

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

(In House, April 5, 1989, PASSED TO BE ENACTED.)
(In Senate, April 3, 1989, PASSED TO BE ENGROSSED
AS AMENDED BY COMMITTEE AMENDMENT "A" (H-20), in
concurrence.)

Which was PASSED TO BE ENACTED and having been
signed by the President, was presented by the
Secretary to the Governor for his approval.

Out of order and under suspension of the Rules,
the Senate considered the following:

ORDERS

Joint Order

On motion by Senator PEARSON of Penobscot the
following Joint Order:

S.P. 433

ORDERED, the House concurring, that the Joint
Standing Committee on Appropriations and Financial
Affairs report out to the Senate such legislation as
it sees fit to fund interim studies approved by law
or by the Legislative Council.

Which was READ and PASSED.

Sent down for concurrence.

Off Record Remarks

On motion by Senator GILL of Cumberland,
ADJOURNED until Wednesday, April 12, 1989, at 12:00
in the afternoon.

ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
43rd Legislative Day
Wednesday, April 12, 1989

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

Prayer by Father Valmont Gilbert, St. Bridget's
Catholic Church, North Vassalboro.

The Journal of Tuesday, April 11, 1989, was read
and approved.

Quorum call was held.

PAPERS FROM THE SENATE

The following Communication:

Maine State Senate

Augusta, Maine 04333

April 11, 1989

Honorable Edwin H. Pert

Clerk of the House

State House Station 2

Augusta, Maine 04333

Dear Clerk Pert:

Please be advised that the Senate today Insisted
to its former action whereby it referred to the
Committee on Human Resources in non-concurrence, Bill
"An Act Concerning Agricultural Road Signs" (H.P.
576) (L.D. 780).

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

Was read and ordered placed on file.

The following Joint Order: (S.P. 433)

ORDERED, the House concurring, that the Joint
Standing Committee on Appropriations and Financial
Affairs report out to the Senate such legislation as
it sees fit to fund interim studies approved by law
or by the Legislative Council.

Came from the Senate, read and passed.

Was read and passed in concurrence.

Bill "An Act to Appropriate Funds for the
Home-based Care Program" (S.P. 417) (L.D. 1128)

Bill "An Act to Continue Pregnancy-related
Services" (S.P. 425) (L.D. 1136)

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 Relating to Lines of Insurance and
Licenses for Workers' Compensation Insurers" (S.P.
418) (L.D. 1129)

Bill "An Act Regulating Unfair Claims Practices"
(S.P. 423) (L.D. 1134)

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 Prohibit Injurious Hazing of
Public School Students" (S.P. 420) (L.D. 1131)

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 Improve Individualized Treatment and Planning Procedures for Long-term Care Clients" (S.P. 430) (L.D. 1141)

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 Amend the Time within which a Juvenile Detention Hearing Must Be Held" (S.P. 421) (L.D. 1132)

Bill "An Act to Require a County Jailer to Return List of Prisoners" (S.P. 422) (L.D. 1133)

Bill "An Act to Amend Certain Provisions of the Maine Bail Code" (S.P. 426) (L.D. 1137)

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

Were referred to the Committee on Judiciary in concurrence.

Bill "An Act to Amend the Lottery Laws" (S.P. 427) (L.D. 1138)

Bill "An Act Concerning Law Enforcement Training" (S.P. 431) (L.D. 1142)

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

Were referred to the Committee on Legal Affairs in concurrence.

Bill "An Act Dealing with Removal of Dislodged Lobster Gear" (S.P. 419) (L.D. 1130)

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 Relating to Taxation of Printing Services" (S.P. 424) (L.D. 1135)

Bill "An Act to Freeze Property Taxes of People Over the Age of 65" (S.P. 429) (L.D. 1140)

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

Were referred to the Committee on Taxation in concurrence.

Bill "An Act to Authorize the Placement of a Directional Sign on Interstate 95 for Unity College" (S.P. 428) (L.D. 1139)

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

Was referred to the Committee on Transportation in concurrence.

**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:

Agriculture

Bill "An Act to Revise the Law Concerning Agricultural Land and Adjacent Development" (H.P. 819) (L.D. 1147) (Presented by Representative McCORMICK of Rockport) (Cosponsored by Representative FARRIN of Cherryfield and Senator BRAWN of Knox)

Ordered Printed.

Sent up for Concurrence.

Appropriations and Financial Affairs

Bill "An Act to Appropriate Funds for the Maine Community Cultural Services Initiative" (H.P. 824) (L.D. 1156) (Presented by Representative ROLDE of York) (Cosponsored by Senator CLARK of Cumberland, Senator PERKINS of Hancock and Representative CARTER of Winslow)

Bill "An Act to Provide Funding for the Women, Infant and Children's Program" (H.P. 831) (L.D. 1163) (Presented by Representative LISNIK of Presque Isle) (Cosponsored by Senator GILL of Cumberland and Representative CLARK of Brunswick)

Ordered Printed.

Sent up for Concurrence.

Banking and Insurance

Bill "An Act Regarding Physician Insurance Rates" (H.P. 833) (L.D. 1165) (Presented by Representative FARNSWORTH of Hallowell) (Cosponsored by Representative GWADOSKY of Fairfield)

Ordered Printed.

Sent up for Concurrence.

Education

Bill "An Act Granting Student Rights and Requiring School Boards to Adopt Written Policies Regarding Student Rights and Responsibilities" (H.P. 827) (L.D. 1159) (Presented by Representative RYDELL of Brunswick) (Cosponsored by Representative STEVENS of Bangor, Representative MCGOWAN of Canaan and Senator ESTES of York)

Bill "An Act to Provide Adjustments in the Educational Funding Formula" (H.P. 836) (L.D. 1168) (Presented by Representative ROLDE of York) (Cosponsored by Senator ESTES of York, Senator PERKINS of Hancock and Representative SMALL of Bath)

Ordered Printed.

Sent up for Concurrence.

Energy and Natural Resources

Bill "An Act Regarding Sludge Spreading" (EMERGENCY) (H.P. 830) (L.D. 1162) (Presented by Representative LUTHER of Mexico) (Cosponsored by Representative JACQUES of Waterville) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.

Sent up for Concurrence.

Later Today Assigned

Bill "An Act to Provide for Consent of Minors to Health Services" (H.P. 828) (L.D. 1160) (Presented by Representative ANTHONY of South Portland) (Cosponsored by Representative CLARK of Brunswick, Senator HOLLOWAY of Lincoln and Representative HASTINGS of Fryeburg)

(The Committee on Human Resources had been suggested.)

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

Judiciary

Bill "An Act to Prohibit the Sale of Unlawful Drugs in or near Schools" (H.P. 816) (L.D. 1144) (Presented by Representative MCGOWAN of Canaan) (Cosponsored by Senator TITCOMB of Cumberland, Representative KILKELLY of Wiscasset and

Representative SKOGLUND of St. George) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.
Sent up for Concurrence.

Later Today Assigned

Bill "An Act to Authorize the Detention in County Jails of Adults for Offenses Committed as Juveniles" (H.P. 817) (L.D. 1145) (Presented by Representative O'GARA of Westbrook) (Cosponsored by Representative RIDLEY of Shapleigh and Senator TWITCHELL of Oxford) (The Committee on Judiciary had been suggested.)

On motion of Representative Cote of Auburn, tabled pending reference and later today assigned.

Judiciary

Bill "An Act to Criminalize Sexual Abuse of Patients by Psychiatrists and Psychologists" (H.P. 818) (L.D. 1146) (Presented by Representative FARNSWORTH of Hallowell) (Cosponsored by Representative LISNIK of Presque Isle, Representative LUTHER of Mexico and Senator TITCOMB of Cumberland)

Bill "An Act to Provide for the Forfeiture of Firearms Used to Commit Crimes" (H.P. 820) (L.D. 1148) (Presented by Representative PARADIS of Augusta) (Cosponsored by Representative PAUL of Sanford)

Bill "An Act to Increase the Penalties for Forgery" (H.P. 821) (L.D. 1149) (Presented by Representative GURNEY of Portland) (Cosponsored by Representative ERWIN of Rumford and Representative SWAZEY of Bucksport)

Bill "An Act to Strengthen the State Forensic Service" (H.P. 822) (L.D. 1150) (Presented by Representative PARADIS of Augusta) (Cosponsored by Representative PRIEST of Brunswick and Representative PINEAU of Jay)

Bill "An Act to Reduce the Quantities of Cocaine and Heroin Necessary to Allow a Presumption of Unlawful Furnishing" (H.P. 825) (L.D. 1157) (Presented by Representative ROLDE of York) (Cosponsored by Senator CLARK of Cumberland, Representative TOWNSEND of Eastport and Senator MATTHEWS of Kennebec) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Bill "An Act to Strengthen Criminal Drug Laws in the State by Allowing Forfeiture of Firearms and Other Dangerous Weapons" (H.P. 826) (L.D. 1158) (Presented by Representative RUHLIN of Brewer) (Cosponsored by Representative O'DEA of Orono, Representative PLOURDE of Biddeford and Senator ESTES of York) (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 Allow the Sale of Alcoholic Beverages in Bowling Centers" (H.P. 832) (L.D. 1164) (Presented by Representative CASHMAN of Old Town) (Cosponsored by Senator BALDACCI of Penobscot) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.
Sent up for Concurrence.

Marine Resources

Bill "An Act to Restrict the Use of Lobster Trap Dipping Solutions" (H.P. 823) (L.D. 1155) (Presented by Representative COLES of Harpswell) (Cosponsored by Representative LOOK of Jonesboro, Senator BRANNIGAN of Cumberland and Representative CONSTANTINE of Bar Harbor)

Ordered Printed.
Sent up for Concurrence.

Taxation

Bill "An Act to Repeal the Municipal Service Charge Limitation for Subsidized Housing Exempt from Taxation" (H.P. 834) (L.D. 1166) (Presented by Representative DORE of Auburn) (Cosponsored by Representative LAPOINTE of Auburn and Representative OLIVER of Portland)

Bill "An Act to Exclude Public Pension Payments to Persons 65 Years of Age and Older from Taxable Income" (H.P. 835) (L.D. 1167) (Presented by Representative BELL of Caribou) (Cosponsored by Senator BUSTIN of Kennebec, Senator COLLINS of Aroostook and Senator BOST of Penobscot)

Ordered Printed.
Sent up for Concurrence.

Utilities

Bill "An Act to Make Hydropower Project Operators Financially Responsible for Fish Kills" (H.P. 829) (L.D. 1161) (Presented by Representative CARTER of Winslow) (Cosponsored by Representative MCGOWAN of Canaan, Representative JACQUES of Waterville and Senator ERWIN of Oxford)

Ordered Printed.
Sent up for Concurrence.

ORDERS

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative JACQUES from the Committee on Energy and Natural Resources on Bill "An Act to Clarify the Traffic Movement Standards under the Site Location of Development Law" (H.P. 230) (L.D. 314) reporting "Ought Not to Pass"

Representative JACQUES from the Committee on Energy and Natural Resources on Resolve, to Create the Commission to Study the Feasibility of a Materials Recovery Facility (H.P. 652) (L.D. 886) reporting "Ought Not to Pass"

Representative STROUT from the Committee on Transportation on Bill "An Act to Regulate the Use of Speed Traps and Prevent the Use of Radar Detectors" (H.P. 150) (L.D. 202) reporting "Ought Not to Pass"

Representative HUSSEY from the Committee on Agriculture on Bill "An Act Relating to Abandoned Dogs" (H.P. 451) (L.D. 616) reporting "Ought Not to Pass"

Representative HUSSEY from the Committee on Agriculture on Bill "An Act to Authorize Assistance to Nurseries to Prevent Deer Damage" (H.P. 338) (L.D. 457) reporting "Ought Not to Pass"

Representative GOULD from the Committee on Energy and Natural Resources on Bill "An Act to Amend the Law Requiring Recordation of Subdivision and Zoning Variances" (H.P. 427) (L.D. 592) 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 ANTHONY from the Committee on Judiciary on Bill "An Act to Further Protect Child Victims of Abuse" (H.P. 261) (L.D. 373) reporting "Leave to Withdraw"

Representative HASTINGS from the Committee on Judiciary on Bill "An Act to Ensure Parental Notice of Harassment Orders Served on Minors" (H.P. 336) (L.D. 455) 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

Majority Report of the Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-59) on Bill "An Act to Further Define the Responsibilities of the Maine Milk Commission to Ensure a Supply of Milk to the Consumers of Maine" (H.P. 452) (L.D. 617)

Signed:

Senators: TWITCHELL of Oxford
KANY of Kennebec
EMERSON of Penobscot

Representatives: WHITCOMB of Waldo
TARDY of Palmyra
NUTTING of Leeds
MAHANY of Easton
BELL of Caribou
PARENT of Benton
PINES of Limestone
ALIBERTI of Lewiston
SHERBURNE of Dexter

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

Signed:

Representative: HUSSEY of Milo
Reports were read.

On motion of Representative Tardy of Palmyra, the Majority "Ought to Pass" Report was accepted, the Bill read once.

Committee Amendment "A" was read by the Clerk and adopted and the Bill assigned for second reading Thursday, April 13, 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. 373) (L.D. 504) Bill "An Act Relating to Civil Penal Damages to be Awarded in Cases of Unlawful Discrimination" Committee on Judiciary reporting "Ought to Pass"

(H.P. 278) (L.D. 390) Bill "An Act Converting Baring Plantation into the Town of Baring" Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-62)

(S.P. 117) (L.D. 183) Bill "An Act to Ensure Coordinated Investigations of Complaints Regarding Special Education" Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (S-36)

(S.P. 140) (L.D. 260) Bill "An Act Concerning Seafood Market Development" Committee on Marine Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-34)

(S.P. 167) (L.D. 324) Bill "An Act to Prohibit Persons Who have Violated the Animal Cruelty Laws from Participating in Pulling Events" Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (S-35)

(S.P. 223) (L.D. 539) Bill "An Act to Make Technical Changes to Provisions Related to the Probation and Parole and Intensive Supervision Program Functions" Joint Select Committee on Corrections reporting "Ought to Pass" as amended by Committee Amendment "A" (S-37)

(H.P. 384) (L.D. 515) Bill "An Act Concerning the Regulatory Treatment of Consumer-owned Electric Utilities" Committee on Utilities reporting "Ought to Pass"

There being no objections, the above items were ordered to appear on the Consent Calendar of Thursday, April 13, 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. 87) (L.D. 122) Bill "An Act Relating to Credit Services Organizations" (C. "A" H-58)

(H.P. 561) (L.D. 759) Bill "An Act to Make Records of Quasi-judicial Proceedings Confidential" (C. "A" H-57)

(H.P. 327) (L.D. 446) Bill "An Act to Amend an Act Incorporating the Trustees of Bridgton Academy"

(S.P. 195) (L.D. 443) Bill "An Act to Change the Name of the Maine Committee on Problems of the Mentally Retarded and to Update the Definition of Mental Retardation" (C. "A" S-33)

No objections having been noted at the end of the Second Legislative Day, the Senate Paper was Passed to be Engrossed as Amended in concurrence and 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 Clarify Certain Provisions in the Maine State Retirement System Laws" (S.P. 270) (L.D. 698)

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

PASSED TO BE ENACTED

Emergency Measure

An Act Concerning Public Assistance Eligibility (H.P. 157) (L.D. 222) (C. "A" H-39)

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

Emergency Measure

An Act to Extend Reporting Deadlines of the Therapeutic Pharmaceutical Monitoring Panel (H.P. 296) (L.D. 408) (C. "A" H-41)

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. 123 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.

ENACTOR

**Emergency Measure
Tabled and Assigned**

An Act Relating to the Dig-safe Law (H.P. 432) (L.D. 597) (C. "A" H-37)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

On motion of Representative Gwadosky of Fairfield, tabled pending passage to be enacted and specially assigned for Thursday, April 13, 1989.

PASSED TO BE ENACTED

An Act to Clarify the Functions of Subregistrars (S.P. 98) (L.D. 117) (C. "A" S-28)

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

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

An Act to Clarify the Maine Used Car Information Laws (H.P. 220) (L.D. 300) (C. "A" H-40)

An Act to Require Drivers to Turn Off Auxiliary Lights (H.P. 277) (L.D. 389) (C. "A" H-38)

An Act to Require the Use of Flashing Amber Lights on Vehicles During Sanding and Snow Removal Operations (H.P. 445) (L.D. 610)

An Act to Amend the Medical Health Security Act to Include Podiatrists and Dentists (S.P. 190) (L.D. 417) (C. "A" S-26)

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:

HOUSE DIVIDED REPORT - Majority (12) "Ought Not to Pass" - Minority (1) - "Ought to Pass" - Committee on Taxation on Bill "An Act to Protect Confidentiality of Private Business Transactions" (H.P. 235) (L.D. 347)

TABLED - April 11, 1989 by Representative CASHMAN of Old Town.

PENDING - Motion of same Representative to accept the Majority "Ought Not to Pass" Report.

On motion of Representative Cashman of Old Town, retabled pending the motion of the same Representative to accept the Majority "Ought Not to Pass" Report and specially assigned for Thursday, April 13, 1989.

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

HOUSE DIVIDED REPORT - Majority (10) "Ought to Pass" as amended by Committee Amendment "A" (H-51) - Minority (3) - "Ought Not to Pass" - Committee on Business Legislation on Bill "An Act Relating to Confidentiality of Investigative Records of Boards and Commissions" (H.P. 232) (L.D. 316)

TABLED - April 11, 1989 by Representative GWADOSKY of Fairfield.

PENDING - Motion of Representative ALLEN of Washington to accept the Majority "Ought to Pass" as amended Report.

On motion of Representative Gwadosky of Fairfield, retabled pending the motion of the Representative from Washington, Representative Allen, that the House accept the Majority "Ought to Pass" as amended Report and specially assigned for Thursday, April 13, 1989.

(Off Record Remarks)

(At Ease)

The House was called to order by the Speaker.

On motion of Representative Gwadosky of Fairfield, the House reconsidered its action whereby An Act to Amend the Medical Health Security Act to Include Podiatrists and Dentists (S.P. 190) (L.D. 417) (C. "A" S-26) was passed to be enacted.

On further motion of the same Representative, tabled pending passage to be enacted and specially assigned for Thursday, April 13, 1989.

The Chair laid before the House the following matter: Bill "An Act to Provide for Consent of Minors to Health Services" (H.P. 828) (L.D. 1160) which was tabled earlier in the day and later today assigned pending reference.

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

The Chair laid before the House the following matter: Bill "An Act to Authorize the Detention in County Jails of Adults for Offenses Committed as Juveniles" (H.P. 817) (L.D. 1145) which was tabled earlier in the day and later today assigned pending reference.

On motion of Representative Mayo of Thomaston, tabled pending reference and specially assigned for Thursday, April 13, 1989.

On motion of Representative Gwadosky of Fairfield, the House reconsidered its action whereby Bill "An Act to Clarify Certain Provisions in the Maine State Retirement System Laws" (S.P. 270) (L.D. 698) was passed to be engrossed.

Representative Hickey of Augusta offered House Amendment "A" (H-63) and moved its adoption.

House Amendment "A" was read by the Clerk and adopted.

The bill was passed to be engrossed as amended by House Amendment "A" in non-concurrence and sent up for concurrence.

On motion of Representative Marsano of Belfast, Adjourned until Thursday, April 13, 1989, at 8:45 a.m.