

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

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

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with No Senators having voted in negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Senate at Ease

Senate called to order by the President.

Senator MATTHEWS of Kennebec was granted unanimous consent to address the Senate off the Record.

The ADJOURNMENT ORDER having been returned from the House READ and PASSED, in concurrence, on motion by Senator BOST of Penobscot, ADJOURNED until Monday, April 3, 1989, at 9:00 in the morning.

ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE

FIRST REGULAR SESSION

37th Legislative Day

Monday, April 3, 1989

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

Prayer by Pastor Rick Nesbitt, Victory Baptist Church, Winthrop.

National Anthem by Foxcroft Academy Band, Dover-Foxcroft.

The Journal of Thursday, March 30, 1989, was read and approved.

Quorum call was held.

PAPERS FROM THE SENATE

Bill "An Act to Increase and Enhance Access to Home Care" (S.P. 373) (L.D. 997)

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 Fund and Implement Changes in Health Insurance Benefits in Collective Bargaining Agreements with Maine Maritime Academy Employees Represented by the Maine State Employees Association" (EMERGENCY) (S.P. 371) (L.D. 995)

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

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

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

Bill "An Act to Register 3rd-party Medical Reimbursement Review Entities" (S.P. 374) (L.D. 998)

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.

Resolve, Directing Various Agencies of State Government to Assess their Policies Regarding Learning Disabilities (S.P. 369) (L.D. 993)

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

Was referred to the Committee on Education in concurrence.

Bill "An Act to Limit the Granting of Injunctions in Labor Disputes" (S.P. 372) (L.D. 996)

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 Related to State Preemption of Firearms Regulation" (S.P. 370) (L.D. 994)

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 to Amend Department of Transportation Statutory Provisions Pursuant to the

Surface Transportation and Uniform Relocation Assistance Act of 1987 Enacted by the Congress of the United States" (EMERGENCY) (S.P. 375) (L.D. 999)

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

Was referred to the Committee on Transportation in concurrence.

Non-Concurrent Matter

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) which was referred to the Committee on Energy and Natural Resources in the House on March 29, 1989.

Came from the Senate referred to the Committee on State and Local Government in non-concurrence.

The House voted to recede and concur.

COMMUNICATIONS

The following Communication: (S.P. 378)

114TH MAINE LEGISLATURE

March 29, 1989

Senator Barry J. Hobbins
Representative Patrick E. Paradis
Chairpersons
Joint Standing Committee on Judiciary
114th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Gail Ogilvie of Richmond for appointment as a member of the Workers' Compensation Commission.

Pursuant to Title 39, M.R.S.A. Section 91, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,
S/Charles P. Pray
President of the Senate
S/John L. Martin
Speaker of the House

Came from the Senate, Read and Referred to the Committee on Judiciary.

Was Read and Referred to the Committee on Judiciary in concurrence.

**PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE**

The following Bills and Resolve and one Resolution 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:

Business Legislation

Bill "An Act Regarding the Handling Fee for Returnable Beverage Containers" (H.P. 726) (L.D. 1003) (Presented by Representative FARREN of Cherryfield) (Cosponsored by Representative JOSEPH of Waterville, Senator PERKINS of Hancock and Representative CURRAN of Westbrook)

Ordered Printed.

Sent up for Concurrence.

Education

Bill "An Act to Include Unorganized Territories as School Administrative Units" (H.P. 727) (L.D. 1004) (Presented by Representative ANDERSON of Woodland) (Cosponsored by Representative PARADIS of Frenchville, Representative LISNIK of Presque Isle and Senator COLLINS of Aroostook)

Bill "An Act to Revise the Truancy Laws" (H.P. 732) (L.D. 1009) (Presented by Representative MANNING of Portland) (Cosponsored by Representative O'GARA of Westbrook)

Ordered Printed.

Sent up for Concurrence.

Energy and Natural Resources

Bill "An Act to Implement an Ozone Control Strategy for the State" (H.P. 736) (L.D. 1013) (Presented by Representative WEBSTER of Cape Elizabeth) (Cosponsored by Representative COLES of Harpswell, Senator PERKINS of Hancock and Representative MARSH of West Gardiner) (Submitted by the Department of Environmental Protection pursuant to Joint Rule 24.)

Ordered Printed.

Sent up for Concurrence.

Human Resources

Bill "An Act to Amend the Smoking in Restaurants Law" (H.P. 724) (L.D. 1001) (Presented by Representative MANNING of Portland) (Cosponsored by Representative BURKE of Vassalboro, Representative DELLERT of Gardiner and Senator BRAUN of Knox)

Bill "An Act to Provide Reasonable Costs of Wages Paid to Employees of Boarding Care Facilities" (EMERGENCY) (H.P. 725) (L.D. 1002) (Presented by Representative CARROLL of Gray) (Cosponsored by Representative MANNING of Portland, Senator BUSTIN of Kennebec and Senator WEYMOUTH of Kennebec)

Bill "An Act to Prohibit Smoking in Hospitals" (H.P. 728) (L.D. 1005) (Presented by Representative PINES of Limestone) (Cosponsored by Representative MERRILL of Dover-Foxcroft, Senator PERKINS of Hancock and Representative HUTCHINS of Penobscot)

Ordered Printed.

Sent up for Concurrence.

Housing and Economic Development

Resolve, to Establish the Commission to Study Foreign Ownership and Investment in Maine Land and Business (H.P. 735) (L.D. 1012) (Presented by Representative CATHCART of Orono) (Cosponsored by Senator BOST of Penobscot, Representative NADEAU of Saco and Senator DUTREMBLE of York)

Ordered Printed.

Sent up for Concurrence.

Judiciary

Bill "An Act Concerning the Right to Die" (EMERGENCY) (H.P. 733) (L.D. 1010) (Presented by Representative PARADIS of Augusta) (Cosponsored by Speaker MARTIN of Eagle Lake) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.

Sent up for Concurrence.

State and Local Government

Bill "An Act to Establish a Reporting Mechanism for Legislators Attending Educational Conferences" (H.P. 734) (L.D. 1011) (Presented by Representative WHITCOMB of Waldo) (Cosponsored by Senator COLLINS of Aroostook, Representative HUSSEY of Milo and Representative BAILEY of Farmington)

Bill "An Act Concerning the Number of Terms Which a Legislator May Serve Consecutively in Either Chamber" (H.P. 737) (L.D. 1014) (Presented by

Representative HANLEY of Paris) (Cosponsored by Representative HEPBURN of Skowhegan, Senator WEBSTER of Franklin and Representative GARLAND of Bangor)
 Ordered Printed.
 Sent up for Concurrence.

Taxation

Bill "An Act to Provide an Exemption from Sales Tax for Charitable Funds" (H.P. 729) (L.D. 1006) (Presented by Representative MITCHELL of Freeport) (Cosponsored by Representative SMALL of Bath, Senator CAHILL of Sagadahoc and Senator CLARK of Cumberland)

Bill "An Act Concerning Residential Real Property Tax Relief" (EMERGENCY) (H.P. 731) (L.D. 1008) (Presented by Representative CONLEY of Portland) (Cosponsored by Representative GURNEY of Portland, Representative HOGLUND of Portland and Representative ANTHONY of South Portland)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide Tax Relief to Owners of Registered Historic Properties (H.P. 730) (L.D. 1007) (Presented by Representative ROLDE of York)
 Ordered Printed.
 Sent up for Concurrence.

ORDERS

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

ORDERED, that Representative Virginia Constantine of Bar Harbor be excused March 27 for the duration of her illness.

AND BE IT FURTHER ORDERED, that Representative Philip C. Jackson of Harrison be excused March 27 and 28 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Mary H. MacBride of Presque Isle be excused March 30 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Philip E. Curran of Westbrook be excused April 3 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Robert J. Tardy of Palmyra be excused April 3 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Margaret Pruitt Clark of Brunswick be excused April 3 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Phyllis R. Erwin of Rumford be excused April 3 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Charles R. Priest of Brunswick be excused April 3 to 7 for personal reasons.

Was read and passed.

On motion of Representative JOSEPH of Waterville, the following Joint Order: (H.P. 738)

Ordered, the Senate concurring, that the Joint Standing Committee on State and Local Government report out the bill entitled "An Act to Correct Errors in the County and Municipal Law Recodification", H.P. 156, L.D. 208, divide the contents of that bill into 2 parts and report each part out as a separate bill.

Was read and passed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative GOULD from the Committee on Energy and Natural Resources on Bill "An Act to Protect Maine's Job Opportunity Zones" (H.P. 569) (L.D. 773) reporting "Ought Not to Pass"

Representative DEXTER from the Committee on Energy and Natural Resources on Bill "An Act to Modify the Law Pertaining to the Removal of Underground Residential Fuel Tanks" (H.P. 578) (L.D. 782) reporting "Ought Not to Pass"

Representative JACQUES from the Committee on Energy and Natural Resources on Bill "An Act to Authorize Each County to Establish a Waste Facility Landfill in that County for Towns that Wish to Participate" (H.P. 580) (L.D. 784) reporting "Ought Not to Pass"

Representative JACQUES from the Committee on Energy and Natural Resources on Resolve, to Require the Classification of Certain Great Ponds in the State (H.P. 599) (L.D. 823) 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 CASHMAN from the Committee on Taxation on Bill "An Act to Reinstate the Tax Exemption Related to Lottery Winnings" (H.P. 178) (L.D. 243) reporting "Leave to Withdraw"

Representative CASHMAN from the Committee on Taxation on Bill "An Act to Change the Taxation of Annuities" (H.P. 215) (L.D. 295) reporting "Leave to Withdraw"

Representative PRIEST from the Committee on Legal Affairs on Bill "An Act Concerning Agency Liquor Store Pricing" (H.P. 264) (L.D. 376) reporting "Leave to Withdraw"

Representative ALLEN from the Committee on Business Legislation on Bill "An Act Concerning the Retail Sale of Nonoriginal Paintings" (EMERGENCY) (H.P. 145) (L.D. 197) reporting "Leave to Withdraw"

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

Divided Report

Tabled and Assigned

Majority Report of the Committee on State and Local Government reporting "Ought to Pass" on Bill "An Act to Return Certain Positions within the Department of Environmental Protection to Classified Service under the Civil Service Law" (H.P. 177) (L.D. 242)

Signed:

Senators:

CARPENTER of York
 BERUBE of Androscoggin
 ESTY of Cumberland
 HEESCHEN of Wilton
 DAGGETT of Augusta
 JOSEPH of Waterville
 ROTONDI of Athens
 LARRIVEE of Gorham
 CAHILL of Mattawamkeag

Representatives:

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Signed:

Representatives:

BEGLEY of Waldoboro
 WENTWORTH of Wells
 McCORMICK of Rockport
 HANLEY of Paris

Reports were read.

On motion of Representative Gwadosky of Fairfield, tabled pending acceptance of either report and specially assigned for Tuesday, April 4, 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. 171) (L.D. 236) Bill "An Act to Amend the Law Governing Disposition of the Bodies of Persons Who Die in State Correctional Facilities" Committee on Human Resources reporting "Ought to Pass"

(H.P. 64) (L.D. 88) Bill "An Act to Make Additional Allocations from the Maine Nuclear Emergency Planning Fund for the Fiscal Year Ending June 30, 1989" (EMERGENCY) Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-25)

(H.P. 62) (L.D. 86) Bill "An Act to Make Additional Allocations for Administrative Expenses of the Bureau of Alcoholic Beverages, Department of Finance, for the Fiscal Year Ending June 30, 1989" (EMERGENCY) Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-26)

(H.P. 47) (L.D. 61) Resolve, Directing the Office of Comprehensive Land Use Planning to Prepare a Guide to the Manufactured Housing Laws (EMERGENCY) Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-27)

(H.P. 187) (L.D. 252) Bill "An Act to Increase the Debt Limit for the South Berwick Water District" Committee on Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-29)

(H.P. 216) (L.D. 296) Bill "An Act to Clarify the Jurisdiction of the Public Utilities Commission over the Construction of Transmission Lines by Electric Utilities" Committee on Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-31)

(H.P. 282) (L.D. 394) Bill "An Act to Extend the Toll Call Discount Given to Deaf, Hearing Impaired or Speech Impaired Persons" Committee on Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-30)

There being no objections, the above items were ordered to appear on the Consent Calendar of Tuesday, April 4, 1989, under the listing of Second Day.

(H.P. 229) (L.D. 313) Bill "An Act to Expand the Types of Medication Included in the Elderly Low-cost Drug Program" Committee on Human Resources reporting "Ought to Pass"

On objection of Representative Gwadosky of Fairfield, was removed from the Consent Calendar, First Day.

Subsequently, the Committee Report was accepted, the Bill read once and assigned for second reading Tuesday, April 4, 1989.

(H.P. 224) (L.D. 304) Resolve, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Real Estate in the Unorganized Territory Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-34)

(H.P. 72) (L.D. 103) Bill "An Act to Amend the Law Regarding Food Services Operated by the Blind in Public Buildings" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-33)

(H.P. 464) (L.D. 629) Bill "An Act to Change the Name of the Governor's Committee on Employment of the Handicapped to the Governor's Committee on Employment of People with Disabilities" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-35)

(H.P. 165) (L.D. 230) Bill "An Act to Amend the Charitable Solicitations Act" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-36)

There being no objections, the above items were ordered to appear on the Consent Calendar of Tuesday, April 4, 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:

(S.P. 144) (L.D. 264) Bill "An Act to Amend the Interpreter Service for the Hearing Impaired"

(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" (C. "A" S-21)

(H.P. 258) (L.D. 370) Bill "An Act to Promote Effective Identification of Minors" (C. "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" (C. "A" H-23)

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 as Amended and sent up for concurrence.

**PASSED TO BE ENGROSSED
As Amended**

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) (S. "A" S-22)

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

**PASSED TO BE ENACTED
Emergency Measure**

An Act to Designate April 9 as Former Prisoner of War Recognition Day (S.P. 146) (L.D. 266) (C. "A" S-18)

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. 112 voted in favor of the same and 1 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**PASSED TO BE ENACTED
Emergency Measure**

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

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 none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

On motion of Representative Handy of Lewiston,
Adjourned until Tuesday, April 4, 1989, at twelve
o'clock noon.

**FINALLY PASSED
Emergency Measure**

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Oxford County for the Year 1989 (H.P. 679) (L.D. 930)

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. 113 voted in favor of the same and none against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

**FINALLY PASSED
Emergency Measure**

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Hancock County for the Year 1989 (H.P. 680) (L.D. 931)

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. 113 voted in favor of the same and none against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

**FINALLY PASSED
Emergency Measure**

Resolve, Allocating the Proceeds of the \$3,000,000 Bond Issue for Land Acquisition, Construction, Repair and Renovation of Public Safety Facilities (S.P. 216) (L.D. 532) (C. "A" S-20)

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. 114 voted in favor of the same and none against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

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

An Act Regarding Open Space and Recreational Lands under the Growth Management Act (H.P. 182) (L.D. 247) (C. "A" H-18)

An Act to Decrease the Registration Fee on Dams (H.P. 185) (L.D. 250) (C. "A" H-15)

An Act to Ban the Use of Chlorofluorocarbons in All Plastic Foam Boards (H.P. 349) (L.D. 468) (C. "A" H-19)

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

An Act to Amend the Real Estate Lien Discharge Law (H.P. 76) (L.D. 107) (C. "A" H-13)

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

(At Ease)

The House was called to order by the Speaker.

(Off Record Remarks)
