

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

**One Hundred And Fourteenth Legislature**

OF THE

**State Of Maine**

**VOLUME I**

**FIRST REGULAR SESSION**

December 7, 1988 to May 10, 1989

Senator PERKINS of Hancock was granted unanimous consent to address the Senate off the Record.

On motion by Senator BOST of Penobscot, ADJOURNED until Wednesday, March 29, 1989, at 10:00 in the morning.

ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE  
FIRST REGULAR SESSION  
35th Legislative Day  
Wednesday, March 29, 1989

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

Prayer by Reverend Edgar Jones, Winthrop Congregational Church.

The Journal of Tuesday, March 28, 1989, was read and approved.

Quorum call was held.

PAPERS FROM THE SENATE

Bill "An Act to Enhance the Integrated Pest Management Capabilities of Agriculture in Maine" (S.P. 357) (L.D. 958)

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 Provide Assistance to Businesses Adversely Affected by Snow Drought" (EMERGENCY) (S.P. 353) (L.D. 954)

Bill "An Act to Establish a Pilot Program to Promote Literacy in Maine Correctional Facilities" (S.P. 360) (L.D. 961)

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

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

Bill "An Act to Establish a Patient Compensation Fund" (S.P. 352) (L.D. 953)

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

Was referred to the Committee on Banking and Insurance in concurrence.

Bill "An Act to Provide Dealership Protection to Farm Equipment and Machinery" (S.P. 358) (L.D. 959)

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

Was referred to the Committee on Business Legislation in concurrence.

Bill "An Act to Clarify the Regulation of Biomedical Waste" (EMERGENCY) (S.P. 356) (L.D. 957)

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 Require Written Leases for Long-term Tenancies" (S.P. 351) (L.D. 933)

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

Was referred to the Committee on Legal Affairs in concurrence.

Bill "An Act Concerning Municipal Regulation of Shellfish Resources" (EMERGENCY) (S.P. 354) (L.D. 955)

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

Was referred to the Committee on Marine Resources in concurrence.

Bill "An Act to Revise Compensation for Members of the Maine Human Rights Commission" (S.P. 355) (L.D. 956)

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 Concerning Certain Municipal Boundaries" (EMERGENCY) (S.P. 359) (L.D. 960)

Came from the Senate under suspension of the rules and without reference to a Committee, the Bill read twice and passed to be engrossed.

(The Committee on Reference of Bills had suggested reference to the Committee on State and Local Government.)

Under suspension of the rules and without reference to any Committee, the bill was read twice and passed to be engrossed in concurrence.

**Refer to the Committee on**

**Appropriations and Financial Affairs**

Report of the Committee on Housing and Economic Development on Bill "An Act to Establish an Affordable Housing Demonstration Program" (S.P. 315) (L.D. 820) reporting that it be referred to the Committee on Appropriations and Financial Affairs.

Came from the Senate with the report read and accepted and the bill referred to the Committee on Appropriations and Financial Affairs.

Report was read and accepted and the bill referred to the Committee on Appropriations and Financial Affairs in concurrence.

**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 to Establish Disability Retirement Benefits for Members of the Maine State Retirement System" (EMERGENCY) (H.P. 716) (L.D. 977) (Presented by Representative HICKEY of Augusta) (Cosponsored by Senator CLARK of Cumberland, Representative JALBERT of Lisbon and Senator BUSTIN of Kennebec)

Ordered Printed.

Sent up for Concurrence.

**Business Legislation**

Bill "An Act to Clarify Motor Vehicle Dealership Insurance Coverage Laws" (H.P. 702) (L.D. 963) (Presented by Representative CLARK of Millinocket) (Cosponsored by Representative TRACY of Rome, Representative GARLAND of Bangor and Senator BUSTIN of Kennebec)

Ordered Printed.

Sent up for Concurrence.

**Energy and Natural Resources**

Bill "An Act to Require Government Agencies to Notify the Public and Local Officials of Potential Public Land Purchases" (H.P. 701) (L.D. 962) (Presented by Representative TOWNSEND of Eastport) (Cosponsored by Representative FARREN of Cherryfield,

Representative DAGGETT of Augusta and Senator ESTY of Cumberland)

Bill "An Act to Require Recycling and Provide State Assistance to Municipalities" (H.P. 715) (L.D. 976) (Presented by Representative HOLT of Bath) (Cosponsored by Representative LOOK of Jonesboro, Representative MAHANY of Easton and Representative CONSTANTINE of Bar Harbor)

Ordered Printed.

Sent up for Concurrence.

**Appropriations and Financial Affairs**

Bill "An Act to Expand Statewide Services to Individuals with Autism and Their Families" (H.P. 703) (L.D. 964) (Presented by Representative SIMPSON of Casco) (Cosponsored by Representative CARROLL of Gray, Representative MANNING of Portland and Senator BRANNIGAN of Cumberland)

(The Committee on Human Resources had been suggested.)

On motion of Representative Manning of Portland, was referred to the Committee on Appropriations and Financial Affairs, ordered printed and sent up for concurrence.

**Human Resources**

Bill "An Act to Clarify Municipal Responsibility for the Provision of Services and the Payment of Rental Assistance Vouchers" (H.P. 705) (L.D. 966) (Presented by Representative HANDY of Lewiston) (Cosponsored by Representative JALBERT of Lisbon and Senator MATTHEWS of Kennebec)

Ordered Printed.

Sent up for Concurrence.

**Judiciary**

Bill "An Act to Establish State Guidelines for Child Support Awards" (H.P. 706) (L.D. 967) (Presented by Representative FOSTER of Ellsworth) (Cosponsored by Senator WEBSTER of Franklin and Representative RIDLEY of Shapleigh)

(The Committee on Human Resources had been suggested.)

On motion of Representative Manning of Portland, was referred to the Committee on Judiciary, ordered printed and sent up for concurrence.

**Human Resources**

Bill "An Act to Establish a Statewide Program of Community-based Heart Attack and Stroke Prevention Programs" (H.P. 708) (L.D. 969) (Presented by Representative MCGOWAN of Canaan) (Cosponsored by Representative LAPOINTE of Auburn, Representative MANNING of Portland and Senator GILL of Cumberland)

Ordered Printed.

Sent up for Concurrence.

**Appropriations and Financial Affairs**

Bill "An Act to Appropriate Funds for Telecommunications Services Provided to Deaf and Hearing-impaired Persons" (H.P. 711) (L.D. 972) (Presented by Representative ANTHONY of South Portland) (Cosponsored by Representative CARROLL of Gray, Representative KETOVER of Portland and Senator BRANNIGAN of Cumberland)

(The Committee on Human Resources had been suggested.)

On motion of Representative Manning of Portland, was referred to the Committee on Appropriations and

Financial Affairs, ordered printed and sent up for concurrence.

**Legal Affairs**

Bill "An Act Regarding Political Party Enrollment" (H.P. 709) (L.D. 970) (Presented by Representative LAWRENCE of Kittery) (Cosponsored by Senator MATTHEWS of Kennebec, Representative MURPHY of Berwick and Representative PRIEST of Brunswick)  
 Ordered Printed.  
 Sent up for Concurrence.

**Judiciary**

Bill "An Act Regarding Access to Places of Employment or Public Accommodation" (H.P. 714) (L.D. 975) (Presented by Representative KETOVER of Portland) (Cosponsored by Senator BUSTIN of Kennebec, Representative NORTON of Winthrop and Senator ANDREWS of Cumberland)  
 (The Committee on Legal Affairs had been suggested.)  
 On motion of Representative Priest of Brunswick, was referred to the Committee on Judiciary, ordered printed and sent up for concurrence.

**Legal Affairs**

Resolve, Authorizing Brian Dreher of North Whitefield to Bring a Civil Action against the State of Maine (H.P. 704) (L.D. 965) (Presented by Representative KILKELLY of Wiscasset) (Cosponsored by Representative JALBERT of Lisbon and Representative MURPHY of Berwick)  
 Ordered Printed.  
 Sent up for Concurrence.

**State and Local Government**

Resolve, Directing the Bureau of Human Resources to Study Certain State Employee Classifications (H.P. 712) (L.D. 973) (Presented by Representative NORTON of Winthrop) (Cosponsored by Senator BUSTIN of Kennebec, Representative AULT of Wayne and Representative HICKEY of Augusta)  
 Ordered Printed.  
 Sent up for Concurrence.

**Appropriations and Financial Affairs**

Bill "An Act to Undedicate the Alcohol Premium Tax Fund" (H.P. 710) (L.D. 971) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsored by Representative WEBSTER of Cape Elizabeth, Representative CARTER of Winslow and Senator CLARK of Cumberland)  
 (The Committee on Taxation had been suggested.)  
 On motion of Representative Cashman of Old Town, was referred to the Committee on Appropriations and Financial Affairs, ordered printed and sent up for concurrence.

**Taxation**

Bill "An Act to Increase the Property Tax Exemption for Veterans" (H.P. 713) (L.D. 974) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsored by Representative FARNSWORTH of Hallowell, Representative BREWER of Boothbay Harbor and Representative CONSTANTINE of Bar Harbor)  
 Ordered Printed.  
 Sent up for Concurrence.

**Transportation**

Bill "An Act to Mandate the Use of Headlights during Inclement Weather" (H.P. 707) (L.D. 968) (Presented by Representative LAPOINTE of Auburn) (Cosponsored by Senator TWITCHELL of Oxford, Representative COTE of Auburn and Representative MILLS of Bethel)  
 Ordered Printed.  
 Sent up for Concurrence.

**Reported Pursuant to Public Law**

Representative CARROLL for the 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 Fund the Law Enforcement and Search and Rescue Activities of the Department of Marine Resources" (H.P. 717) (L.D. 986) 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.

**REPORTS OF COMMITTEES**

**Unanimous Ought Not to Pass**

Representative RIDLEY from the Committee on Appropriations and Financial Affairs on Bill "An Act to Establish a Matching Grant Program for Removal of Hazardous Chemicals from Schools" (EMERGENCY) (H.P. 71) (L.D. 102) reporting "Ought Not to Pass"  
 Representative MICHAUD from the Committee on Energy and Natural Resources on Bill "An Act to Study the Use of Pesticides in the State's Forests" (H.P. 347) (L.D. 466) reporting "Ought Not to Pass"  
 Representative MICHAUD from the Committee on Energy and Natural Resources on Bill "An Act to Require Installation of Garbage Disposal Units in Multifamily Dwellings and Other Residences" (H.P. 425) (L.D. 590) reporting "Ought Not to Pass"  
 Representative MACOMBER from the Committee on Transportation on Bill "An Act to Extend Maine Turnpike Commuter Passes" (H.P. 170) (L.D. 235) reporting "Ought Not to Pass"  
 Representative STROUT from the Committee on Transportation on Bill "An Act to Mandate Driver Training and the Use of Safety Belts by Police Officers" (H.P. 297) (L.D. 409) reporting "Ought Not to Pass"  
 Representative McPHERSON from the Committee on Transportation on Bill "An Act to Exempt Interstate 95 between Exits 19 and 21 from Truck Weight Restrictions" (H.P. 352) (L.D. 471) reporting "Ought Not to Pass"  
 Representative STROUT from the Committee on Transportation on Bill "An Act to Adjust the Municipal Salt and Sand Storage Facility Cost-sharing Formula" (H.P. 299) (L.D. 411) 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 MOHOLLAND from the Committee on Transportation on Bill "An Act to Clarify the Penalty for Violations of Pedestrian Right-of-Way in Crosswalks" (H.P. 262) (L.D. 374) reporting "Leave to Withdraw"

Representative McPHERSON from the Committee on Transportation on Bill "An Act to Require Motor Vehicle Registration for Island Automobiles" (H.P. 85) (L.D. 114) reporting "Leave to Withdraw"

Representative HICHBORN from the Committee on Transportation on Bill "An Act Concerning the Maintenance of Cattle Fences on State Land" (H.P. 374) (L.D. 505) 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:

(H.P. 320) (L.D. 436) Bill "An Act to Provide for a Carry-over of Funds Appropriated for the Study of Alternative Dispute Resolution in the Superior Court to June 30, 1990" (EMERGENCY) Committee on Appropriations and Financial Affairs reporting "Ought to Pass"

(H.P. 410) (L.D. 553) Bill "An Act Relating to Highway Maintenance Compact Areas" Committee on Transportation reporting "Ought to Pass"

(S.P. 108) (L.D. 163) Bill "An Act to Grant Rulemaking Authority to the Maine Arts Commission" Committee on Education reporting "Ought to Pass"

(S.P. 229) (L.D. 559) Bill "An Act to Amend the General Relocation Assistance Provisions to Achieve Compliance with Certain Federal Laws" (EMERGENCY) Committee on State and Local Government reporting "Ought to Pass"

(S.P. 146) (L.D. 266) Bill "An Act to Designate April 9 as Former Prisoner of War Recognition Day" Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-18)

(S.P. 216) (L.D. 532) Resolve, Allocating the Proceeds of the \$3,000,000 Bond Issue for Land Acquisition, Construction, Repair and Renovation of Public Safety Facilities (EMERGENCY) Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-20)

There being no objections, the above items were ordered to appear on the Consent Calendar of Thursday, March 30, 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:

(H.P. 288) (L.D. 400) Bill "An Act to Authorize Issuance of Complimentary Hunting, Trapping and Fishing Licenses for Residents 70 Years of Age at Any Time During the Calendar Year in Which They Attain the Age of 70" (C. "A" H-20)

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

**PASSED TO BE ENGROSSED**

**As Amended**

Bill "An Act to Prohibit the Use of Plastic Beverage Stirrers in State Facilities" (H.P. 239) (L.D. 351) (C. "A" H-17)

Was reported by the Committee on Bills in the Second Reading and read the second time.

Representative Tamaro of Baileyville offered House Amendment "A" (H-22) and moved its adoption.

House Amendment "A" (H-22) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" and House Amendment "A" and sent up for concurrence.

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

**PASSED TO BE ENACTED**

**Emergency Measure**

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 and H. "A" H-16)

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. 115 voted in favor of the same and 12 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

**(Off Record Remarks)**

On motion of Representative McGowan of Canaan, Adjourned until Thursday, March 30, 1989, at ten o'clock in the morning.