

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
41st Legislative Day
Monday, April 10, 1989

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

Prayer by Reverend Richard Rockwell, Bangor Baptist Church.

National Anthem by Brunswick High School Band.

The Journal of Thursday, April 6, 1989, was read and approved.

Quorum call was held.

(At Ease)

The House was called to order by the Speaker.

PAPERS FROM THE SENATE

Bill "An Act to Require All Major Health Care Insurers Doing Business in Maine to Reimburse for Routine Physical Examinations and Screenings" (S.P. 411) (L.D. 1077)

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 Concerning the Construction of Portable Classrooms" (S.P. 412) (L.D. 1078)

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 Relating to the Maine Commission on Mental Health" (EMERGENCY) (S.P. 408) (L.D. 1074)

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 Prevent Double Recoveries in Medical Liability Actions" (S.P. 409) (L.D. 1075)

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

Was referred to the Committee on Judiciary in concurrence.

Bill "An Act to Create the Local Government Records Board" (S.P. 410) (L.D. 1076)

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 Exempt from the Maine Sales Tax Purchases of Goods and Services by Scouting Organizations" (EMERGENCY) (S.P. 413) (L.D. 1079)

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 Reimburse Public Utilities for the Costs of Relocating Above-ground Facilities as a

Result of State Highway Construction" (S.P. 414) (L.D. 1080)

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

Was referred to the Committee on Transportation in concurrence.

Bill "An Act to Establish a Fund to Assist Towns with Small Water Systems" (S.P. 406) (L.D. 1050)

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

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

Was referred to the Committee on Utilities in concurrence.

Bill "An Act to Raise the Alcohol Premium" (S.P. 133) (L.D. 218)

Came from the Senate indefinitely postponed.

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

Was indefinitely postponed in concurrence.

Non-Concurrent Matter

Bill "An Act Concerning Agricultural Road Signs" (H.P. 576) (L.D. 780) on which the House insisted on its former action whereby the bill was referred to the Committee on Agriculture in the House on March 15, 1989.

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

On motion of Representative Gwadosky of Fairfield, 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) on which the House insisted on its former action whereby the bill was referred to the Committee on Human Resources in the House on April 4, 1989.

Came from the Senate referred to the Committee on Aging, Retirement and Veterans in non-concurrence.

On motion of Representative Gwadosky of Fairfield, tabled pending further consideration and later today assigned.

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:

Business Legislation

Bill "An Act to Regulate Out-of-state Mail Order Pharmacies to Ensure the Safety of Prescription Drugs" (H.P. 771) (L.D. 1083) (Presented by Representative McCORMICK of Rockport) (Cosponsored by Senator DUTREMBLE of York, Representative PENDLETON of Scarborough and Representative SHELTRA of Biddeford)

Ordered Printed.

Sent up for Concurrence.

State and Local Government

Bill "An Act to Consolidate the Township of Misery-Sapling Gore into Adjoining Townships" (H.P.

772) (L.D. 1084) (Presented by Representative ROTONDI of Athens) (Cosponsored by Representative GOULD of Greenville, Senator EMERSON of Penobscot and President PRAY of Penobscot)

Ordered Printed.

Sent up for Concurrence.

Later Today Assigned

Bill "An Act to Make Changes in the Law Relating to Quasi-municipal Charter Changes" (H.P. 773) (L.D. 1085) (Presented by Representative CLARK of Millinocket) (Cosponsored by Representative STROUT of Windham, Representative PAUL of Sanford and Senator BOST of Penobscot)

(The Committee on State and Local Government had been suggested.)

On motion of Representative Joseph of Waterville, tabled pending reference and later today assigned.

Taxation

Bill "An Act To Make Benefits Under the Household Tax and Rent Refund Program More Accessible" (EMERGENCY) (H.P. 775) (L.D. 1087) (Presented by Representative MITCHELL of Freeport) (Cosponsored by Senator EMERSON of Penobscot, Representative SKOGLUND of St. George and Representative DORE of Auburn)

Bill "An Act to Provide Comprehensive Property Tax Relief" (H.P. 776) (L.D. 1088) (Presented by Representative CASHMAN of Old Town) (Cosponsored by Speaker MARTIN of Eagle Lake, Senator ANDREWS of Cumberland and President PRAY of Penobscot)

Ordered Printed.

Sent up for Concurrence.

Utilities

Bill "An Act Concerning the Regulatory Treatment of Consumer-owned Electric Utilities" (EMERGENCY) (H.P. 774) (L.D. 1086) (Presented by Representative RICHARD of Madison) (Cosponsored by Representative PAUL of Sanford)

Ordered Printed.

Sent up for Concurrence.

ORDERS

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

ORDERED, that Representative Bradford E. Boutilier of Lewiston be excused April 3 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Judy A. Paradis of Frenchville be excused April 5 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Ronald C. Bailey of Farmington be excused April 6 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Walter E. Whitcomb of Waldo be excused April 6 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Francis C. Marsano of Belfast be excused April 10 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Mary R. Cathcart of Orono be excused April 10, 13 and 14 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative James Mitchell of Freeport be excused April 11, 12, 13 and 14 for legislative business.

Was read and passed.

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative DUFFY from the Committee on Fisheries and Wildlife on Bill "An Act to Increase the Number of Moose Hunting Permits" (H.P. 70) (L.D. 101) reporting "Ought Not to Pass"

Representative JACQUES from the Committee on Fisheries and Wildlife on Bill "An Act to Make Complimentary Doe Permits Available to Residents over 70 Years of Age who have a Complimentary Hunting License" (H.P. 96) (L.D. 131) reporting "Ought Not to Pass"

Representative ROTONDI from the Committee on Fisheries and Wildlife on Bill "An Act Concerning the Trapping of Beaver" (H.P. 120) (L.D. 157) reporting "Ought Not to Pass"

Representative ROTONDI from the Committee on Fisheries and Wildlife on Bill "An Act Concerning the Fishing of Smelt" (H.P. 161) (L.D. 226) reporting "Ought Not to Pass"

Representative ROTONDI from the Committee on Fisheries and Wildlife on Bill "An Act Concerning the Number of Deer which May Be Taken under the Hunting Laws" (H.P. 268) (L.D. 380) reporting "Ought Not to Pass"

Representative ROTONDI from the Committee on Fisheries and Wildlife on Bill "An Act Regarding Hunting on Private Property" (H.P. 392) (L.D. 523) reporting "Ought Not to Pass"

Representative JACKSON from the Committee on Taxation on Bill "An Act to Provide Reimbursement to Municipalities with State-owned Properties" (H.P. 94) (L.D. 129) 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 HUSSEY from the Committee on Agriculture on Bill "An Act to Protect Working Farms" (H.P. 442) (L.D. 607) reporting "Leave to Withdraw"

Representative JOSEPH from the Committee on State and Local Government on Bill "An Act to Ensure the Appropriate Use of Gifts to the State" (H.P. 356) (L.D. 476) reporting "Leave to Withdraw"

Representative MERRILL from the Committee on Aging, Retirement and Veterans on Bill "An Act to Allow Teachers to Obtain Retirement Benefits at 55 Years of Age if They Have 30 Years of Service" (H.P. 340) (L.D. 459) reporting "Leave to Withdraw"

Representative DiPIETRO from the Committee on Taxation on Bill "An Act Concerning Trade-in Equipment" (H.P. 138) (L.D. 190) reporting "Leave to Withdraw"

Representative TARDY from the Committee on Taxation on Bill "An Act to Permit Municipalities to Have the Option of a Local Sales Tax" (H.P. 143) (L.D. 195) reporting "Leave to Withdraw"

Representative SHELTRA from the Committee on Business Legislation on Bill "An Act Relating to the Registration of Dairy Crates" (H.P. 326) (L.D. 442) reporting "Leave to Withdraw"

Representative GRAHAM from the Committee on Business Legislation on Bill "An Act to Inform Consumers of Credit Rating Information" (H.P. 375) (L.D. 506) reporting "Leave to Withdraw"

Representative GRAHAM from the Committee on Business Legislation on Bill "An Act to Regulate Charges for Liquid Propane" (H.P. 421) (L.D. 586) reporting "Leave to Withdraw"

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

Protect Naturally Occurring Landmarks" (H.P. 617) (L.D. 840) reporting "Leave to Withdraw" Were placed in the Legislative Files without further action pursuant to Joint Rule 15 and sent up for concurrence.

Ought to Pass in New Draft/New Title

Representative JOSEPH from the Committee on State and Local Government on Resolve, to Establish an Independent Task Force to Study the Legislative Process, the Legislative Council, Term of Office and the Feasibility of a Full-time Legislature (H.P. 110) (L.D. 147) reporting "Ought to Pass" in New Draft under New Title Resolve, to Study the Structure and Operations of the Legislature (EMERGENCY) (H.P. 770) (L.D. 1081)

Report was read and accepted, the New Draft read once and assigned for second reading Tuesday, April 11, 1989.

Ought to Pass Pursuant to Joint Order (H.P. 738)

Representative JOSEPH from the Committee on State and Local Government on Bill "An Act to Incorporate Certain Bond Statutes into the Recodification of County and Municipal Laws" (EMERGENCY) (H.P. 777) (L.D. 1089) reporting "Ought to Pass" - Pursuant to Joint Order (H.P. 738)

Report was read and accepted, the Bill read once and assigned for second reading Tuesday, April 11, 1989.

Divided Report

Majority Report of the Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-51) on Bill "An Act Relating to Confidentiality of Investigative Records of Boards and Commissions" (H.P. 232) (L.D. 316)

Signed:

Senators: WHITMORE of Androscoggin
HOBBS of York
Representatives: SHELTRA of Biddeford
ALLEN of Washington
CONSTANTINE of Bar Harbor
REED of Falmouth
LIBBY of Kennebunk
STEVENS of Sabattus
TELOW of Lewiston
MARSTON of Oakland

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

Signed:

Senator: BALDACCI of Penobscot
Representatives: GRAHAM of Houlton
GURNEY of Portland

Reports were read.

Representative Allen of Washington moved that the House accept the Majority "Ought to Pass" as amended Report.

On further motion of the same Representative, tabled pending her motion that the House accept the Majority "Ought to Pass" as amended Report and specially assigned for Tuesday, April 11, 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. 227) (L.D. 311) Bill "An Act to Adjust the Metes and Bounds Between the Towns of Osborn,

Mariaville and Waltham in Hancock County" Committee on State and Local Government reporting "Ought to Pass"

(S.P. 270) (L.D. 698) Bill "An Act to Clarify Certain Provisions in the Maine State Retirement System Laws" Committee on Aging, Retirement and Veterans reporting "Ought to Pass"

(H.P. 252) (L.D. 364) Bill "An Act to Amend the Laws on Interest on Delinquent County Taxes" Committee on Taxation reporting "Ought to Pass"

(H.P. 567) (L.D. 771) Bill "An Act to Make Technical Corrections in the Laws Concerning Gasoline Stations" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-54)

(H.P. 496) (L.D. 676) Bill "An Act to Provide that Certain Interest and Income Earned May Be Credited to the Maine State Retirement System for Administration" Committee on Aging, Retirement and Veterans reporting "Ought to Pass" as amended by Committee Amendment "A" (H-55)

(H.P. 108) (L.D. 145) Bill "An Act to Encourage Recycling of Lead-acid Batteries" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-56)

There being no objections, the above items were ordered to appear on the Consent Calendar of Tuesday, April 11, 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. 98) (L.D. 117) Bill "An Act to Clarify the Functions of Subregistrars" (C. "A" S-28)

(S.P. 208) (L.D. 486) Bill "An Act to Require Pricing Disclosures on Vans and Pickup Trucks" (C. "A" S-30)

(S.P. 174) (L.D. 331) Bill "An Act to Establish a Maine Self-service Storage Act" (C. "A" S-31)

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

(H.P. 396) (L.D. 527) Bill "An Act to Amend and Unify the Residential Energy Efficiency Building Standards" (C. "A" H-45)

On motion of Representative Gwadosky of Fairfield, was removed from the Consent Calendar, Second Day.

Subsequently, the Committee Report was accepted, the Bill read once.

Committee Amendment "A" (H-45) was read by the Clerk and adopted and the Bill assigned for second reading Tuesday, April 11, 1989.

(H.P. 301) (L.D. 413) Bill "An Act to Regulate Maternal Serum Alpha-fetoprotein Screening Programs"

(H.P. 91) (L.D. 126) Bill "An Act to Make Additional Allocations to the Department of Inland Fisheries and Wildlife for the Fiscal Year Ending June 30, 1989" (EMERGENCY) (C. "A" H-46)

(H.P. 454) (L.D. 619) Bill "An Act Relating to Highway Construction and Maintenance Signs and Advertising Signs" (C. "A" H-47)

(H.P. 420) (L.D. 585) Bill "An Act to Change the Dates for Burial Eligibility at the Maine Veterans' Memorial Cemetery" (C. "A" H-48)

(H.P. 312) (L.D. 426) Bill "An Act to Provide Access to Retirement Benefits for Former Spouses of Members of the Armed Forces" (C. "A" H-49)

(H.P. 286) (L.D. 398) Bill "An Act to Include the Casco Bay Island Transit District under the Risk Management Division" (C. "A" H-50)

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 ENGROSSED

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)

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

**PASSED TO BE ENGROSSED
As Amended**

Bill "An Act Appropriating Funds to the Department of Educational and Cultural Services for Early Childhood Education" (H.P. 23) (L.D. 18) (C. "A" H-43)

Bill "An Act to Make Minor Changes in the Motor Vehicle Laws" (S.P. 75) (L.D. 65) (S. "A" S-29 and H. "A" H-53 to C. "A" S-23)

Were reported by the Committee on Bills in the Second Reading, read the second time, the Senate Paper was Passed to be Engrossed as Amended in non-concurrence and the House Paper was Passed to be Engrossed as Amended and sent up for concurrence.

**PASSED TO BE ENACTED
Emergency Measure**

An Act to Provide Lifetime License Plates to Margaret Chase Smith and Edmund S. Muskie (S.P. 128) (L.D. 213) (C. "A" S-25)

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. 117 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.

**PASSED TO BE ENACTED
Emergency Measure**

An Act to Improve Ferry Service to Matinicus Isle (S.P. 166) (L.D. 323) (C. "A" S-24)

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 Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Provide for Rate Adjustments of Consumer-Owned Water Utilities to Reflect Anticipated Construction Costs (H.P. 199) (L.D. 279) (C. "A" H-23)

An Act to Promote Effective Identification of Minors (H.P. 258) (L.D. 370) (C. "A" H-24)

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.

**ORDERS OF THE DAY
TABLED AND TODAY ASSIGNED**

The Chair laid before the House the first tabled and today assigned matter:

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Change the Terms of Members of the Senate from 2 to 4 Years (S.P. 392) (L.D. 1037) - In Senate, Referred to the Committee on State and Local Government.

TABLED - April 6, 1989 by Representative GWADOSKY of Fairfield.

PENDING - Reference in concurrence.

On motion of Representative Mayo of Thomaston, retabled pending reference in concurrence and specially assigned for Tuesday, April 11, 1989.

The Chair laid before the House the second tabled and today assigned matter:

Bill "An Act to Annex Township 4, Range 3 WELS to the Town of Island Falls" (H.P. 164) (L.D. 229)

- In House, Bill and Accompanying Papers Recommitted to the Committee on State and Local Government on March 30, 1989.

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

TABLED - April 6, 1989 by Representative GWADOSKY of Fairfield.

PENDING - Motion of Representative SMITH of Island Falls to Recede.

On motion of Representative Gwadosky of Fairfield, retabled pending the motion of Representative Smith of Island Falls that the House recede and specially assigned for Tuesday, April 11, 1989.

The Chair laid before the House the third tabled and today assigned matter:

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

TABLED - April 6, 1989 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Engrossed.

On motion of Representative Gwadosky of Fairfield, retabled pending passage to be engrossed and specially assigned for Tuesday, April 11, 1989.

(At Ease)

The House was called to order by the Speaker.

The Chair laid before the House the following 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) on which the House insisted on its former action whereby the bill was referred to the Committee on Human Resources in the House on April 4, 1989. (Came from the Senate referred to the Committee on Aging, Retirement and Veterans in non-concurrence) which was tabled earlier in the day and later today assigned pending further consideration.

On motion of Representative Gwadosky of Fairfield, the House voted to Insist.

The Chair laid before the House the following matter: Bill "An Act to Make Changes in the Law Relating to Quasi-municipal Charter Changes" (H.P. 773) (L.D. 1085) which was tabled earlier in the day and later today assigned pending reference.

On motion of Representative Joseph of Waterville, was referred to the Committee on State and Local Government, ordered printed and sent up for concurrence.

(Off Record Remarks)

On motion of Representative Strout of Corinth, Adjourned until Tuesday, April 11, 1989, at twelve o'clock noon.

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

In Senate Chamber
Monday
April 10, 1989

Senate called to Order by the President.

Prayer by Pastor Ralph Clark of the Winthrop Street Universalist Church in Augusta.

PASTOR CLARK: Let us begin our time together this morning in silence. If for only these brief moments may we seek to be truly here in the present. May we seek to put aside our thoughts of the home, family, and friends that we have left this morning, the tensions of our travel here, our thoughts, concerns and worries about the day to come.

May we be here, now. May each of us according to our want or custom, enter into a time of prayer or meditation, of thought or reflection.

O, God, Creator and Recreator of all that is. O, Spirit of life and love which supports, surrounds and fills each of us; we seek not Your presence today, for You are always present, rather we seek our own awareness of Your presence. We seek not that You hear our voice, but that we hear Your voice.

May we be aware of Your power working through and within us and others.

In our work and deliberations here today, may we put aside our personal self interests, our biases, our prejudices.

May we put aside even the interests of our individual constituents as we seek to serve our larger constituency, all the people of this great State.

May we seek the power of reason and logic, while not losing the message our hearts would bring.

May the matters considered here today be matters truly of moment, may we avoid the trivial and not pursue change merely for the sake of change.

May our ears and eyes and minds be truly open to hear and see the discussions on all sides of the issues we consider.

May we seek to enact just laws, always remembering that fairness and compassion are an important part of justice.

May all of our decisions promote the dignity, the safety, and the well-being of all who live in this great State. Amen.

Reading of the Journal of Thursday, April 6, 1989.

PAPERS FROM THE HOUSE
House Papers

Bill "An Act Relating to Motor Vehicle Insurance Surcharges Due to License Suspension"

H.P. 765 L.D. 1069

Bill "An Act to Encourage the Continuation of Obstetrical Services in the Medicaid Program"

H.P. 769 L.D. 1073

Come from the House referred to the Committee on BANKING AND INSURANCE and ORDERED PRINTED.

Which were referred to the Committee on BANKING AND INSURANCE and ORDERED PRINTED, in concurrence.

Bill "An Act to Authorize the Department of Human Services to Implement the Provisions of the United States Family Support Act of 1988"

H.P. 767 L.D. 1071