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 49th Legislative Day Tuesday, April 25, 1989

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

Prayer by Reverend Carlton Gunn, Pride's Corner Congregational Church, Westbrook.

The Journal of Monday, April 24, 1989, was read and approved.

Quorum call was held.

The following items appearing on Supplement No. 1 were taken up out of order by unanimous consent: PAPERS FROM THE SENATE

Bill "An Act to Allow Organizations to Sell Insurance to a Limited Membership" (S.P. 478) (L.D. 1276)

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 to Amend and Improve the Laws Relating to Education" (S.P. 481) (L.D. 1302)
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 Clarify Terminology Used in Laws Related to Historic Sites under the Jurisdiction of the Bureau of Parks and Recreation" (S.P. 476) (L.D.

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 Housing for the Homeless" (S.P. 480) (L.D. 1301)

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

(The Committee on Reference Bills reference to the suggested Committee Appropriations and Financial Affairs.)

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

Bill "An Act to Protect the State's Ownership of Public Records" (S.P. 479) (L.D. 1277)

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 Concerning Wide Loads" (S.P. 477) (L.D. 1275)

Bill "An Act Concerning the Operation Emergency Medical Vehicles" (S.P. 482) (L.D. 1303)

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

Were referred to the Committee on Transportation in concurrence.

Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on Bill "An Act to Amend the Liquor Laws of Maine" (S.P. 173) (L.D. 330)

Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill "An Act to Increase the Tax Exemption on Church Parsonages" (S.P. 239) (L.D.

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 Aging, Retirement and Veterans reporting "Leave to Withdraw" on Bill "An Act to Amend the Provisions in the Maine State Retirement System Laws Relating to Restoration to

Service" (S.P. 335) (L.D. 896)

Report of the Committee on Taxation reporting
"Leave to Withdraw" on Bill "An Act to Amend the Tree

Growth Law" (S.P. 230) (L.D. 560)
Were placed in the Legislative Files without further action pursuant to Joint Rule concurrence.

Ought to Pass as Amended

Report of the Joint Select Committee on Corrections reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-50) on Bill "An Act to Clarify and Make Changes to the Statute Governing the Operation of the Department of Corrections" (S.P. 145) (L.D. 265).

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-50) as amended by Senate Amendment "A" (S-55) thereto.

Report was read and accepted, the Bill read once.

Committee Amendment "A" was read by the Clerk. Senate Amendment "A" to Committee Amendment "A"

was read by the Clerk and adopted.

Committee Amendment "A" as amended by Senate Amendment "A" thereto was adopted and the Bill assigned for second reading Wednesday, April 26, 1989.

Non-Concurrent Matter

Bill "An Act to Amend the Real Estate Licensure Laws" (H.P. 31) (L.D. 31) which was passed to be

engrossed as amended by Committee Amendment "A" (H-73) in the House on April 19, 1989.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-73) as amended by Committee "A" by Senate Amendment (S-56) thereto non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act Relating to Confidentiality Investigative Records of Boards and Commissions" (H.P. 232) (L.D. 316) which was passed to be engrossed as amended by Committee Amendment "A" (H-51) in the House on April 18, 1989.

Came from the Senate passed to be engrossed as

amended by Committee Amendment "A" (H-51) as amended by Senate Amendment "A" (S-51) thereto non-concurrence.

The House voted to recede and concur.

CONSENT CALENDAR First Day

Unanimous Ought Not To Pass

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the First

(S.P. 69) (L.D. 57) Bill "An Act to Allow Graduates of the Department of Corrections Vocational-electrical Program to be Eligible to Apply for the Journeyman-in-training License" Committee on Business Legislation reporting "Ought to Pass"

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

First Day.

Subsequently, the Committee Report was read and accepted, the Bill read once and assigned for second reading Wednesday, April 26, 1989.

(S.P. 123) (L.D. 189) Bill "An Act to Exempt Speech and Hearing Centers from Home Health Care Licensure" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A"

(S.P. 295) (L.D. 793) Bill "An Act to Make the Department of Mental Health and Mental Retardation Responsible for the Burial Expenses of State Wards" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-46)

(S.P. 185) (L.D. 342) Bill "An Act to Amend the Uniform Partnership Act with Regard to Partnership Title in Real Estate" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-48)

There being no objections, the above items were ordered to appear on the Consent Calendar of Wednesday, April 26, 1989, under the listing of Second Day.

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 Create a Vocational-Technical Institute in York County" (H.P. 959) (L.D. 1337) (Presented by Representative HALE of Sanford) (Cosponsored by Senator ESTES of York, Representative RIDLEY of Shapleigh and Representative MURPHY of

Bill "An Act to Expand Therapeutic Services for Foster Children who need Specialized Placement" (H.P. 963) (L.D. 1341) (Presented by Representative STEVENS of Bangor) (Cosponsored by Representative POULIOT of Lewiston, Representative FOSTER of Ellsworth Representative McGOWAN of Canaan)

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$3,000,000 to Protect Ground Water Quality and Public Health Through the Cleanup and Closure of Municipal and Abandoned Solid Waste Landfills" (H.P. 968) (L.D. 1346) (Presented by Representative FOSS of Yarmouth) (Cosponsored by Senator PEARSON of Penobscot, Senator HOLLOWAY of Lincoln and Representative RIDLEY of Shapleigh)

Ordered Printed.

Sent up for Concurrence.

Banking and Insurance

Bill "An Act Concerning Payment of Maine-issued Bank Cards" (H.P. 964) (L.D. 1342) (Presented by Representative MANNING of Portland) (Cosponsored by Representative RYDELL of Brunswick)

Ordered Printed. Sent up for Concurrence.

Business Legislation

Bill "An Act to Protect Children from Illegal Tobacco Sales" (H.P. 970) (L.D. 1348) (Presented by Representative ALLEN of Washington) (Cosponsored by Senator CLARK of Cumberland, Representative PENDLETON of Scarborough and Senator BRAWN of Knox)

Ordered Printed.

Sent up for Concurrence.

Education

Bill "An Act to Improve and Enhance the Quality and Amount of Instructional Time for Students" (H.P. 967) (L.D. 1345) (Presented by Representative MARSANO (Cosponsored by Senator COLLINS of Belfast) Aroostook)

Resolve, to Establish Statewide Secondary School Competency Examinations (H.P. 957) (L.D. 1335) (Presented by Representative FOSS of Yarmouth) (Cosponsored by Senator GILL of Cumberland, Representative CROWLEY of Stockton Springs and Representative SMALL of Bath)

Ordered Printed.

Sent up for Concurrence.

Fisheries and Wildlife

Bill "An Act to Provide for Public Input and Comment Prior to the Adoption of Fishery Restoration and Management Plans" (H.P. 962) (L.D. 1340) (Presented by Representative DEXTER of Kingfield) (Cosponsored by Representative RIDLEY of Shapleigh

and Representative LORD of Waterboro)

Bill "An Act Concerning Fishing Licenses for Developmentally Disabled Persons" (H.P. 965) (L.D. 1343) (Presented by Representative MAHANY of Easton) (Cosponsored by Representative JACQUES of Waterville, Senator ERWIN of Oxford and Representative ADAMS of Portland)

Ordered Printed.

Sent up for Concurrence.

Human Resources

Bill "An Act to Strengthen Maine's Restaurant Smoking Law" (H.P. 966) (L.D. 1344) (Presented by Representative HEESCHEN of Wilton) (Cosponsored by Representative MANNING of Portland, Representative ROLDE of York and Senator BRAWN of Knox)

Ordered Printed.

Sent up for Concurrence.

Judiciary
Bill "An Act to Require Persons Convicted of Certain Crimes to be Tested for AIDS and the Results to be Released to the Victim" (H.P. 958) (L.D. 1336) (Presented by Representative STROUT of Windham) (Cosponsored by Representative PENDLETON of Scarborough and Senator TITCOMB of Cumberland)

Ordered Printed.

Sent up for Concurrence.

Legal Affairs

Bill "An Act to Require Municipalities to Leave the Names of Women Who Marry on Voting Registration Records" (H.P. 961) (L.D. 1339) (Presented by Representative HOLT of Bath) (Cosponsored by Representative JOSEPH of Waterville)

Ordered Printed. Sent up for Concurrence.

State and Local Government

Bill "An Act to Improve Public Access to Public Hearing Records of the Department of Environmental Protection and the Board of Environmental Protection" (H.P. 960) (L.D. 1338) (Presented by Representative TOWNSEND of Eastport)

Ordered Printed.

Sent up for Concurrence.

Utilities

Authorizing the Resolve, Public Utilities Commission to Conduct Study Concerning Electromagnetic Field Exposure (H.P. 969) (L.D. 1347) (Presented by Representative HEESCHEN of Wilton) (Cosponsored by Senator CLARK of Cumberland, Senator TITCOMB of Cumberland and Representative MARSH of West Gardiner)

Ordered Printed. Sent up for Concurrence.

> REPORTS OF COMMITTEES Unanimous Ought Not to Pass

Representative O'GARA from the Committee on Education on Bill "An Act to Establish the Commissioner of Agriculture, Food and Rural Resources as an Ex Officio Member of the University of Maine System Trustees" (H.P. 424) (L.D. 589) reporting "Ought Not to Pass"

Representative HANDY from the Committee on Education on Bill "An Act to Encourage School Attendance" (H.P. 435) (L.D. 600) 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 O'DEA from the Committee on Education on Bill "An Act Concerning Teacher Contracts" (H.P. 536) (L.D. 733) reporting "Leave to Withdraw"

Representative HANDY from the Committee on Education on Bill "An Act to Provide for State Payment of Excessive Costs of Out-of-district Special Education Placements" (EMERGENCY) (H.P. 86) (L.D. 115) reporting "Leave to Withdraw"

Representative JOSEPH from the Committee on Banking and Insurance on Bill "An Act to Repeal the Maine Health Security Act" (H.P. 535) (L.D. 732)

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 Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (H-96) on Bill "An Act to Promote Coyote Control" (H.P. 146) (L.D. 198)

Signed:

Senators:

Representatives:

ERWIN of Oxford GOULD of Waldo JACQUES of Waterville CLARK of Millinocket SMITH of Island Falls ROTONDI of Athens

DUFFY of Bangor WALKER of Norway TRACY of Rome GREENLAW of Standish FARREN of Cherryfield CARROLL of Southwest Harbor

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

Signed:

Senator:

ESTY of Cumberland

Reports were read.

On motion of Representative Jacques Waterville, the House accepted the Majority "Ought to Pass" Report, the Bill read once.

Committee Amendment "A" (H-96) was read by the

Clerk and adopted and the Bill assigned for second reading for Wednesday, April 26, 1989.

Divided Report

Majority Report of the Committee on Labor reporting "Ought Not to Pass" on Bill "An Act to Amend the Municipal Public Employees Labor Relations Law" (H.P. 318) (L.D. 434)

Signed:

Senator: Representatives: MATTHEWS of Kennebec McHENRY of Madawaska RAND of Portland PINEAU of Jay TAMMARO of Baileyville McKEEN of Windham LUTHER of Mexico RUHLIN of Brewer

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-98) on same Bill.

Signed:

Senator:

Representatives:

WHITMORE of Androscoggin REED of Falmouth BUTLAND of Cumberland McCORMICK of Rockport

Reports were read.

On motion of Representative McHenry of Madawaska, the House accepted the Majority "Ought Not to Pass" Report. 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

(H.P. 556) (L.D. 754) Bill "An Act to Amend Certain Portions of the Maine Legislative Retirement System and the Maine Judicial Retirement System to Make Them Comparable to Similar Portions of the Maine

Make Them Comparable to Similar Portions of the Maine State Retirement System Statutes" Committee on Aging, Retirement and Veterans reporting "Ought to Pass" as amended by Committee Amendment "A" (H-99) (H.P. 570) (L.D. 774) Bill "An Act to Provide Motor Vehicle Registration Plates to Surviving Spouses of Prisoners of War" Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-100) (H.P. 243) (L.D. 355) Bill "An Act to Allow School Districts to Waive Up to 5 Days of Kindergarten for Screening" Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-101)

There being no objections, the above items were

There being no objections, the above items were ordered to appear on the Consent Calendar of Wednesday, April 26, 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. 350) (L.D. 469) Bill "An Act Regarding the

Consignment or Rental of Diseased Horses"

No objections having been noted at the end of the Second Legislative Day, the House Paper was Passed to be Engrossed and sent up for concurrence.

(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) (C. "A"

On motion of Representative Tammaro of Baileyville, was removed from the Consent Calendar, Second Day.

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

Committee Amendment "A" (H-93) was read by the Clerk and adopted and the Bill assigned for second reading for Wednesday, April 26, 1989.

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

On motion of Representative Marsano of Belfast,

was removed from the Consent Calendar, Second Day.
Subsequently, the Committee Report was read and accepted, the Bill read once and assigned for second reading for Wednesday, April 26, 1989.

(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" (C. "A"

(S.P. 132) (L.D. 217) Bill "An Act to Define and Clarify the Authority of the Board of Dental Examiners to Promulgate Rules" (C. "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" (C. "A" S-45) (H.P. 281) (L.D. 393) Bill "An Act to Amend the

Law to Provide for Appeal of Civil Contempt Orders"

(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 (C. "A" H-97)

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 and the House Papers were Passed to be Engrossed or Passed to be Engrossed as Amended and sent up for concurrence.

> PASSED TO BE ENACTED Emergency Measure

An Act to Correct Errors in the County and Municipal Law Recodification (H.P. 859) (L.D. 1199)

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. 130 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.

> FINALLY PASSED **Emergency Measure**

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Lincoln County for the Year 1989 (H.P. 870) (L.D. 1213)

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 1 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

> **ENACTOR** Emergency Measure Tabled and Assigned

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Sagadahoc County for the Year 1989 (H.P. 871) (L.D. 1214)

Was reported by the Committee on Engrossed Bills

as truly and strictly engrossed.
On motion of Representative Gwadosky Fairfield, tabled pending final passage and specially assigned for Wednesday, April 26, 1989.

FINALLY PASSED

Emergency Measure
Resolve, for Laying of the County Taxes and
Authorizing Expenditures of Franklin County for the
Year 1989 and Ratifying Franklin County's Use of
Unappropriated Surplus to Pay Deficits (H.P. 872)
(L.D. 1215) (H. "A" H-86)

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. 125 voted in favor of the same and lagainst and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act Relating to Civil Penal Damages to be Awarded in Cases of Unlawful Discrimination (H.P.

373) (L.D. 504)
An Act Concerning the Regulatory Treatment of Consumer-owned Electric Utilities (H.P. 384) (L.D.

An Act Converting Baring Plantation into the Town

of Baring (H.P. 278) (L.D. 390) (C. "A" H-62)
Were reported by the Committee on Engrossed Bills 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:

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) (Committee on Education suggested)

TABLED - April 24, 1989 by Representative GWADOSKY of Fairfield.

PENDING - Reference.

Subsequently was referred to the Committee on Education, ordered printed and sent up concurrence.

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

Bill "An Act Relating to the Status of Nursing Professions in Maine" (H.P. 956) (L.D. 1324) (Committee on Human Resources suggested) TABLED - April 24, 1989 by Representative GWADOSKY of Fairfield.

Subsequently was referred to the Committee on Human Resources, ordered printed and sent up for concurrence.

The Chair laid before the House the third tabled

PENDING - Reference.

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 24, 1989 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Engrossed. (Ro11 Call Ordered)

motion of Representative Gwadosky Fairfield, retabled pending passage to be engrossed and specially assigned for Wednesday, April 26, 1989. (Roll Call ordered)

BILL HELD

Bill "An Act to Provide Funding for Homestead Land Trusts" (H.P. 933) (L.D. 1299) In House, Referred to the Committee Taxation. HELD at the Request of Representative GWADOSKY of Fairfield.

SPEAKER: The Chair recognizes the Fairfield, Representative from Representative Gwadosky.

Representative GWADOSKY: Mr. Speaker, is the

House in possession of L.D. 1299?

The SPEAKER: The Chair would answer in the affirmative, having been held at the Representative's request.

of Representative Gwadosky Fairfield, the House reconsidered its action whereby L.D. 1299 was referred to the Committee on Taxation.

On further motion of the same Representative, was referred to the Committee on Housing and Economic Development, ordered printed and sent up concurrence.

(At Ease)

The House was called to order by the Speaker.

(Off Record Remarks)

On motion of Representative Nadeau of Saco Adjourned until Wednesday, April 26, 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 25, 1989

Senate called to Order by the President.

Prayer by the Honorable Thomas R. Perkins of Hancock. SENATOR PERKINS: Let us be in the spirit of prayer. Almighty God, the Father, Son and Holy be above us to protect us, before us to guide us, beneath us to bear us up, and behind us to give us strength and courage for every task today, tomorrow and always. Amen.

Reading of the Journal of Yesterday.

Off Record Remarks

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Establish a Contingency Account for Certain Municipalities"

H.P. 912 L.D. 1278 Bill "An Act to Fund Health Care Personnel Surveys"

H.P. 913 L.D. 1279

Bill "An Act to Enable More Maine People to Become Homeowners"

H.P. 923 L.D. 1289 Bill "An Act Regarding the Removal of Hazardous Chemicals from Schools" (Emergency)

H.P. 942 L.D. 1310 Come from the House referred to the Committee on OPRIATIONS AND FINANCIAL AFFAIRS and ORDERED

APPROPRIATIONS PRINTED. Which referred to Committee were the APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED

PRINTED, in concurrence.

Bill "An Act to Require Health Insurance Carriers to Inform Parents of Benefit and Other Information" H.P. 928 L.D. 1294

Bill "An Act to Create a State Fund to Provide Workers' Coverage Compensation Insurance Employers"

H.P. 952 L.D. 1320

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 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 Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS suggested and ORDERED PRINTED.

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

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