

# 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

Off Record Remarks

On motion by Senator TWITCHELL of Oxford,  
ADJOURNED until Thursday, March 30, 1989, at 10:00 in  
the morning.

ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE  
FIRST REGULAR SESSION  
36th Legislative Day  
Thursday, March 30, 1989

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

Prayer by Reverend W. Lyman Phillips, South  
Penobscot Baptist Church.

The Journal of Wednesday, March 29, 1989, was  
read and approved.

Quorum call was held.

PAPERS FROM THE SENATE

Bill "An Act Regarding Retirement Benefits for  
Confidential State Employees" (S.P. 363) (L.D. 980)

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

Was referred to the Committee on Aging,  
Retirement and Veterans in concurrence.

Bill "An Act to Fund Rural Outreach Programs,  
Community Response Programs and Minimum Standard  
Requirements for Providers of Family Crisis Services  
Statewide" (S.P. 362) (L.D. 979)

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

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

Bill "An Act to Amend the Provisions for  
Exclusion from Motor Vehicle Insurance" (S.P. 365)  
(L.D. 982)

Bill "An Act Related to Improving Access to  
Long-term Health Care Insurance" (S.P. 367) (L.D. 984)

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

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

Bill "An Act to Clarify the Law Governing the  
Transfer of County Jail Prisoners" (S.P. 364) (L.D.  
981)

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.)

On motion of Representative Paradis of Augusta,  
was referred to the Joint Select Committee on  
Corrections in non-concurrence and sent up for  
concurrence.

Bill "An Act to Implement the Ignition Interlock  
Program" (S.P. 366) (L.D. 983)

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 Property Tax Relief for  
the Elderly" (S.P. 368) (L.D. 985)

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

Was referred to the Committee on Taxation in  
concurrence.

Bill "An Act to Amend the Charter of the Sewer District of the Town of Kennebunk" (S.P. 361) (L.D. 978)

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

Was referred to the Committee on Utilities in concurrence.

**Unanimous Leave to Withdraw**

Report of the Committee on Transportation reporting "Leave to Withdraw" on Bill "An Act to Regulate Motor Vehicle Speed in Bad Weather" (S.P. 177) (L.D. 334)

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

**Ought to Pass**

Report of the Committee on Human Resources reporting "Ought to Pass" on Bill "An Act to Amend Laws Related to the Bureau of Mental Retardation's Role in In-state Residential Treatment Centers" (S.P. 191) (L.D. 418).

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Senate Amendment "A" (S-22).

Report was read and accepted, the Bill read once.

Senate Amendment "A" (S-22) was read by the Clerk and adopted and the Bill assigned for second reading Monday, April 3, 1989.

**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:

**Energy and Natural Resources**

Bill "An Act Concerning the Maine Low-level Radioactive Waste Authority" (EMERGENCY) (H.P. 722) (L.D. 991) (Presented by Representative HOLT of Bath) (Cosponsored by Representative COLES of Harpswell, Representative SIMPSON of Casco and Representative HICHBORN of LaGrange)

Ordered Printed.

Sent up for Concurrence.

**Later Today Assigned**

Bill "An Act to Encourage and Support the Development of Affordable Housing Opportunities by Nonprofit Developers" (H.P. 723) (L.D. 992) (Presented by Representative OLIVER of Portland) (Cosponsored by Senator ANDREWS of Cumberland, Representative HEESCHEN of Wilton and Senator BRANNIGAN of Cumberland)

(The Committee on Housing and Economic Development had been suggested.)

On motion of Representative Carter of Winslow, tabled pending reference and later today assigned.

**Human Resources**

Bill "An Act to Amend the Laws Relating to AIDS and Communicable Diseases to Remove the Sunset Provision for Health Care Facility Employees and Applicants for Employment" (H.P. 718) (L.D. 987) (Presented by Representative ANTHONY of South Portland) (Cosponsored by Senator GAUVREAU of Androscoggin, Representative CLARK of Brunswick and Representative PENDLETON of Scarborough)

Bill "An Act to Ensure Representation on the Committee to Advise the Department of Human Services on AIDS" (H.P. 721) (L.D. 990) (Presented by Representative RYDELL of Brunswick) (Cosponsored by Representative O'GARA of Westbrook, Representative BURKE of Vassalboro and Senator BRANNIGAN of Cumberland)

Ordered Printed.

Sent up for Concurrence.

**State and Local Government**

Bill "An Act to Place in the Unclassified Service the Utility Technical Analyst and Utility Accountant II Positions at the Public Utilities Commission" (H.P. 719) (L.D. 988) (Presented by Representative JOSEPH of Waterville) (Cosponsored by Senator BERUBE of Androscoggin, Senator CARPENTER of York and Representative STROUT of Windham) (Submitted by the Department of Public Utilities pursuant to Joint Rule 24.)

Ordered Printed.

Sent up for Concurrence.

**Taxation**

Bill "An Act to Allow Cities and Towns an Opportunity to Increase Revenue" (H.P. 720) (L.D. 989) (Presented by Representative DUFFY of Bangor) (Cosponsored by Representative KETOVER of Portland, Representative DUTREMBLE of Biddeford and Representative HOGLUND of Portland)

Ordered Printed.

Sent up for Concurrence.

**REPORTS OF COMMITTEES**

**Unanimous Ought Not to Pass**

Representative HEESCHEN from the Committee on State and Local Government on A Resolution Regarding the Testing of Cruise Missiles in Maine (I.B. 1) (L.D. 255) reporting "Ought Not to Pass"

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

**Unanimous Leave to Withdraw**

Representative CLARK from the Committee on Utilities on Bill "An Act to Reduce the Cost of Temporary Utility Terminations" (H.P. 407) (L.D. 550) reporting "Leave to Withdraw"

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

**Refer to the Committee on Banking and Insurance**

Representative CROWLEY from the Committee on Education on Bill "An Act to Clarify the Responsibilities of School Boards" (EMERGENCY) (H.P. 385) (L.D. 516) reporting that it be referred to the Committee on Banking and Insurance.

Report was read and accepted and the bill referred to the Committee on Banking and Insurance 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. 144) (L.D. 264) Bill "An Act to Amend the Interpreter Service for the Hearing Impaired" Committee on Human Resources reporting "Ought to Pass"

(S.P. 87) (L.D. 89) Bill "An Act to Save Medicaid Funds by Expanding the Ability of the Department of Human Services to Recover Funds from Prior Owners of Boarding and Nursing Homes" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-21)

(H.P. 258) (L.D. 370) Bill "An Act to Promote Effective Identification of Minors" Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-24)

(H.P. 199) (L.D. 279) Bill "An Act to Provide for Rate Adjustments of Consumer-Owned Water Utilities to Reflect Anticipated Construction Costs" Committee on Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-23)

There being no objections, the above items were ordered to appear on the Consent Calendar of Monday, April 3, 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. 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)

(H.P. 410) (L.D. 553) Bill "An Act Relating to Highway Maintenance Compact Areas"

(S.P. 108) (L.D. 163) Bill "An Act to Grant Rulemaking Authority to the Maine Arts Commission"

(S.P. 229) (L.D. 559) Bill "An Act to Amend the General Relocation Assistance Provisions to Achieve Compliance with Certain Federal Laws" (EMERGENCY)

(S.P. 146) (L.D. 266) Bill "An Act to Designate April 9 as Former Prisoner of War Recognition Day" (C. "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) (C. "A" S-20)

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

The following item appearing on Supplement No. 4 was taken up out of order by unanimous consent:

**PASSED TO BE ENACTED**

**Emergency Measure**

An Act Concerning Certain Municipal Boundaries (S.P. 359) (L.D. 960)

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. 132 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, ordered sent forthwith 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:

HOUSE DIVIDED REPORT - Majority (8) "Ought Not to Pass" - Minority (5) "Ought to Pass" - Committee on State and Local Government on Bill "An Act to Annex Township 4, Range 3 WELS to the Town of Island Falls" (H.P. 164) (L.D. 229)

TABLED - March 28, 1989 by Representative MAYO of Thomaston.

PENDING - Acceptance of Either Report.

Representative Gwadosky of Fairfield moved that L.D. 229 be recommitted to the Committee on State and Local Government.

The SPEAKER: The Chair recognizes the Representative from Wells, Representative Wentworth.

Representative WENTWORTH: Mr. Speaker, Ladies and Gentlemen of the House: I move that we not recommit this bill. It has gone through and it is on the Calendar. I hope that you will vote against any report but the Majority Report. First, the voters of Island Falls are not in agreement with annexation and we were not allowed to vote on this article at the last two town meetings where it had been tabled.

If this were allowed, it would generate a loss of \$2.....

The SPEAKER: The Chair would advise the Representative that the only motion before the body is to recommit, not the merits or the demerits of the bill.

Representative WENTWORTH: Mr. Speaker, I am sorry, I ask for a roll call and I hope you vote against recommitment.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question before the House is that L.D. 229 be recommitted to the Committee on State and Local Government. Those in favor will vote yes; those opposed will vote no.

**ROLL CALL NO. 2**

YEA - Adams, Allen, Anthony, Begley, Bell, Boutilier, Brewer, Burke, Cahill, T.; Carroll, D.; Carter, Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Conley, Constantine, Cote, Crowley, Daggett, Dipietro, Dore, Duffy, Dutremble, L.; Erwin, P.; Farnsworth, Gould, R. A.; Graham, Gurney, Gwadosky, Hale, Handy, Hichborn, Hickey, Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Kilkelly, LaPointe, Larrivee, Lisnik, Macomber, Manning, Marston, Martin, H.; Mayo, McGowan, McKeen, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Nadeau, G. G.; Nadeau, G. R.; O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pederson, Pineau, Pouliot, Priest, Rand, Richard, Ridley, Rolde, Rotondi, Rydell, Simpson, Skoglund, Smith, Strout, D.; Swazey, Tammaro, Telow, Townsend, Tracy, Walker, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, Butland, Carroll, J.; Curran, Dellert, Dexter, Donald, Farnum, Farren, Foss, Foster, Garland, Greenlaw, Hanley, Hastings, Heeschen, Hepburn, Higgins, Hutchins, Jackson, Lawrence, Lebowitz, Libby, Look, Lord, Luther, Marsano, Marsh, McCormick, McPherson, Merrill, Murphy, Norton, Nutting, Paradis, E.; Parent, Pendleton, Pines, Plourde, Reed, Richards,

Seavey, Sheltra, Sherburne, Small, Stevens, A.; Stevenson, Strout, B.; Webster, M.; Wentworth, Whitcomb.

ABSENT - Aliberti, MacBride, Mahany, McHenry, Ruhl, Stevens, P.; Tardy, Tupper.

Yes, 89; No, 54; Absent, 8; Paired, 0; Excused, 0.

89 having voted in the affirmative and 54 in the negative with 8 absent, the Bill and all its accompanying papers were recommitted to the Committee on State and Local Government and sent up for concurrence.

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(At Ease)

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The House was called to order by the Speaker.

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

**PAPER FROM THE SENATE**

Bill "An Act Authorizing Washington County to Refinance Certain Bonds Issued to the United States of America Acting through the Farmers Home Administration" (EMERGENCY) (S.P. 377) (L.D. 1000)

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 a Committee, the Bill was read twice and passed to be engrossed in concurrence.

By unanimous consent, ordered sent forthwith to Engrossing.

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

**PASSED TO BE ENACTED**

**Emergency Measure**

An Act Authorizing Washington County to Refinance Certain Bonds Issued to the United States of America Acting through the Farmers Home Administration (S.P. 377) (L.D. 1000)

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. 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, ordered sent forthwith to the Senate.

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

**SENATE PAPER**

The following Joint Order: (S.P. 376)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Monday, April 3, 1989, at 9 o'clock in the morning.

Came from the Senate, read and passed.

Was read and passed in concurrence.

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The Chair laid before the House the following matter: Bill "An Act to Encourage and Support the Development of Affordable Housing Opportunities by Nonprofit Developers" (H.P. 723) (L.D. 992) which was

tabled earlier in the day and later today assigned pending reference.

Subsequently, was referred to the Committee on Housing and Economic Development, ordered printed and sent up for concurrence.

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On motion of Representative Ridley of Shapleigh, Adjourned until Monday, April 3, 1989, at nine o'clock in the morning pursuant to Joint Order (S.P. 376).

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