

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

The Chair laid before the Senate the Tabled and Later Today Assigned matter:

Bill "An Act to Change the Uniform Traffic Ticket and Suspension Procedures"

S.P. 484 L.D. 1326

Tabled - April 25, 1989, by Senator CLARK of Cumberland.

Pending - REFERENCE

(In Senate, April 25, 1989, referred to the Committee on TRANSPORTATION and ORDERED PRINTED. Subsequently, RECONSIDERED REFERENCE.)

On motion by Senator CLARK of Cumberland, referred to the Committee on JUDICIARY and ORDERED PRINTED.

Sent down for concurrence.

Off Record Remarks

On motion by Senator PEARSON of Penobscot, ADJOURNED until Wednesday, April 26, 1989, at 12:00 in the afternoon.

**ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
50th Legislative Day
Wednesday, April 26, 1989**

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

Prayer by Reverend Steven Notis, Brown Memorial United Methodist Church, Clinton.

The Journal of Tuesday, April 25, 1989, was read and approved.

PAPERS FROM THE SENATE

The following Communication:

Maine State Senate
Augusta, Maine 04333

April 25, 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 Business Legislation, the Governor's nomination of Arthur A. Dexter of Newcastle for reappointment to the Maine Real Estate Commission.

Sincerely,
S/Joy J. O'Brien

Secretary of the Senate

Was read and ordered placed on file.

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$10,000,000 for Low-income Housing" (S.P. 483) (L.D. 1325)

Bill "An Act to Provide Essential Mental Health Programs for Adults" (S.P. 490) (L.D. 1332)

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 to Increase the Percentage of State Payment for Accident and Sickness or Health Insurance for Retired Teachers" (EMERGENCY) (S.P. 488) (L.D. 1330)

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 Aging, Retirement and Veterans.)

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

Bill "An Act to Amend the Law Concerning the Collection of Fees for General Educational High School Equivalency Certificates" (EMERGENCY) (S.P. 487) (L.D. 1329)

Resolve, to Establish a Select Study Commission to Study Educational Voucher Systems (S.P. 492) (L.D. 1334)

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

Were referred to the Committee on Education in concurrence.

Bill "An Act to Change the Uniform Traffic Ticket and Suspension Procedures" (S.P. 484) (L.D. 1326)
 Came from the Senate, referred to the Committee on Judiciary and Ordered Printed.

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

Was referred to the Committee on Judiciary in concurrence.

Bill "An Act to Amend the Liquor Laws Relating to Wine Tasting" (S.P. 485) (L.D. 1327)

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

Was referred to the Committee on Legal Affairs in concurrence.

Later Today Assigned

Bill "An Act Providing Confidentiality for Public Sector Job Applicants" (EMERGENCY) (S.P. 486) (L.D. 1328)

Came from the Senate, referred to the Committee on State and Local Government and Ordered Printed.

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

Bill "An Act to Return a Portion of Locally Generated Sales Taxes" (S.P. 489) (L.D. 1331)

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 Mandate the Use of Seat Belts" (S.P. 491) (L.D. 1333)

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

Was referred to the Committee on Transportation in concurrence.

Unanimous Ought Not To Pass

Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on Bill "An Act Concerning the Suspension of Driver's Licenses" (S.P. 165) (L.D. 322)

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

Unanimous Leave to Withdraw

Report of the Committee on Banking and Insurance reporting "Leave to Withdraw" on Bill "An Act to Amend the Provisions for Exclusion from Motor Vehicle Insurance" (S.P. 365) (L.D. 982)

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

Refer to the Committee on Appropriations and Financial Affairs

Report of the Committee on Utilities on Bill "An Act to Establish a Fund to Assist Towns with Small Water Systems" (S.P. 406) (L.D. 1050) reporting that it be referred to the Committee on Appropriations and Financial Affairs.

Came from the Senate with the report read and accepted and the bill referred to the Committee on Appropriations and Financial Affairs.

Report was read and accepted and the bill referred to the Committee on Appropriations and Financial Affairs in concurrence.

Divided Report

Majority Report of the Joint Select Committee on Corrections reporting "Ought to Pass" as amended by Committee Amendment "A" (S-52) on Bill "An Act Relating to the Maine Correctional Advisory Commission" (Emergency) (S.P. 60) (L.D. 43)

Signed:

Senators: BUSTIN of Kennebec
 MATTHEWS of Kennebec
 PERKINS of Hancock
 MAYO of Thomaston
 SMITH of Island Falls
 ANTHONY of South Portland
 MELENDY of Rockland
 MANNING of Portland
 DORE of Auburn

Representatives:

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

Signed:

Representatives: GREENLAW of Standish
 STROUT of Windham
 LIBBY of Kennebunk
 HEPBURN of Skowhegan

Came from the Senate, with the Majority "Ought to Pass" as amended Report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-52) as amended by Senate Amendment "A" (S-58) thereto.

Reports were read.

Representative Melendy of Rockland moved that the House accept the Majority "Ought to Pass" Report.

On further motion of the same Representative, tabled pending her motion that the House accept the Majority "Ought to Pass" Report and specially assigned for Thursday, April 27, 1989.

Non-Concurrent Matter

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) which was passed to be engrossed as amended by Committee Amendment "A" (H-59) as amended by House Amendment "A" (H-66) thereto in the House on April 20, 1989.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-59) in non-concurrence.

The House voted to recede and concur.

COMMUNICATIONS

The following Communication:
 MAINE STATE RETIREMENT SYSTEM
 State House Station 46
 Augusta, Maine 04333
 January 4, 1989

Honorable John R. McKernan
 Governor of Maine
 State of Maine, Augusta
 Members, 114th Legislature
 Dear Governor McKernan and Members of the Legislature:
 Enclosed herewith is a copy of 1988 Annual Report of the Maine State Retirement System as required by law (5 MRSA, section 17102, sub-section 10) and addressed to its members.

Sincerely,
s/John P. Bibber
Chairman, Board of
Trustees
Maine State Retirement
System

Was read and with accompanying report ordered placed on file.

**PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE**

The following Bills, Resolve and one Resolution 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 Provide Additional Resources for School Nutrition Education" (H.P. 977) (L.D. 1355) (Presented by Representative KILKELLY of Wiscasset) (Cosponsored by Representative CARROLL of Gray, Senator ESTES of York and Representative LISNIK of Presque Isle)

Bill "An Act to Appropriate Matching Funds for the Library at Eagle Island" (H.P. 974) (L.D. 1352) (Presented by Representative COLES of Harpswell) (Cosponsored by Representative MITCHELL of Freeport, Senator CLARK of Cumberland and Senator CAHILL of Sagadahoc)

Bill "An Act Relating to the Boarding and Clothing of Foster Care Children" (H.P. 972) (L.D. 1350) (Presented by Representative DORE of Auburn) (Cosponsored by Representative LISNIK of Presque Isle and Representative MAYO of Thomaston)

Ordered Printed.
Sent up for Concurrence.

Transportation

Bill "An Act Concerning Insurance Required of Wreckers" (H.P. 971) (L.D. 1349) (Presented by Representative LEBOWITZ of Bangor) (Cosponsored by Senator EMERSON of Penobscot and Representative MACOMBER of South Portland)

(The Committee on Banking and Insurance had been suggested.)

On motion of Representative Rydell of Brunswick, was referred to the Committee on Transportation, ordered printed and sent up for concurrence.

Business Legislation

Bill "An Act Amending the Maine Board of Oil and Solid Fuel Dealers Law" (H.P. 973) (L.D. 1351) (Presented by Representative TELOW of Lewiston) (Cosponsored by Representative GURNEY of Portland) (Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 24.)

Ordered Printed.
Sent up for Concurrence.

Joint Select Committee on Corrections

Bill "An Act to Authorize County Commissioners to Provide Additional Facilities for Prisoners" (EMERGENCY) (H.P. 978) (L.D. 1356) (Presented by Representative MANNING of Portland) (Cosponsored by Senator BUSTIN of Kennebec, Representative MELENDY of Rockland and Senator PERKINS of Hancock)

Ordered Printed.
Sent up for Concurrence.

Energy and Natural Resources

Bill "An Act to Amend Certain Laws Affecting the Department of Environmental Protection" (H.P. 988) (L.D. 1366) (Presented by Representative MICHAUD of East Millinocket) (Cosponsored by Senator LUDWIG of Aroostook) (Submitted by the Department of Environmental Protection pursuant to Joint Rule 24.)

Ordered Printed.
Sent up for Concurrence.

Fisheries and Wildlife

Bill "An Act to Amend the Law Relating to Commercial Whitewater Rafting" (H.P. 987) (L.D. 1365) (Presented by Representative McGOWAN of Canaan) (Cosponsored by President PRAY of Penobscot and Representative MARSH of West Gardiner)

Bill "An Act to Protect the Sunapee Charr" (H.P. 985) (L.D. 1363) (Presented by Representative DUFFY of Bangor) (Cosponsored by Representative JACQUES of Waterville, Representative RUHLIN of Brewer and Senator ERWIN of Oxford)

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

On motion of Representative Michaud of East Millinocket, was referred to the Committee on Fisheries and Wildlife, ordered printed and sent up for concurrence.

Energy and Natural Resources

Resolve, to Study the Creation of a State Park at the Bangor Mental Health Institute Facility (H.P. 981) (L.D. 1359) (Presented by Representative PEDERSON of Bangor) (Cosponsored by Speaker MARTIN of Eagle Lake, Senator BALDACCI of Penobscot and Representative CATHCART of Orono)

Ordered Printed.
Sent up for Concurrence.

Marine Resources

Bill "An Act to Increase the Penalty for Illegal Netting of Atlantic Salmon" (H.P. 979) (L.D. 1357) (Presented by Representative FARREN of Cherryfield) (Cosponsored by Representative RUHLIN of Brewer and Representative LOOK of Jonesboro)

(The Committee on Fisheries and Wildlife had been suggested.)

On motion of Representative Jacques of Waterville, was referred to the Committee on Marine Resources, ordered printed and sent up for concurrence.

Later Today Assigned

Bill "An Act to Increase Eligibility Levels for the Low-Cost Drugs for the Elderly Program" (H.P. 976) (L.D. 1354) (Presented by Representative MITCHELL of Freeport) (Cosponsored by Representative GOULD of Greenville)

(The Committee on Human Resources had been suggested.)

On motion of Representative Carter of Winslow, tabled pending reference and later today assigned.

Judiciary

Bill "An Act to Amend the Law Concerning Taxing of Costs in Civil Actions" (H.P. 980) (L.D. 1358) (Presented by Representative RICHARDS of Hampden) (Cosponsored by Representative MARSANO of Belfast and Representative LAWRENCE of Kittery)

Ordered Printed.

Sent up for Concurrence.

Legal Affairs

Bill "An Act to Amend the Charter of Hebron Academy" (EMERGENCY) (H.P. 983) (L.D. 1361) (Presented by Representative HANLEY of Paris) (Cosponsored by Senator TWITCHELL of Oxford) (Approved by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.

Sent up for Concurrence.

Taxation

Bill "An Act Concerning the Taxation of Entertainment Rentals, Services and Equipment" (H.P. 975) (L.D. 1353) (Presented by Representative ALLEN of Washington) (Cosponsored by Representative RUHLIN of Brewer, Representative DUFFY of Bangor and Senator EMERSON of Penobscot)

Bill "An Act Creating a Homestead Tax Exemption for Maine Residents" (H.P. 982) (L.D. 1360) (Presented by Representative NADEAU of Saco) (Cosponsored by Representative GWADOSKY of Fairfield, Representative CARROLL of Gray and Representative TARDY of Palmyra)

Bill "An Act to Broaden the Level of Property Tax Assistance Available to Persons with Excessive Tax Burdens" (H.P. 984) (L.D. 1362) (Presented by Representative JACKSON of Harrison) (Cosponsored by Representative SEAVEY of Kennebunkport, Representative WHITCOMB of Waldo and Senator BRAUN of Knox)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide that Maximum Valuations be Established for Residential, Current Use and Undeveloped Real Estate Based on a Replacement Cost Less Depreciation Method of Assessment (H.P. 986) (L.D. 1364) (Presented by Representative WHITCOMB of Waldo) (Cosponsored by Representative ROLDE of York, Representative LIBBY of Kennebunk and Representative TARDY of Palmyra)

Ordered Printed.

Sent up for Concurrence.

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative PARADIS from the Committee on Judiciary on Bill "An Act to Make Public the Proceedings of the Board of Overseers of the Bar" (H.P. 545) (L.D. 742) reporting "Ought Not to Pass"

Representative PRIEST from the Committee on Legal Affairs on Bill "An Act to Allow Balloting by Political Party" (H.P. 453) (L.D. 618) reporting "Ought Not to Pass"

Representative CROWLEY from the Committee on Education on Bill "An Act Relating to Capital Expenditures for School Buildings" (H.P. 749) (L.D. 1053) reporting "Ought Not to Pass"

Representative FAREN from the Committee on Fisheries and Wildlife on Bill "An Act to Amend the Hunting Laws" (H.P. 696) (L.D. 948) 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 Concerning Violations for

the Misbranding of Potatoes" (H.P. 246) (L.D. 358) reporting "Leave to Withdraw"

Representative SHERBURNE from the Committee on Agriculture on Bill "An Act to Allow the Refund of the Potato Grower Tax" (H.P. 482) (L.D. 662) reporting "Leave to Withdraw"

Representative LISNIK from the Committee on Appropriations and Financial Affairs on Bill "An Act to Resolve Problems with State-funded Elderly Services Created by Revision in Federal Law and Regulation" (H.P. 565) (L.D. 769) 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
TABLED AND ASSIGNED**

Majority Report of the Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-102) on Bill "An Act to Implement the Governor's Study to Regain Full Use of Maine's Class C Rivers" (H.P. 533) (L.D. 718)

Signed:

Senators: ERWIN of Oxford
KANY of Kennebec
Representatives: SIMPSON of Casco
MICHAUD of East Millinocket
COLES of Harpswell
JACQUES of Waterville
GOULD of Greenville
MITCHELL of Freeport

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

Signed:

Senator: LUDWIG of Aroostook
Representatives: DEXTER of Kingfield
LORD of Waterboro
ANDERSON of Woodland

Reports were read.

Representative Michaud of East Millinocket moved that the House accept the Majority "Ought to Pass" Report.

On further motion of the same Representative, tabled pending his motion that the House accept the Majority "Ought to Pass" Report and specially assigned for Thursday, April 27, 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. 625) (L.D. 848) Bill "An Act Relating to Ordinary Death Benefits Under the Maine State Retirement System" Committee on Aging, Retirement and Veterans reporting "Ought to Pass" as amended by Committee Amendment "A" (H-103)

(H.P. 241) (L.D. 353) Bill "An Act to Amend the Laws Relating to Notaries Public" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-105)

(S.P. 63) (L.D. 46) Bill "An Act to Improve the Early Childhood Educational Plans Grants Program" Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (S-54)

(S.P. 152) (L.D. 272) Bill "An Act to Implement the Aroostook Band of Micmacs Settlement Act" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-53)

(H.P. 677) (L.D. 928) Bill "An Act Concerning Subpermitting of Moose Hunting Licenses" Committee on Fisheries and Wildlife reporting "Ought to Pass"

There being no objections, the above items were ordered to appear on the Consent Calendar of Thursday, April 27, 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. 123) (L.D. 189) Bill "An Act to Exempt Speech and Hearing Centers from Home Health Care Licensure" (C. "A" S-47)

(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" (C. "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" (C. "A" S-48)

(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 State Retirement System Statutes" (C. "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" (C. "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" (C. "A" H-101)

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 as Amended and sent up for concurrence.

SECOND READER

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" (S.P. 69) (L.D. 57)

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

**SECOND READER
Tabled and Assigned**

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

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

On motion of Representative Gwadosky of Fairfield, tabled pending passage to be engrossed and specially assigned for Thursday, April 27, 1989.

**PASSED TO BE ENGROSSED
As Amended**

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) (S. "A" S-55 to C. "A" S-50)

Bill "An Act to Promote Coyote Control" (H.P. 146) (L.D. 198) (C. "A" H-96)

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

concurrence and the House Paper was Passed to be Engrossed as Amended and sent up for concurrence.

Bill "An Act to Amend the Definition of Teacher in the Laws Relating to the Maine State Retirement System" (EMERGENCY) (H.P. 656) (L.D. 890) (C. "A" H-93)

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

Representative Tamaro of Baileyville offered House Amendment "A" (H-106) and moved its adoption.

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

The Bill was passed to be engrossed as amended by Committee Amendment "A" and House Amendment "A" and sent up for concurrence.

**ENACTOR
Emergency Measure**

An Act to Prohibit Persons Who have Violated the Animal Cruelty Laws from Participating in Pulling Events (S.P. 167) (L.D. 324) (C. "A" S-35)

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

On motion of Representative Sherburne of Dexter, under suspension of the rules, the House reconsidered its action whereby L.D. 324 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-108) and moved its adoption.

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

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

**PASSED TO BE ENACTED
Emergency Measure**

An Act to Make Technical Changes to Provisions Related to the Probation and Parole and Intensive Supervision Program Functions (S.P. 223) (L.D. 539) (C. "A" S-37)

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. 134 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 Clarify the Relationship Between Woodcutters and Landowners (H.P. 541) (L.D. 738) (C. "A" H-67)

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. 135 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 Relating to the Dig-safe Law (H.P. 432) (L.D. 597) (H. "A" H-94 and C. "A" H-37)

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 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, to Provide for a Commemorative Motor Vehicle License Plate to Celebrate the Bicentennial of Hancock County (H.P. 611) (L.D. 834)

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. 131 voted in favor of the same and none against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Amend the Truck Laws (H.P. 471) (L.D. 636) (C. "A" H-74)

An Act to Facilitate Conversion of the Maine State Retirement System Records to an Automated System (H.P. 394) (L.D. 525) (H. "A" H-68 to C. "A" H-64)

An Act to Amend the Litter Laws (H.P. 360) (L.D. 491) (C. "A" H-72)

An Act to Publicize the Identities of Environmental Law Violators (H.P. 357) (L.D. 477) (C. "A" H-75)

An Act to Amend the Small Claims Laws (H.P. 267) (L.D. 379) (C. "A" H-70)

An Act to Amend How Municipalities Designate Court Officers (H.P. 179) (L.D. 244) (C. "A" H-69)

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.

An Act to Encourage Recycling of Lead-acid Batteries (H.P. 108) (L.D. 145) (C. "A" H-56)

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

On motion of Representative Michaud of East Millinocket, under suspension of the rules, the House reconsidered its action whereby L.D. 145 was passed to be engrossed.

On motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" was adopted.

The same Representative offered House Amendment "A" (H-107) to Committee Amendment and moved its adoption.

House Amendment "A" (H-107) to Committee Amendment was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

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

**ENACTOR
Tabled and Assigned**

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

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 27, 1989.

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

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

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

TABLED - April 25, 1989 by Representative GWADOSKY of Fairfield.

PENDING - Final Passage.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 132 voted in favor of same and 1 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

The Chair laid before the House the second 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 25, 1989 by Representative GWADOSKY of Fairfield.

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

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Joseph.

Representative JOSEPH: Mr. Speaker, Ladies and Gentlemen of the House: I urge you to vote in favor of this particular measure. The questions that have been raised in this particular body have been questions that the unanimous committee report of the 13 members of the State and Local Government Committee have asked.

We have tried very hard to find solutions and answers to a long standing question. The questions that you heard raised on the floor have been addressed and I urge you to vote in favor of this bill.

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative MacBride.

Representative MACBRIDE: Mr. Speaker, I would like to pose a question through the Chair.

Is the passage of this bill going to impose any additional cost on municipalities?

The SPEAKER: The Representative from Presque Isle, Representative MacBride, has posed a question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from Waterville, Representative Joseph.

Representative JOSEPH: Mr. Speaker, Men and Women of the House: In answer to the good Representative's question, this bill is not mandatory. This is an option for any town or municipality if, in case, they would like to maintain, plow, and sand any private road in their area. This decision would be made by a vote of the body of that town, a legislative body or the people of that town, depending upon the way in which that vote would be taken.

The SPEAKER: The Chair recognizes the Representative from Belfast, Representative Marsano.

Representative MARSANO: Men and Women of the House: I have attempted to ferret out what has happened with respect to this bill in committee. I

understood that at one point that this matter had been considered as a piece of legislation which could conceivably go to the Supreme Court sitting on a solemn occasion for some kind of determination with respect to the constitutionality of the bill. I don't know whether that is something being considered or not. What bothers me is what is inside of the bill with respect to litigation. It is my view that there is a good possibility that this bill will open up a substantial amount of litigation because I see it as incorporating the Maine Tort Claims Act and I think it incorporates it in a fashion which means that there is an exception for the way in which roads are maintained. Accordingly, I think there could be litigation about these roads.

One of the things that is in this bill that strikes me as strange is the fact that the private road in order to be maintained has to be one which is not noticed as a private road. That creates the possibility that, on some kind of rainy or icy evening, you would go down one of these private roads (the signs indicating that it is a private road which would indicate to you that it wasn't well-maintained) would thereby mean that you were involved in a trap of some sort -- you get down there, the sanding hadn't taken place or whatever, the roads are narrow, they are icy or whatever and you get into an accident and then the question is whether or not there is municipal liability. It seems to me that there is a good chance there is that.

I live in an area which is famous for its hills and because of that, there are any number of these long winding roads that go down to streams, ponds, into camps and things of this nature, and I think that it is a difficult situation. I haven't been able to find out from the committee how the committee considered this. I apologize to the members of the committee -- some of them I have spoken with but I haven't had a chance to talk to the Chair of the Committee yet and I may not get that before the vote but that is not critical because I hope when the vote is taken, you will vote against it.

The SPEAKER: The Chair recognizes the Representative from Standish, Representative Greenlaw.

Representative GREENLAW: Mr. Speaker, Members of the House: I urge you to vote for this bill. I think the committee did a good job studying it. The bill has been around for years and I think as legislators we should have the courage to face up to this bill. In the meantime, I would ask you to think -- did you ever see an attorney try to drive business away before?

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

Representative STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I would have to disagree with the previous speaker. I am today joining with my good friend from Belfast, Representative Marsano.

To answer the good lady from Presque Isle, Representative MacBride, I don't think she got a clear answer -- there is no question in my mind that, if you pass a bill that says that municipalities are going to maintain private roads, of course it is going to cost them more money. I don't care if this goes to a solemn occasion or not, the issue here is public funds going to private roads. It is as simple as that. If that is what you want to do, then vote yes for this. If you don't want this to happen, you want to vote no.

On motion of Representative Gwadosky of Fairfield, tabled pending passage to be engrossed and specially assigned for Thursday, April 27, 1989. (Roll Call Ordered)

The following item appearing on Supplement No. 1 was taken up out of order by unanimous consent:

SPECIAL SENTIMENT CALENDAR

In accordance with House Rule 56 and Joint Rule 34, the following item:

Recognizing:

Jason Kennedy, Tanya Fortin, Christopher Chessey, Niena Varney, Kristy Brown, Michelle Chasse and Jenny Robitaille, members of the 6th grade at Martel School in Lewiston and their teacher Lillian Castonguay, whose entry of "Endeavour" won first place in the K-6 division in a contest at the State level to name the next NASA space shuttle; (HLS 382) by Representative HANDY of Lewiston. (Cosponsors: Senator GAUVREAU of Androscoggin, Representative POULIOT of Lewiston, Senator BERUBE of Androscoggin)

Was read.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Handy.

Representative HANDY: Men and Women of the House: Oftentimes, we as members of the House, are battered with "What's wrong with our schools?" I think this is a golden opportunity to point out something that is very right with our schools. Keeping in the tradition that Christa McAuliffe said when she set foot in the Challenger spacecraft as a teacher from our neighbor, New Hampshire -- Lillian Castonguay, a sixth grade teacher at Martel School has led a group of six graders in an extracurricular activity and these students have learned a number of things through this extracurricular study. This extracurricular study involved a contest sponsored by the National Aeronautics and Space Administration to name the next space shuttle, the next space shuttle that will replace the Challenger, which we lost in 1986.

The competition involved coming up with a creative name as well as developing a concept to accompany it. These sixth grade students that are mentioned in the Legislative Sentiment before you today along with their classmates strong support and contribution selected the name "Endeavour", named after a Captain James Cook's ship that he piloted on three separate occasions. Accompanying their submission of the name "Endeavour" was a board game, an educational board game pertaining to space travel and the travels of the space shuttle.

When I was about 10 years old, President John Kennedy spoke about putting a person on the moon before the decade of the '60's was out -- today we talk about the hope of spring and the kind of hope that this time of the year brings. I think these students speak well to that because I think they speak to the hope of the future because they will go on to their national competition in Washington, D.C. and sometime next month, NASA will select from all of the entries across the country, the overseas schools and the Department of Defense Schools, one name for the next space shuttle.

I hope that you will join me in wishing good luck to those students from Martel School in their endeavor to have their name selected as that of the next space shuttle.

Subsequently, was passed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

(At Ease)

The House was called to order by the Speaker.

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

In Senate Chamber
Wednesday
April 26, 1989

The Chair laid before the House the following matter: Bill "An Act to Increase Eligibility Levels for the Low-Cost Drugs for the Elderly Program" (H.P. 976) (L.D. 1354) 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.

The Chair laid before the House the following matter: Bill "An Act Providing Confidentiality for Public Sector Job Applicants" (EMERGENCY) (S.P. 486) (L.D. 1328) (Came from the Senate, referred to the Committee on State and Local Government and Ordered Printed) which was tabled earlier in the day and later today assigned pending reference in concurrence.

On motion of Representative Gwadosky of Fairfield, was referred to the Committee on Judiciary in non-concurrence and sent up for concurrence.

On motion of Representative Gwadosky of Fairfield, the House reconsidered its action whereby 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" (S.P. 69) (L.D. 57) was passed to be engrossed.

On motion of the same Representative, tabled pending passage to be engrossed and specially assigned for Thursday, April 27, 1989.

On motion of Representative Gwadosky of Fairfield, the House reconsidered its action whereby An Act to Make Technical Changes to Provisions Related to the Probation and Parole and Intensive Supervision Program Functions (S.P. 223) (L.D. 539) (C. "A" S-37) (Emergency) was passed to be enacted.

On motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby L.D. 539 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-109) and moved its adoption.

House Amendment "A" (H-109) was read by the Clerk and adopted.

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

(Off Record Remarks)

On motion of Representative Burke of Vassalboro, Adjourned until Thursday, April 27, 1989, at nine o'clock in the morning.

Senate called to Order by the President.

Prayer by Reverend Bruce Felt of the Baptist Church in Augusta.

REVEREND FELT: Let us pray. Our Father in heaven, we give You thanks and praise for the gift of this beautiful day and for the privilege of serving You. Your word tells us that our governing officials are the ministers of God to us for good. Grant that in the deliberations and decisions of this day, it may be so. Thank You for this Body of men and women and their service to the State of Maine. May they be mindful that their work is done under God's watchful and loving care. For we pray in the name of our Saviour and Lord, Jesus Christ. Amen.

Reading of the Journal of Yesterday.

Off Record Remarks

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Create a Vocational-Technical Institute in York County"

H.P. 959 L.D. 1337

Bill "An Act to Expand Therapeutic Services for Foster Children who need Specialized Placement"

H.P. 963 L.D. 1341

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

Come from the House referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

Which were referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED, in concurrence.

Bill "An Act Concerning Payment of Maine-issued Bank Cards"

H.P. 964 L.D. 1342

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.

Bill "An Act to Protect Children from Illegal Tobacco Sales"

H.P. 970 L.D. 1348

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

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

Resolve, to Establish Statewide Secondary School Competency Examinations

H.P. 957 L.D. 1335