

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
54th Legislative Day
Wednesday, May 3, 1989**

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

Prayer by Reverend Paul Basham, Church of the Nazarene, South Portland.

The Journal of Tuesday, May 2, 1989, was read and approved.

Quorum call was held.

PAPERS FROM THE SENATE

The following Communication:

Maine State Senate

Augusta, Maine 04333

May 2, 1989

Honorable Edwin H. Pert
Clerk of the House
State House Station 2
Augusta, Maine 04333

Dear Clerk Pert:

Please be advised that the Senate today Adhered to it's former action whereby it failed to Pass to be Engrossed As Amended By Committee Amendment "A" (H-65) Bill "An Act to Increase the Number of Moose Permits Issued to Residents" (H.P. 197) (L.D. 277).

Sincerely,

s/Joy J. O'Brien

Secretary of the Senate

Was read and ordered placed on file.

The following Joint Resolution: (S.P. 518)

**JOINT RESOLUTION MEMORIALIZING CONGRESS
OPPOSING A FEDERAL MOTOR FUEL TAX
FOR DEFICIT REDUCTION**

WE, your Memorialists, the Members of the One Hundred and Fourteenth Legislature of the State of Maine, now assembled in the First Regular Session, most respectfully present and petition the Congress of the United States as follows:

WHEREAS, some Members of Congress have proposed that the federal tax on motor fuels be substantially increased to raise funds for the purpose of reducing the federal deficit; and

WHEREAS, a federal motor fuel tax increase large enough to provide more than a token decrease in the deficit would shrink the tax base for the states by reducing gasoline use; and

WHEREAS, the states rely heavily on motor fuel taxes for highway and bridge construction and maintenance and for other highway needs; and

WHEREAS, such a reduction in the states' tax base would add pressure for further increases in state motor fuel taxes to compensate for the reduced tax base; and

WHEREAS, such increased taxes at both the federal and state levels would seriously affect travel and tourism within and among the states further eroding state and local government revenues; and

WHEREAS, motor fuel tax increases disproportionately affect the poor and consumers in larger states where travel distances are greater; and

WHEREAS, the diversion of federal motor fuel tax revenues for deficit reduction would place an unfair burden on vehicle users for solving a national problem; and

WHEREAS, such a diversion strikes at the heart of the federal highway user fee concept that has served the nation so well in financing necessary highway-related programs; now, therefore, be it

RESOLVED: That We, your Memorialists, urge Congress to reject proposals to increase the federal motor fuel tax and to find other, more equitable and less damaging ways of reducing the federal budget deficit; and be it further

RESOLVED: That duly authenticated copies of this Memorial be submitted immediately by the Secretary of State to the Honorable George H.W. Bush, the President of the United States, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each Member of the Maine Congressional Delegation.

Came from the Senate, read and adopted.

Was read and adopted in concurrence.

Bill "An Act Regarding Historical Markers" (S.P. 521) (L.D. 1428)

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 Housing and Economic Development.)

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

Bill "An Act Relating to Certain Proprietary Information of Insurance Agents and Brokers" (S.P. 519) (L.D. 1426)

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 Combine and Coordinate Services to Maine's Elderly with Services to Other Adults in a Single Bureau of the Department of Human Services" (S.P. 520) (L.D. 1427)

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

Was referred to the Committee on Human Resources in concurrence.

Bill "An Act to Amend the State Identification Law for Developmentally Disabled Students" (S.P. 522) (L.D. 1429)

Resolve, to Establish a Charter Commission to Review Androscoggin County Government (EMERGENCY) (S.P. 523) (L.D. 1430)

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

Were referred to the Committee on State and Local Government in concurrence.

Unanimous Leave to Withdraw

Report of the Committee on Transportation reporting "Leave to Withdraw" on Bill "An Act to Reimburse Public Utilities for the Costs of Relocating Above-ground Facilities as a Result of State Highway Construction" (S.P. 414) (L.D. 1080)

Report of the Committee on Business Legislation reporting "Leave to Withdraw" on Bill "An Act to Remove the Provision that Industrial Plant Employees Who Perform Electrical Work Need Not Be Licensed" (S.P. 263) (L.D. 653)

Report of the Committee on Business Legislation reporting "Leave to Withdraw" on Bill "An Act to Remove the Provision that Persons Doing Electrical

Work on Generating Facilities Need Not be Licensed" (S.P. 264) (L.D. 654)

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

Refer to the Committee on Energy and Natural Resources

Report of the Committee on Utilities on Bill "An Act to Regulate Incineration Plants" (S.P. 182) (L.D. 339) reporting that it be referred to the Committee on Energy and Natural Resources.

Came from the Senate with the report read and accepted and the Bill referred to the Committee on Energy and Natural Resources.

Report was read and accepted and the Bill referred to the Committee on Energy and Natural Resources in concurrence.

Non-Concurrent Matter

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

- In Senate, Referred to the Committee on State and Local Government on April 25, 1989.

- In House, Referred to the Committee on Judiciary on April 26, 1989 in non-concurrence.

- In Senate, that Body Insisted to its former action whereby the Bill was referred to the Committee on State and Local Government on April 27, 1989.

- In House, referred to the Committee on Appropriations and Financial Affairs in the House on May 1, 1989 in non-concurrence.

Came from the Senate referred to the Committee on Judiciary in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Reduce Medical Malpractice" (H.P. 1009) (L.D. 1407) which was referred to the Committee on Judiciary in the House on May 1, 1989.

Came from the Senate referred to the Committee on Business Legislation in non-concurrence.

The House voted to recede and concur.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

The following Bills, Resolves and 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 Authorize a General Fund Bond Issue in the Amount of \$1,000,000 for a Low-interest Loan Program for Sewerage System Access or Septic System Replacement" (H.P. 1049) (L.D. 1460) (Presented by Representative PENDLETON of Scarborough) (Cosponsored by Senator THERIAULT of Aroostook, Senator COLLINS of Aroostook and Representative TOWNSEND of Eastport)

Bill "An Act to Clarify the Borrowing Authority of the University of Maine System" (EMERGENCY) (H.P. 1047) (L.D. 1458) (Presented by Representative CARTER of Winslow) (Cosponsored by Representative MCGOWAN of Canaan, Representative LISNIK of Presque Isle and Senator PEARSON of Penobscot) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Bill "An Act to Support a Chemicals in the Environment Information Center at the University of Maine at Orono" (H.P. 1037) (L.D. 1448) (Presented by Representative CATHCART of Orono) (Cosponsored by Senator PEARSON of Penobscot, Representative AULT of Wayne and Representative O'DEA of Orono)

Bill "An Act to Increase Funding for Lobster Hatcheries" (H.P. 1035) (L.D. 1446) (Presented by Representative TOWNSEND of Eastport) (Cosponsored by Representative LOOK of Jonesboro, Representative ROLDE of York and Representative COLES of Harpswell)

Bill "An Act to Simplify the Process by Which People with Disabilities Are Able to Acquire Information and Apply for Services" (H.P. 1032) (L.D. 1438) (Presented by Representative MELENDY of Rockland) (Cosponsored by Representative O'DEA of Orono, Representative HICHBORN of LaGrange and Senator PEARSON of Penobscot)

Bill "An Act to Provide a Minimum Level of State Educational Funding for Schools" (H.P. 1033) (L.D. 1439) (Presented by Representative KILKELLY of Wiscasset) (Cosponsored by Representative BREWER of Boothbay Harbor, Senator ESTES of York and Representative LIBBY of Kennebunk)

RESOLUTION, Proposing an Amendment to the Constitution of Maine Regarding the Undedication of Highway Funds (H.P. 1038) (L.D. 1449) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsored by Representative CARTER of Winslow, Representative CHONKO of Topsham and Senator CLARK of Cumberland)

Resolve, to Provide Respite Care Services for Families of the Mentally Ill (H.P. 1042) (L.D. 1453) (Presented by Representative PEDERSON of Bangor) (Cosponsored by Representative LISNIK of Presque Isle, Representative BURKE of Vassalboro and Senator BRANNIGAN of Cumberland)

Ordered Printed.

Sent up for Concurrence.

Business Legislation

Bill "An Act to Prohibit Possession of Improperly Labeled Beverage Containers" (H.P. 1029) (L.D. 1435) (Presented by Representative MCGOWAN of Canaan) (Cosponsored by Representative DIPIETRO of South Portland, Representative JACQUES of Waterville and President PRAY of Penobscot)

Ordered Printed.

Sent up for Concurrence.

Education

Resolve, to Establish the Commission to Study Alternative Education (H.P. 1051) (L.D. 1462) (Presented by Representative PINES of Limestone) (Cosponsored by Senator THERIAULT of Aroostook, Representative SMALL of Bath and Representative O'GARA of Westbrook)

Ordered Printed.

Sent up for Concurrence.

Energy and Natural Resources

Bill "An Act to Promote Reduction, Recycling and Integrated Management of Solid Waste and Sound Environmental Regulation" (EMERGENCY) (H.P. 1025) (L.D. 1431) (Presented by Representative MICHAUD of East Millinocket) (Cosponsored by Senator ERWIN of Oxford, Representative ALLEN of Washington and Representative WHITCOMB of Waldo)

Bill "An Act Concerning Solid Waste Management" (H.P. 1046) (L.D. 1457) (Presented by Representative COLES of Harpswell) (Cosponsored by Representative

ROLDE of York, Representative KILKELLY of Wiscasset and Senator ESTES of York)

Bill "An Act to Ensure that Radioactive Air Emission Standards Are Adequate to Protect the Public Health and Safety" (H.P. 1050) (L.D. 1461) (Presented by Representative HOLT of Bath) (Cosponsored by Senator TITCOMB of Cumberland, Representative CARTER of Winslow and Senator BERUBE of Androscoggin)

Resolve, to Study and Consolidate the Laws and Rules Regulating Campgrounds (H.P. 1043) (L.D. 1454) (Presented by Representative DUFFY of Bangor) (Cosponsored by Representative GOULD of Greenville, Senator ERWIN of Oxford and Representative JACQUES of Waterville)

Ordered Printed.

Sent up for Concurrence.

Fisheries and Wildlife

Bill "An Act Relating to Doe Hunting Permits" (H.P. 1041) (L.D. 1452) (Presented by Representative MARSH of West Gardiner) (Cosponsored by Representative MCGOWAN of Canaan, Senator WEYMOUTH of Kennebec and Representative WHITCOMB of Waldo)

Ordered Printed.

Sent up for Concurrence.

Judiciary

Bill "An Act to Amend the Laws Relating to Offers of Judgment" (H.P. 1030) (L.D. 1436) (Presented by Representative HANLEY of Paris) (Cosponsored by Representative MARSANO of Belfast, Senator HOBBS of York and Representative STEVENS of Bangor)

Bill "An Act to Include Unlawful Insurance Sales Discrimination on the Basis of Handicap in the Maine Human Rights Act" (H.P. 1031) (L.D. 1437) (Presented by Representative MELENDY of Rockland) (Cosponsored by Representative ALLEN of Washington, Senator TITCOMB of Cumberland and Representative ANDERSON of Woodland)

Bill "An Act to Provide Visitation and Custody Rights to Grandparents in Cases other than Divorce" (H.P. 1036) (L.D. 1447) (Presented by Representative RICHARDS of Hampden) (Cosponsored by Senator EMERSON of Penobscot, Senator GAUVREAU of Androscoggin and Representative PARADIS of Old Town)

Bill "An Act to Require a Victim Impact Statement" (H.P. 1048) (L.D. 1459) (Presented by Representative MacBRIDE of Presque Isle) (Cosponsored by Representative RICHARDS of Hampden, Representative COTE of Auburn and Senator HOLLOWAY of Lincoln)

Ordered Printed.

Sent up for Concurrence.

Labor

Bill "An Act Concerning Compensation for Sunday Employment" (H.P. 1040) (L.D. 1451) (Presented by Representative MCHENRY of Madawaska) (Cosponsored by Representative CLARK of Millinocket and Representative RAND of Portland)

Ordered Printed.

Sent up for Concurrence.

LATER TODAY ASSIGNED

Bill "An Act to Increase Civil Service of Process Fees" (H.P. 1027) (L.D. 1433) (Presented by Representative DUFFY of Bangor) (Cosponsored by Representative RICHARDS of Hampden, Representative CONLEY of Portland and Senator GAUVREAU of Androscoggin)

(The Committee on Legal Affairs had been suggested.)

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

Marine Resources

Bill "An Act Concerning the Location of Lobster Trap Vents" (EMERGENCY) (H.P. 1039) (L.D. 1450) (Presented by Representative COLES of Harpswell) (Cosponsored by Representative MITCHELL of Freeport, Senator BRANNIGAN of Cumberland and Senator CAHILL of Sagadahoc) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Resolve, to Create a Commission to Study Crab Fishing in Maine (H.P. 1034) (L.D. 1440) (Presented by Representative KILKELLY of Wiscasset) (Cosponsored by Representative MITCHELL of Freeport, Representative BEGLEY of Waldoboro and Senator BRANNIGAN of Cumberland)

Ordered Printed.

Sent up for Concurrence.

Taxation

Bill "An Act to Provide Property Tax Relief to Elderly Persons" (H.P. 1026) (L.D. 1432) (Presented by Representative McCORMICK of Rockport) (Cosponsored by Representative WENTWORTH of Wells and Senator CARPENTER of York)

Bill "An Act to Provide an Extension of the Filing Date for Tree Growth or Farm and Open Space Programs When a Municipality Undertakes a Revaluation of Property" (H.P. 1028) (L.D. 1434) (Presented by Representative RYDELL of Brunswick) (Cosponsored by Representative DORE of Auburn, Representative TARDY of Palmyra and Senator ANDREWS of Cumberland)

Bill "An Act to Provide Statewide Property Tax Relief" (H.P. 1044) (L.D. 1455) (Presented by Representative FOSS of Yarmouth) (Cosponsored by Representative JACKSON of Harrison, Representative SMALL of Bath and Representative REED of Falmouth)

Ordered Printed.

Sent up for Concurrence.

Transportation

Bill "An Act to Permit the Town of Windham to Maintain and Repair Private Roads to Town Road Specifications" (H.P. 1045) (L.D. 1456) (Presented by Representative STROUT of Windham) (Cosponsored by Senator DILLENBACK of Cumberland and Representative BUTLAND of Cumberland)

Ordered Printed.

Sent up for Concurrence.

ORDERS

On motion of Representative JALBERT of Lisbon, the following Joint Resolution: (H.P. 1052) (Cosponsor: Senator ERWIN of Oxford) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 35)

JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO RESTORE FUNDS TO THE VETERANS ADMINISTRATION FOR FISCAL YEAR 1989

WE, the Members of the One Hundred and Fourteenth Legislature of the State of Maine now assembled in the First Regular Session, most respectfully present and petition the Congress of the United States, as follows:

WHEREAS, the budget of the Veterans Administration for fiscal year 1989 contains a \$635,000,000 shortfall; and

WHEREAS, \$1,500,000 of the shortfall is in the budget of the Veterans Administration Medical and Regional Office Center at Togus, Maine; and

WHEREAS, the shortfall will impose hardships on the citizens of Maine, and will result in the loss or closing of the following programs and facilities:

1. A recently opened substance abuse program;
2. A 30-bed acute psychiatric ward;
3. Veterans without a service-connected disability may be turned away for lack of beds;
4. Some outpatient services will no longer be available to veterans without a service-connected disability;
5. Fewer veterans will be placed in community nursing homes at the Veterans Administration's expense; and
6. Drugs furnished to Togus patients will be limited to those listed in the Togus Drug Formulary; and

WHEREAS, these cutbacks will have an adverse impact on disabled veterans throughout Maine and will further have a negative effect on the expenditures of the State of Maine; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Fourteenth Legislature of the State of Maine now assembled in the First Regular Session, do hereby respectfully urge and request the United States Congress to vote to grant additional funding for the purpose of restoring the \$635,000,000 shortfall in the Veterans Administration's budget for fiscal year 1989; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George H.W. Bush, President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each member of the Maine Congressional Delegation.

Was read and adopted and sent up for concurrence.

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative LAWRENCE from the Committee on Legal Affairs on Bill "An Act to Enhance Enforcement of Municipal Parking Regulations" (H.P. 444) (L.D. 609) reporting "Ought Not to Pass"

Representative TRACY from the Committee on Fisheries and Wildlife on Bill "An Act to Protect Fishing Resources in Certain Ponds" (H.P. 922) (L.D. 1288) reporting "Ought Not to Pass"

Representative LARRIVEE from the Committee on State and Local Government on Bill "An Act Concerning the Number of Terms Which a Legislator May Serve Consecutively in Either Chamber" (H.P. 737) (L.D. 1014) reporting "Ought Not to Pass" (Representative HANLEY of Paris - of the House - Abstained)

Representative PARADIS from the Committee on Judiciary on Bill "An Act Regarding Damage from Industrial Fallout" (H.P. 673) (L.D. 922) 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 SHELTRA from the Committee on Business Legislation on Bill "An Act Concerning

Warranties for Manufactured Housing" (H.P. 605) (L.D. 829) reporting "Leave to Withdraw"

Representative SHELTRA from the Committee on Business Legislation on Bill "An Act to Require Health and Safety Disclaimers on Television and Print Media Alcohol Advertisements" (H.P. 300) (L.D. 412) reporting "Leave to Withdraw"

Representative PRIEST from the Committee on Legal Affairs on Bill "An Act to Further Competition with New Hampshire in the Liquor Trade" (H.P. 112) (L.D. 149) reporting "Leave to Withdraw"

Representative MICHAUD from the Committee on Energy and Natural Resources on Bill "An Act to Establish Requirements for Monitoring the State's Waters" (H.P. 890) (L.D. 1234) reporting "Leave to Withdraw"

Representative CONLEY from the Committee on Judiciary on Bill "An Act to Prevent Criminals from Profiting as an Indirect Result of Their Crime" (H.P. 355) (L.D. 474) 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 Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-127) on Bill "An Act to Require Parental Consent to a Minor's Abortion" (H.P. 457) (L.D. 622)

Signed:

Senators:

HOBBS of York
HOLLOWAY of Lincoln
GAUVREAU of Androscoggin
CONLEY of Portland
ANTHONY of South Portland
HASTINGS of Fryeburg
HANLEY of Paris
RICHARDS of Hampden
FARNSWORTH of Hallowell
COTE of Auburn
MacBRIDE Of Presque Isle
STEVENS of Bangor

Representatives:

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (H-128) on same Bill.

Signed:

Representative:

PARADIS of Augusta

Reports were read.

On motion of Representative Gwadosty of Fairfield, tabled pending acceptance of either report and specially assigned for Thursday, May 4, 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. 148) (L.D. 200) Bill "An Act to Provide Funds for the Montpelier Museum in Thomaston" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-129)

(H.P. 359) (L.D. 475) Bill "An Act to Assist the Environmental Health Unit of the Maine Bureau of Health" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-130)

(H.P. 244) (L.D. 356) Bill "An Act to Make Additional Allocations from the Public Utilities

Commission Regulatory Fund for the Fiscal Year Ending June 30, 1990" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-131)

(H.P. 388) (L.D. 519) Bill "An Act to Change the Number of Rooms Required for Hotel Liquor Licenses" Committee on Legal Affairs reporting "Ought to Pass" (Representative MURPHY of Berwick - of the House - Abstained)

There being no objections, the above items were ordered to appear on the Consent Calendar of Thursday, May 4, 1989, under the listing of Second Day.

(H.P. 758) (L.D. 1062) Bill "An Act to Enhance the Economic Corridor Action Grant Program" (EMERGENCY) Committee on Housing and Economic Development reporting "Ought to Pass" as amended by Committee Amendment "A" (H-132)

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

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

Committee Amendment "A" (H-132) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was read a second time, passed to be engrossed as amended by Committee Amendment "A" and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

(H.P. 236) (L.D. 348) Bill "An Act to Provide for Constructive Notice of Injury for Workers' Compensation Purposes" Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-133)

(S.P. 254) (L.D. 644) Bill "An Act to Provide Coverage for Chiropractic Services Under Hospital Service Plans, Medical Service Plans and Insurance Policies" Committee on Banking and Insurance reporting "Ought to Pass" (Senator COLLINS of Aroostook - of the Senate - Abstained)

(S.P. 196) (L.D. 444) Bill "An Act to Prohibit Discrimination Against Persons with the Human Immunodeficiency Virus for Purposes of Insurance Coverage" Committee on Banking and Insurance reporting "Ought to Pass" as amended by Committee Amendment "A" (S-66)

(S.P. 236) (L.D. 566) Bill "An Act Relating to Tax Exemptions" (EMERGENCY) Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-67)

(S.P. 247) (L.D. 577) Bill "An Act Relating to Contracts Administered by the Department of Transportation" Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-68)

(S.P. 276) (L.D. 722) Resolve, to Redesign the Structure of the Board of Environmental Protection (EMERGENCY) Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-71)

(S.P. 304) (L.D. 802) Bill "An Act Regulating Activities Adjacent to Great Ponds" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-72)

(S.P. 331) (L.D. 868) Bill "An Act Concerning the Inspection of Dams" (EMERGENCY) Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-70)

(H.P. 107) (L.D. 144) Bill "An Act Concerning The Siting of Solid Waste Transfer Stations" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-134)

(H.P. 88) (L.D. 123) Bill "An Act to Clarify Laws Pertaining to the Enforcement of Forestry Fire Control Laws" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "B" (H-135)

There being no objections, the above items were ordered to appear on the Consent Calendar of Thursday, May 4, 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. 603) (L.D. 827) Bill "An Act to Authorize the Department of Corrections to Establish a Solid Waste Recycling Program"

(H.P. 365) (L.D. 496) Bill "An Act to Make Allocations from the Maine Nuclear Emergency Planning Fund for the Fiscal Years Ending June 30, 1990, and June 30, 1991" (EMERGENCY) (C. "A" H-126)

(H.P. 343) (L.D. 462) Bill "An Act Making Appropriations for Temporary Additional Staff to the Maine Arts Commission for the Percent for Art Program" (C. "A" H-125)

(S.P. 403) (L.D. 1047) Bill "An Act to Allow Automatic Teller Machines on the Maine Turnpike"

(S.P. 246) (L.D. 576) Bill "An Act Concerning Transportation Expenses for Former AMHI Patients" (C. "A" S-62)

(S.P. 325) (L.D. 862) Bill "An Act to Ensure Proper Representation on the Region II Crisis Intervention Program Advisory Board" (C. "A" S-63)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were Passed to be Engrossed or 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 to Increase the License Fees for Hospitals and Long-term Care Facilities" (S.P. 163) (L.D. 320) (C. "A" S-61)

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 Amend the Definition of Teacher in the Laws Relating to the Maine State Retirement System (H.P. 656) (L.D. 890) (C. "A" H-93 and H. "A" H-106)

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. 127 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 Maine Correctional Advisory Commission (S.P. 60) (L.D. 43) (S. "A" S-58 to C. "A" S-52)

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. 128 voted in favor of the same and 3 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 Provide Motor Vehicle Registration Plates to Surviving Spouses of Prisoners of War (H.P. 570) (L.D. 774) (C. "A" H-100)

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.

PASSED TO BE ENACTED
Emergency Measure

An Act to Allow School Districts to Waive Up to 5 Days of Kindergarten for Screening (H.P. 243) (L.D. 355) (C. "A" H-101)

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. 122 voted in favor of the same and 7 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

ENACTOR
Emergency Measure
Reconsidered

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 and H. "A" H-108)

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

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

On motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby House Amendment "A" (H-108) was adopted.

On motion of the same Representative, under suspension of the rules, House Amendment "A" (H-108) was indefinitely postponed.

The same Representative offered House Amendment "B" (H-136) and moved its adoption.

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

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

FINALLY PASSED
Emergency Measure

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Somerset County for the Year 1989 (H.P. 989) (L.D. 1378)

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. 119 voted in favor of the same and 6 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

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

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) (H. "A" H-110)

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

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 (H.P. 556) (L.D. 754) (C. "A" H-99)

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 to Implement the Aroostook Band of Micmacs Settlement Act (S.P. 152) (L.D. 272) (C. "A" S-53)

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, May 4, 1989.

PASSED TO BE ENACTED

An Act to Regain Full Use of Maine's Waters Through the Establishment of Color Standards (H.P. 533) (L.D. 718) (C. "A" H-102)

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

Representative McGowan of Canaan requested 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 passage to be enacted. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 15

YEA - Adams, Aikman, Aliberti, Anthony, Ault, Bell, Boutilier, Brewer, Burke, Butland, Carroll, D.; Carter, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Conley, Constantine, Cote, Crowley, Curran, Daggett, Dipietro, Donald, Dore, Duffey, Dutremble, L.; Erwin, P.; Farnsworth, Farnum, Foss, Foster, Gould, R. A.; Graham, Greenlaw, Gurney, Gwadosky, Hale, Handy, Hastings, Heeschen, Hichborn, Hickey, Higgins, Hoglund, Holt, Hussey, Hutchins, Jackson, Jacques, Jalbert, Joseph, Ketover, Kilkelly, LaPointe, Larrivee, Lisnik, Luther, Macomber, Marsh, Marston, Martin, H.; Mayo, McCormick, McGowan, McHenry, McKeen, McPherson, McSweeney, Melendy,

Michaud, Mills, Mitchell, Moholland, Murphy, Nadeau, G. R.; Norton, Nutting, O'Dea, O'Gara, Oliver, Paradis, E.; Paradis, J.; Paul, Pederson, Pendleton, Pineau, Plourde, Pouliot, Priest, Rand, Reed, Richard, Richards, Ridley, Rolde, Rotondi, Ruhlin, Rydell, Seavey, Sheltra, Simpson, Skoglund, Small, Smith, Stevens, A.; Stevens, P.; Strout, D.; Swazey, Tammaro, Telow, Townsend, Tracy, Tupper, Walker, The Speaker.

NAY - Anderson, Bailey, Begley, Carroll, J.; Dellert, Dexter, Farren, Garland, Hanley, Lebowitz, Libby, Look, Lord, MacBride, Marsano, Merrill, Parent, Pines, Sherburne, Stevenson, Strout, B.; Webster, M.; Wentworth, Whitcomb.

ABSENT - Allen, Cahill, T.; Cashman, Hepburn, Lawrence, Mahany, Manning, Nadeau, G. G.; Paradis, P.; Tardy.

Yes, 117; No, 24; Absent, 10; Paired, 0; Excused, 0.

117 having voted in the affirmative and 24 in the negative with 10 being absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

ENACTOR

Tabled and Assigned

Resolve, Authorizing the Transfer of State Interest in a Parcel of Real Estate to Arthur A. Tukey and Louise H. Tukey (H.P. 589) (L.D. 803) (C. "A" H-97)

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

On motion of Representative Joseph of Waterville, tabled pending passage to be enacted and specially assigned for Thursday, May 4, 1989.

(At Ease)

The House was called to order by the Speaker.

On motion of Representative Joseph of Waterville, the House reconsidered its action whereby Bill "An Act to Permit the Town of Windham to Maintain and Repair Private Roads to Town Road Specifications" (H.P. 1045) (L.D. 1456) was referred to the Committee on Transportation.

The same Representative moved that L.D. 1456 be referred to the Committee on State and Local Government.

Representative Strout of Corinth requested a division.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of Representative Joseph of Waterville that L.D. 1456 be referred to the Committee on State and Local Government. Those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

66 having voted in the affirmative and 49 in the negative, the Bill was referred to the Committee on State and Local Government, ordered printed and sent up for concurrence.

On motion of Representative Crowley of Stockton Springs, the House reconsidered its action whereby Bill "An Act to Provide a Minimum Level of State Educational Funding for Schools" (H.P. 1033) (L.D. 1439) was referred to the Committee on Appropriations and Financial Affairs.

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

On motion of Representative Smith of Island Falls, the House reconsidered its action whereby (HLS 392) In Memory of: Vaughan A. Walker, Sr., of Island Falls, Maine and Haines City, Florida, State Representative who served as a Member of the House of Representatives during the 106th and 107th Legislatures, prominent businessman, highly respected and loved by family and friends and well-known for his active participation in town, fraternal, church and social organizations; (HLS 392) by Representative SMITH of Island Falls. (Cosponsors: Senator LUDWIG of Aroostook, Speaker MARTIN of Eagle Lake, Senator CLARK of Cumberland) was adopted.

Was read.

The SPEAKER: The Chair recognizes the Representative from Island Falls, Representative Smith.

Representative SMITH: Mr. Speaker, Ladies and Gentlemen of the House: V. A. Walker of Island Falls, as he was referred to by all those who knew him, was a dairy farmer, a rural mail carrier for 40 years, served in the Navy, served on the local school board, officer of the town and a very strong supporter of education for all. He was a person who was very easy to get acquainted with and he was loved by all that knew him.

I request that when the House adjourns today, we do so in memory of V. A. Walker. Thank you.

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

The Chair laid before the House the following matter: Bill "An Act to Increase Civil Service of Process Fees" (H.P. 1027) (L.D. 1433) (The Committee on Legal Affairs had been suggested) which was tabled earlier in the day and later today assigned pending reference.

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

(Off Record Remarks)

On motion of Representative Smith of Island Falls, Adjourned until Thursday, May 4, 1989, at nine o'clock in the morning in memory of Vaughan A. Walker, Sr. of Island Falls.