

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

(In House, May 5, 1989, the PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-127).)

THE PRESIDENT: The pending question before the Senate is the motion of Senator DUTREMBLE of York, to RECONSIDER ADOPTION of Committee Amendment "A" (H-127), in concurrence.

A Division has been requested.

Will all those Senators in favor of the motion of Senator DUTREMBLE of York, to RECONSIDER ADOPTION of Committee Amendment "A" (H-127), please rise in their places and remain standing until counted.

Will all those opposed please rise in their places and remain standing until counted.

9 Senators having voted in the affirmative and 19 Senators having voted in the negative, the motion of Senator DUTREMBLE of York, to RECONSIDER ADOPTION of Committee Amendment "A" (H-127), FAILED.

Senator MATTHEWS of Kennebec moved the INDEFINITE POSTPONEMENT of the Bill and Accompanying Papers.

Senator CLARK of Cumberland requested a Division.

THE PRESIDENT: The pending question before the Senate is the motion of Senator MATTHEWS of Kennebec, to INDEFINITELY POSTPONE the Bill and Accompanying Papers.

A Division has been requested.

Will all those Senators in favor of the motion of Senator MATTHEWS of Kennebec, to INDEFINITELY POSTPONE the Bill and Accompanying Papers, please rise in their places and remain standing until counted.

Will all those Senators opposed please rise in their places and remain standing until counted.

8 Senators having voted in the affirmative and 19 Senators having voted in the negative, the motion of Senator MATTHEWS of Kennebec, to INDEFINITELY POSTPONE the Bill and Accompanying Papers, FAILED.

Which was PASSED TO BE ENGROSSED, as Amended, in concurrence.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Thank you Mr. President. Having voted on the prevailing side, I now move reconsideration and I would urge you to vote against my motion.

THE PRESIDENT: The pending question before the Senate is the motion of Senator CLARK of Cumberland, to RECONSIDER whereby the Bill was PASSED TO BE ENGROSSED AS AMENDED.

The Chair will order a Division.

Will all those Senators in favor of the motion of Senator CLARK of Cumberland, to RECONSIDER whereby the Bill was PASSED TO BE ENGROSSED AS AMENDED, please rise in their places and remain standing until counted.

Will all those Senators opposed please rise in their places and remain standing until counted.

4 Senators having voted in the affirmative and 23 Senators having voted in the negative, the motion of Senator CLARK of Cumberland, to RECONSIDER whereby the Bill was PASSED TO BE ENGROSSED AS AMENDED, FAILED.

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

Off Record Remarks

On motion by Senator BOST of Penobscot, ADJOURNED until Wednesday, May 10, 1989, at 12:00 in the afternoon.

ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
59th Legislative Day
Wednesday, May 10, 1989

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

Prayer by Father Andre Houle, Saint Mary's Catholic Church, Lincoln.

The Journal of, Tuesday, May 9, 1989, was read and approved.

Quorum call was held.

PAPERS FROM THE SENATE

The following Communication:

Maine State Senate

Augusta, Maine 04333

May 9, 1989

The Honorable John L. Martin

Speaker of the House

114th Legislature

Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Judiciary, the Governor's nomination of Ronald D. Russell of Bangor for reappointment as Judge-at-Large for the Maine District Court.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

Was read and ordered placed on file.

Bill "An Act to Improve the Sardine Inspection and Grading Programs" (S.P. 562) (L.D. 1565)

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

Was referred to the Committee on Agriculture in concurrence.

Bill "An Act to Undedicate Revenue Received by the Bureau of Public Lands" (S.P. 556) (L.D. 1559)

Bill "An Act to Create the Position of Liquor Enforcement Officer in Washington County" (S.P. 557) (L.D. 1560)

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 Reform the Workers' Compensation Insurance Rate-making Process" (S.P. 560) (L.D. 1563)

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.

Resolve, Creating the Special Commission to Study and Evaluate the Status of Education Reform in Maine (EMERGENCY) (S.P. 561) (L.D. 1564)

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

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

Was referred to the Committee on Education in concurrence.

Bill "An Act to Save Medicaid Funds by Expanding the Ability of the Department of Human Services to Recover Funds from Other Payors" (S.P. 552) (L.D. 1555)

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 Provide Additional Protection in Cases of Domestic Abuse" (S.P. 553) (L.D. 1556)

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 to Create the Lineworker's Safety Act" (S.P. 558) (L.D. 1561)

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

Was referred to the Committee on Labor in concurrence.

Bill "An Act to Clarify the Provisional Payments Provision of the Workers' Compensation Law Regarding Disability and Medical Payments" (S.P. 555) (L.D. 1558)

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

(The Committee on Reference of Bills had suggested reference to the Committee on Banking and Insurance.)

Was referred to the Committee on Labor in concurrence.

Bill "An Act Concerning the Acquisition of Data Processing Equipment and Services by State Agencies" (S.P. 559) (L.D. 1562)

Bill "An Act to Establish the Office of Substance Abuse Services within the Executive Department" (S.P. 563) (L.D. 1566)

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.

Bill "An Act to Increase the Household Income Limits Used in Determining Eligibility for the Household Tax and Rent Refund Program and for the Low Cost Drug Program" (S.P. 554) (L.D. 1557)

Came from the Senate with the Bill indefinitely postponed.

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

Was indefinitely postponed in concurrence.

Ought to Pass as Amended

Report of the Committee on Education reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-90) on Bill "An Act Relating to Driver Education Courses" (EMERGENCY) (S.P. 214) (L.D. 530)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-90) and Senate Amendment "A" (S-100).

Report was read and accepted, the Bill read once.

Committee Amendment "A" (S-90) was read by the Clerk and adopted.

Senate Amendment "A" (S-100) was read by the Clerk and adopted and the Bill assigned for second reading Thursday, May 11, 1989.

Non-Concurrent Matter

Bill "An Act to Amend the Open Space Laws" (H.P. 1110) (L.D. 1543) which was referred to the Committee on Energy and Natural Resources in the House on May 8, 1989.

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

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act Dealing with Coastal Search and Rescue" (H.P. 35) (L.D. 35) on which the Bill and accompanying papers were indefinitely postponed in the House on May 8, 1989.

Came from the Senate with the Report of the Study Commission on Coastal Search and Rescue read and accepted and the Bill referred to the Committee on Appropriations and Financial Affairs in non-concurrence.

The House voted to adhere.

COMMUNICATIONS

The following Communication:

WORKERS' COMPENSATION COMMISSION

STATE HOUSE STATION 27

AUGUSTA, MAINE 04333

May 5, 1989

Honorable John L. Martin
Speaker, House of Representatives
State House Station 2
Augusta, Maine 04333

RE: Quarterly Report for the First Quarter of Calendar 1989

39 M.R.S.A. section 92(3)

Dear Speaker Martin:

This letter and statistical attachments are the quarterly report of Commissioner caseload and progress mandated by 39 M.R.S.A. section 92(3).

The vacancy created by former Commissioner Ellen Gorman's appointment as a judge in district court has been filled by Gail Ogilvie of Richmond. Commissioner Ogilvie has already begun to hold hearings in the Bath/Brunswick area.

During the first quarter of 1989 the Commission received an estimated 3,383 petitions and disposed of 3,176 by decision or dismissal. Backlog remained in the area of 7,500 undecided petitions.

Although delay in adjudicating disputed claims remains an area of concern, we are continuing to see gradual improvement in the scope of this problem. For example, the number of petitions undecided more than two years is, at 257, the lowest on record. By way of comparison, this was 467 in March 1987, 350 in March 1988.

There have been no complaints or filings in connection with the 30 day decision rule of 39 M.R.S.A. section 99-B as implemented by Commission Rule 22.11.

A summary of caseload and dispositions is presented in the attached tables. I would be happy to discuss this report further if you wish.

Sincerely,
S/Ralph L. Tucker
Chairman

Was read and with accompanying report ordered placed on file.

**PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE**

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

Agriculture

Bill "An Act to Amend the Agricultural Marketing and Bargaining Law" (H.P. 1170) (L.D. 1624) (Presented by Representative TARDY of Palmyra) (Cosponsored by Representative LISNIK of Presque Isle, Representative MAHANY of Easton and Representative BELL of Caribou)
Ordered Printed.
Sent up for Concurrence.

Appropriations and Financial Affairs

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$10,000,000 to Provide Funds for the Municipal Capital Investment Fund" (H.P. 1166) (L.D. 1620) (Presented by Representative MICHAUD of East Millinocket)

Bill "An Act to Establish a Residential Program for Adolescent Substance Abusers at Saint Mary's Hospital in Lewiston, Maine" (H.P. 1150) (L.D. 1604) (Presented by Representative HALE of Sanford) (Cosponsored by Representative COTE of Auburn, Senator BERUBE of Androscoggin and Representative POULIOT of Lewiston)

Bill "An Act to Appropriate Funds for a Demonstration Project for the Benefit of Alzheimer's Disease Victims" (H.P. 1160) (L.D. 1614) (Presented by Representative LISNIK of Presque Isle) (Cosponsored by Speaker MARTIN of Eagle Lake and Senator PEARSON of Penobscot)

Ordered Printed.
Sent up for Concurrence.

Education

Bill "An Act to Facilitate Collaboration Among School Agencies and Community Leaders Working on Behalf of At-risk Children" (H.P. 1164) (L.D. 1618) (Presented by Representative SMALL of Bath) (Cosponsored by Representative FOSS of Yarmouth, Senator ESTES of York and Representative PARADIS of Frenchville)

Bill "An Act to Ensure Regular Attendance for All Maine School Children" (H.P. 1168) (L.D. 1622) (Presented by Representative BAILEY of Farmington) (Cosponsored by Senator WEYMOUTH of Kennebec, Representative NUTTING of Leeds and Representative NORTON of Winthrop)

Bill "An Act to Authorize a Cooperative Agreement for the Construction and Operation of a Vocational Center Located in School Administrative District No. 33" (EMERGENCY) (H.P. 1171) (L.D. 1625) (Presented by Representative PARADIS of Frenchville) (Cosponsored by Representative McHENRY of Madawaska, Senator THERIAULT of Aroostook and Representative MARTIN of Van Buren) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.
Sent up for Concurrence.

Energy and Natural Resources

Bill "An Act to Clarify the Traffic Movement Standards under the Site Location and Development Law" (H.P. 1154) (L.D. 1608) (Presented by Representative ROLDE of York) (Cosponsored by Representative JACQUES of Waterville)

Bill "An Act to Clarify Provisions of the Subdivision Law" (H.P. 1159) (L.D. 1613) (Presented by Representative MICHAUD of East Millinocket) (Cosponsored by Representative HIGGINS of Scarborough)

Bill "An Act to Ensure Notification and Participation by the Public in Licensing and Relicensing of Hydroelectric Dams and to Further Ensure the Equal Consideration of Fisheries and Recreational Uses in Licensing and Relicensing" (H.P. 1167) (L.D. 1621) (Presented by Representative ROLDE of York) (Cosponsored by Representative RUHLIN of Brewer, Representative CARTER of Winslow and Representative JACQUES of Waterville) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Bill "An Act to Clarify the Subdivision Laws" (H.P. 1174) (L.D. 1628) (Presented by Representative COLES of Harpswell) (Cosponsored by Representative HOGLUND of Portland, Representative MITCHELL of Freeport and Senator ERWIN of Oxford) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.
Sent up for Concurrence.

Later Today Assigned

Bill "An Act to Require Annual Cost-of-living Increases to Certain Residential Group Care Providers" (H.P. 1155) (L.D. 1609) (Presented by Representative TELOW of Lewiston) (Cosponsored by Senator DUTREMBLE of York, Representative GWADOSKY of Fairfield and Representative CLARK of Brunswick)

(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 Permit Release of Treatment Records in Certain Cases" (H.P. 1153) (L.D. 1607) (Presented by Representative RICHARDS of Hampden) (Cosponsored by Representative SEAVEY of Kennebunkport, Senator HOLLOWAY of Lincoln and Senator HOBBS of York)

Bill "An Act to Protect the Identity of Juveniles Prior to Hearing or Bind Over to Superior Court" (H.P. 1158) (L.D. 1612) (Presented by Representative BUTLAND of Cumberland) (Cosponsored by Representative KILKELLY of Wiscasset, Representative ANTHONY of South Portland and Senator HOLLOWAY of Lincoln) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Bill "An Act to Eliminate Unnecessary Hearings by District Court Judges and Superior Court Justices" (H.P. 1157) (L.D. 1611) (Presented by Representative MAHANY of Easton) (Cosponsored by Representative CONLEY of Portland and Senator HOLLOWAY of Lincoln) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.
Sent up for Concurrence.

Labor

Bill "An Act Concerning Protection from Unfair Competition" (H.P. 1173) (L.D. 1627) (Presented by

Representative CLARK of Millinocket) (Cosponsored by Representative McHENRY of Madawaska, Representative McKEEN of Windham and Senator MATTHEWS of Kennebec)
 Ordered Printed.
 Sent up for Concurrence.

Legal Affairs

Bill "An Act to Require Counselors of Operating under the Influence Offenders to Approve Restoration of Drivers' Licenses" (H.P. 1151) (L.D. 1605) (Presented by Representative HUSSEY of Milo) (Cosponsored by Senator KANY of Kennebec, Representative CONLEY of Portland and President PRAY of Penobscot)

Bill "An Act Concerning Property Abandoned by Tenants" (H.P. 1162) (L.D. 1616) (Presented by Representative PARADIS of Old Town) (Cosponsored by Senator WEBSTER of Franklin, Representative SHELTRA of Biddeford and Representative CASHMAN of Old Town) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Bill "An Act to Allow Sheriffs' Departments to Transport Juveniles to State-approved Treatment Facilities" (H.P. 1163) (L.D. 1617) (Presented by Representative RUHLIN of Brewer)

Ordered Printed.
 Sent up for Concurrence.

State and Local Government

Bill "An Act to Establish a Portland Neighborhood Library System" (EMERGENCY) (H.P. 1169) (L.D. 1623) (Presented by Representative RAND of Portland) (Cosponsored by Senator GILL of Cumberland, Representative O'GARA of Westbrook and Representative CROWLEY of Stockton Springs) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Bill "An Act Regarding the Composition of the Real Estate Commission" (H.P. 1156) (L.D. 1610) (Presented by Representative SHELTRA of Biddeford) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Resolve, to Clear Title or to Secure a Release of Property from the State (H.P. 1149) (L.D. 1603) (Presented by Representative STEVENS of Bangor) (Cosponsored by Representative JOSEPH of Waterville, Representative ROTONDI of Athens and Senator BERUBE of Androscoggin) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Resolve, Concerning the Development of a New Master Plan for the Capitol Area (EMERGENCY) (H.P. 1172) (L.D. 1626) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsored by President PRAY of Penobscot, Representative WEBSTER of Cape Elizabeth and Senator CAHILL of Sagadahoc) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.
 Sent up for Concurrence.

Taxation

Bill "An Act to Exempt Commercial Fishermen from the Tax on Fuel Necessary to that Occupation" (H.P. 1152) (L.D. 1606) (Presented by Representative RAND of Portland) (Cosponsored by Representative FOSS of Yarmouth, Representative MITCHELL of Freeport and Representative DiPIETRO of South Portland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.

Sent up for Concurrence.

Transportation

Bill "An Act Regarding the Handicap Parking Privilege to Veterans with Disabled Veterans License Plates" (H.P. 1161) (L.D. 1615) (Presented by Representative PARADIS of Old Town) (Cosponsored by Representative McSWEENEY of Old Orchard Beach, Representative HOLT of Bath and Senator WEYMOUTH of Kennebec) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Bill "An Act to Increase the Fine for Improper Use of Handicapped Parking Spaces" (H.P. 1165) (L.D. 1619) (Presented by Representative SHELTRA of Biddeford) (Cosponsored by Senator TWITCHELL of Oxford, Representative LEBOWITZ of Bangor and Representative HALE of Sanford)

Ordered Printed.
 Sent up for Concurrence.

Utilities

Bill "An Act to Amend the Laws Concerning Service Territories of and Additional Service by Public Utilities" (H.P. 1175) (L.D. 1629) (Presented by Representative PARADIS of Old Town) (Cosponsored by Representative MARSH of West Gardiner, Representative PAUL of Sanford and Senator CARPENTER of York) (Submitted by the Public Utilities Commission pursuant to Joint Rule 24.)

Ordered Printed.
 Sent up for Concurrence.

Reported Pursuant to Resolve

Representative ANTHONY from the Juvenile Corrections Planning Commission, pursuant to Resolve 1987, chapter 68 ask leave to submit its findings and to report that the accompanying Bill "An Act to Appropriate Funds for Improved Juvenile Justice Services" (H.P. 1146) (L.D. 1589) be referred to the Joint Standing Committee on Appropriations and Financial Affairs for Public Hearing and printed pursuant to Joint Rule 18.

Report was read and accepted, and the Bill referred to the Committee on Appropriations and Financial Affairs, ordered printed and sent up for concurrence.

Reported Pursuant to Resolve

Representative ANTHONY from the Juvenile Corrections Planning Commission, pursuant to Resolve 1987, chapter 68 ask leave to submit its findings and to report that the accompanying Bill "An Act to Establish the Bureau of Juvenile Corrections" (H.P. 1147) (L.D. 1590) be referred to the Joint Select Committee on Corrections for Public Hearing and printed pursuant to Joint Rule 18.

Report was read and accepted, and the Bill referred to the Joint Select Committee on Corrections, ordered printed and sent up for concurrence.

Reported Pursuant to Resolve

Representative CLARK from the Commission to Study the Status of Nursing Professions in Maine, pursuant to Resolve 1987, chapter 106 ask leave to submit its findings and to report that the accompanying Bill "An Act Relating to the Status of Nursing Professions in Maine" (H.P. 1148) (L.D. 1591) be referred to the

Joint Standing Committee on Human Resources for Public Hearing and printed pursuant to Joint Rule 18.

Report was read and accepted, and the Bill referred to the Committee on Human Resources, ordered printed and sent up for concurrence.

ORDERS

On motion of Representative CARTER of Winslow, the following Order:

House Order Propounding Questions to the Justices of the Supreme Judicial Court

Whereas, it appears to the House of Representatives of the 114th Legislature that the following are important questions of law and that this is a solemn occasion; and

Whereas, the Constitution of Maine, Article VI, Section 3, provides for the Justices of the Supreme Judicial Court to render their opinion on these questions; and

Whereas, there is now before the 114th Legislature for its consideration House Paper 457, Legislative Document 622, "An Act to Require Parental Consent to a Minor's Abortion"; and

Whereas, Committee Amendment "A" has been proposed which would amend the document to allow ordained members of the clergy to provide information and counseling on abortion to minors as an alternative to requiring parental consent before a physician performs an abortion on a pregnant minor; and

Whereas, this provision may present a conflict between a civic duty required by law and an individual's religious beliefs; and

Whereas, Committee Amendment "A" requires that, before an attending physician may perform an abortion on a pregnant minor, the physician must ensure that the pregnant minor has given her informed consent to the procedure by providing information to the minor about the pregnancy and the abortion procedure, including the risks involved in both; providing information and counseling to the minor on the services and alternatives available to the minor or referring the minor to another authorized individual for information and counseling; and determining whether the minor, under all the surrounding circumstances, is mentally and physically competent to give consent; and

Whereas, if Legislative Document 622, as amended by Committee Amendment "A" becomes law, there may be serious questions regarding its constitutionality and effect; and

Whereas, it is important that the Legislature be informed as to the questions raised in this Order; now, therefore, be it

Ordered, that in accordance with the provisions of the Constitution of Maine, the House of Representatives respectfully requests the Justices of the Supreme Judicial Court to give the House of Representatives their opinion on the following questions of law.

Question No. 1. If Legislative Document 622 as amended by Committee Amendment "A" becomes law, would the potential involvement of the clergy authorized by law violate the Establishment Clause of the First Amendment to the United States Constitution?

Question No. 2. If Legislative Document 622 as amended by Committee Amendment "A" becomes law, does the information or consent requirement of the law impose improper professional obligations upon attending physicians unrelated to the licensing requirements of this State and the practice of medicine?

Question No. 3. If Legislative Document 622 as amended by Committee Amendment "A" becomes law, does the requirement that a physician provide information to a minor concerning abortion, which may be contrary to the physician's religious beliefs, violate the First Amendment to the United States Constitution?"

Was read.

On motion of Representative Martin of Eagle Lake, tabled pending passage and specially assigned for Thursday, May 11, 1989.

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative HICHBORN from the Committee on Transportation on Bill "An Act to Provide a Notification Mechanism for the Expiration of Motor Vehicle Registration" (H.P. 899) (L.D. 1256) reporting "Ought Not to Pass"

Representative SHERBURNE from the Committee on Agriculture on Bill "An Act to Change the Penalty Structure of the Potato Branding Law" (H.P. 221) (L.D. 301) reporting "Ought Not to Pass"

Representative JACQUES from the Committee on Energy and Natural Resources on Bill "An Act to Require Recycling and Provide State Assistance to Municipalities" (H.P. 715) (L.D. 976) reporting "Ought Not to Pass"

Representative SIMPSON from the Committee on Energy and Natural Resources on Bill "An Act to Provide Free Access to Any Impoundment Controlled by a Dam" (H.P. 786) (L.D. 1098) reporting "Ought Not to Pass"

Representative JACQUES from the Committee on Energy and Natural Resources on Bill "An Act to Provide for Solid Waste Management" (H.P. 658) (L.D. 892) reporting "Ought Not to Pass"

Representative JACQUES from the Committee on Energy and Natural Resources on Bill "An Act to Require the Use of Carry-out Bags that Can Be Recycled" (H.P. 790) (L.D. 1102) reporting "Ought Not to Pass"

Representative JACQUES from the Committee on Energy and Natural Resources on Resolve, to Establish a Study Commission Regarding Incentives for Recycling of Solid Waste by Commercial Facilities (H.P. 1016) (L.D. 1417) 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 MacBRIDE from the Committee on Judiciary on Bill "An Act to Clarify the Right of Appeal to Superior Court in Matters Involving Permits for Buildings" (H.P. 571) (L.D. 775) reporting "Leave to Withdraw"

Representative LAWRENCE from the Committee on Legal Affairs on Bill "An Act to Restrict the Withdrawal of Candidates from General Elections" (H.P. 132) (L.D. 176) 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. 323) (L.D. 439) Bill "An Act to Eliminate the Barrel as the Unit Measure of Buyers and Sellers

of Potatoes" Committee on Agriculture reporting "Ought to Pass"

(H.P. 419) (L.D. 584) Bill "An Act to Make Allocations for the Administrative Expenses of the Bureau of Lottery, Department of Finance, 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-158)

(H.P. 628) (L.D. 851) Bill "An Act to Provide Computer Technology to the Division of Eye Care" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-159)

(H.P. 721) (L.D. 990) Bill "An Act to Ensure Representation on the Committee to Advise the Department of Human Services on AIDS" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-160)

(H.P. 898) (L.D. 1255) Bill "An Act to Create a Full-time Motor Vehicle Office in the Town of Sanford" Committee on Transportation reporting "Ought to Pass"

(S.P. 99) (L.D. 118) Bill "An Act to Amend the Law Concerning Insurance Cancellation Control" Committee on Banking and Insurance reporting "Ought to Pass" as amended by Committee Amendment "A" (S-92)

(S.P. 175) (L.D. 332) Bill "An Act Concerning Amendments to the Community Industrial Buildings Programs" Committee on Housing and Economic Development reporting "Ought to Pass" as amended by Committee Amendment "A" (S-89)

(S.P. 456) (L.D. 1241) Resolve, to Study the Development of a System of Ecological Reserves in the State Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-91)

(H.P. 676) (L.D. 925) Bill "An Act to Clarify the Laws Relating to Marriage" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-162)

(H.P. 486) (L.D. 666) Bill "An Act Concerning Teacher Employment" Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-163)

There being no objections, the above items were ordered to appear on the Consent Calendar of Thursday, May 11, 1989, under the listing of Second Day.

(H.P. 358) (L.D. 478) Resolve, Requiring the Department of Educational and Cultural Services to Study Textbooks in Schools and School Libraries of the State (EMERGENCY) Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-164)

On motion of Representative Skoglund of St. George, was removed from Consent Calendar, First Day. Report was read and accepted, the Bill read once.

Committee Amendment "A" (H-164) was read by the Clerk and adopted and the Bill assigned for second reading Thursday, May 11, 1989.

(H.P. 903) (L.D. 1260) Bill "An Act Relating to the Disclosure of Information Concerning Used Motor Vehicles at the Time of Sale or Transfer" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-165)

(H.P. 78) (L.D. 109) Resolve, Establishing the Commission to Study the Regulation of Welders Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-166)

(H.P. 699) (L.D. 951) Bill "An Act to Amend the Boundary Line Between the Towns of Albion and Benton" Committee on State and Local Government reporting "Ought to Pass"

(H.P. 572) (L.D. 776) Bill "An Act to Clarify the Common Boundary of the Town of Cape Elizabeth and the Town of Scarborough" Committee on State and Local Government reporting "Ought to Pass"

(H.P. 223) (L.D. 303) Bill "An Act to Establish a Process for the Deorganization of Municipalities and Plantations" (EMERGENCY) Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-167)

(H.P. 594) (L.D. 812) Bill "An Act to Establish the Boundary Line between the Town of Falmouth and the City of Westbrook" Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-168)

There being no objections, the above items were ordered to appear on the Consent Calendar of Thursday, May 11, 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. 488) (L.D. 668) Bill "An Act to Provide Funds for the Seed Potato Breeding Program" (C. "A" H-153)

(H.P. 330) (L.D. 449) Bill "An Act Concerning an Employee's Right to Review the Employee's Personnel File" (C. "A" H-156)

(S.P. 329) (L.D. 866) Bill "An Act to Establish Free Fishing Days in Maine" (C. "A" S-87)

(H.P. 353) (L.D. 472) Bill "An Act Concerning Service of Civil Process by Full-time Law Enforcement Officers"

(H.P. 785) (L.D. 1097) Bill "An Act to Conform the Scope of Prior Convictions When Used to Enhance the Penalty for Negotiating a Worthless Instrument"

(H.P. 821) (L.D. 1149) Bill "An Act to Increase the Penalties for Forgery"

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.

(H.P. 24) (L.D. 19) Bill "An Act to Establish Utility Rights in Certain Easements" (C. "A" H-157)

On motion of Representative Marsano of Belfast, was removed from Consent Calendar, Second Day.

On further motion of the same Representative, tabled pending acceptance of the Committee Report and specially assigned for Thursday, May 11, 1989.

PASSED TO BE ENACTED

Emergency Measure

An Act to Make Additional Allocations from the Public Utilities Commission Regulatory Fund for the Fiscal Years Ending June 30, 1989 and June 30, 1990 (H.P. 244) (L.D. 356) (C. "A" H-131)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 123 voted in favor of the same and 1 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

ENACTOR
Emergency Measure
Tabled and Assigned

An Act to Make Allocations from the Maine Nuclear Emergency Planning Fund for the Fiscal Years Ending June 30, 1990, and June 30, 1991 (H.P. 365) (L.D. 496) (C. "A" H-126 and S. "A" S-88)

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

On motion of Representative Michaud of East Millinocket, tabled pending passage to be enacted and specially assigned for Thursday, May 11, 1989.

PASSED TO BE ENACTED

An Act to Amend the Protection From Harassment Laws (S.P. 275) (L.D. 721)

An Act to Require a County Jailer to Return List of Prisoners (S.P. 422) (L.D. 1133)

An Act to Provide Funds for the Montpelier Museum in Thomaston (H.P. 148) (L.D. 200) (C. "A" H-129)

An Act to Permit Notice of Injury for Workers' Compensation Purposes to Be Given to First-aid Station Personnel (H.P. 236) (L.D. 348) (C. "A" H-133)

An Act to Assist the Environmental Health Unit of the Maine Bureau of Health (H.P. 359) (L.D. 475) (C. "A" H-130)

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.

PASSED TO BE ENACTED

An Act to Change the Number of Rooms Required for Hotel Liquor Licenses (H.P. 388) (L.D. 519)

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

The SPEAKER: The Chair recognizes the Representative from West Gardiner, Representative Marsh.

Representative MARSH: Mr. Speaker, I would like to pose a question through the Chair. What exactly does this bill do?

The SPEAKER: Representative Marsh of West Gardiner has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Brunswick, Representative Priest.

Representative PRIEST: Mr. Speaker, Ladies and Gentlemen of the House: What this bill does is, in municipalities of under 3,000 people, it allows motels or hotels which have 12 rooms to serve liquor in the rooms if they are properly licensed. The former requirement was 14. The question was whether it should be 14 rooms or 12 rooms. The committee considered it thoroughly and it was our opinion and the opinion of the department that there was no essential difference between 12 and 14 as far as whether there is a legitimate hotel or motel purpose or whether it is a subterfuge in order to be able to serve liquor. So, the reason is to assist a couple of motels which have 12 rooms instead of 14 and allow them to serve liquor.

The report, as I remember it, was unanimous and the department had no objection to it.

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

Representative SMITH: Mr. Speaker, Ladies and Gentlemen of the House: This is an old song. I hope someday in this House we will have it as one of the top ten, possibly number one.

Each and every year we see this happen, we liberalize the laws for one or for two. I don't know in this case whether it is one or two.

Liquor is the number one drug, the number one drug in America. It isn't marijuana, it's liquor. Our young people are killing themselves on the highways, many because of liquor and other drugs. What is it all for? Another dollar for someone. It seems with a population of 3,000 or less, you must now have 14 adequate sleeping rooms. This bill reduces the number to 12. Next year, no doubt, someone will want to reduce it to ten. When do we stop?

Our jails are full, our youth centers are full, our county jails are full. Should we be trying to reduce the sale of liquor? The burden to the taxpayers of this state now is great enough without this.

In the Statement of Fact, "The purpose of this bill is to allow smaller motels to serve liquor in the rooms."

On television two weeks ago, they were interviewing small store owners regarding the sales of cigarettes — it was interesting — one person stated he didn't care who he sold them to, he was in the business to make a buck. He is on film for that statement. I could never understand a man standing up and saying such a thing. Again, it is the almighty dollar, not what harm may come from the sales of the liquor.

I would hope you would vote against this bill as I will today. I ask for a roll call.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Priest.

Representative PRIEST: Mr. Speaker, Men and Women of the House: Obviously, I would urge you to vote in favor of this bill. I can assure you the committee considered it at some length. We are very sensitive to the problems of serving liquor. In fact, I can assure the gentleman that he will have the chance to deal with this issue at a later time. I would suggest that this is not the bill in which to show that concern.

The concern the committee dealt with and asked the department about was whether or not this was a legitimate hotel business and whether or not it should be considered as other hotels in small areas, whether the service of liquor was a legitimate part of that hotel business and whether there was the danger of a subterfuge. We were assured by the department, and I think that is correct, that in fact the difference between 12 and 14 rooms in towns of under 3,000 — that is what we are talking about. We are talking about areas where there are not a lot of hotels or motels. In those towns, the difference between 12 and 14 rooms is not going to be significant and there is no reason why liquor should not be served. That is not to deny that there are questions about the service of liquor, a need for education and many other areas that have to be dealt with. All I would suggest, however, is that this bill is not the bill in which to deal with that issue. I think the fact that there were no objections from the department and that the committee was unanimous on this issue should allay your fears.

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

Representative SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I can understand why the department did not object to this, they are in the business to sell liquor and the pressure on them is to sell more, no doubt.

I would like to ask a question through the Chair if I may.

When was the last time a bill came in to reduce the number of rooms in a motel?

The SPEAKER: Representative Smith of Island Falls has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Brunswick, Representative Priest.

Representative PRIEST: Mr. Speaker, Men and Women of the House: I know this issue comes up on almost a routine basis. I know the committee dealt with this question in depth about two years ago (I think).

The SPEAKER: The Chair recognizes the Representative from Waldoboro, Representative Begley.

Representative BEGLEY: Mr. Speaker, Men and Women of the House: That was a question that was raised in our work session. I certainly understood the man in the group that was representing the department and one of the men made the statement that he could remember when it used to be 10 rooms and it went to 14 and he did not offer any strong reasons why it went to 14. He said the department had no problem at all with this size community of its going back to 12.

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. 24

YEA - Adams, Aikman, Anderson, Anthony, Ault, Bailey, Begley, Bell, Brewer, Burke, Butland, Carroll, D.; Carroll, J.; Carter, Cashman, Cathcart, Chonko, Clark, H.; Coles, Conley, Constantine, Cote, Crowley, Daggett, Dellert, Dipietro, Donald, Dore, Duffy, Dutremble, L.; Erwin, P.; Farnsworth, Farnum, Foss, Foster, Garland, Graham, Gurney, Gwadosky, Hale, Hanley, Hastings, Heeschen, Hepburn, Hickey, Higgins, Hoglund, Jackson, Jacques, Jalbert, Ketover, Kilkelly, LaPointe, Larrivee, Lawrence, Lebowitz, Libby, Lisnik, Lord, Luther, Macomber, Manning, Marsano, Marston, Martin, H.; Mayo, McGowan, McPherson, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Nadeau, G. G.; Nadeau, G. R.; Norton, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pederson, Pendleton, Pineau, Pines, Plourde, Pouliot, Priest, Reed, Richard, Richards, Ridley, Rolde, Rotondi, Ruhlin, Rydell, Seavey, Sheltra, Simpson, Skoglund, Small, Stevens, A.; Stevens, P.; Stevenson, Strout, D.; Swazey, Tardy, Telow, Townsend, Tracy, Tupper, Walker, Webster, M.; Wentworth.

NAY - Aliberti, Clark, M.; Curran, Dexter, Farren, Gould, R. A.; Handy, Hichborn, Holt, Hussey, Hutchins, Look, MacBride, Marsh, McCormick, McHenry, McKeen, Merrill, Murphy, Parent, Rand, Sherburne, Smith.

ABSENT - Allen, Boutilier, Greenlaw, Joseph, Mahany, Paradis, E.; Strout, B.; Tammaro, Whitcomb, The Speaker.

Yes, 117; No, 23; Absent, 10; Vacant, 1; Paired, 0; Excused, 0.

117 having voted in the affirmative and 23 in the negative with 10 being absent and 1 vacant, the Bill

was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Improve the Air Quality by Limiting the Sulfur Content of Fuel (H.P. 528) (L.D. 713) (H. "A" H-141 to C. "A" H-112)

An Act Regarding Traffic and Residential Areas Adjacent to Proposed Solid Waste Facilities (H.P. 107) (L.D. 144) (C. "A" H-134)

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 Clarify Laws Pertaining to the Enforcement of Forestry Fire Control Laws (H.P. 88) (L.D. 123) (C. "B" H-135)

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

On motion of Representative Michaud of East Millinocket, tabled pending passage to be enacted and specially assigned for Thursday, May 11, 1989.

(Off Record Remarks)

On motion of Representative Tardy of Palmyra, the House reconsidered its action whereby Bill "An Act to Improve the Sardine Inspection and Grading Programs" (S.P. 562) (L.D. 1565) was referred to the Committee on Agriculture.

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

The Chair laid before the House the following matter: Bill "An Act to Require Annual Cost-of-living Increases to Certain Residential Group Care Providers" (H.P. 1155) (L.D. 1609) (The Committee on Human Resources was 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.

(Off Record Remarks)

On motion of Representative Burke of Vassalboro, Adjourned until Thursday, May 11, 1989, at nine o'clock in the morning.