris

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-9).

Reports were read.

On motion of Representative Joseph of Waterville, the Majority "Ought to Pass" Report was accepted, the Bill read once.

Committee Amendment "A" (S-9) was read by the Clerk and adopted and the Bill assigned for second reading Tuesday, March 21, 1989.

#### Non-Concurrent Matter

Bill "An Act to Clarify Laws Pertaining to the Enforcement of Forestry Fire Control Laws" (H.P. 88) (L.D. 123) which was passed to be engrossed as amended by Committee Amendment "A" (H-9) in the House on March 15, 1989.

Came from the Senate with the bill and accompanying papers recommitted to the Committee on Energy and Natural Resources in non-concurrence.

The House voted to recede and concur.

#### Non-Concurrent Matter

An Act to Amend the Law Regarding the State Forest Nursery (Emergency) (S.P. 97) (L.D. 116) (S. "A" S-4) which was passed to be enacted in the House on March 14, 1989.

Came from the Senate passed to be engrossed as amended by Senate Amendment "B" (S-13) in non-concurrence.

The House voted to recede and concur.

#### Non-Concurrent Matter

Bill "An Act Concerning Agricultural Road Signs" (H.P. 576) (L.D. 780) which was referred to the Committee on Agriculture on March 15, 1989.

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

On motion of Representative Gwadosky of Fairfield, tabled pending further consideration and later today assigned.

#### COMMUNICATIONS

The following Communication:

HEALTH CARE FINANCE COMMISSION

State House Station 102

Augusta, Maine 04333

March 9, 1989

The Honorable John L. Martin  
Speaker, Maine House of Representatives  
State House

Augusta, Maine 04333

Dear Speaker Martin:

It is my pleasure to transmit the Commission's Annual Report for 1988 to you. My colleagues and I hope that the information it contains will be helpful to you and the members of the Legislature as you seek to improve the hospital payment system we administer.

As you will see, the cost of hospital care is now increasing by approximately 10% per year. However, because the federal government has severely restricted the amounts hospitals are paid for services provided to Medicare and Medicaid beneficiaries, we expect to authorize Maine hospitals to increase their charges to private patients by more

than 15%. This "cost shifting" not only increases the price of private health insurance but also places those hospitals that serve many Medicare and Medicaid beneficiaries at a competitive disadvantage. It is essential that this problem be addressed in any changes to the hospital payment system.

As you will also see, we support many of the recommendations made by the Blue Ribbon Commission that was empanelled to study the regulation of health care expenditures in Maine. The changes recommended by the Blue Ribbon Commission would make the hospital payment system more flexible and address several of the problems we have identified. We are concerned, however, that too little attention has been given to the difficulties that will be encountered in the transition from the current hospital payment system to any new arrangements that may be established. We hope that the lessons we have learned can help make this transition a smooth and successful one.

We look forward to working with you to assure that quality hospital care is available to all Maine citizens at an affordable cost.

Sincerely,

s/Rosalynne Bernstein

Chairman

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:

##### Appropriations and Financial Affairs

Bill "An Act to Increase the Administrative Allowance for Proprietary Boarding Homes for the Mentally Retarded" (EMERGENCY) (H.P. 600) (L.D. 824) (Presented by Representative MITCHELL of Freeport) (Cosponsored by Senator CLARK of Cumberland)

Bill "An Act to Expand the Retired Senior Volunteer Programs, Foster Grandparent Programs and Senior Companion Program" (H.P. 607) (L.D. 831) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsored by Representative RIDLEY of Shapleigh, Senator PERKINS of Hancock and Senator PEARSON of Penobscot)

Ordered Printed.

Sent up for Concurrence.

##### Business Legislation

Bill "An Act Relating to the Sale of Fraternal Life Benefit Certificates and Life Insurance by Funeral Directors and Cemetery Corporations" (H.P. 601) (L.D. 825) (Presented by Representative WEBSTER of Cape Elizabeth) (Cosponsored by Senator TWITCHELL of Oxford, Representative GARLAND of Bangor and Senator PERKINS of Hancock) (Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 24.)

Bill "An Act Concerning Warranties for Manufactured Housing" (H.P. 605) (L.D. 829) (Presented by Representative MITCHELL of Freeport) (Cosponsored by Senator CLARK of Cumberland, Representative KILKELLY of Wiscasset and Representative HOGLUND of Portland)

Ordered Printed.

Sent up for Concurrence.

#### Energy and Natural Resources

Bill "An Act to Allow Cleanup of Beach Frontage on Artificially Created Great Ponds" (H.P. 598) (L.D. 822) (Presented by Representative CLARK of Millinocket) (Cosponsored by Representative GOULD of Greenville, Representative LORD of Waterboro and President PRAY of Penobscot)

Bill "An Act to Authorize the Department of Corrections to Establish a Solid Waste Recycling Program" (H.P. 603) (L.D. 827) (Presented by Representative CARTER of Winslow) (Cosponsored by Representative MICHAUD of East Millinocket, Representative CHONKO of Topsham and Senator KANY of Kennebec)

Resolve, to Require the Classification of Certain Great Ponds in the State (H.P. 599) (L.D. 823) (Presented by Representative RUHLIN of Brewer) (Cosponsored by Representative CATHCART of Orono, Representative DUFFY of Bangor and Senator BOST of Penobscot)

Ordered Printed.

Sent up for Concurrence.

**Human Resources**

Bill "An Act to Establish the Office of Children within the Executive Department" (H.P. 608) (L.D. 832) (Presented by Representative FOSS of Yarmouth) (Cosponsored by Senator GILL of Cumberland, Representative JACKSON of Harrison and Representative PENDLETON of Scarborough)

Ordered Printed.

Sent up for Concurrence.

**Labor**

Bill "An Act Relating to Drug Testing" (H.P. 609) (L.D. 833) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsored by Senator DUTREMBLE of York, Representative MCHENRY of Madawaska and President PRAY of Penobscot)

Ordered Printed.

Sent up for Concurrence.

**Marine Resources**

Bill "An Act Concerning the Regulatory Authority of the Department of Marine Resources" (H.P. 604) (L.D. 828) (Presented by Representative MARSH of West Gardiner) (Cosponsored by Representative LOOK of Jonesboro, 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.

**Taxation**

Bill "An Act to Increase County Share of Real Estate Transfer Tax" (H.P. 602) (L.D. 826) (Presented by Representative HEESCHEN of Wilton) (Cosponsored by Representative ROTONDI of Athens, Representative HICKEY of Augusta and Senator ANDREWS of Cumberland)

Bill "An Act to Allow Municipalities to Impose an Optional Sales Tax" (H.P. 606) (L.D. 830) (Presented by Representative KETOVER of Portland) (Cosponsored by Senator CLARK of Cumberland, Representative DiPIETRO of South Portland and Representative DUFFY of Bangor)

Ordered Printed.

Sent up for Concurrence.

**ORDERS**

On motion of Representative KETOVER of Portland, the following Joint Resolution: (H.P. 610) (Cosponsors: Representative ROLDE of York, Speaker MARTIN of Eagle Lake and Representative RYDELL of Brunswick) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 35)

JOINT RESOLUTION MEMORIALIZING THE INTERNATIONAL COMMITTEE OF THE RED CROSS AND RED CRESCENT MOVEMENT AND THE LEAGUE OF THE RED CROSS AND RED CRESCENT SOCIETIES TO FULLY RECOGNIZE THE MAGEN DAVID ADOM SOCIETY

WE, your Memorialists, the Senate and House of Representatives of the State of Maine in the First Regular Session of the One Hundred and Fourteenth Legislature, now assembled, most respectfully present and petition the International Committee of the Red Cross and Red Crescent Movement and the League of the Red Cross and Red Crescent Societies, as follows:

WHEREAS, since 1949 the International Committee of the Red Cross has repeatedly refused to formally recognize the Magen David Adom Society, the Israeli equivalent of other International Red Cross societies; and

WHEREAS, the International Committee of the Red Cross mandates the fulfillment of 10 formal requirements for recognition under the terms of the XVII International Red Cross Conference held in Stockholm, Sweden in 1948; and

WHEREAS, of those 10 conditions, the Israeli Magen David Adom Society has met 9, the exception being the requirement that the society display one of the 3 symbols currently in use as Red Cross emblems; and

WHEREAS, the symbols currently in use, red cross, red crescent and a red lion and sun, reflect the differences in religious and cultural values of the host countries where the Red Cross Societies are found and the Israeli request for an emblem specific to its culture mirrors the need of the Moslem countries to use their accepted symbol; and

WHEREAS, Israel has requested that the Magen David Adom, Red Star of David, be accepted as the emblem of its national society, with the rationale being greater recognition and acceptance within Israel as a currently accepted protective symbol; and

WHEREAS, acceptance of Magen David Adom and its emblem by the International Committee of the Red Cross and the League of the Red Cross Societies is vital to its function as an emergency relief agency during times of peace and conflict; and

WHEREAS, the American Red Cross has formally recognized Magen David Adom as an exceptionally strong humanitarian organization fully qualified for formal recognition and equal status with other members of the League of the Red Cross Societies; and

WHEREAS, the Magen David Adom Society petitioned for membership during the International Red Cross Quadrennial Conference held in Geneva in 1986 and rather than accepting their application after 25 years of delay, the conference chose to reject their application with the claim of a need for a uniform symbol throughout the League of the Red Cross Societies; and

WHEREAS, at the same time, the International Committee changed its name to the International Committee of the Red Cross and Red Crescent Movement, thereby negating its claim of uniformity and bolstering the claim of Israel; now, therefore, be it

RESOLVED: That We, your Memorialists respectfully recommend and urge the International Committee of the Red Cross and Red Crescent Movement and the League of the Red Cross and Red Crescent Societies to fully recognize the Magen David Adom Society; and be it further

RESOLVED: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to Rabbi Rubin R. Dobin, International Chairman of Operation Recognition, the International Committee of the Red Cross and Red Crescent Societies and the League of the Red Cross and Red Crescent Societies.

Was read and adopted and sent up for concurrence.

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

ORDERED, that Representative Charles R. Priest of Brunswick be excused March 13 for health reasons.

AND BE IT FURTHER ORDERED, that Representative James R. Handy of Lewiston be excused March 13 for the duration of his illness.

AND BE IT FURTHER ORDERED, that Representative Linwood M. Higgins of Scarborough be excused March 13 and 14 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Peggy A. Pendleton of Scarborough be excused March 15 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Patricia M. Stevens of Bangor be excused March 13 to 16 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Jean T. Dellert of Gardiner be excused March 16 and 17 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Charlene B. Rydell of Brunswick be excused March 20 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Theone F. Look of Jonesboro be excused March 22 for personal reasons and March 27 for legislative business.

Was read and passed.

**SPECIAL SENTIMENT CALENDAR  
LATER TODAY ASSIGNED**

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

Scott Snell, of Big Squaw Township, whose brave and heroic actions were directly responsible for saving the life of a snowmobiler who fell into the frigid waters of Moosehead Lake; (HLS 228) by Representative MERRILL of Dover-Foxcroft. (Cosponsor: President PRAY of Penobscot)

On motion of Representative Gwadnosky of Fairfield, was removed from Special Sentiment Calendar.

On further motion of the same Representative, tabled pending adoption and later today assigned.

**REPORTS OF COMMITTEES**

**Unanimous Leave to Withdraw**

Representative WENTWORTH from the Committee on State and Local Government on Bill "An Act to Improve Enforcement of Junkyard Laws" (H.P. 256) (L.D. 368) reporting "Leave to Withdraw"

Representative FARREN from the Committee on Fisheries and Wildlife on Bill "An Act to Eliminate the Requirement that First-time Trappers take a Safety Course" (H.P. 180) (L.D. 245) 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. 79) (L.D. 110) Bill "An Act to Clarify the Blueberry Tax Laws" Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-10)

(H.P. 81) (L.D. 112) Bill "An Act to Make Additional Allocations from the Highway Fund for the Fiscal Year Ending June 30, 1989" (EMERGENCY) Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-12)

(H.P. 122) (L.D. 159) Bill "An Act to Increase the Membership of the Emergency Enhanced 9-1-1 Telephone Advisory Committee" (EMERGENCY) Committee on Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-11)

(S.P. 77) (L.D. 67) Resolve, Authorizing the Director of Parks and Recreation to Convey by Deed the Interests of the State in Certain Unlocated Rights-of-way Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-7)

(S.P. 50) (L.D. 23) Bill "An Act to Amend the Local Road Assistance Distribution Formula" (Emergency) Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-8)

(S.P. 42) (L.D. 12) Bill "An Act to Clarify the Law Concerning the Inclusion of Nursing Home Benefits in Life Insurance Policies" Committee on Banking and Insurance reporting "Ought to Pass" as amended by Committee Amendment "A" (S-10)

There being no objections, the above items were ordered to appear on the Consent Calendar of Tuesday, March 21, 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. 95) (L.D. 100) Bill "An Act to Amend the Law Regarding the Name of the Division of Eye Care"

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

**PASSED TO BE ENGROSSED**

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

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

**PASSED TO BE ENACTED**

**Emergency Measure**

An Act to Increase the Total Authorized Indebtedness of the Kennebunk Sewer District from \$3,000,000 to \$8,000,000 (S.P. 135) (L.D. 220) (C. "A" S-6)

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, was ordered sent forthwith to the Senate.

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**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) (S. "A" S-11)

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. 128 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.

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**PASSED TO BE ENACTED**  
**Emergency Measure**

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 (H.P. 115) (L.D. 152)

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. 127 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.

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**PASSED TO BE ENACTED**

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

An Act to Revise the Negotiable Checks and Money Orders Law (S.P. 52) (L.D. 27) (C. "A" S-5)

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

An Act to Alter Certain Provisions of the Weights and Measures Laws to Recognize the Recently Created National Institute of Standards and Technology (H.P. 163) (L.D. 228)

Were 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.

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(Off Record Remarks)

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The Chair laid before the House the following item: Bill "An Act Concerning Agricultural Road Signs" (H.P. 576) (L.D. 780) which was referred to the Committee on Agriculture on March 15, 1989, (Came from the Senate referred to the Committee on Business Legislation in non-concurrence) which was tabled earlier in the day and later today assigned pending further consideration.

On motion of Representative Allen of Washington, the House voted to insist.

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On motion of Representative Gwadosky of Fairfield, the House reconsidered its action whereby Bill "An Act to Establish the Office of Children within the Executive Department" (H.P. 608) (L.D. 832) was referred to the Committee on Human Resources.

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

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On motion of Representative Michaud of East Millinocket, the House reconsidered its action whereby Bill "An Act to Authorize the Department of Corrections to Establish a Solid Waste Recycling Program" (H.P. 603) (L.D. 827) was referred to the Committee on Energy and Natural Resources.

On further motion of the same Representative, was referred to the Joint Select Committee on Corrections, ordered printed and sent up for concurrence.

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(Off Record Remarks)

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On motion of Representative Jalbert of Lisbon, Adjourned until Tuesday, March 21, 1989, at ten o'clock in the morning.

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