

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
52nd Legislative Day
Monday, May 1, 1989

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

Prayer by Father Sylvio Levesque, St. Francis de Sales Catholic Church, Waterville.

National Anthem by the Houlton High School Band.

The Journal of Thursday, April 27, 1989 was read and approved.

Quorum call was held.

PAPERS FROM THE SENATE

Bill "An Act to Provide Educational Opportunities for York County" (S.P. 510) (L.D. 1398)

Resolve, to Improve Geriatric Health Care (S.P. 507) (L.D. 1395)

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 Amend and Clarify the Laws Relating to Services to Infants and Young Children, Ages 0 through 5, Who are Handicapped or at-risk for Developmental Delay" (S.P. 509) (L.D. 1397)

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 Protect Maine Workers from Needless Injury and Death by Creating the Offenses of Work-related Manslaughter and Work-related Aggravated Assault" (S.P. 508) (L.D. 1396)

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

Was referred to the Committee on Judiciary in concurrence.

Bill "An Act Making Changes to the Composition of the Governor's Advisory Council on Alcoholism" (S.P. 506) (L.D. 1394)

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 Amending the Tree Growth Tax Law to Dedicate Penalty Proceeds to Purchase Public Parks and Open Space" (S.P. 505) (L.D. 1393)

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 Authorize Special Maine National Guard Motor Vehicle Registration Plates" (S.P. 504) (L.D. 1392)

Bill "An Act to Amend Certain Motor Vehicle Laws" (S.P. 511) (L.D. 1399)

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

Were referred to the Committee on Transportation in concurrence.

Unanimous Ought Not To Pass

Report of the Committee on Judiciary reporting "Ought Not to Pass" on Bill "An Act to Restrict the Disclosure of a Criminal Suspect's Identity" (S.P. 219) (L.D. 535)

Report of the Committee on Education reporting "Ought Not to Pass" on Bill "An Act to Revoke Driving Privileges of High School Dropouts" (S.P. 262) (L.D. 652)

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 Judiciary reporting "Leave to Withdraw" on Bill "An Act Relating to the Admission of Federal Administrative Law Judges to the Maine Bar" (S.P. 273) (L.D. 719)

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

Non-Concurrent Matter

Bill "An Act to Increase the Number of Moose Permits Issued to Residents" (H.P. 197) (L.D. 277) which was passed to be engrossed as amended by Committee Amendment "A" (H-65) in the House on April 24, 1989.

Came from the Senate failing of passage to be engrossed in non-concurrence.

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

Representative JACQUES: Mr. Speaker, Men and Women of the House: I move that the House adhere.

Some of you may ask why I am making a motion that could in effect kill the bill. It seems that some of the people that are working for the Department of Fisheries and Wildlife right now, (wardens and biologists) have been calling certain legislators with concerns and reservations about the data-seeking methods and the census of moose in the State of Maine. As you can probably determine, it is awfully hard for us to argue the merits and demerits of these numbers based on those occurrences.

The problem I have is, I firmly believe that the House was right in the action that we took, thereby I am making the motion to adhere so that this House can reaffirm the position that we believe that Fisheries and Wildlife should manage its resources based on scientific data and research and not on emotions. Unfortunately, there are some people employed by the department that have problems with that very scientific data and research.

I would urge that the House support the motion to adhere.

The SPEAKER: The Chair recognizes the Representative from Cherryfield, Representative Farren.

Representative FARREN: Mr. Speaker, Ladies and Gentlemen of the House: I move that the House recede and concur.

Many will tell you harvesting more moose is a social or a personal issue. While I will not deny that the social aspect or ones personal preference enters into it, my decision goes further than that. How many moose do we really have? I am not comfortable with what they are telling us. Many people have told me that the current method of assessing the population is less than adequate, an estimate at best.

There has been much more research done on the black bear, but even so, what we thought was a healthy resource, we are now told that major changes will have to be instituted if we experience another harvest as occurred last year. We harvested approximately 2,800. Only a few years ago, they were saying the population could stand a harvest of 2,000 plus. If the population was in such good condition only two or three years ago, why is it that, after only one year of such a harvest, all of a sudden it is more than the population can stand? I for one am not willing to take that chance with the moose.

We all know that clear cutting provides ideal habitat for moose. The discussion we hear in the halls and on some of the L.D.'s that we have seen, if put into law, will change the amount and the size of those clear cuts dramatically. I am not necessarily saying that changes should not be made but I am asking what impact that will have on the moose population? The estimated population, if accurate, has held its own under nearly ideal conditions. Are we willing to take a chance? That will be the case in the change of cutting practices if instituted. Why not wait until we have a better way of assessing the population and find out what impact changes in the timber harvest practices will have if any?

With respect to the cited safety problems on Route 201, I submit the moose population is only one of the reasons, speed at which the automobiles are traveling on that road are another factor. Regardless of that factor, I will concede that the moose population is high in that region. If so, and it is such a safety hazard, why hasn't the commissioner of Inland Fisheries and Wildlife proposed an increase in the number of permits in that area, even if it is at the expense of another area? He does have that authority, if my source of information is correct, and I believe it is.

Finally, ladies and gentlemen of the House, the so-called social or personal aspect, at least as far as I am concerned, might be reflected in my questionnaire. I included it on my questionnaire two years ago and again this year. The response was a greater percentage opposed this year than two years ago. 75 percent opposed and 25 percent in favor. I took particular notice of the respondents in an attempt to see what the hunters were saying. The result was many hunters, some of which participated in previous moose hunts, were suggesting that the number of permits issued not be increased.

Ladies and gentlemen of the House, I hope you will join me and concur with the other body.

Mr. Speaker, when the vote is taken, I request a roll call.

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.

The SPEAKER: The pending question before the House is the motion of Representative Farren of Cherryfield that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

The Chair recognizes the Representative from Thomaston, Representative Mayo.

Representative MAYO: Mr. Speaker, pursuant to House Rule 7, I request permission to pair my vote with Representative Hussey of Milo. If Representative Hussey were present and voting, he would be voting yea; I would be voting nay.

The SPEAKER: The Chair recognizes the Representative from East Millinocket, Representative Michaud.

Representative MICHAUD: Mr. Speaker, I request permission to pair my vote with Representative Ruhlin of Brewer. If he were present and voting, he would be voting nay; I would be voting yea.

The SPEAKER: The pending question before the House is the motion of Representative Farren of Cherryfield that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 14

YEA - Aikman, Anderson, Anthony, Ault, Begley, Butland, Carroll, J.; Cathcart, Chonko, Conley, Constantine, Curran, Dellert, Dexter, Donald, Dore, Farnsworth, Farnum, Farren, Foss, Foster, Garland, Gould, R. A.; Handy, Hastings, Holt, Hutchins, Lebowitz, Libby, Look, Lord, Luther, MacBride, Macomber, Marsano, Marsh, McPherson, Merrill, Murphy, Norton, O'Dea, O'Gara, Oliver, Paradis, E.; Pendleton, Pines, Richards, Sherburne, Simpson, Skoglund, Small, Stevens, A.; Stevens, P.; Stevenson, Townsend, Tupper, Webster, M.; Wentworth. NAY - Aliberti, Allen, Bailey, Bell, Boutilier, Brewer, Burke, Carroll, D.; Carter, Clark, H.; Cote, Crowley, Daggett, Dipietro, Duffy, Dutremble, L.; Erwin, P.; Graham, Greenlaw, Gurney, Gwadosky, Hale, Heeschen, Hepburn, Hickey, Hoglund, Jackson, Jacques, Jalbert, Joseph, Ketover, LaPointe, Larrivee, Lawrence, Lisnik, Mahany, Manning, Marston, Martin, H.; McCormick, McGowan, McHenry, McKeen, McSweeney, Melendy, Mitchell, Moholland, Nadeau, G. G.; Nadeau, G. R.; Paradis, J.; Paradis, P.; Parent, Paul, Pederson, Pineau, Plourde, Pouliot, Priest, Rand, Reed, Richard, Rolde, Rotondi, Rydell, Seavey, Sheltra, Smith, Strout, B.; Strout, D.; Swazey, Tammaro, Tardy, Telow, Tracy, Walker, Whitcomb, The Speaker.

ABSENT - Adams, Cahill, T.; Cashman, Clark, M.; Coles, Hanley, Hichborn, Higgins, Kilkelly, Mills, Nutting, Ridley.

PAIRED - Hussey, Mayo, Michaud, Ruhlin.
Yes, 58; No, 77; Absent, 12; Paired, 4; Excused, 0.

58 having voted in the affirmative and 77 in the negative with 12 being absent and 4 paired, the motion to recede and concur did not prevail.

Subsequently, the House voted to adhere.

Non-Concurrent Matter

Bill "An Act Providing Confidentiality for Public Sector Job Applicants" (EMERGENCY) (S.P. 486) (L.D. 1328) which was referred to the Committee on Judiciary in the House on April 26, 1989.

Came from the Senate with that body having insisted to its former action whereby the Bill was referred to the Committee on State and Local Government in non-concurrence.

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

On further motion of the same Representative, was referred to the Committee on Appropriations and Financial Affairs in non-concurrence and sent up for concurrence.

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

PAPERS FROM THE SENATE

Bill "An Act Authorizing the Dover and Foxcroft Water District to Refinance Certain Bonds Issued to the United States of America Acting Through the

Farmers Home Administration" (EMERGENCY) (S.P. 513) (L.D. 1400)

Came from the Senate under suspension of the rules and without reference to a Committee, the Bill read twice and passed to be engrossed.

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

Under suspension of the rules and without reference to a Committee, the bill was read twice and passed to be engrossed in concurrence.

By unanimous consent, was ordered sent forthwith to Engrossing.

COMMUNICATIONS

The following Communication: (S.P. 514)

114TH MAINE LEGISLATURE

April 27, 1989

Senator Edgar E. Erwin
Representative Paul F. Jacques
Chairpersons

Joint Standing Committee on Fisheries and Wildlife
114th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Frank A. Gross of Cherryfield for appointment to the Inland Fisheries and Wildlife Advisory Council.

Pursuant to Title 3, M.R.S.A. Section 151, this nomination will require review by the Joint Standing Committee on Fisheries and Wildlife 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 Fisheries and Wildlife.

Was Read and Referred to the Committee on Fisheries and Wildlife in concurrence.

**PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE**

The following Bills were received and, upon the recommendation of the Committee on Reference of Bills, were referred to the following Committees, Ordered Printed and Sent up for Concurrence:

LATER TODAY ASSIGNED

Bill "An Act to Provide for Community Residential Treatment Provider Contracts to Ensure the Financial Stability of Private Nonprofit Group Care Providers" (H.P. 1014) (L.D. 1415) (Presented by Representative LISNIK of Presque Isle) (Cosponsored by Senator GAUVREAU of Androscoggin and Representative KILKELLY of Wiscasset)

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

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

Business Legislation

Bill "An Act to Promote Responsible Utilization of Ground Water" (H.P. 1011) (L.D. 1409) (Presented by Representative MICHAUD of East Millinocket) (Cosponsored by Senator PERKINS of Hancock, Representative DEXTER of Kingfield and Representative JACQUES of Waterville)

Ordered Printed.
Sent up for Concurrence.

Fisheries and Wildlife

Bill "An Act to Require Big Game Hunters to Obtain Written Permission Before Hunting on Private Property" (H.P. 1004) (L.D. 1402) (Presented by Representative HEPBURN of Skowhegan) (Cosponsored by Representative NUTTING of Leeds and Representative RICHARDS of Hampden)

Bill "An Act Concerning Fishing Regulations in Aroostook County" (H.P. 1005) (L.D. 1403) (Presented by Speaker MARTIN of Eagle Lake)

Ordered Printed.
Sent up for Concurrence.

Human Resources

Bill "An Act to Increase the Authority of the Department of Human Services to Assess the Medical and Active Treatment Needs of Individuals Applying for Admission to Nursing Homes" (H.P. 1012) (L.D. 1410) (Presented by Representative PENDLETON of Scarborough) (Cosponsored by Senator PERKINS of Hancock, Senator BERUBE of Androscoggin and Representative BURKE of Vassalboro)

Ordered Printed.
Sent up for Concurrence.

Judiciary

Bill "An Act to Amend the Laws Relating to Small Claims" (H.P. 1007) (L.D. 1405) (Presented by Representative BAILEY of Farmington) (Cosponsored by Senator WEBSTER of Franklin and Representative HANLEY of Paris)

Bill "An Act to Reduce Medical Malpractice" (H.P. 1009) (L.D. 1407) (Presented by Representative GWADOSKY of Fairfield) (Cosponsored by Representative FARNSWORTH of Hallowell and Representative RYDELL of Brunswick)

Ordered Printed.
Sent up for Concurrence.

Labor

Bill "An Act Relating to Compensation for Hearing Losses Under the Workers' Compensation Act" (H.P. 1008) (L.D. 1406) (Presented by Representative PRIEST of Brunswick) (Cosponsored by Representative McHENRY of Madawaska, Representative CONLEY of Portland and Representative RAND of Portland)

Ordered Printed.
Sent up for Concurrence.

State and Local Government

Bill "An Act to Expand State Agency Access to Applicant Lists" (H.P. 1006) (L.D. 1404) (Presented by Representative WHITCOMB of Waldo) (Cosponsored by Representative WENTWORTH of Wells and Representative LARRIVEE of Gorham)

Ordered Printed.
Sent up for Concurrence.

Taxation

Bill "An Act to Establish a Local Option Municipal Income Tax Surcharge on Residents and a Municipal Earnings Tax on Nonresidents" (H.P. 1010) (L.D. 1408) (Presented by Representative HOGLUND of Portland) (Cosponsored by Representative RAND of Portland and Representative NADEAU of Saco)

Bill "An Act to Provide a Homestead Property Exemption" (H.P. 1013) (L.D. 1414) (Presented by Representative LEBOWITZ of Bangor) (Cosponsored by

Senator HOLLOWAY of Lincoln, Representative HUTCHINS of Penobscot and Representative ROLDE of York)
 Ordered Printed.
 Sent up for Concurrence.

LATER TODAY ASSIGNED

Bill "An Act to Establish a Fund to Provide Education for Emergency Medical Service Personnel Statewide and to Provide Matching Funds for Equipment for Emergency Medical Services" (H.P. 1003) (L.D. 1401) (Presented by Representative DONALD of Buxton) (Cosponsored by Representative CARROLL of Gray, Representative MURPHY of Berwick and Senator HOLLOWAY of Lincoln)

(Committee on Transportation had been suggested.)
 On motion of Representative Mayo of Thomaston, tabled pending reference and later today assigned.

ORDERS

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

ORDERED, that Representative Harvey C. Donald of Buxton be excused April 19 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Judith C. Foss of Yarmouth be excused April 20 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Jo Anne D. Lapointe of Auburn be excused April 20 and 21 for health reasons.

AND BE IT FURTHER ORDERED, that Representative John Jalbert of Lisbon be excused April 24 and 25 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Nathaniel J. Crowley, Sr., of Stockton Springs be excused April 27 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Virginia Constantine of Bar Harbor be excused May 5 for legislative business.

Was read and passed.

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative JACQUES from the Committee on Fisheries and Wildlife on Bill "An Act Concerning the Operation of Watercraft" (H.P. 57) (L.D. 78) reporting "Ought Not to Pass"

Representative JACQUES from the Committee on Fisheries and Wildlife on Bill "An Act Concerning the Safe and Responsible Operation of Watercraft" (H.P. 58) (L.D. 79) reporting "Ought Not to Pass"

Representative JACQUES from the Committee on Fisheries and Wildlife on Bill "An Act to Regulate Personal Watercraft" (H.P. 55) (L.D. 76) 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 WALKER from the Committee on Fisheries and Wildlife on Bill "An Act Relating to the Issuance of Any-deer Permits" (H.P. 887) (L.D. 1231) reporting "Leave to Withdraw"

Representative ALLEN from the Committee on Business Legislation on Bill "An Act to Make Surveyors Liable for Their Surveying Errors" (H.P. 459) (L.D. 624) reporting "Leave to Withdraw"

Representative McKEEN from the Committee on Labor on Bill "An Act to Provide for Collective Bargaining

for Substitute Teachers" (H.P. 423) (L.D. 588) reporting "Leave to Withdraw"

Representative MANNING from the Committee on Human Resources on Bill "An Act to Clarify Municipal Responsibility for the Provision of Services and the Payment of Rental Assistance Vouchers" (H.P. 705) (L.D. 966) reporting "Leave to Withdraw"

Representative DUFFY from the Committee on Taxation on Bill "An Act Relating to Taxation of Trucks" (H.P. 487) (L.D. 667) 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. 584) (L.D. 788) Bill "An Act to Strengthen the Licensing Requirements for Foresters" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-114)

(H.P. 639) (L.D. 873) Bill "An Act Regarding Traveling Barbers" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-115)

(H.P. 366) (L.D. 497) Bill "An Act to Make Allocations from the Public Utilities Commission Regulatory Fund and the Public Utilities Reimbursement Fund for the Fiscal Years Ending June 30, 1990, and June 30, 1991" (EMERGENCY) Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-116)

(H.P. 708) (L.D. 969) Bill "An Act to Establish a Statewide Program of Community-based Heart Attack and Stroke Prevention Programs" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-117)

(H.P. 651) (L.D. 885) Bill "An Act Concerning The Passamaquoddy Tribal Court" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-118)

(H.P. 316) (L.D. 432) Bill "An Act to Improve the Accountability and Allocation of Funds for Community-purchased Services" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-120)

(H.P. 646) (L.D. 880) Bill "An Act to Fund the Maine Hospice Council" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-121)

(H.P. 665) (L.D. 907) Bill "An Act to Remove Legislative Review from Certain Air Quality Standards" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-124)

(H.P. 134) (L.D. 178) Bill "An Act to Establish Rules for the Use of Dynamite and Explosives" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-123)

(H.P. 401) (L.D. 545) Bill "An Act to Clarify Election Law Procedures" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-122)

There being no objections, the above items were ordered to appear on the Consent Calendar of Tuesday, May 2, 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. 539) (L.D. 736) Bill "An Act to Provide Funding for the Beals Island Regional Shellfish Hatchery"

(H.P. 362) (L.D. 493) Bill "An Act Relating to Theft of Services"

(S.P. 250) (L.D. 580) Bill "An Act Relating to the Establishment of Reserve Funds by School Administrative Units" (C. "A" S-57)

(H.P. 655) (L.D. 889) Bill "An Act to Improve Indoor Air Quality Through Accurate Testing and Effective Reduction of Radon Levels in Buildings" (C. "A" H-111)

(H.P. 528) (L.D. 713) Bill "An Act to Improve the Air Quality by Limiting the Sulfur Content of Fuel Oils" (C. "A" H-112)

No objections having been noted at the end of the Second Legislative Day, the Senate Paper was Passed to be Engrossed as Amended in concurrence and the House Papers were Passed to be Engrossed or Passed to be Engrossed as Amended and sent up for concurrence.

**PASSED TO BE ENGROSSED
As Amended**

Bill "An Act Relating to the Maine Correctional Advisory Commission" (Emergency) (S.P. 60) (L.D. 43) (S. "A" S-58 to C "A" S-52)

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

**PASSED TO BE ENACTED
Emergency Measure**

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

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.

**PASSED TO BE ENACTED
Emergency Measure**

An Act to Amend the Northern Maine General Hospital Charter to Operate Programs for Disadvantaged Individuals (H.P. 537) (L.D. 734) (C. "A" H-83)

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. 126 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Exempt Speech and Hearing Centers from Home Health Care Licensure (S.P. 123) (L.D. 189) (C. "A" S-47)

Was 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.

ENACTOR

TABLED AND ASSIGNED

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)

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 Tuesday, May 2, 1989.

PASSED TO BE ENACTED

An Act to Make the Department of Mental Health and Mental Retardation Responsible for the Burial Expenses of State Wards (S.P. 295) (L.D. 793) (C. "A" S-46)

An Act to Amend the Uniform Partnership Act with Regard to Partnership Title in Real Estate (S.P. 185) (L.D. 342) (C. "A" S-48)

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

An Act to Amend the Law Regarding Shoplifters (H.P. 417) (L.D. 582) (C. "A" H-87)

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

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) (C. "A" H-59)

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

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.

ENACTOR

TABLED AND ASSIGNED

An Act Relating to Confidentiality of Investigative Records of Boards and Commissions (H.P. 232) (L.D. 316) (S. "A" S-51 to C. "A" H-51)

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 Tuesday, May 2, 1989.

The following item appearing on Supplement No. 2 was taken up out of order by unanimous consent:

**PASSED TO BE ENACTED
Emergency Measure**

An Act Authorizing the Dover and Foxcroft Water District to Refinance Certain Bonds Issued to the United States of America Acting Through the Farmers Home Administration (S.P. 513) (L.D. 1400)

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. 129 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. By unanimous consent, was ordered sent forthwith to the Senate.

ORDERS OF THE DAY

TABLED AND TODAY ASSIGNED

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

An Act to Provide Greater Power to the Maine District Court in Emancipation Proceedings (H.P. 109) (L.D. 146) (C. "A" H-71)
 TABLED - April 27, 1989 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

On motion of Representative Gwadosky of Fairfield, retabled pending passage to be enacted and later today assigned.

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

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)

TABLED - April 27, 1989 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

On motion of Representative Hickey of Augusta, under suspension of the rules, the House reconsidered its action whereby L.D. 426 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-49) was adopted.

On further motion of the same Representative, Committee Amendment "A" was indefinitely postponed.

The same Representative offered House Amendment "A" (H-119) and moved its adoption.

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

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

On motion of Representative Gwadosky of Fairfield, the following was removed from the Tabled and Unassigned matters:

Joint Resolution: (H.P. 860) (Sponsored by Representative KETOVER of Portland)(Cosponsors: Speaker MARTIN of Eagle Lake and President PRAY of Penobscot)

In the House, Read.

TABLED - April 13, 1989 by Representative Gwadosky of Fairfield.

PENDING - Adoption.

JOINT RESOLUTION COMMEMORATING YOM HASHOAH, THE "DAYS OF REMEMBRANCE" OF THOSE WHO SUFFERED AS VICTIMS OF NAZISM

WHEREAS, 44 years ago, 6 million Jews were murdered in the Nazi Holocaust as part of a systematic program of genocide and millions of other people suffered as victims of Nazism; and

WHEREAS, the people of the State of Maine should always remember the atrocities committed by the Nazis so that such horrors are never repeated; and

WHEREAS, the people of the State of Maine should continually rededicate themselves to the principle of equal justice for all people, remain eternally vigilant against all tyranny and recognize that bigotry provides a breeding ground for tyranny to flourish; and

WHEREAS, May 2, 1989, has been designated internationally as a Day of Remembrance of Victims of the Nazi Holocaust, known as Yom Hashoah; and

WHEREAS, the national community pursuant to an Act of Congress will be commemorating the week of April 30th through May 7th as the "Days of Remembrance" of the victims of the Nazi Holocaust; and

WHEREAS, it is appropriate for the people of the State of Maine to join in this international commemoration; now, therefore, be it

RESOLVED: That We, the Members of the 114th Legislature of the State of Maine now assembled in the First Regular Session, on behalf of the people we represent, pause in solemn memory of the victims of the Holocaust, and urge one and all to recommit themselves to the lessons of the Holocaust through this international week of commemoration and express our common desires to continually strive to overcome prejudice and inhumanity through education, vigilance and resistance; and be it further

RESOLVED: That suitable copies of this Resolution, duly authenticated by the Secretary of State, be transmitted to the United States Holocaust Memorial Council in Washington, D.C., on behalf of the people of the State of Maine.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Ketover.

Representative KETOVER: Mr. Speaker, Ladies and Gentlemen of the House: Tomorrow is May 2nd, it is the Holocaust National "Day of Remembrance." The awareness week started April 30th through May 7th. In 1980, the Congress of the United States made a national commitment to institutionalize an official remembrance of the darkest chapter in human history, the Holocaust.

It is with great pride that I present this Resolution on the 44th anniversary of the Holocaust of those who suffered as victims of Nazism commemorating Yom Hashoah, the "Days of Remembrance."

It is hard for me to believe as a second generation that there are people who say the Holocaust never really happened. They stand on street corners or in front of colleges and universities preaching while passing hand-outs saying, it is not true, the stories about the Holocaust never existed, all fabricated. Just ask the people who are here today, the men and women at the Blaine House tea, who survived the concentration camps and watched their families and friends shot to death or burned to death in a furnace or used as surgical experiments, who have been tortured or starved to death. Just ask them if it is true or not.

Millions of people died, Christians and Jews alike, by the hands of the Neo-Nazis. Racism, hatred, bigotry are still alive today, unfortunately. With the skin heads and the Ku Klux Klan, yes this is 1989 and Germany is unsettled again. The ultra right wing Nazis are back, they are doing what they call foreigner bashing. They want all foreigners out. The good German people are frightened, they want the Nazis out and they are fighting back. I am frightened too. We must protect and educate our children so they will never forget the Holocaust because it really happened. Hatred has never made our children or anyone happier but the one thing that we can give them is our blessing for world peace and hope that they do not ever forget but fight back.

Subsequently, the Resolution was adopted and sent up for concurrence.

By unanimous consent, was ordered sent forthwith to the Senate.

(At Ease)

The House was called to order by the Speaker.

The Chair laid before the House the following matter: Bill "An Act to Provide for Community Residential Treatment Provider Contracts to Ensure the Financial Stability of Private Nonprofit Group Care Providers" (H.P. 1014) (L.D. 1415)(Committee on Appropriations and Financial Affairs suggested) 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 to Establish a Fund to Provide Education for Emergency Medical Service Personnel Statewide and to Provide Matching Funds for Equipment for Emergency Medical Services" (H.P. 1003) (L.D. 1401)(Committee on Transportation suggested) which was tabled earlier in the day and later today assigned pending reference.

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

(Off Record Remarks)

On motion of Representative Crowley of Stockton Springs,

Adjourned until Tuesday, May 2, 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
May 1, 1989

Senate called to Order by the President.

Prayer by Reverend George Frobig of the Sebago Lake Congregational Church in Standish.

REVEREND FROBIG: Let us pray. Dear God, Creator of this planet and of our little corner of it, we pause to thank You for the lives we live and the work we pursue. We ask that You grant us awareness of our obligation and opportunity to serve the people. Keep ever before us our sacred duty to serve the people of our several home towns, of our common state, and of our brothers and sisters beyond this state. May we be found doing Your will, by showing compassion and justice to the people of this state. In Christ's name. Amen.

Reading of the Journal of Thursday, April 27, 1989.

Off Record Remarks

PAPERS FROM THE HOUSE
Non-concurrent Matter

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

In Senate, April 24, 1989, PASSED TO BE ENGROSSED.
Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-110) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

SENATE REPORTS - from the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Change the Process of Selecting the Commissioner of Educational and Cultural Services"

S.P. 205 L.D. 483

Majority - Ought Not to Pass.

Minority - Ought to Pass.

In Senate, April 26, 1989, the Majority OUGHT NOT TO PASS Report READ and ACCEPTED.

Comes from the House with the Reports READ and Bill and Accompanying Papers RECOMMENDED to the Committee on STATE AND LOCAL GOVERNMENT in NON-CONCURRENCE.

On motion by Senator BERUBE of Androscoggin, the Senate ADHERED.

The Secretary has notified the Speaker of the House.

House Papers

Bill "An Act to Provide for Public Bell Ringing on Veterans Day"

H.P. 991 L.D. 1380

Comes from the House referred to the Committee on AGING, RETIREMENT AND VETERANS and ORDERED PRINTED.

Which was referred to the Committee on AGING, RETIREMENT AND VETERANS and ORDERED PRINTED, in concurrence.