

# 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**  
**38th Legislative Day**  
**Tuesday, April 4, 1989**

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

Prayer by Reverend David Sparks, First Church of the Nazarene, Augusta.

The Journal of Monday, April 3, 1989, was read and approved.

Quorum call was held.

**PAPERS FROM THE SENATE**

Bill "An Act to Fund the Maine School Science and Natural History Enrichment Program" (S.P. 383) (L.D. 1019)

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 Allow All Candidates for an Electrician's License to Take the Examination Immediately Upon Completing Their Education" (S.P. 380) (L.D. 1016)

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 Exclude Certain Home Owners from Amendments to the Overboard Discharge Laws" (S.P. 381) (L.D. 1017)

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 a Special Adjustment for Hospitals Having Unusually Low Financial Requirements per Case" (EMERGENCY) (S.P. 382) (L.D. 1018)

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 Promote Prompt and Peaceful Settlements of Labor Disputes" (S.P. 385) (L.D. 1021)

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 Relating to the Director of the Bureau of Health" (S.P. 379) (L.D. 1015)

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 to Clarify Tax Exempt Status of Certain Hospital Affiliates and Nonprofit Ambulance Corporations with Respect to State Sales Tax" (S.P. 384) (L.D. 1020)

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

Was referred to the Committee on Taxation in concurrence.

**Unanimous Leave to Withdraw**

Report of the Committee on Taxation reporting "Leave to Withdraw" on Bill "An Act to Provide a Refund of Sales Tax on Certain Depreciable Machinery and Equipment Purchases" (S.P. 65) (L.D. 48)

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

**Refer to the Committee on Judiciary**

Report of the Committee on Human Resources on Bill "An Act to Improve the Availability of Emergency Medical Services" (S.P. 338) (L.D. 899) reporting that it be referred to the Committee on Judiciary.

Came from the Senate with the report read and accepted and the bill referred to the Committee on Judiciary.

Report was read and accepted and the bill referred to the Committee on Judiciary in concurrence.

**Ought to Pass as Amended  
Tabled and Assigned**

Report of the Committee on Transportation reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-23) on Bill "An Act to Make Minor Changes in the Motor Vehicle Laws" (S.P. 75) (L.D. 65).

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-23) as amended by Senate Amendment "A" (S-29) thereto.

Report was read.

On motion of Representative Gwadodsky of Fairfield, tabled pending acceptance of the Committee Report in concurrence and specially assigned for Wednesday, April 5, 1989.

**Non-Concurrent Matter**

Bill "An Act to Provide Funds for the Establishment of the Community Service Center for the Deaf and Hearing-Impaired" (H.P. 688) (L.D. 940) which was referred to the Committee on Human Resources in the House on March 28, 1989.

Came from the Senate referred to the Committee on Appropriations and Financial Affairs in non-concurrence.

The House voted to Insist.

**Non-Concurrent Matter**

Bill "An Act to Establish a Demonstration Project in York County to Provide a System of Resources for Children in Need" (H.P. 695) (L.D. 947) which was referred to the Committee on Human Resources in the House on March 28, 1989.

Came from the Senate referred to the Committee on Appropriations and Financial Affairs in non-concurrence.

The House voted to Insist.

**Non-Concurrent Matter  
Tabled and Assigned**

Bill "An Act to Annex Township 4, Range 3 WELS to the Town of Island Falls" (H.P. 164) (L.D. 229) on which the bill and accompanying papers were

recommitted to the Committee on State and Local Government in the House on March 30, 1989.

Came from the Senate with the Majority "Ought Not to Pass" Report of the Committee on State and Local Government read and accepted in non-concurrence.

On motion of Representative Gwadosky of Fairfield, tabled pending further consideration and specially assigned for Wednesday, April 5, 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:

**Education**

Bill "An Act to Provide Reimbursement to Municipalities for Most Costs of Special Education" (H.P. 740) (L.D. 1023) (Presented by Representative ANTHONY of South Portland) (Cosponsored by Representative CROWLEY of Stockton Springs, Representative MAYO of Thomaston and Senator CAHILL of Sagadahoc)

Ordered Printed.

Sent up for Concurrence.

**Later Today Assigned**

Bill "An Act to Clarify Provisions of the Natural Resources Protection Act as They Relate to Aquaculture" (EMERGENCY) (H.P. 739) (L.D. 1022) (Presented by Representative LOOK of Jonesboro) (Cosponsored by Senator PERKINS of Hancock, Representative COLES of Harpswell and Representative MITCHELL of Freeport)

(The Committee on Energy and Natural Resources had been suggested.)

On motion of Representative Mitchell of Freeport, tabled pending reference and later today assigned.

**Energy and Natural Resources**

Bill "An Act to Reclassify Surface Waters of the State" (H.P. 747) (L.D. 1030) (Presented by Representative DEXTER of Kingfield) (Cosponsored by Representative GOULD of Greenville, Representative LORD of Waterboro and Representative RIDLEY of Shapleigh) (Submitted by the Department of Environmental Protection pursuant to Joint Rule 24.)

Ordered Printed.

Sent up for Concurrence.

**Human Resources**

Bill "An Act to Require the Department of Human Services to Set Child Welfare Fee-for-service Rates Based on Yearly Negotiations with Private Nonprofit Community Residential Treatment Providers" (H.P. 744) (L.D. 1027) (Presented by Representative GWADOSKY of Fairfield) (Cosponsored by Representative RICHARD of Madison, Senator HOLLOWAY of Lincoln and Representative MCGOWAN of Canaan)

Bill "An Act to Transfer the Licensing Function from the Bureau of Mental Health to the Department of Mental Health and Mental Retardation" (H.P. 746) (L.D. 1029) (Presented by Representative PINES of Limestone) (Cosponsored by Representative MERRILL of Dover-Foxcroft, Senator PERKINS of Hancock and Senator TITCOMB of Cumberland) (Submitted by the Department of Mental Health and Mental Retardation pursuant to Joint Rule 24.)

Ordered Printed.

Sent up for Concurrence.

**Judiciary**

Bill "An Act to Allow the Consideration of Foreign Convictions in Drug Cases" (H.P. 741) (L.D. 1024) (Presented by Representative GRAHAM of Houlton) (Cosponsored by Representative PARADIS of Frenchville, Representative BELL of Caribou and Representative MAHANY of Easton) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.

Sent up for Concurrence.

**Legal Affairs**

Bill "An Act to Provide for the Suspension of Drivers' Licenses Resulting from Conviction for Drug-related Offenses" (H.P. 742) (L.D. 1025) (Presented by Representative HEPBURN of Skowhegan) (Cosponsored by Senator KANY of Kennebec, Representative JALBERT of Lisbon and Representative TUPPER of Orrington)

(The Committee on Judiciary had been suggested.)

On motion of Representative Paradis of Augusta, was referred to the Committee on Legal Affairs, ordered printed and sent up for concurrence.

**Judiciary**

Bill "An Act to Modify Joint and Several Liability in Medical Malpractice Actions" (H.P. 743) (L.D. 1026) (Presented by Representative HANLEY of Paris) (Cosponsored by Senator HOLLOWAY of Lincoln and Representative BEGLEY of Waldoboro)

Bill "An Act to Facilitate Treatment of Abused and Neglected Children" (H.P. 745) (L.D. 1028) (Presented by Representative FARNSWORTH of Hallowell) (Cosponsored by Representative CONLEY of Portland, Senator BRANNIGAN of Cumberland and Representative ANTHONY of South Portland)

Ordered Printed.

Sent up for Concurrence.

**REPORTS OF COMMITTEES**

**Unanimous Ought Not to Pass**

Representative HICHBORN from the Committee on Transportation on Bill "An Act to Permit the Registration of Recreational Vehicles for Either a Six-month or One-year Period" (H.P. 492) (L.D. 672) 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 Prohibit a Minimum Fee on Certain Utility Bills" (H.P. 372) (L.D. 503) reporting "Leave to Withdraw"

Was 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 Appropriations and Financial Affairs reporting "Ought Not to Pass" on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Allow the Governor to Veto Items Contained in Bills Appropriating Money and

Retaining the Power in the Legislature to Override those Line Item Vetoes (H.P. 10) (L.D. 4)

Signed:  
Senators: PEARSON of Penobscot  
BRANNIGAN of Cumberland  
McGOWAN of Canaan

Representatives: LISNIK of Presque Isle  
CARROLL of Gray  
POULIOT of Lewiston  
RIDLEY of Shapleigh  
CHONKO of Topsham  
CARTER of Winslow  
FOSS of Yarmouth  
FOSTER of Ellsworth

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-32) on same Bill.

Signed:  
Senator: PERKINS of Hancock  
Representative: HIGGINS of Scarborough

Reports were read.

On motion of Representative Gwadosky of Fairfield, tabled pending acceptance of either report and specially assigned for Wednesday, April 5, 1989.

**Divided Report**

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought Not to Pass" on Bill "An Act to Prohibit Anyone from Hunting or Trapping on Land which Has Been Posted to Prohibit Hunting or Trapping" (H.P. 174) (L.D. 239)

Signed:  
Senators: ERWIN of Oxford  
ESTY of Cumberland  
GOULD of Waldo

Representatives: JACQUES of Waterville  
SMITH of Island Falls  
ROTONDI of Athens  
WALKER of Norway  
GREENLAW of Standish  
FARREN of Cherryfield  
CARROLL of Southwest Harbor

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-28) on same Bill.

Signed:  
Representatives: CLARK of Millinocket  
TRACY of Rome  
DUFFY of Bangor

Reports were read.

On motion of Representative Jacques of Waterville, the Majority "Ought Not to Pass" Report was accepted. 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. 445) (L.D. 610) Bill "An Act to Require the Use of Flashing Amber Lights on Vehicles During Sanding and Snow Removal Operations" Committee on Transportation reporting "Ought to Pass"

(H.P. 432) (L.D. 597) Bill "An Act Relating to the Dig-safe Law" Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-37)

(H.P. 277) (L.D. 389) Bill "An Act to Require Drivers to Turn Off Auxiliary Lights" Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-38)

(S.P. 166) (L.D. 323) Bill "An Act to Improve Ferry Service to Matinicus Isle" Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-24)

(S.P. 128) (L.D. 213) Bill "An Act to Provide Lifetime License Plates to Margaret Chase Smith" Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-25)

(H.P. 157) (L.D. 222) Bill "An Act Concerning Public Assistance Eligibility" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-39)

(H.P. 220) (L.D. 300) Bill "An Act to Clarify the Maine Used Car Information Laws" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-40)

(H.P. 296) (L.D. 408) Bill "An Act to Extend Reporting Deadlines of the Therapeutic Pharmaceutical Monitoring Panel" (EMERGENCY) Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-41)

There being no objections, the above items were ordered to appear on the Consent Calendar of Wednesday, April 5, 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. 171) (L.D. 236) Bill "An Act to Amend the Law Governing Disposition of the Bodies of Persons Who Die in State Correctional Facilities"

(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) (C. "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) (C. "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) (C. "A" H-27)

(H.P. 187) (L.D. 252) Bill "An Act to Increase the Debt Limit for the South Berwick Water District" (C. "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" (C. "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" (C. "A" H-30)

(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 (C. "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" (C. "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" (C. "A" H-35)

(H.P. 165) (L.D. 230) Bill "An Act to Amend the Charitable Solicitations Act" (C. "A" H-36)

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.

SECOND READER

Bill "An Act to Expand the Types of Medication Included in the Elderly Low-cost Drug Program" (H.P. 229) (L.D. 313)

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

On motion of Representative Gwadosky of Fairfield, tabled pending passage to be engrossed and specially assigned for Wednesday, April 5, 1989.

(At Ease)

The House was called to order by the Speaker.

(Off Record Remarks)

On motion of Representative Mills of Bethel, Adjourned until Wednesday, April 5, 1989, at twelve o'clock noon.

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

In Senate Chamber  
Tuesday  
April 4, 1989

Senate called to Order by the President.

Prayer by Reverend Ernest L'Heureux of St. Anne's Church in Gorham.

REVEREND L'HEUREUX: Heavenly Father, in an age when equality is so strongly and so rightly demanded, the principle of leadership is nevertheless paramount. For without leadership which is the foundation of any worthwhile system of government, that same government is destined to lose its name and its force. As we begin this meeting of the legislative branch, we are grateful to You for providing us with that delicate balance of state, legislative, and national executive American branches of government.

Grant that the members of the Senate may deliberate in a manner becoming to their office, helping the citizens of this beautiful State become more respectful of one another, of our natural resources, and our environment. We ask You to bless these men and women, as they continue this important work. Help them to be forever open to Your divine impulse, that favorable conclusions may be attained. Amen.

Reading of the Journal of Yesterday.

Off Record Remarks

PAPERS FROM THE HOUSE  
House Papers

Bill "An Act Regarding the Handling Fee for Returnable Beverage Containers"

H.P. 726 L.D. 1003

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

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

Bill "An Act to Include Unorganized Territories as School Administrative Units"

H.P. 727 L.D. 1004

Bill "An Act to Revise the Truancy Laws"

H.P. 732 L.D. 1009

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

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

Bill "An Act to Implement an Ozone Control Strategy for the State"

H.P. 736 L.D. 1013

Comes from the House referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED.

Which was referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED, in concurrence.

Resolve, to Establish the Commission to Study Foreign Ownership and Investment in Maine Land and Business