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 32nd Legislative Day Thursday, March 23, 1989

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

Prayer by Reverend John Pokrifka, First Congregational Church of Pittston.

The Journal of Wednesday, March 22, 1989, was read and approved.

Quorum call was held.

PAPERS FROM THE SENATE

The following Communication:

Maine State Senate
Augusta, Maine 04333

March 22, 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 Education, the Governor's nomination of Ronald J. Baril of Portland for appointment to the Board of Trustees, Maine Vocational Technical Institutes.

Ronald J. Baril is replacing Gerald Talbot.

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

Was read and ordered placed on file.

Bill "An Act to Amend the Provisions in the Maine State Retirement System Laws Relating to Restoration to Service" (S.P. 335) (L.D. 896)

Bill "An Act to Extend the Eligibility of Retired Teachers for Group Health Insurance" (S.P. 337) (L.D. 898)

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

Bill "An Act to Amend the Animal Welfare Laws"

(S.P. 333) (L.D. 894)

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

Was referred to the Committee on Agriculture in concurrence.

Bill "An Act to Improve the Availability of Emergency Medical Services" (S.P. 338) (L.D. 899)

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 Require Labeling of Produce Treated with Post-harvest Treatments" (S.P. 340) (L.D. 901)

Came from the Senate, referred to the Committee

on Human Resources and Ordered Printed.

On motion of Representative Tardy of Palmyra, was referred to the Committee on Agriculture in non-concurrence and sent up for concurrence.

Bill "An Act to Ensure Proper Payment of Fringe Benefit Contributions for Construction Workers" (S.P. 334) (L.D. 895)

Bill "An Act Relating to the Reemployment of Injured Workers Under the Workers' Compensation Act" (S.P. 339) (L.D. 900)

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

Were referred to the Committee on Labor in concurrence.

Bill "An Act to Improve the Definition of Legal Residence for Elected Officials" (S.P. 332) (L.D. 893) Came from the Senate, referred to the Committee on Legal Affairs and Ordered Printed.

Was referred to the Committee on Legal Affairs in

concurrence.

Unanimous Leave to Withdraw

Report of the Committee on State and Local Government reporting "Leave to Withdraw" on Bill "An Act to Amend the Composition of Senate District 8 and Senate District 15" (S.P. 188) (L.D. 345)

Report of the Committee on Transportation reporting "Leave to Withdraw" on Bill "An Act to Prohibit Motor Vehicles on Beaches" (S.P. 139) (L.D. 259)

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

Non-Concurrent Matter

Bill "An Act to Strengthen and Improve Enforcement of Environmental Laws" (H.P. 629) (L.D. 852) which was indefinitely postponed in the House on March 21, 1989.

Came from the Senate referred 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 Chapter Applicable to Medicare Supplement Insurance Policies (S.P. 67) (L.D. 50) which was passed to be enacted in the House on March 20, 1989.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-17) in

non-concurrence.

The House voted to recede and concur.

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:

Appropriations and Financial Affairs

Bill "An Act to Provide Services to Children with Autism in Central and Northern Maine" (H.P. 661) (L.D. 903) (Presented by Representative RICHARDS of Hampden) (Cosponsored by Senator PERKINS of Hancock, Senator BALDACCI of Penobscot and Representative CAHILL of Mattawamkeag)

Bill "An Act to Improve the Dental Care of Maine Citizens" (H.P. 662) (L.D. 904) (Presented by Representative HOLT of Bath) (Cosponsored by Representative CHONKO of Topsham, Senator CAHILL of Sagadahoc and Representative KILKELLY of Wiscasset)

Ordered Printed.

Sent up for Concurrence.

Education

"An Regarding Act the Maine Vocational-Technical Institute System" (H.P. 660) (L.D. 902) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsored by Representative O'DEA of Orono, Representative PARADIS of Augusta and Senator BUSTIN of Kennebec)

Ordered Printed. Sent up for Concurrence.

Energy and Natural Resources

Bill "An Act to Remove Legislative Review from Certain Air Quality Standards" (H.P. 665) (L.D. 907) (Presented by Representative DEXTER of Kingfield) (Submitted by the Department of Environmental Protection pursuant to Joint Rule 24.)

Bill "An Act to Amend the Underground Oil and Hazardous Substance Storage Tank Installer Laws" (H.P. 667) (L.D. 909) (Presented by Representative LORD of Waterboro) (Cosponsored by Representative ANDERSON of Woodland, Representative MICHAUD of East Millinocket and Representative GOULD of Greenville) (Submitted by the Department of Environmental Protection pursuant to Joint Rule 24.)

Bill "An Act to Amend the Law Relating to Submerged Land" (H.P. 668) (L.D. 910) (Presented by Representative MITCHELL of Freeport) (Cosponsored by Representative SIMPSON of Casco, Representative COLES of Harpswell and Representative ANDERSON of Woodland)

Ordered Printed. Sent up for Concurrence.

Labor

Bill "An Act to Require a 90-day Delay in the Hiring of Replacement Workers during a Labor Dispute" (H.P. 663) (L.D. 905) (Presented by Representative RUHLIN of Brewer)

Bill "An Act to Create a Workers' Compensation Logging Industry Fund" (H.P. 666) (L.D. 908) (Presented by Representative GOULD of Greenville) (Cosponsored by Representative TRACY of Rome, Speaker MARTIN of Eagle Lake and President PRAY of Penobscot)

Ordered Printed.

Sent up for Concurrence.

State and Local Government

Bill "An Act to Require Detailed Legislator Finance Reports" (H.P. 664) (L.D. 906) (Presented by Representative FOSS of Yarmouth) (Cosponsored by Senator ESTY of Cumberland, Senator BERUBE of Androscoggin and Representative BEGLEY of Waldoboro) Ordered Printed.

Sent up for Concurrence.

ORDERS

On motion of Representative TARDY of Palmyra, the following Joint Resolution: (H.P. 659) (Cosponsors: Senator TWITCHELL of Oxford, Senator KANY of EMERSON Penobscot, Senator of Representative ALIBERTI of Lewiston, Representative MAHANY of Easton, Representative NUTTING of Leeds. Representative HUSSEY of Milo, Representative BELL of Caribou, Representative SHERBURNE of Dexter, Representative PINES of Limestone, Representative PARENT of Benton, Representative WHITCOMB of Waldo)

JOINT RESOLUTION IN HONOR OF THE MAINE FARMER AND MAINE AGRICULTURE

WHEREAS, one fifth of our national work force are farmers in the business of food and fiber production for world markets, accounting for 18% of the gross national product; and

WHEREAS, the Maine farmer provides \$400,000,000 total farm income and is credited with a \$1,000,000,000 contribution to Maine's economy; and

WHEREAS, the Maine agrarian society makes a pivotal contribution to the cultural and social foundations of our rural way of life and in turn to the very heartbeat of America; now, therefore, be it

RESOLVED: That We, the members of the One Hundredth Fourteenth Legislature of the State of Maine, now assembled in the First Regular Session, pause in our deliberations to honor Maine farmers and innovators who have contributed so much to the betterment of our State and to pledge its support and encouragement, and urge the youth of Maine to pursue the growing opportunities for careers in today's technologically advanced agricultural industry; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Commissioner of Agriculture, Food and Rural Resources in token of the esteem to which those in this vital field are held.

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

REPORTS OF COMMITTEES Unanimous Ought Not to Pass

Representative TRACY from the Committee on Fisheries and Wildlife on Bill "An Act Pertaining to Electronic Fishing Devices" (H.P. 118) (L.D. 155) reporting "Ought Not to Pass" (Representative SMITH of Island Falls - of the House - Abstained)

Was placed in the Legislative Files without further action pursuant to Joint Rule 15 and sent up

for concurrence.

Unanimous Leave to Withdraw

Representative HICKEY from the Committee on Aging, Retirement and Veterans on Bill "An Act to Provide Continuity in the Retirement Laws" (H.P. 245) (L.D. 357) reporting "Leave to Withdraw"

Was placed in the Legislative Files further action pursuant to Joint Rule 15 and sent up for concurrence.

PASSED TO BE ENGROSSED As Amended

Bill "An Act to Clarify the Law Authorizing the Use of Warning Devices on Department of Corrections' Vehicles" (S.P. 74) (L.D. 64) (C. "A" S-15 and S. "A" S = 16)

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Amend the Local Road Assistance
Distribution Formula (S.P. 50) (L.D. 23) (C. "A" S-8) 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. 118 voted in favor of the same and 10 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

ENACTOR Emergency Measure Later Today Assigned

An Act to Validate and Approve the Town of Meeting and School Construction China's Town Referendum and Related Proceedings (S.P. 109) (L.D. 164) (C. "A" S-9)

Was reported by the Committee on Engrossed Bills

as truly and strictly engrossed.

On motion of Representative Gwadosky Fairfield, tabled pending passage to be enacted and later today assigned.

PASSED TO BE ENACTED

An Act to Clarify the Law Concerning the Inclusion of Nursing Home Benefits in Life Insurance

Policies (S.P. 42) (L.D. 12) (C. "A" S-10)

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

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

FINALLY PASSED

Resolve, Authorizing the Director of Parks and Recreation to Convey by Deed the Interests of the State in Certain Unlocated Rights-of-way (S.P. 77) (L.D. 67) (C. "A" S-7)

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

(At Ease)

The House was called to order by the Speaker.

At this point, the Speaker appointed the following members to escort the Agricultural Queens and the President of the Maine Future Farmers to the rostrum:

Tammy Denham of Newport, State Grange Queen, escorted by Representative Tardy of Palmyra.

Joelle Snider of Caribou, Maine Potato Queen, escorted by Representative Bell of Caribou.

Melissa Knutson of Rockland, Maine Blueberry Queen, escorted by Representative Mayo of Thomaston.

Crystal-Lynn Brooks of Pittsfield, Maine Festival Queen, escorted by Representative McGowan of Canaan.

Karin Jo Beaster of Rockland, escorted Representative Melendy of Rockland.

Diane George of Freedom, Maine Farm Bureau Queen, escorted by Representative Whitcomb of Waldo.

Linwood Winslow of Presque Isle, President of Maine Future Farmers, escorted by Representative

Lisnik of Presque Isle. TAMMY DENHAM: Mr. Speaker, Ladies and Gentlemen of the House: Maine needs agriculture to maintain balance in its way of life. This calls for local control and, to keep that, we must all be more

Maine needs not to import products from Canada nor its wheat from the West. They should strive to be more self-supportive, more independent. The results of labor upon the farmers true values and its

healthy slow-lane lifestyle bring a happy existence. A comfortable living can be the results of farming. Our National Grange recognizes the importance of farming by its continued support of the farmer and by sponsoring the National Agriculture Day each year. This year was March 20th. (applause)

JOELLE SNIDER: Good afternoon, ladies and lemen. I would like to thank you for the invitation. Today I am here to speak on Maine

potatoes.

The Maine potato has a very economical value when it comes to Maine. The potato is known to produce more food per unit area of land planted than any other crop. For instance, wheat is a .70 ton per acre, rice is a 1.04 per acre, corn is a 1.07 per acre. These don't even start to measure up to the Maine potato, which is 6.6 tons per acre. Maine grows between 22 and 23 million hundred weight per year. This means that Maine makes between \$110 and \$130 million per year. This price may fluctuate and, in the past couple of years, Maine potatoes have improved in quality and production.

For example, our barrels have gone from \$5 a barrel to \$10 a barrel within the last year. I think if Maine pushes the potato in a certain way since Maine has always been considered a very healthy state and we push the potato in that aspect, that when they see the name Maine, they will expect and will receive high quality potatoes. I think this will help our industry 100 percent. Thank you. (applause)

MELISSA KNUTSON: Thank you, I am glad to be here

I was going to mention some figures for the Maine blueberry industry and then I heard the potato figures and I am kind of blown away.

The Maine blueberry crop is a major source of income for Maine. Maine gets \$23.6 million from the blueberry industry. \$11.6 million is cash value of the blueberry so by production and marketing, we are doubling our blueberry industry.

I guess that is all I have to say.

(applause)

CRYSTAL-LYNN BROOKS: Thank you. It seems only appropriate with Easter Sunday right around the corner to take a close look at a special industry in Maine, that of the incredible, edible egg. In 1973, when the idea for the Central Maine Egg Festival was hatched, Central Maine was noted for its striving egg industry as well as one of the largest and more modern egg processing plants. However, like the agricultural industries, the poultry and egg industries must continue to strive for representation.

It is a chief concern, not only of the egg estry but also of other major agricultural industry but also of other major agricultural producers, that Maine is fast losing its status as an agricultural state. Presently in Maine, there are only about one-fifth the number of farms as there were in 1950. According to the State Department of Agricultural, Maine is losing about 70 acres of farmland per day to housing development and other uses. It would be a sad thing if the only produce thriving in the state was the pulpwood for paper mills and vegetable and summer gardens. Fortunately, measures are being taken to halt the downward trend.
Governor John McKernan has appointed a citizens

task force to develop a legislative package expected to be ready in January of 1990 in preserving farmland and that is helping agriculture in Maine to thrive again. With such plans in progress, agricultural producers in Maine, such as the egg industry, can rest assured that the future is a promising one. Thank you. (applause)

KARIN JO BEASTER: Good morning. It is both an honor and a privilege to be here with you this morning. My name is Karin Jo Beaster and I represent Maine's bountiful lobster industry. Of all the other states, Maine takes in the largest lobster harvest in America. As you may well know, that is 20 million pounds annually. With so many lobsters being taken in, many fisherman are worried that in our future years there won't be enough lobsters. The controversy in Rockland and on the coast of Maine is that Maine fisherman would like to see the legal size of a lobster catch go up so the lobsters will live in the ocean longer and therefore produce more. would help us in the long run.

Thank you for letting me speak today. Have a

(applause)

DIANE GEORGE: Good morning. My name is Diane George and I live in Center Montville on a sheep farm with my parents and an older sister. I am a freshman at the University of Maine and I am studying

landscape horticulture.

Today I represent the Maine Farm Bureau. Farm Bureau is a statewide organization made up of over 4,000 farm families. The Farm Bureau is the powerful agricultural organization. represents a wide variety of commodities. It is part of a national establishment created by farmers which strives to improve economic benefits for farmers through state and national legislation. Thank you. (applause)

LINWOOD WINSLOW: Thank you Mr. Speaker. Good morning everyone. On behalf of the FFA, we are very excited to be here. How appropriate it is that we take one day to take a hard look at the industry that provides us with the necessities of life and adds so

much to the quality of life here in Maine.

On behalf of the FFA members in the State of Maine, we are really excited about the future of the industry in this state. Agriculture is one of our leading industries in the state and it is going to continue to be a leading industry. We see a lot of changes in the industry of agriculture, a lot of positive changes. Agriculture will no longer be a farming industry, it is going to become a very diversified agriculturial industry. It provides a lot of careers for young people and we are excited about the young people that are interested in the agriculturial industry. We ask you to think about those young people as you go over the agriculture bills in this session and think about the challenges that face young people in this industry. We are very positive about a strong agriculture future — the future is in our hands. Thank you. (applause)

At this point, Speaker Martin presented the Agriculture Queens and the President of FFA with

aifts.

Karin Jo Beaster presented the Speaker with a basket of Maine products from the Maine Farm Bureau.

Subsequently, the Agriculture Queens and the President of FFA were escorted from the Hall of the

House.

The House was called to order by the Speaker.

The following items appearing on Supplement No. 4 were taken up out of order by unanimous consent: PASSED TO BE ENGROSSED

WITHOUT REFERENCE TO COMMITTEE

Bill "An Act Concerning the Authority Municipal Officers to Refinance Certain Debts" (EMERGENCY) (H.P. 671) (L.D. 919) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsored by President PRAY of Penobscot, Senator BOST of Penobscot and Representative CLARK of Millinocket) (Approved for introduction by a majority of the

Legislative Council pursuant to Joint Rule 27.)

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

By unanimous consent, was ordered sent forthwith

to the Senate.

(Off Record Remarks)

The House was called to order by the Speaker.

ORDERS OF THE DAY TABLED AND TODAY ASSIGNED

The Chair laid before the House the first tabled

and today assigned matter:

JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO RESTORE FULL CONSTITUTIONAL RIGHTS TO MAINE VETERANS WHO BORE ARMS IN DEFENSE OF THE UNITED STATES OF AMERICA (H.P. 634) TABLED - March 22, 1989 by Representative HOLT of

Bath.

PENDING - Adoption.

of Representative Gwadosky On motion Fairfield, retabled pending adoption and specially assigned for Monday, March 27, 1989.

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

An Act to Promote Thorough Consideration Gubernatorial Appointments (H.P. 173) (L.D. 238) TABLED - March 22, 1989 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

The SPEAKER: This being an amendment process to Constitutional provisions of Gubernatoria! Appointments and confirmation requires two-thirds of the members present and voting pursuant to Article V, part 1, section 8 of the Maine Constitution. Those in favor of passage will vote yes, those opposed will vote no.

A vote of the House was taken. 118 having voted in the affirmative, none in the negative, 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.

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

Bill "An Act to Facilitate the Disclosure of Information in Medical Support Recoupment and Child Support Cases" (S.P. 330) (L.D. 867)

 In Senate, referred to the Committee on Human Resources.

TABLED - March 22, 1989 by Representative GWADOSKY of Fairfield.

PENDING - Reference in Concurrence.

On motion of Representative Gwadosky of Fairfield, retabled pending reference in concurrence and later today assigned.

The following items appearing on Supplement No. 1 were taken up out of order by unanimous consent:
PETITIONS, BILLS AND RESOLVES

REQUIRING REFERENCE

Reported Pursuant to Public Law Representative McGOWAN for the Study Commission on Coastal Search and Rescue, pursuant to Public Law 1987, Chapter 814 ask leave to submit its findings and to report that the accompanying Bill "An Act to Require Periodic Reports on the Percentage of the Gasoline Tax That Is Due to Boating Use" (H.P. 669) (L.D. 917) be referred to the Joint Standing Committee on Appropriations and Financial Affairs for Public Hearing and printed pursuant to Joint Rule 18.

Report was read and accepted, and the bill referred to the Committee on Appropriations and Financial Affairs, ordered printed and sent up for

concurrence.

Reported Pursuant to Public Law

Later Today Assigned
Representative McGOWAN for the Study Commission Coastal Search and Rescue, pursuant to Public Law 1987, Chapter 814 ask leave to submit its findings and to report that the accompanying Bill "An Act to Make the Department of Marine Resources Responsible for Coastal Search and Rescue" (H.P. 670) (L.D. 918) be referred to the Joint Standing Committee on Appropriations and Financial Affairs for Public Hearing and printed pursuant to Joint Rule 18.

Report was read.

On motion of Representative Mayo of Thomaston, tabled pending reference and later today assigned.

The following item appearing on Supplement No. 2 was taken up out of order by unanimous consent: PAPER FROM THE SENATE

The following Joint Order: (S.P. 347)
ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Monday, March 27, 1989, at 12 o'clock in the afternoon.

Came from the Senate, read and passed. Was read and passed in concurrence.

The following items appearing on Supplement No. 3 were taken up out of order by unanimous consent: CONSENT CALENDAR

First Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the First Dav:

(H.P. 20) (L.D. 15) Bill "An Act to Amend the Laws Relating to Licensed Maine Guides" Committee on Fisheries and Wildlife reporting "Ought to Pass"

(H.P. 76) (L.D. 107) Bill "An Act to Amend the Real Estate Lien Discharge Law" Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-13)

There being no objections, the above items were ordered to appear on the Consent Calendar of Monday, March 27, 1989, under the listing of Second Day.

(At Ease)

The House was called to order by the Speaker.

The following item appearing on Supplement No. 5 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED **Emergency Measure**

An Act Concerning the Authority of Municipal Officers to Refinance Certain Debts (H.P. 671) (L.D.

Was reported by the Committee on Engrossed Bills 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. 125 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.

The Chair laid before the House the following n: Representative McGOWAN for the Study Commission on Coastal Search and Rescue, pursuant to Public Law 1987, Chapter 814 ask leave to submit its findings and to report that the accompanying Bill "An Act to Make the Department of Marine Resources Responsible for Coastal Search and Rescue" (H.P. 670) (L.D. 918) be referred to the Joint Standing Committee on Appropriations and Financial Affairs for Public Hearing and printed pursuant to Joint Rule 18 which was tabled earlier in the day and later today assigned pending reference.

Subsequently, was referred to the Committee on Marine Resources, ordered printed and sent up for

concurrence.

The Chair laid before the House the following Bill "An Act to Facilitate the Disclosure of Information in Medical Support Recoupment and Child Support Cases" (S.P. 330) (L.D. 867) (in Senate, referred to the Committee on Human Resources) which was tabled earlier in the day and later today assigned pending reference.

Subsequently, was referred to the Committee on Human Resources in concurrence.

(Off Record Remarks)

the At this point, Speaker appointed Representative Michaud of East Millinocket to act as Speaker pro tem during the Speaker's absence.

On motion of Representative Rydell of Brunswick, Adjourned until Monday, March 27, 1989, at twelve o'clock noon pursuant to Joint Order (S.P. 347).