

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

ENACTED and having been signed by the President Pro Tem, was presented by the Secretary to the Governor for his approval.

On motion by Senator GAUVREAU of Androscoggin, ADJOURNED until Tuesday, March 21, 1989, at 10:00 in the morning.

ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
30th Legislative Day
Tuesday, March 21, 1989

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

Prayer by Chaplain Birger Johnson, Maine Youth Center, South Portland.

The Journal of Monday, March 20, 1989, was read and approved.

Quorum call was held.

PAPERS FROM THE SENATE

The following Communication:

Maine State Senate
Augusta, Maine 04333
March 20, 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 denied, upon the recommendation of the Joint Standing Committee on Utilities, the Governor's nomination of Dana C. Devoe of Orono for appointment as a Commissioner for the Public Utilities Commission.

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

Was read and ordered placed on file.

The following Joint Resolution: (S.P. 317)
JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ALLOW STATES MORE DISCRETION IN UTILIZING FUNDING AVAILABLE FROM THE ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH BLOCK GRANT CONTAINED IN THE ANTI-DRUG ABUSE ACT OF 1988

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 Congress of the United States, as follows:

WHEREAS, the Alcohol, Drug Abuse, and Mental Health Block Grant Program contained in the federal Anti-Drug Abuse Act of 1988 has established significant changes in the requirements imposed on the several states for utilization of these block grant funds; and

WHEREAS, some of these changes reflect the needs of larger states and do not reflect the needs of smaller states, such as Maine, whose alcohol, drug and mental health problems and solutions are not the same as those of the larger states; and

WHEREAS, it will be particularly difficult for Maine to comply with or effectively utilize available funding in connection with the following new requirements:

1. The required allocation of substantial funds for services to intravenous drug users. The diversion of significant funds for services to intravenous drug users in Maine is out of proportion to the severity of the problem in Maine in relation to other alcohol and drug problems. Funding which could have been available for other necessary programs will revert back to the Federal Government, resulting in a significant loss of essential services;
2. The requirement that a substantial portion of block grant funding be reserved for new services. The Anti-Drug Abuse Act of 1988, as amended, requires

a state to spend not less than 55% of the mental health allotment on new services and programs not available on October 1, 1988. It also requires that 50% of the amount reserved by a state for services to seriously emotionally disturbed children and adolescents be used for new or expanded programs that were not available prior to October 1, 1988. This substantial new service requirement, combined with the estimated \$212,000 decline in mental health block grant funding, will necessitate either a major increase in state funding to continue programs started with block grant funds or the reservation of block grant funds to short-term projects;

3. The restriction on the obligation of funding for any year to that same year. Reauthorization of block grant funding is often delayed by congressional debate for months after the previous block grant legislation and funding has terminated. States have traditionally carried over funding from the previous year to allow for that delay and for the subsequent 6 to 8-week delay in implementing the new block grants after enactment. Reducing the permissible period in which the funding may be obligated impairs continuing state programs by eliminating continuing funding for staff salaries and contractual services. Vital alcohol, drug abuse and mental health services will have to be terminated for that 2 to 4-month period;

4. The reduction in funding which can be dedicated to administrative expenses from 10% to 5%. This reduction shifts the burden of administrative expenses disproportionately to the states. The reduction in administrative expenses is accompanied by additional administrative requirements which have significant costs. New requirements include independent peer review to assess the quality and appropriateness of treatment services provided by entities that receive funds and data collection on mental health activities including the number and demographic characteristics of individuals receiving treatment, the type of care received and such other data as may be appropriate; and

5. The requirement to establish a revolving loan fund to make available loans to enable groups of 4 or more recovering substance abusers to set up group homes. Maine's experience cannot justify the utilization of that level of funding for that purpose. Unused funds will revert to the Federal Government and be unavailable for necessary programs designed to address Maine needs; and

WHEREAS, the current federal law includes limited waiver provisions to allow for an adjustment period to the new federal requirements, this waiver provision only addresses the transition period to the new requirements and does not address the underlying problem. The real issue is the restrictions imposed on Maine's ability to apply available substance abuse and mental health block grant funding to Maine's unique problems and the failure of the federal legislation to recognize that different states will have different substance abuse and mental health problems; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully recommend and urge the Congress of the United States to recognize that federal legislation affects 50 states and that, among those states, the variations in the types and severity of substance abuse and mental health problems and issues are significant; and be it further

RESOLVED: That Congress allow each state to exercise more discretion in the utilization of the Alcohol, Drug Abuse, and Mental Health Block Grant funds, granting them the flexibility to address their unique problems and issues; and be it further

RESOLVED: That Congress address the following specific problems with the current Alcohol, Drug Abuse, and Mental Health Block Grant Program by:

1. Enacting a 3-year waiver provision for the requirement that a specific amount of funding be utilized exclusively to provide services to intravenous drug users;

2. Providing additional mental health block grant funding as necessary to cover expenses for new service requirements; and

3. Reinstating the authorization for the states to obligate federal funding during a 2-year period; and be it further

RESOLVED: That Congress address the following specific problems when enacting additional alcohol, drug abuse, and mental health block grant programs:

1. Authorizing administrative expenses of up to 10% of the block grant and providing additional funding for administrative expenses to each state in an amount sufficient to meet additional administrative requirements imposed by the legislation; and

2. Enacting a waiver provision for the requirement that unspent funds in the revolving loan fund established for recovering substance abusers to set up group homes be returned to the Federal Government. These funds should be carried over and be available for use at a later date if requested by loan applicants; and be it further

RESOLVED: That suitable copies of this memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable George H.W. Bush, President of the United States, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each member of the Maine Congressional Delegation.

Came from the Senate, read and adopted.

Was read and adopted in concurrence.

Bill "An Act to Establish an Affordable Housing Demonstration Program" (S.P. 315) (L.D. 820)

Bill "An Act Providing for the 1989 Amendments Pertaining to the Finance Authority of Maine Act" (S.P. 316) (L.D. 821)

Came from the Senate, referred to the Committee on Housing and Economic Development and Ordered Printed.

Were referred to the Committee on Housing and Economic Development in concurrence.

Bill "An Act Regarding High-speed Chases" (S.P. 310) (L.D. 815)

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

(The Committee on Reference of Bills had suggested reference to the Committee on Legal Affairs.)

Was referred to the Committee on Judiciary in concurrence.

Bill "An Act to Provide Public Access to Records and Proceedings of Local and County Government Associations" (S.P. 314) (L.D. 819)

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

(The Committee on Reference of Bills had suggested reference to the Committee on Legal Affairs.)

Was referred to the Committee on Judiciary in concurrence.

Bill "An Act to Define the Compensation Period for Injuries Resulting in Partial Incapacity under the Workers' Compensation Act" (S.P. 313) (L.D. 818)

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 Provide a Referendum to Abolish County Government and Authorize Reassignment of its Functions and Duties to Appropriate State and Municipal Departments and Agencies" (S.P. 312) (L.D. 817)

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 Increase Safety on Maine Roads and Protect the General Welfare" (S.P. 311) (L.D. 816)

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

Was referred to the Committee on Transportation 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 State Employees and Teachers to Purchase Retirement Credit for Time Worked Under Contract to the Governor's Office from 1974 to 1978" (S.P. 141) (L.D. 261)

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

Ought to Pass

Report of the Committee on State and Local Government reporting "Ought to Pass" on Bill "An Act to Establish a Portion of the Boundary Between the Town of Lincoln and the Town of Enfield in the County of Penobscot from the Penobscot River to the Westerly Shore of Cold Stream Pond" (S.P. 102) (L.D. 121).

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Senate Amendment "A" (S-14).

Report was read and accepted, the Bill read once. Senate Amendment "A" read by the Clerk and adopted and the Bill assigned for second reading Wednesday, March 22, 1989.

**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 Relating to Ordinary Death Benefits Under the Maine State Retirement System" (H.P. 625) (L.D. 848) (Presented by Representative MANNING of Portland) (Cosponsored by Representative HICKEY of Augusta, Representative DELLERT of Gardiner and Senator CLARK of Cumberland)

Ordered Printed.
Sent up for Concurrence.

Agriculture

Bill "An Act to Create a Northeast Interstate Dairy Compact" (H.P. 614) (L.D. 837) (Presented by Representative TARDY of Palmyra) (Cosponsored by Representative WHITCOMB of Waldo and Senator EMERSON of Penobscot)

Bill "An Act Regarding Dangerous Dogs" (H.P. 630) (L.D. 853) (Presented by Representative MITCHELL of Freeport) (Cosponsored by Representative NUTTING of Leeds, Representative TARDY of Palmyra and Representative PINES of Limestone)

Ordered Printed.
Sent up for Concurrence.

Appropriations and Financial Affairs

Bill "An Act to Appropriate Funds for Advocacy Activities for Severe and Prolonged Mentally Ill Persons" (H.P. 616) (L.D. 839) (Presented by Representative PEDERSON of Bangor) (Cosponsored by President PRAY of Penobscot, Senator PERKINS of Hancock and Speaker MARTIN of Eagle Lake)

Bill "An Act to Provide the Division of Eye Care With Computer Technology" (H.P. 619) (L.D. 842) (Presented by Representative DAGGETT of Augusta) (Cosponsored by Senator BOST of Penobscot, Representative CURRAN of Westbrook and Representative CHONKO of Topsham)

Bill "An Act to Fund Community-based AIDS Programs and Services" (H.P. 622) (L.D. 845) (Presented by Representative CONLEY of Portland)

Bill "An Act to Provide Computer Technology to the Division of Eye Care" (H.P. 628) (L.D. 851) (Presented by Representative DAGGETT of Augusta) (Cosponsored by Senator BOST of Penobscot, Representative CURRAN of Westbrook and Representative CHONKO of Topsham)

Ordered Printed.
Sent up for Concurrence.

Banking and Insurance

Bill "An Act Concerning Automobile Insurance" (H.P. 621) (L.D. 844) (Presented by Representative HEESCHEN of Wilton) (BY REQUEST) (Cosponsored by Representative JOSEPH of Waterville and Representative HANDY of Lewiston)

Bill "An Act to Harmonize the Adjustable Rate Transaction Requirements of the Maine Consumer Credit Code with the Federal Truth-in-Lending Act and to Repeal Sunrise Provisions" (H.P. 626) (L.D. 849) (Presented by Representative CURRAN of Westbrook) (Cosponsored by Senator THERIAULT of Aroostook, Senator DILLENBACK of Cumberland and Representative ALLEN of Washington) (Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 24.)

Ordered Printed.
Sent up for Concurrence.

Education

Bill "An Act to Amend the Budget Procedures of Community School Districts" (H.P. 612) (L.D. 835) (Presented by Representative NORTON of Winthrop) (Cosponsored by Representative HUTCHINS of Penobscot, Senator PERKINS of Hancock and Representative RIDLEY of Shapleigh)

Bill "An Act to Include Certain Proprietary Schools in Eligibility Requirements of the Maine Educational Loan Authority's Supplemental Loan Program" (EMERGENCY) (H.P. 618) (L.D. 841) (Presented

by Representative SMALL of Bath) (Cosponsored by Representative AULT of Wayne, Representative GARLAND of Bangor and Senator ESTES of York)
 Ordered Printed.
 Sent up for Concurrence.

Energy and Natural Resources

Bill "An Act to Protect Naturally Occurring Landmarks" (H.P. 617) (L.D. 840) (Presented by Representative RAND of Portland) (Cosponsored by Representative MURPHY of Berwick, Representative PARADIS of Frenchville and Representative DEXTER of Kingfield)
 Ordered Printed.
 Sent up for Concurrence.

Later Today Assigned

Bill "An Act to Strengthen and Improve Enforcement of Environmental Laws" (H.P. 629) (L.D. 852) (Presented by Representative JACQUES of Waterville) (Cosponsored by Representative MITCHELL of Freeport and Representative DEXTER of Kingfield) (Submitted by the Department of Environmental Protection pursuant to Joint Rule 24.)
 (The Committee on Energy and Natural Resources had been suggested.)
 On motion of Representative Michaud of East Millinocket, tabled pending reference and later today assigned.

Energy and Natural Resources

Bill "An Act To Amend the Growth Management Laws" (EMERGENCY) (H.P. 631) (L.D. 854) (Presented by Representative MICHAUD of East Millinocket) (Cosponsored by Senator PEARSON of Penobscot, Representative LORD of Waterboro and Representative COLES of Harpswell)
 Ordered Printed.
 Sent up for Concurrence.

Human Resources

Bill "An Act to Amend the Child and Family Services and Child Protection Act" (H.P. 623) (L.D. 846) (Presented by Representative MANNING of Portland) (Cosponsored by Senator GAUVREAU of Androscoggin, Representative PEDERSON of Bangor and Senator BRANNIGAN of Cumberland)
 Ordered Printed.
 Sent up for Concurrence.

Marine Resources

Bill "An Act to Amend the Nonresident Clam Digging Laws" (H.P. 620) (L.D. 843) (Presented by Representative HIGGINS of Scarborough) (Cosponsored by Representative ALLEN of Washington, Senator HOBBS of York and Senator HOLLOWAY of Lincoln)
 Ordered Printed.
 Sent up for Concurrence.

State and Local Government

Bill "An Act to Remove the Jurisdiction of the County Commissioners over Municipal Roads" (H.P. 613) (L.D. 836) (Presented by Representative CARROLL of Gray)
 Resolve, to Establish the Commission to Study the Preservation of Volunteer Ambulance Crews and Volunteer Fire Departments (H.P. 624) (L.D. 847) (Presented by Representative McCORMICK of Rockport)

(Cosponsored by Representative CARROLL of Gray, Representative GREENLAW of Standish and Senator GAUVREAU of Androscoggin)
 Ordered Printed.
 Sent up for Concurrence.

Taxation

Bill "An Act to Correct Inequities in the Veterans Tax Exemptions" (H.P. 627) (L.D. 850) (Presented by Representative JALBERT of Lisbon) (Cosponsored by Representative REED of Falmouth and Senator ERWIN of Oxford)
 Ordered Printed.
 Sent up for Concurrence.

Transportation

Bill "An Act to Provide Motor Vehicle Registration Consistency" (H.P. 615) (L.D. 838) (Presented by Representative NORTON of Winthrop) (Cosponsored by Representative JACKSON of Harrison, Representative AULT of Wayne and Representative KILKELLY of Wiscasset)
 Resolve, to Provide for a Commemorative Motor Vehicle License Plate to Celebrate the Bicentennial of Hancock County (EMERGENCY) (H.P. 611) (L.D. 834) (Presented by Representative FOSTER of Ellsworth) (Cosponsored by Representative HUTCHINS of Penobscot, Representative SWAZEY of Bucksport and Senator PERKINS of Hancock) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)
 Ordered Printed.
 Sent up for Concurrence.

ORDERS

On motion of Representative BREWER of Boothbay Harbor, the following Joint Resolution: (H.P. 632) (Cosponsor: Senator HOLLOWAY of Edgecomb)
JOINT RESOLUTION COMMEMORATING THE ONE HUNDREDTH ANNIVERSARY OF THE TOWN OF BOOTHBAY HARBOR
 WHEREAS, one of the series of picturesque towns located along the coast of Maine is Boothbay Harbor, which is known throughout the nation for its charm and beauty;
 WHEREAS, the first recorded landing within the Boothbay Harbor area was made in 1623 by Captain Christopher Levett at Cape Newagen; and
 WHEREAS, Boothbay Harbor was first permanently settled in 1730 by Colonel David Dunbar as Townsend and was subsequently incorporated as Boothbay on November 3, 1764 by an Act of Incorporation from King George III; and
 WHEREAS, the Town of Boothbay Harbor was set off from Boothbay and incorporated by an act of the Legislature on February 16, 1889; and
 WHEREAS, Boothbay Harbor has long been recognized for the excellence of its fishing industry and for the skills of its shipwrights; and
 WHEREAS, Boothbay Harbor and its citizens have long demonstrated Maine hospitality to the many persons who visit Maine's second largest harbor each year and continue to extend a gracious welcome to their visitors; 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 special opportunity during the centennial anniversary year of the Town of Boothbay Harbor to commend the officials and citizens of this town for the success which they have achieved together for the past century and to extend each our sincere hopes and best

wishes for continued achievement over the next hundred years; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the citizens and officials of this proud community in honor of the occasion.

Was read and adopted and sent up for concurrence.

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative DEXTER from the Committee on Energy and Natural Resources on Bill "An Act to Declare Materials Considered Hazardous in Other States to be Hazardous Waste in Maine" (H.P. 198) (L.D. 278) reporting "Ought Not to Pass"

Representative DEXTER from the Committee on Energy and Natural Resources on Bill "An Act to Provide Free Noncommercial Use of Public Reserved Lands and Lands for Maine's Future" (H.P. 310) (L.D. 424) reporting "Ought Not to Pass"

Representative TARDY from the Committee on Taxation on Bill "An Act to Provide a Sales Tax Exemption for Residential Customers of Electricity" (H.P. 160) (L.D. 225) reporting "Ought Not to Pass"

Representative DORE from the Committee on Taxation on Bill "An Act Concerning the Tree Growth Tax Law" (H.P. 97) (L.D. 132) reporting "Ought Not to Pass"

Representative SEAVEY from the Committee on Taxation on Bill "An Act to Amend the Tree Growth Tax Law to Ensure a Steady Supply of Wood for Maine's Forest Products Industry" (H.P. 136) (L.D. 180) reporting "Ought Not to Pass"

Representative SWAZEY from the Committee on Taxation on Bill "An Act to Provide a Property Tax Exemption to Former Members of the Merchant Marine with War-time Service" (H.P. 273) (L.D. 385) reporting "Ought Not to Pass"

Were placed in the Legislative Files without further action pursuant to Joint Rule 15 and sent up for concurrence.

Unanimous Leave to Withdraw

Representative ERWIN from the Committee on Banking and Insurance on Bill "An Act to Require Dependency Information in Credit Card Applications by Students" (H.P. 139) (L.D. 191) 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:

(S.P. 94) (L.D. 99) Bill "An Act to Provide a Sales Tax Exemption for Materials Purchased by Certain Religious Institutions" Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-12)

There being no objection, the above item was ordered to appear on the Consent Calendar of Wednesday, March 22, 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. 79) (L.D. 110) Bill "An Act to Clarify the Blueberry Tax Laws" (C. "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) (C. "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) (C. "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 (C. "A" S-7)

(S.P. 50) (L.D. 23) Bill "An Act to Amend the Local Road Assistance Distribution Formula" (Emergency) (C. "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" (C. "A" S-10)

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

PASSED TO BE ENGROSSED

As Amended

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) (C. "A" S-9)

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

ORDERS OF THE DAY

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment yesterday, has preference in the Orders of the Day and continues with such preference until disposed of as provided by Rule 24.

The Chair laid before the House the first matter of Unfinished Business:

Expression of Legislative Sentiment recognizing Scott Snell, of Big Squaw Township (HLS 228)

TABLED - March 20, 1989 (Til Later Today) by Representative GWADOSKY of Fairfield.

PENDING - Passage.

Subsequently, HLS 228 was indefinitely postponed.

The Chair laid before the House the following matter: Bill "An Act to Strengthen and Improve Enforcement of Environmental Laws" (H.P. 629) (L.D. 852) which was tabled earlier in the day and later today assigned pending reference.

Subsequently, L.D. 852 was indefinitely postponed. Sent up for concurrence.

(Off Record Remarks)

On motion of Representative Crowley of Stockton Springs,

Adjourned until Wednesday, March 22, 1989, at ten o'clock in the morning.