

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
33rd Legislative Day
Monday, March 27, 1989**

The House met according to adjournment and was called to order by the Speaker pro tem.
Prayer by Reverend Kenneth MacDonald, Lisbon Falls Baptist Church.
National Anthem by Cony High School Band, Augusta.
The Journal of Thursday, March 23, 1989, was read and approved.
Quorum call was held.

PAPERS FROM THE SENATE

The following Communication:

Maine State Senate
Augusta, Maine 04333
March 23, 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 Marine Resources, the Governor's nomination of Brian P. Tarbox of Cumberland Center for reappointment to the Marine Resources Advisory Council.

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

Was read and ordered placed on file.

Bill "An Act to Increase the Aggregate Area Allowed for 5-acre and 10-acre Lots in the Site Location of Development Laws' Subdivision Provisions" (S.P. 341) (L.D. 911)

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 Provide for the 1989 Allocations of the State Ceiling on Private Activity Bonds" (EMERGENCY) (S.P. 336) (L.D. 897)

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

(The Committee on Reference of Bills had suggested reference to the Committee on Banking and Insurance.)

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

Bill "An Act to Require Nursing Facilities to File Notice of Intent to Withdraw from the Medicaid Program and to Ensure the Continuing Provision of Services to all Residents in the Facility at the Time of Withdrawal" (S.P. 342) (L.D. 912)

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

Was referred to the Committee on Human Resources in concurrence.

Resolve, to Provide Certified Nursing Assistant Training at the Central Maine Vocational-Technical Institute (S.P. 343) (L.D. 913)

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

On motion of Representative Gwadosky of Fairfield, was referred to the Committee on Appropriations and Financial Affairs in non-concurrence and sent up for concurrence.

Bill "An Act to Increase the Family Allowance under the Unemployment Compensation Law" (S.P. 344) (L.D. 914)

Bill "An Act to Define the Burden of Proof in Workers' Compensation Claims" (S.P. 345) (L.D. 915)

Bill "An Act to Reduce Hardship for Injured Workers" (S.P. 346) (L.D. 916)

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

Were referred to the Committee on Labor 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 Certain Former State Employees to be Eligible for State Health Insurance" (S.P. 202) (L.D. 480)

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

Non-Concurrent Matter

Bill "An Act to Prevent Improper Delegation of Eminent Domain Powers and Unjust Taking of Property" (H.P. 635) (L.D. 869) which was referred to the Committee on Agriculture in the House on March 22, 1989.

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

On motion of Representative Paradis of Augusta, the House voted to Insist.

**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 Funds for Start-up of School-based Health Centers and Creation of the Position of Educational Specialist II" (H.P. 672) (L.D. 921) (Presented by Representative PARADIS of Frenchville) (Cosponsored by Senator ESTES of York, Senator BRANNIGAN of Cumberland and Representative RICHARDS of Hampden)

Ordered Printed.

Sent up for Concurrence.

Energy and Natural Resources

Bill "An Act Regarding Damage from Industrial Fallout" (H.P. 673) (L.D. 922) (Presented by Representative CLARK of Millinocket) (Cosponsored by Representative HUSSEY of Milo, Representative MICHAUD of East Millinocket and President PRAY of Penobscot)

Ordered Printed.

Sent up for Concurrence.

Fisheries and Wildlife

Bill "An Act Concerning Subpermitting of Moose Hunting Licenses" (H.P. 677) (L.D. 928) (Presented by Representative JACQUES of Waterville) (Cosponsored by Senator ERWIN of Oxford, Representative DUFFY of Bangor and Representative ROTONDI of Athens)

Ordered Printed.
Sent up for Concurrence.

Labor

Bill "An Act to Reform the Workers' Compensation Law to Prevent Mandatory Relocation and Family Hardship" (H.P. 675) (L.D. 924) (Presented by Representative McHENRY of Madawaska) (Cosponsored by President PRAY of Penobscot, Representative PINEAU of Jay and Representative RAND of Portland)

Bill "An Act to Clarify the Payment of Medical Expenses under the Workers' Compensation Act" (H.P. 678) (L.D. 929) (Presented by Representative RUHLIN of Brewer) (Cosponsored by Representative RAND of Portland and Representative McCORMICK of Rockport)

Ordered Printed.
Sent up for Concurrence.

Legal Affairs

Bill "An Act to Clarify the Laws Relating to Marriage" (H.P. 676) (L.D. 925) (Presented by Representative ANTHONY of South Portland) (Cosponsored by Representative REED of Falmouth and Senator CAHILL of Sagadahoc)

Ordered Printed.
Sent up for Concurrence.

Taxation

Bill "An Act to Establish a Property Tax Deferral Program for Maine's Older Citizens" (H.P. 674) (L.D. 923) (Presented by Representative DORE of Auburn) (Cosponsored by Senator BALDACCI of Penobscot, Senator KANY of Kennebec and Representative CARROLL of Gray)

Ordered Printed.
Sent up for Concurrence.

ORDERS

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

ORDERED, that Representative JoAnne D. Lapointe of Auburn be excused March 22 for health reasons.

AND BE IT FURTHER ORDERED, that Representative John A. Aliberti of Lewiston be excused March 26 through April 4 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Helen M. Tupper of Orrington be excused March 29 and 30 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative John F. Marsh of West Gardiner be excused March 31 through April 7 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative William B. O'Gara of Westbrook be excused April 3 and 4 for personal reasons.

Was read and passed.

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative MICHAUD from the Committee on Energy and Natural Resources on Bill "An Act Regarding Replanting of Woodlots" (H.P. 334) (L.D. 453) reporting "Ought Not to Pass"

Representative MICHAUD from the Committee on Energy and Natural Resources on Bill "An Act to

Clarify the Natural Resources Law" (H.P. 386) (L.D. 517) 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 GOULD from the Committee on Energy and Natural Resources on Bill "An Act to Permit Water Utilities to Repair, Maintain and Replace Existing Facilities" (H.P. 377) (L.D. 508) reporting "Leave to Withdraw"

Representative MICHAUD from the Committee on Energy and Natural Resources on Bill "An Act Regarding Parcels of Land Separated by a Road in the Site Location of Development Subdivision Provisions" (H.P. 449) (L.D. 614) reporting "Leave to Withdraw"

Representative PARADIS from the Committee on Judiciary on Bill "An Act to Confiscate Assets Garnered by Convicted Felons Through Criminal Acts" (H.P. 306) (L.D. 420) 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 item appeared on the Consent Calendar for the First Day:

(H.P. 185) (L.D. 250) Bill "An Act to Eliminate the Registration Fee on Municipal Dams" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-15)

There being no objection, the above item was ordered to appear on the Consent Calendar of Tuesday, March 28, 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. 76) (L.D. 107) Bill "An Act to Amend the Real Estate Lien Discharge Law" (C. "A" H-13)

(H.P. 20) (L.D. 15) Bill "An Act to Amend the Laws Relating to Licensed Maine Guides"

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Make Additional Allocations from the Highway Fund for the Fiscal Year Ending June 30, 1989 (H.P. 81) (L.D. 112) (C. "A" H-12)

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 pro tem and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act to Increase the Membership of the Emergency Enhanced 9-1-1 Telephone Advisory Committee (H.P. 122) (L.D. 159) (C. "A" H-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 pro tem and sent to the Senate.

PASSED TO BE ENACTED

An Act to Amend the Chapter Applicable to Medicare Supplement Insurance Policies (S.P. 67) (L.D. 50) (S. "A" S-17)

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

An Act to Clarify the Blueberry Tax Laws (H.P. 79) (L.D. 110) (C. "A" H-10)

An Act to Provide a Sales Tax Exemption for Materials Purchased by Certain Religious Institutions (S.P. 94) (L.D. 99) (C. "A" S-12)

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) (S. "A" S-14)

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

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

**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 item of Unfinished Business:

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

TABLED - March 23, 1989 (Till Later Today) by Representative GWADOSKY of Fairfield.
Pending - Passage to be Enacted.

On motion of Representative Joseph of Waterville, under suspension of the rules, the House reconsidered its action whereby L.D. 164 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-16) and moved its adoption.

House Amendment "A" (H-16) was read by the Clerk and adopted.

Subsequently, the Bill was passed to be engrossed as amended by Committee Amendment as amended by House Amendment "A" thereto in non-concurrence and sent up for concurrence.

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 23, 1989 by Representative GWADOSKY of Fairfield.

PENDING - Adoption.

Representative Holt of Bath offered House Amendment "B" (H-21) and moved its adoption.

House Amendment "B" (H-21) was read by the Clerk and adopted.

Subsequently, the Resolution was adopted as amended by House Amendment "B" and sent up for concurrence.

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

REPORTS OF COMMITTEES

Ought to Pass Pursuant to Joint Order (H.P. 9)

Representative JOSEPH from the Committee on State and Local Government on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Oxford County for the Year 1989 (EMERGENCY) (H.P. 679) (L.D. 930) reporting "Ought to Pass" - Pursuant to Joint Order (H.P. 9)

Report was read and accepted, the Resolve read once and assigned for second reading Tuesday, March 28, 1989.

Ought to Pass Pursuant to Joint Order (H.P. 9)

Representative JOSEPH from the Committee on State and Local Government on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Hancock County for the Year 1989 (EMERGENCY) (H.P. 680) (L.D. 931) reporting "Ought to Pass" - Pursuant to Joint Order (H.P. 9)

Report was read and accepted, the Resolve read once and assigned for second reading Tuesday, March 28, 1989.

CONSENT CALENDAR

First Day

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

(H.P. 349) (L.D. 468) Bill "An Act to Ban the Use of Chlorofluorocarbons in All Plastic Foam Boards" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-19)

(H.P. 182) (L.D. 247) Bill "An Act to Establish the Maine Greenbelt Commission" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-18)

(H.P. 239) (L.D. 351) Bill "An Act to Prohibit the Use of Plastic Beverage Stirrers in State Facilities" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-17)

There being no objections, the above items were ordered to appear on the Consent Calendar of Tuesday, March 28, 1989, under the listing of Second Day.

(Off Record Remarks)

The House was called to order by the Speaker pro tem.

The following item appearing on Supplement No. 2 was 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 Day:

(S.P. 125) (L.D. 210) Bill "An Act Concerning the Use of Deadly Force by Correctional Officers and Law Enforcement Officers" (EMERGENCY) Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-19)

Under suspension of the rules, Second Day Consent Calendar notification was given, the Senate Paper was passed to be engrossed as amended in concurrence.

By unanimous consent was ordered sent forthwith to the Senate.

The following appearing on Supplement No. 3 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED

Emergency Measure

An Act Concerning the Use of Deadly Force by Correctional Officers and Law Enforcement Officers (S.P. 125) (L.D. 210) (C. "A" S-19)

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. 107 voted in favor of the same and 5 against and accordingly the Bill was passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

On motion of Representative Cahill of Mattawamkeag,

Adjourned until Tuesday, March 28, 1989, at ten o'clock in the morning.

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

In Senate Chamber

Monday

March 27, 1989

Senate called to Order by the President.

Prayer by Mr. Ralph Barnes of the First Church of Christ, Scientist in Camden.

MR. BARNES: Our Father - Mother God, as we begin our duties we humbly seek to know what is right, honest, and just for today. We are ever mindful that we act on behalf of those thousands in our loved state who have put their trust in our judgement and that our decisions reach far beyond the immediate questions which call them forth. Give us the wisdom to heed that advice so simply expressed in proverbs. Trust in the Lord with all Thine heart and lean not on Thine own understanding. In all Thy ways, acknowledge Him and He shall direct Thy paths. Amen.

Reading of the Journal of Thursday, March 23, 1989.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Require Labeling of Produce Treated with Post-harvest Treatments"

S.P. 340 L.D. 901

In Senate, March 22, 1989, referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED.

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

The Senate RECEDED and CONCURRED.

House Papers

Bill "An Act to Provide Services to Children with Autism in Central and Northern Maine"

H.P. 661 L.D. 903

Bill "An Act to Improve the Dental Care of Maine Citizens"

H.P. 662 L.D. 904

Come from the House referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

Which were referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED, in concurrence.

Bill "An Act Regarding the Maine Vocational-Technical Institute System"

H.P. 660 L.D. 902

Comes from the House referred to the Committee on EDUCATION and ORDERED PRINTED.

Which was referred to the Committee on EDUCATION and ORDERED PRINTED, in concurrence.

Bill "An Act to Remove Legislative Review from Certain Air Quality Standards"

H.P. 665 L.D. 907

Bill "An Act to Amend the Underground Oil and Hazardous Substance Storage Tank Installer Laws"

H.P. 667 L.D. 909