

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

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with No Senators having voted in negative, and 31 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.

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

ENACTORS

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

Emergency

An Act to Establish Criteria for Adopting a Moratorium in the Jurisdiction of the Maine Land Use Regulation Commission

S.P. 232 L.D. 562
(C "A" S-49)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with No Senators having voted in negative, and 31 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.

Off Record Remarks

Senator GAUVREAU of Androscoggin 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 DUTREMBLE of York, ADJOURNED, until Monday, April 24, 1989, at 9:00 in the morning.

ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
48th Legislative Day
Monday, April 24, 1989

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

Prayer by Reverend James Flye, United Baptist Church, Island Falls.

National Anthem by Edward Little High School Band, Auburn.

The Journal of Thursday, April 20, 1989, was read and approved.

Quorum call was held.

At this point, the Sergeant-at-Arms escorted the Deputy Speaker of New Hampshire's House of Representatives, Harold Burns, and New Hampshire's Clerk of the House, James Chandler, to the rostrum.

PAPERS FROM THE SENATE

The following Communication:

Maine State Senate
Augusta, Maine 04333

April 20, 1989

The Honorable John L. Martin
Speaker of the House
114th Legislature
Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Judiciary, the Governor's nomination of Gail Ogilvie of Richmond for appointment as a member of the Workers' Compensation Commission.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

Was read and ordered placed on file.

Bill "An Act to Provide for More Equitable Reimbursement to Intermediate Care Facilities for the Mentally Retarded" (S.P. 458) (L.D. 1243)

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 Human Resources.)

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

Bill "An Act to Amend Certain Provisions of the Maine Low-level Radioactive Waste Authority Act" (EMERGENCY) (S.P. 469) (L.D. 1266)

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 Promote Maine's Participation in the Global Economy and to Enhance the Department of Economic and Community Development" (S.P. 468) (L.D. 1265)

Bill "An Act to Provide Local Educational Subsidies to Encourage the Development of Affordable Housing" (S.P. 470) (L.D. 1267)

Came from the Senate, referred to the Committee on Housing and Economic Development and Ordered Printed.

Were referred to the Committee on Housing and Economic Development in concurrence.

Bill "An Act to Provide for Ladders of Advancement in the Health Care Profession" (S.P. 471) (L.D. 1268)

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 Protect the Rights of Citizens During Labor Disputes and to Protect the Right of Peaceful Picketing" (S.P. 472) (L.D. 1269)

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 Concerning the Sales and Use Tax Exemption Provided To Nonprofit Ambulance Services and Fire Departments" (S.P. 473) (L.D. 1270)

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

Was referred to the Committee on Taxation in concurrence.

Unanimous Ought Not To Pass

Report of the Committee on Energy and Natural Resources reporting "Ought Not to Pass" on Bill "An Act to Create a Review Board for Appeals of Denials of Sewage Disposal Licenses" (S.P. 134) (L.D. 219)

Report of the Committee on Energy and Natural Resources reporting "Ought Not to Pass" on Bill "An Act to Exclude Certain Home Owners from Amendments to the Overboard Discharge Laws" (S.P. 381) (L.D. 1017)

Report of the Committee on Energy and Natural Resources reporting "Ought Not to Pass" on Bill "An Act to Clarify the Regulation of Biomedical Waste" (EMERGENCY) (S.P. 356) (L.D. 957)

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

Unanimous Leave to Withdraw

Report of the Committee on Legal Affairs reporting "Leave to Withdraw" on Bill "An Act to Amend the Law Concerning the Provision of Equipment and Clothing for Firefighters" (S.P. 129) (L.D. 214)

Report of the Committee on Agriculture reporting "Leave to Withdraw" on Bill "An Act to Exempt from the Laws Pertaining to Agricultural Land and Adjacent Development Residential Buildings which were Planned at the Time of the Passage of the Legislation" (S.P. 130) (L.D. 215)

Report of the Committee on Education reporting "Leave to Withdraw" on Bill "An Act to Amend the Alternative Election Procedure for School Budgets on a Local Basis" (S.P. 272) (L.D. 700)

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

Non-Concurrent Matter

Expression of Legislative Sentiment recognizing Ruth Schacter; (HLS 305) which was passed in the House on April 5, 1989.

Came from the Senate indefinitely postponed in non-concurrence.

The House voted to recede and concur.

COMMUNICATIONS

The following Communication: (S.P. 475)

114TH MAINE LEGISLATURE

April 20, 1989

Senator R. Donald Twitchell
Representative Robert J. Tardy
Chairpersons
Joint Standing Committee on Agriculture
114th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Dwight L. Tripp, Jr. of Auburn for appointment and Cheryl Kelley of St. Francis and Dr. Russel N. Pinfeld of Brunswick for reappointments to the Animal Welfare Board.

Pursuant to Title 7, M.R.S.A. Section 3903, these nominations will require review by the Joint Standing Committee on Agriculture 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 Agriculture.

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

The following Communication:

MAINE STATE LEGISLATURE
COMMISSION TO STUDY THE STATUS OF
NURSING PROFESSIONS IN MAINE

April 20, 1989

The Honorable John L. Martin

Speaker of the House

State House Station #2

Augusta, Maine 04333

Dear Speaker Martin:

On behalf of the Commission to Study the Status of the Nursing and Health Care Professions in Maine, I am respectfully requesting that the Legislative Council authorize the expenditure of funds from the legislative account to complete printing of the Commission's report, as well as other related expenses.

As you are aware, the nursing crisis in federal, state and local institutions is one that threatens adequate health care for Maine people. The additional funds would help to ensure that the Commission's work is completed.

I would appreciate a response at your earliest convenience.

Respectfully submitted,
S/Rep. Brad Boutilier
Chair, Commission to
Study the Status of the
Nursing and Health Care
Professions in Maine

Was read and with accompanying report ordered placed on file.

The following Communication:

DEPARTMENT OF LABOR
 P. O. BOX 309
 AUGUSTA, MAINE 04333
 April 21, 1989

The Honorable John L. Martin
 Speaker of the House
 114th Maine Legislature
 State House Station #2
 Augusta, Maine 04333
 Dear Speaker Martin:

I am pleased to enclose a copy of our report on the first eight months of operation of the Strategic Training and Accelerated Reemployment (STAR) Program. This report has been submitted to the Joint Standing Committee on Labor, in accordance with Public Law chapter 577.

As I think you will agree after reviewing the report, the STAR Program has surpassed our expectations for providing an essential training program for recently unemployed Maine citizens. During the first eight months, we have achieved over ninety percent of our goal for the first year, which was to provide education and training to 600 Maine people. I think you will also be pleased to find that the average wage at placement to date is \$6.33 per hour, which exceeds our goal of \$6.00 per hour.

You may also be interested in knowing that the STAR Program has been of significant assistance in aiding many of Maine's dislocated workers during the 1988/89 program year, in particular those previously employed by Health-tex, Emple Knitting Mills and Penobscot Poultry. Many of these workers left 20 or more years of hard work and loyal employment, to find themselves jobless with skills that are no longer marketable.

For your information, we will be submitting shortly a proposal to continue, and make a few changes to, the STAR Program. If you have any questions concerning this report, please do not hesitate to contact me.

Sincerely,
 s/John Fitzsimmons
 Commissioner

Was read and with accompanying report ordered placed on file.

**PETITIONS, BILLS AND RESOLVES
 REQUIRING REFERENCE**

The following Bills and Resolves 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:

Appropriations and Financial Affairs

Bill "An Act to Establish a Contingency Account for Certain Municipalities" (H.P. 912) (L.D. 1278) (Presented by Representative SEAVEY of Kennebunkport) (Cosponsored by Representative LIBBY of Kennebunk)
 Ordered Printed.
 Sent up for Concurrence.

Later Today Assigned

Bill "An Act to Fund Health Care Personnel Surveys" (H.P. 913) (L.D. 1279) (Presented by Representative JOSEPH of Waterville) (Cosponsored by Senator KANY of Kennebec, Representative ROLDE of York and Senator TITCOMB of Cumberland)
 (The Committee on Appropriations and Financial Affairs had been suggested.)
 On motion of Representative Carter of Winslow, tabled pending reference and later today assigned.

Appropriations and Financial Affairs

Bill "An Act to Enable More Maine People to Become Homeowners" (H.P. 923) (L.D. 1289) (Presented by Representative MELENDY of Rockland) (Cosponsored by Representative MAYO of Thomaston, Representative NADEAU of Lewiston and Representative CARROLL of Gray)

Bill "An Act Regarding the Removal of Hazardous Chemicals from Schools" (EMERGENCY) (H.P. 942) (L.D. 1310) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsored by Representative COLES of Harpswell) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.
 Sent up for Concurrence.

Banking and Insurance

Bill "An Act to Improve Access to Health Care and Relieve Hospital Costs Due to Charity and Bad Debt Care Which are Currently Shifted to Third-party Payors" (EMERGENCY) (H.P. 954) (L.D. 1322) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsored by President PRAY of Penobscot, Representative RYDELL of Brunswick and Senator PEARSON of Penobscot)

(The Committee on Appropriations and Financial Affairs had been suggested.)

On motion of Representative Carter of Winslow, was referred to the Committee on Banking and Insurance, ordered printed and sent up for concurrence.

Banking and Insurance

Bill "An Act to Require Health Insurance Carriers to Inform Parents of Benefit and Other Information" (H.P. 928) (L.D. 1294) (Presented by Representative KILKELLY of Wiscasset) (Cosponsored by Representative ALLEN of Washington, Senator RANDALL of Washington and Representative CURRAN of Westbrook)

Bill "An Act to Create a State Fund to Provide Workers' Compensation Insurance Coverage to Employers" (H.P. 952) (L.D. 1320) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsored by Representative MCHENRY of Madawaska, Representative RYDELL of Brunswick and Senator DUTREMBLE of York)

Ordered Printed.
 Sent up for Concurrence.

Business Legislation

Bill "An Act to Amend the Law on Home Construction Contracts" (H.P. 921) (L.D. 1287) (Presented by Representative MANNING of Portland) (Cosponsored by Representative ALLEN of Washington, Representative RYDELL of Brunswick and Senator BRANNIGAN of Cumberland)

Bill "An Act to Regulate the Use of Water Glass Adhesive on Shipping Labels" (H.P. 946) (L.D. 1314) (Presented by Representative BOUTILIER of Lewiston) (Cosponsored by Senator MATTHEWS of Kennebec and Representative RUHLIN of Brewer)

Ordered Printed.
 Sent up for Concurrence.

Education

Bill "An Act to Codify Guidelines for Home and Private Schools" (H.P. 949) (L.D. 1317) (Presented by Representative KILKELLY of Wiscasset) (Cosponsored by Representative BURKE of Vassalboro, Representative HANDY of Lewiston and Senator BRAUN of Knox)
 Ordered Printed.

Sent up for Concurrence.

Energy and Natural Resources

Bill "An Act to Amend the Penalty for Violation of Natural Resource Protection Laws" (H.P. 929) (L.D. 1295) (Presented by Representative MITCHELL of Freeport) (Cosponsored by Representative JACQUES of Waterville, Senator CLARK of Cumberland and Senator KANY of Kennebec)

Bill "An Act to Ban the Use of Polystyrene Containers" (H.P. 939) (L.D. 1307) (Presented by Representative BURKE of Vassalboro) (Cosponsored by Representative TRACY of Rome and Representative GOULD of Greenville)

Ordered Printed.

Sent up for Concurrence.

Fisheries and Wildlife

Bill "An Act to Increase the Penalties for Selling Game and Make Them Uniform" (H.P. 918) (L.D. 1284) (Presented by Representative ROTONDI of Athens) (Cosponsored by Representative SMITH of Island Falls, Representative JACQUES of Waterville and Senator ERWIN of Oxford)

Bill "An Act to Protect Fishing Resources in Certain Ponds" (H.P. 922) (L.D. 1288) (Presented by Representative RUHLIN of Brewer) (Cosponsored by Representative DUFFY of Bangor, Representative JACQUES of Waterville and Senator ERWIN of Oxford)

Ordered Printed.

Sent up for Concurrence.

Human Resources

Bill "An Act to Require Administrators of Boarding Care Facilities to Obtain Continuing Education" (H.P. 914) (L.D. 1280) (Presented by Representative CARROLL of Gray) (Cosponsored by Representative MANNING of Portland, Senator GAUVREAU of Androscoggin and Senator TITCOMB of Cumberland)

Bill "An Act to Prohibit Boarding Care Facility and Nursing Home Facility Personnel from Smoking" (H.P. 920) (L.D. 1286) (Presented by Representative BOUTILIER of Lewiston) (Cosponsored by Representative ROLDE of York and Representative HEPBURN of Skowhegan)

Bill "An Act to Amend the Third-party Prescription Program Act and Provide for Responsible Health Care Decisions" (H.P. 943) (L.D. 1311) (Presented by Representative HANDY of Lewiston) (Cosponsored by Senator DUTREMBLE of York, Representative JOSEPH of Waterville and Representative RUHLIN of Brewer)

Bill "An Act to Institute the Orderly Development of New Medical Technology and Services" (H.P. 951) (L.D. 1319) (Presented by Representative BOUTILIER of Lewiston) (Cosponsored by Representative ROLDE of York, Representative PENDLETON of Scarborough and Senator RANDALL of Washington)

Ordered Printed.

Sent up for Concurrence.

Housing and Economic Development

Bill "An Act for the Preservation of Affordable Rental Housing in Maine" (H.P. 948) (L.D. 1316) (Presented by Representative MILLS of Bethel) (Cosponsored by Representative GWADOSKY of Fairfield)

Ordered Printed.

Sent up for Concurrence.

Judiciary

Bill "An Act to Increase the Punishment for Trafficking in Cocaine" (H.P. 924) (L.D. 1290) (Presented by Representative COTE of Auburn) (Cosponsored by Speaker MARTIN of Eagle Lake, Representative BREWER of Boothbay Harbor and Representative PEDERSON of Bangor) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Bill "An Act Regarding Tort Liability for Defective or Unreasonably Dangerous Goods" (H.P. 926) (L.D. 1292) (Presented by Representative LAWRENCE of Kittery) (Cosponsored by Representative ANTHONY of South Portland and Senator GAUVREAU of Androscoggin)

Bill "An Act to Clarify the Method of Taxing Costs in Civil Actions" (H.P. 937) (L.D. 1305) (Presented by Representative CONLEY of Portland)

Bill "An Act Relating to Discrimination by Licensing Agencies which Affect Employment Eligibility or Professional Status" (H.P. 945) (L.D. 1313) (Presented by Representative O'GARA of Westbrook) (Cosponsored by Representative FARNSWORTH of Hallowell, Representative CONLEY of Portland and Senator ANDREWS of Cumberland)

Bill "An Act to Change Certain Criminal Violations to Civil Violations" (H.P. 947) (L.D. 1315) (Presented by Representative STEVENS of Bangor) (Cosponsored by Representative CONLEY of Portland, Representative FARNSWORTH of Hallowell and Senator HOBBS of York)

Bill "An Act to Facilitate the Establishment and Enforcement of Child Support and Health Insurance Obligations and to Clarify the Law Concerning the Modification of Child Support Orders" (H.P. 953) (L.D. 1321) (Presented by Representative FOSTER of Ellsworth) (Cosponsored by Senator BRAUN of Knox, Senator BRANNIGAN of Cumberland and Representative BOUTILIER of Lewiston) (Submitted by the Department of Human Services pursuant to Joint Rule 24.)

Ordered Printed.

Sent up for Concurrence.

Labor

Bill "An Act to Encourage Family Unity" (H.P. 917) (L.D. 1283) (Presented by Representative McHENRY of Madawaska) (Cosponsored by Representative PINEAU of Jay)

Bill "An Act Regarding the Review of the Workers' Compensation Denials" (H.P. 919) (L.D. 1285) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsored by Senator ESTY of Cumberland, Representative CASHMAN of Old Town and Representative BOUTILIER of Lewiston)

Ordered Printed.

Sent up for Concurrence.

Legal Affairs

Bill "An Act to Allow Municipalities to Remove Nonvoter Names from Voting Lists" (H.P. 916) (L.D. 1282) (Presented by Representative HEPBURN of Skowhegan) (Cosponsored by Representative PAUL of Sanford and Representative TUPPER of Orrington)

Bill "An Act Concerning Payment of Law Enforcement Training Costs" (H.P. 930) (L.D. 1296) (Presented by Representative McHENRY of Madawaska)

Ordered Printed.

Sent up for Concurrence.

State and Local Government

Bill "An Act to Require State Agencies to Pay Contractual Agencies a Late Charge for Delinquent

Payments" (H.P. 915) (L.D. 1281) (Presented by Representative MELENDY of Rockland) (Cosponsored by Representative CARTER of Winslow)

Bill "An Act to Amend the Municipal Limit for School Debt" (EMERGENCY) (H.P. 927) (L.D. 1293) (Presented by Representative MOHOLLAND of Princeton) (Cosponsored by Representative McGOWAN of Canaan, Speaker MARTIN of Eagle Lake and Senator BOST of Penobscot)

Bill "An Act to Permit Private Educational Institutions of Higher Learning to Make Purchases through the State Purchasing Agent" (H.P. 938) (L.D. 1306) (Presented by Representative MANNING of Portland) (Cosponsored by Senator HOBBS of York, Representative ROLDE of York and Senator CLARK of Cumberland)

Ordered Printed.

Sent up for Concurrence.

Taxation

Bill "An Act to Eliminate Tax Increases Attributable to the 1988 Maine Individual Income Tax Law" (EMERGENCY) (H.P. 931) (L.D. 1297) (Presented by Representative WHITCOMB of Waldo) (Cosponsored by Senator EMERSON of Penobscot and Senator TWITCHELL of Oxford)

Bill "An Act to Establish a Property Tax Homestead Exemption" (H.P. 932) (L.D. 1298) (Presented by Representative JACKSON of Harrison) (Cosponsored by Representative HIGGINS of Scarborough, Senator TWITCHELL of Oxford and Representative STROUT of Corinth)

Bill "An Act to Provide Funding for Homestead Land Trusts" (H.P. 933) (L.D. 1299) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsored by Senator ANDREWS of Cumberland, Representative SWAZEY of Bucksport and Representative NADEAU of Lewiston)

Bill "An Act to Increase Maine's Sales Tax, to Exempt Low-cost Articles of Clothing from Sales Tax and to Increase the State's Share of Education Funding" (H.P. 941) (L.D. 1309) (Presented by Representative NUTTING of Leeds) (Cosponsored by Representative BURKE of Vassalboro, Senator TITCOMB of Cumberland and Representative HASTINGS of Fryeburg)

Ordered Printed.

Sent up for Concurrence.

Transportation

Bill "An Act to Require the Use of Safety Belts on Maine School Buses" (H.P. 925) (L.D. 1291) (Presented by Representative CARROLL of Gray) (Cosponsored by Representative MILLS of Bethel, Representative BURKE of Vassalboro and Representative FARNSWORTH of Hallowell)

Resolve, to Require the Construction of a Pedestrian Walkway over Interstate 295 in Portland (H.P. 940) (L.D. 1308) (Presented by Representative MANNING of Portland) (Cosponsored by Senator ANDREWS of Cumberland, Representative MACOMBER of South Portland and Representative HALE of Sanford)

Resolve, to Establish a Commission to Study Town Supervision of Private Roads (EMERGENCY) (H.P. 950) (L.D. 1318) (Presented by Representative TRACY of Rome) (Cosponsored by Representative GOULD of Greenville, Representative JOSEPH of Waterville and Senator BERUBE of Androscoggin)

Ordered Printed.

Sent up for Concurrence.

Utilities

Bill "An Act to Promote Energy Conservation and Load Management by Electric Utilities" (H.P. 936) (L.D. 1304) (Presented by Representative HEESCHEN of Wilton) (Cosponsored by Senator TITCOMB of Cumberland, Representative HOLT of Bath and Representative HANDY of Lewiston)

Bill "An Act to Allow Intervenor Funding in Public Utilities Proceedings" (H.P. 944) (L.D. 1312) (Presented by Representative HEESCHEN of Wilton) (Cosponsored by Representative CLARK of Millinocket, Representative HOLT of Bath and Senator BUSTIN of Kennebec)

Bill "An Act to Govern the Formation of Water Districts" (H.P. 955) (L.D. 1323) (Presented by Representative CLARK of Millinocket)

Ordered Printed.

Sent up for Concurrence.

Reported Pursuant to Resolve Tabled and Assigned

Representative BOUTILIER for the Commission to Study the Status of Nursing Professions in Maine, pursuant to Resolve 1987, chapter 106 ask leave to submit its findings and to report that the accompanying Resolve, to Request that the Board of Trustees of the University of Maine System Determine the Cost of Establishing a Training Program for Nurse Practitioners in Northern Maine (H.P. 935) (L.D. 1300) be referred to the Joint Standing Committee on Education for Public Hearing and printed pursuant to Joint Rule 18.

Report was read and accepted.

On motion of Representative Gwadosky of Fairfield, tabled pending reference and specially assigned for Tuesday, April 25, 1989.

Reported Pursuant to Resolve

Representative BOUTILIER for the Commission to Study the Status of Nursing Professions in Maine, pursuant to Resolve 1987, chapter 106 ask leave to submit its findings and to report that the accompanying Bill "An Act Relating to the Status of Nursing Professions in Maine" (H.P. 956) (L.D. 1324) be referred to the Joint Standing Committee on Human Resources for Public Hearing and printed pursuant to Joint Rule 18.

Report was read and accepted.

On motion of Representative Gwadosky of Fairfield, tabled pending reference and specially assigned for Tuesday, April 25, 1989.

ORDERS

On motion of Representative MAYO of Thomaston, the following Joint Resolution: (H.P. 934) (Cosponsor: Senator BUSTIN of Kennebec)

JOINT RESOLUTION RECOGNIZING MAINE AMATEUR RADIO OPERATORS AND MAINE AMATEUR RADIO DAY
ON JULY 15, 1989

WHEREAS, amateur radio operators provide a valuable organized pool of communications specialists in the event of an emergency or natural disaster; and

WHEREAS, amateur radio operators contribute to international understanding and world peace through their communications between nations; and

WHEREAS, amateur radio operators relay messages without charge for United States military personnel, their families, as well as others, a service which fosters good morale; and

WHEREAS, amateur radio operators use their hobby to assist charitable endeavors such as walkathons,

handicapped sports, road races, parades and similar public events; and

WHEREAS, this year, 1989, is the 75th anniversary of the founding of the American Radio Relay League, which marked the beginning of the hobby of amateur radio; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Fourteenth Legislature of the State of Maine, now assembled in the First Regular Session, take this opportunity to commend Maine's 2,500 licensed amateur radio operators and offer our support and encouragement for its dedicated efforts; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine Hamfest Association for use in its recognition of Maine Amateur Radio Day at the Union Fairgrounds on July 15, 1989.

Was read and adopted and sent up for concurrence.

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

ORDERED, that Representative Anne M. Larrivee of Gorham be excused April 18 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Jo Anne D. Lapointe of Auburn be excused April 18 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Rosalie H. Aikman of Poland be excused April 19 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Barbara E. Strout of Windham be excused April 19 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Marge L. Kilkelly of Wiscasset be excused April 20 and 21 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Herbert E. Clark of Millinocket be excused April 20 and 21 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Malachi Anderson of Woodland be excused April 24 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Edward A. McHenry of Madawaska be excused April 24 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Francis C. Marsano of Belfast be excused April 24 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative John Telow of Lewiston be excused April 27 for health reasons.

Was read and passed.

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative ROTONDI from the Committee on Fisheries and Wildlife on Bill "An Act to Prohibit Children Aged 10 and Under from Trapping" (H.P. 566) (L.D. 770) reporting "Ought Not to Pass"

Representative CARROLL from the Committee on Fisheries and Wildlife on Bill "An Act Pertaining to the Placing of Bear Bait" (H.P. 542) (L.D. 739) reporting "Ought Not to Pass"

Representative JACKSON from the Committee on Taxation on Bill "An Act to Provide a Property Tax Exemption for Veterans over 62 Years of Age Who Served in the Allied Forces in World War II" (H.P. 387) (L.D. 518) reporting "Ought Not to Pass"

Representative PARADIS from the Committee on Judiciary on Bill "An Act to Provide a Mandatory Jail Term to Persons Who Have Committed Murder but Have

Been Acquitted by Reason of Insanity" (H.P. 304) (L.D. 416) reporting "Ought Not to Pass"

Representative DiPIETRO from the Committee on Taxation on Bill "An Act to Stabilize Veterans' Property Tax Exemptions" (H.P. 455) (L.D. 620) reporting "Ought Not to Pass"

Representative NADEAU from the Committee on Taxation on Bill "An Act to Eliminate the Sales Tax on Textbooks in the University of Maine System and the Maine Vocational-Technical Institute System" (H.P. 237) (L.D. 349) reporting "Ought Not to Pass"

Representative MITCHELL from the Committee on Marine Resources on Bill "An Act Requiring the State to Conduct a Test to Determine Whether Large Freshwater Salmonids can be Grown in the State's Estuarine Waters" (EMERGENCY) (H.P. 21) (L.D. 16) reporting "Ought Not to Pass"

Representative PRIEST from the Committee on Legal Affairs on Bill "An Act to Amend the Law Concerning Retail Sale of Wines" (H.P. 265) (L.D. 377) 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 Regarding Landowner Declaration of Farmland" (H.P. 553) (L.D. 751) reporting "Leave to Withdraw"

Representative SEAVEY from the Committee on Taxation on Bill "An Act to Correct Inequities in the Veterans Tax Exemptions" (H.P. 627) (L.D. 850) reporting "Leave to Withdraw"

Representative DORE from the Committee on Taxation on Bill "An Act to Encourage Industry to Maintain and Modernize Machinery and Equipment by Exempting from Property Taxation Machinery and Equipment in Service For 7 Years or Less" (H.P. 412) (L.D. 555) reporting "Leave to Withdraw"

Representative COTE from the Committee on Judiciary on Bill "An Act to Promote the Best Interests of the Child in Divorce Proceedings" (H.P. 683) (L.D. 935) reporting "Leave to Withdraw"

Representative WHITCOMB from the Committee on Taxation on Bill "An Act to Provide for State and Municipal Tax Certificates" (H.P. 489) (L.D. 669) reporting "Leave to Withdraw"

Representative PARADIS from the Committee on Judiciary on Bill "An Act to Protect Civil Litigants" (H.P. 500) (L.D. 680) reporting "Leave to Withdraw"

Representative PRIEST from the Committee on Legal Affairs on Bill "An Act Concerning Voter Residency Requirements" (H.P. 298) (L.D. 410) reporting "Leave to Withdraw"

Were placed in the Legislative Files without further action pursuant to Joint Rule 15 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:

(H.P. 350) (L.D. 469) Bill "An Act Regarding the Consignment or Rental of Diseased Horses" Committee on Agriculture reporting "Ought to Pass"

(H.P. 656) (L.D. 890) Bill "An Act to Amend the Definition of Teacher in the Laws Relating to the Maine State Retirement System" (EMERGENCY) Committee on Aging, Retirement and Veterans reporting

"Ought to Pass" as amended by Committee Amendment "A" (H-93)

(H.P. 404) (L.D. 547) Bill "An Act to Require a Tax Map Reference on a Declaration of Value" Committee on Taxation reporting "Ought to Pass"

(H.P. 363) (L.D. 494) Bill "An Act to Provide a Sales Tax Exemption for Sales to Providers of Certain Support Systems for Single-parent Families" Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-95)

(S.P. 132) (L.D. 217) Bill "An Act to Define and Clarify the Authority of the Board of Dental Examiners to Promulgate Rules" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-44)

(S.P. 168) (L.D. 325) Bill "An Act to Increase the Compensation of the Board of Dental Examiners and Secretary-Treasurer of the Board" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-45)

(H.P. 281) (L.D. 393) Bill "An Act to Amend the Law to Provide for Appeal of Civil Contempt Orders" Committee on Judiciary reporting "Ought to Pass"

(H.P. 589) (L.D. 803) Resolve, Authorizing the Transfer of State Interest in a Parcel of Real Estate to Arthur A. Tukey and Louise H. Tukey Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-97)

There being no objections, the above items were ordered to appear on the Consent Calendar of Tuesday, April 25, 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. 417) (L.D. 582) Bill "An Act to Amend the Law Regarding Shoplifters" (C. "A" H-87)

(H.P. 440) (L.D. 605) Bill "An Act Relating to the Division of Southern York of the 10th Maine District Court" (C. "A" H-88)

(H.P. 490) (L.D. 670) Bill "An Act to Amend the Lobbyist Reporting Law"

(H.P. 512) (L.D. 692) Bill "An Act to Regulate Medical Wastes" (C. "A" H-90)

(H.P. 89) (L.D. 124) Bill "An Act to Establish an Exemption from the Seaweed Permit for Certain Noncommercial Harvesting" (C. "A" H-91)

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 As Amended

Bill "An Act to Increase the Number of Moose Permits Issued to Residents" (H.P. 197) (L.D. 277) (C. "A" H-65)

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 Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1990 and June 30, 1991 (H.P. 69) (L.D. 93) (C. "A" H-89)

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

PASSED TO BE ENACTED Emergency Measure

An Act to Amend the Lake Watershed District Enabling Laws (S.P. 252) (L.D. 642) (C. "A" S-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. 121 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

FINALLY PASSED Emergency Measure

Resolve, to Study the Development of a Farmland Preservation Program for Maine (H.P. 206) (L.D. 286)

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 Resolve was finally passed, signed by the Speaker pro tem and sent to the Senate.

PASSED TO BE ENACTED

An Act to Clarify Costs Associated with the Purchase of Land by School Administrative Units (S.P. 181) (L.D. 338) (C. "A" S-43)

An Act Relating to Benefits for Members of the Maine State Retirement System Who Transfer from Positions Under Special Plans to Positions Not Under Special Plans (S.P. 204) (L.D. 482) (C. "A" S-42)

An Act to Amend the Motor Vehicle Laws (S.P. 210) (L.D. 488) (C. "A" S-39)

An Act to Require Municipalities to Permit the Circulation of Petitions on Local Issues (S.P. 269) (L.D. 697) (C. "A" S-40)

An Act Establishing the Rights of Tenants when the Landlord Fails to Pay Utility Bills (S.P. 323) (L.D. 860)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker pro tem 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:

Bill "An Act to Clarify Maintenance of Private Roads and Ways by Municipalities" (H.P. 271) (L.D. 383) (C. "A" H-84)

TABLED - April 20, 1989 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Engrossed.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Corinth, Representative Strout.

Representative STROUT: Mr. Speaker, Men and Women of the House: I am not going to debate this

this morning but I do have some problems with this. I think before we pass this to be engrossed -- my only concern is dealing with public funds on private ways and I would ask for a roll call and we will go from there.

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.

On motion of Representative Gwadosky of Fairfield, tabled pending passage to be engrossed (a roll call having been ordered) and specially assigned for Tuesday, April 25, 1989.

(At Ease)

The House was called to order by the Speaker pro tem.

The Chair laid before the House the following matter: Bill "An Act to Fund Health Care Personnel Surveys" (H.P. 913) (L.D. 1279) which was tabled earlier in the day and later today assigned pending reference.

On motion of Representative Carter of Winslow, was referred to the Committee on Appropriations and Financial Affairs, ordered printed and sent up for concurrence.

Representative Aliberti of Lewiston was granted unanimous consent to address the House:

Representative ALIBERTI: Mr. Speaker, Ladies and Gentlemen of the House: There is sadness and joy to report here today. The sadness is of Robert, the 27 year old son of Representative John Jalbert and his dear wife, Frances, being called by his maker. The joy is that the extensive and intensive pain and suffering of Robert and his family have been relieved. Please join me and respectfully pause and reflect for just a moment.

On motion of Representative Paradis of Augusta, the House reconsidered its action whereby Bill "An Act to Change Certain Criminal Violations to Civil Violations" (H.P. 947) (L.D. 1315) was referred to the Committee on Judiciary.

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

(Off Record Remarks)

On motion of Representative Cahill of Mattawamkeag, Adjourned until Tuesday, April 25, 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 24, 1989

Senate called to Order by the President.

Prayer by Reverend Robert Leon of the United Methodist Church in Randolph.

REVEREND LEON: Let us pray. Almighty God, we thank You for this day and for the energy to live it, may we live it with a whole heart and a whole soul as a gift from You. We thank You for the people of Maine and for the opportunity to be their servants. We thank You for the freedoms You have given us of will and thought and deed, which has created many of the problems we face. We thank You because that same gift of thought may solve them. May we exercise these blessings in love, that those whom we serve may bless Your name and live in peace. We ask all of these things in Jesus' name. Amen.

Reading of the Journal of Thursday, April 20, 1989.

Off Record Remarks

Senate at Ease
Senate called to order by the President.

Senator CLARK of Cumberland was granted unanimous consent to address the Senate off the Record.

Senator THERIAULT of Aroostook was granted unanimous consent to address the Senate off the Record.

Senator WEBSTER of Franklin was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

On motion by Senator BALDACCI of Penobscot, RECESSED until the sound of the bell.

After Recess
Senate called to order by the President.

Senator PEARSON of Penobscot was granted unanimous consent to address the Senate off the Record.

PAPERS FROM THE HOUSE
Non-concurrent Matter
Bill "An Act Relating to the Dig-safe Law"
H.P. 432 L.D. 597
(C "A" H-37)

In Senate, April 10, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-37), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-37) AS AMENDED