

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Fourteenth Legislature

OF THE

State Of Maine

VOLUME II

FIRST REGULAR SESSION

May 10, 1989 to June 14, 1989

**ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
71st Legislative Day
Friday, May 26, 1989**

The House met according to adjournment and was called to order by the Speaker.
Prayer by Reverend Gene Petty, Northern New England District Council, Assembly of God Church.
The Journal of Thursday, May 25, 1989, was read and approved.
Quorum call was held.

PAPERS FROM THE SENATE

The following Communication:
Maine State Senate
Augusta, Maine 04333
May 25, 1989

The Honorable John L. Martin
Speaker of the House
114th Legislature
Augusta, Maine 04333
Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Energy and Natural Resources, the Governor's nomination of Daniel J. Callahan, Sr. of Mechanic Falls for appointment to the Low-Level Radioactive Waste Authority.

Daniel J. Callahan, Sr. is replacing Ed Boulos.
Sincerely,
S/Joy J. O'Brien
Secretary of the Senate

Was read and ordered placed on file.

Bill "An Act to Prohibit Unfair Rating Practices in Small Group Health Insurance" (S.P. 611) (L.D. 1705)

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

Was referred to the Committee on Banking and Insurance in concurrence.

Bill "An Act to Amend the Definition of Labels in the Beverage Container Deposit Law" (S.P. 610) (L.D. 1704)

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

Was referred to the Committee on Business Legislation in concurrence.

Bill "An Act to Amend the Law Concerning the Reimbursement Rates for General Adult Courses Offered by Adult and Community Education Programs" (S.P. 612) (L.D. 1707)

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

Was referred to the Committee on Education in concurrence.

Unanimous Ought Not To Pass

Report of the Committee on State and Local Government reporting "Ought Not to Pass" on Bill "An Act to Provide More Legislative Oversight of Agency Rulemaking" (S.P. 187) (L.D. 344)

Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill "An Act to Alleviate the Tax Burden when Property is Destroyed by Fire" (S.P. 448) (L.D. 1210)

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

Ought to Pass as Amended

Report of the Committee on Banking and Insurance reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-140) on Bill "An Act to Strengthen the Regulation of Insurance" (S.P. 155) (L.D. 275)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-140) and Senate Amendment "A" (S-156).

Report was read and accepted, the Bill read once.

Committee Amendment "A" (S-140) was read by the Clerk and adopted.

Senate Amendment "A" (S-156) read by the Clerk and adopted and the Bill assigned for second reading Tuesday, May 30, 1989.

Divided Report

Tabled and Assigned

Majority Report of the Committee on Banking and Insurance reporting "Ought Not to Pass" on Bill "An Act to Insure Maintenance of Financial Responsibility by All Motorists" (S.P. 172) (L.D. 329)

Signed:

Senators:

Representatives:

THERIAULT of Aroostook
BUSTIN of Kennebec
RYDELL of Brunswick
KETOVER of Portland
ERWIN of Rumford
GARLAND of Bangor
TRACY of Rome
RAND of Portland
JOSEPH of Waterville

Minority Report of the same Committee reporting "Ought to Pass" on same Bill.

Signed:

Senator:

Representatives:

COLLINS of Aroostook
CURRAN of Westbrook
DONALD of Buxton
ALLEN of Washington

Came from the Senate with the Minority "Ought to Pass" Report read and accepted and the Bill passed to be engrossed.

Reports were read.

Representative Rydell of Brunswick moved the that House accept the Majority "Ought Not to Pass" Report.

On motion of the same Representative, tabled pending her motion that the House accept the Majority "Ought Not to Pass" Report and specially assigned for Tuesday, May 30, 1989.

Divided Report

Tabled and Assigned

Majority Report of the Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-146) on Bill "An Act Relating to the Director of the Bureau of Health" (S.P. 379) (L.D. 1015)

Signed:

Senators:

Representatives:

BERUBE of Androscoggin
ESTY of Cumberland
CARPENTER of York
LARRIVEE of Gorham
JOSEPH of Waterville
HEESCHEN of Wilton
BEGLEY of Waldoboro
WENTWORTH of Wells
ROTONDI of Athens

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

Signed:
 Representatives: McCORMICK of Rockport
 HANLEY of Paris

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-146) as amended by Senate Amendment "A" (S-155) thereto.

Reports were read.

On motion of Representative Gwadosky of Fairfield, tabled pending acceptance of either report and specially assigned for Tuesday, May 30, 1989.

Non-Concurrent Matter

Bill "An Act to Create the Maine Family Development Foundation" (EMERGENCY) (H.P. 1226) (L.D. 1698) which was referred to the Committee on Appropriations and Financial Affairs in the House on May 24, 1989.

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

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Prohibit Smoking in Hospitals" (H.P. 728) (L.D. 1005) which was passed to be engrossed as amended by Committee Amendment "A" (H-232) in the House on May 23, 1989.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-232) as amended by Senate Amendment "A" (S-157) thereto in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Resolve, Requiring the Department of Educational and Cultural Services to Study Textbooks in Schools and School Libraries of the State (EMERGENCY) (H.P. 358) (L.D. 478) on which the Bill and accompanying papers were indefinitely postponed in the House on May 18, 1989.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-164) in non-concurrence.

Representative Skoglund of St. George moved that the House adhere.

Representative Handy of Lewiston moved that the House recede and concur.

The SPEAKER: The Chair recognizes the Representative from St. George, Representative Skoglund.

Representative SKOGLUND: Mr. Speaker, Ladies and Gentlemen of the House: A week ago, we voted on this bill and we voted overwhelmingly not to pass it. I had presented an amendment that would have saved the library study which was the second part of the bill. That was defeated by a member of the Education Committee who moved that the entire matter be indefinitely postponed. I attempted to amend it a second time but was advised that the proponents of the bill would not find that amendment acceptable, it seems to be an all or nothing matter.

Ladies and gentlemen, I hope you remember the importance of this bill. I hope you will vote to defeat the motion to recede and concur.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of Representative Handy of Lewiston that the House

recede and concur. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

16 having voted in the affirmative and 86 in the negative, the motion to recede and concur did not prevail.

Subsequently, the House voted to adhere.

Non-Concurrent Matter

Bill "An Act to Establish Consistent Daily Hours for the Sale of Alcoholic Beverages" (H.P. 228) (L.D. 312) which was passed to be engrossed as amended by Committee Amendment "A" (H-247) in the House on May 23, 1989.

Came from the Senate with the Bill and accompanying papers indefinitely postponed in non-concurrence.

The House voted to recede and concur.

COMMUNICATIONS

The following Communication:

STATE OF MAINE
 HOUSE OF REPRESENTATIVES
 SPEAKER'S OFFICE
 AUGUSTA, MAINE 04333

May 24, 1989

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

This is to notify you that pursuant to my authority under House Rule 1, I have today appointed Representative Dan A. Gwadosky, of Fairfield, to serve on the Joint Standing Committee on State and Local Government. He will be filling the vacancy created by the death of Representative Thomas A. Cahill.

Sincerely,
 s/John L. Martin
 Speaker of the House

Was read and ordered placed on file.

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

PAPERS FROM THE SENATE

The following Joint Order: (S.P. 614)
 ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, May 30, 1989, at 9 o'clock in the morning.

Came from the Senate, read and passed.
 Was read and passed in concurrence.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:
 and honoring Frederic C. Wall, Jr., of South Portland, for his heroism and personal sacrifice during combat and as a prisoner of war in the European theater of World War II for which he received this year the POW Medal, the Bronze Star and the Purple Heart; (SLS 200)

Subsequently, was passed in concurrence.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Mrs. Elizabeth R. Crosby, of Carlisle, Pennsylvania, and a summer resident of Castine for 40 years. Mrs. Crosby attained her Master of Liberal Studies Degree at the University of Maine Orono campus in August of 1988 at the tender age of almost 97 years. Her master's thesis topic about the Panama Canal was chosen because of her experience and deep interest in the canal which she had visited in 1977; (HLS 513) by Representative HUTCHINS of Penobscot. (Cosponsors: Senator GOULD of Waldo, Senator PERKINS of Hancock, Representative MERRILL of Dover-Foxcroft)

On motion of Representative Merrill of Dover-Foxcroft, was removed from Special Sentiment Calendar.

Was read.

The SPEAKER: The Chair recognizes the Representative from Dover-Foxcroft, Representative Merrill.

Representative MERRILL: Mr. Speaker, Men and Women of the House: It gives me great pleasure today to pay this tribute to Elizabeth Crosby. We respectfully pay tribute to Mrs. Elizabeth Crosby who died at her home in Carlisle, Pennsylvania, May 6, 1989 at the age of 97. She was born October 29, 1891 in Washington D.C., mother of two children, Angenette Van Horn of Santa Barbara, California and a son, the late David Crosby who was killed in World War II.

Although her permanent residence was Carlisle, Pennsylvania, she spent the last 40 summers in Castine, Maine where she purchased a home after she lost her son. Her winter months were usually spent with her daughter in California.

She was educated in the public schools of Washington D.C. and Mount Vernon, Pennsylvania. She attended Juniata College in Pennsylvania where she received her bachelor of arts degree. She taught Latin and English for two years in Philadelphia, Pennsylvania. In 1913, she married banker David Crosby. He later contacted pneumonia and died, leaving this 26 year old widow with the responsibilities of raising her two children. She returned to her mother's Washington home and eventually enrolled as a graduate student in the field of American Diplomacy. Eager to resume her responsibilities, she left school to teach and later became a social worker. In October of 1925, Georgetown Washington University offered to grant her a master's degree on a satisfactory completion of her thesis. Occupied with other interests, she let the opportunity slip by.

Among her other activities was her involvement with the woman suffrage movement. At the invitation of feminist leader, Alice Hall, she lived and worked with other suffragettes in an historic Washington mansion. In later years, she supported the Equal Rights Amendment for women.

In 1988, Mrs. Crosby was encouraged to return to school by her daughter and friends, especially Esther Roth, a former Castine resident and now an associate professor of English at the University of Maine in Orono. Before she qualified for her master's of liberal studies degree, she had to finish a course in German and American romantic authors taught by Professor Annette Dildford at the Orono campus. There was a wide age range among the five students enrolled in the course and Mrs. Crosby earned the admiration and friendship of all of them. The youngest, an undergraduate student from Skidmore College, enjoyed her company so much he drove her home from school all the way from Orono to Castine during their course of studies.

Her master thesis about the Panama Canal was suggested by Professor Edward Collins, Chairman of her thesis committee and Chairman of the University

of Maine Political Science Department. She selected the topic because of her experience and deep interest in the canal which she visited in 1977.

An eloquent writer, Mrs. Crosby attained her master's of liberal studies degree at the Orono campus in August of 1988 at the tender age of almost 97 years. She was awarded a plaque as the oldest recipient of such an award. A devoted church woman, she had always taken an active interest in local community affairs as well as national and international events. Mrs. Crosby was a remarkable lady who for many long years dearly loved spending her summers at her home in Castine, Maine and is admired by all who knew her. Thank you.

The SPEAKER: The Chair recognizes the Representative from Penobscot, Representative Hutchins.

Representative HUTCHINS: Mr. Speaker, Ladies and Gentlemen of the House: Today I rise also in tribute to the memory of Elizabeth Crosby of Carlisle, Pennsylvania and Castine, Maine. It is from Castine and her summer house there that I had the extreme good fortune to know this extraordinary lady.

In 1988, Mrs. Crosby became the eldest person ever to receive a master's degree from the University of Maine in her 97th year. She completed her thesis on the Panama Canal. Her heightened awareness for the canal after her 1972 visit was capped by using that subject for her master's thesis. In a discussion I had with her last Fall, she expressed a real concern for what she felt had been a misguided program which will, over the next few years, give up control of the canal, a place she believed to be of pivotal importance to the United States.

In a recent conversation with President Lick, I asked him if he had known Elizabeth Crosby while she was at the University. He immediately remembered her and the ever present vitality she had for life and also mentioned that she traveled each day with a classmate, much her junior, from Castine to Orono to complete her studies. At her graduation, Mr. Lick asked Mrs. Crosby what her plans were next and to that she replied with a question, "What do I need for my doctorate?" Mr. Lick recalled that at a ceremony after the graduation, he introduced Mrs. Crosby to Mr. Foley who also was 97 at the time. Mr. Foley is the man that the University of Maine Foley Library is named for. Mrs. Crosby and Mr. Foley had a wonderful time discussing nearly a century of memories.

If you allow me just a few more moments, I would like to read a portion of a letter Mrs. Crosby wrote on April 24, 1989, just ten days before she passed away. In this letter she explained why she would be a few days late arriving at Castine for the summer. "Dear Folks, I had planned on leaving the end of May when something developed I felt obliged to attend June 6th. This is why I am late. My grandfather, Isaac Bassett, was an officer of the Senate most of his life (65 years), starting as a Page appointed by Daniel Webster. He eventually became known as doorkeeper, not at the door but sitting at the platform. He was a tall, handsome, white-haired gentleman when I as a child was taken to see him, probably the only living person who has that memory. The Senators had his portrait done, which I now have. This year, Congress is celebrating its 200th anniversary of the first meeting with George Washington, the first President. The Senate is making quite a fuss over my great grandfather and Senator Byrd has made a long speech about him. I loaned the curator of these things a box of notes. A week ago, the curator, Mr. Ketchum and his wife, came from Washington to have lunch and see the portrait, which they borrowed for an exhibit. The opening of

the exhibit is on June 6th and should be very fine with all these Senators and their wives. I am expected to attend. I hope I have the strength for it all and know I need the Lord's help. I hope you all are fine. It will be good to see you. Affectionately, Elizabeth C."

Subsequently, the Order was passed. Sent up for concurrence.

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative HALE from the Committee on Transportation on Bill "An Act Regarding the Transportation of Students" (H.P. 1054) (L.D. 1476) reporting "Ought Not to Pass"

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

(Off Record Remarks)

Unanimous Leave to Withdraw

Representative BAILEY from the Committee on Transportation on Bill "An Act to Require the Use of Safety Belts on Maine School Buses" (H.P. 925) (L.D. 1291) reporting "Leave to Withdraw"

Representative BAILEY from the Committee on Transportation on Bill "An Act to Authorize Posting of a Sign on Interstate 95 for the Kennebec Valley Vocational-Technical Institute" (H.P. 1075) (L.D. 1497) reporting "Leave to Withdraw"

Representative CROWLEY from the Committee on Education on Bill "An Act to Provide for Local School District Support for Vocational Centers" (H.P. 1015) (L.D. 1416) reporting "Leave to Withdraw"

Representative PARADIS from the Committee on Judiciary on Bill "An Act to Increase Civil Service of Process Fees" (H.P. 1027) (L.D. 1433) reporting "Leave to Withdraw"

Representative MARTIN from the Committee on Transportation on Bill "An Act to Increase the Fine for Improper Use of Handicapped Parking Spaces" (H.P. 1165) (L.D. 1619) reporting "Leave to Withdraw"

Representative MILLS from the Committee on Transportation on Bill "An Act to Provide Complimentary Maine Drivers' Licenses to Veterans with 100% Combat Service Connected Disability" (H.P. 1133) (L.D. 1576) reporting "Leave to Withdraw"

Representative COTE from the Committee on Judiciary on Bill "An Act to Provide Compensation to Victims of Illegal Acts" (H.P. 1023) (L.D. 1424) reporting "Leave to Withdraw"

Representative MacBRIDE from the Committee on Judiciary on Bill "An Act to Require a Victim Impact Statement" (H.P. 1048) (L.D. 1459) reporting "Leave to Withdraw"

Representative PARADIS from the Committee on Judiciary on Bill "An Act to Require Persons Convicted of Certain Crimes to be Tested for AIDS and the Results to be Released to the Victim" (H.P. 958) (L.D. 1336) reporting "Leave to Withdraw"

Representative MANNING from the Committee on Human Resources on Bill "An Act to Establish a License Fee Schedule for Restaurants" (H.P. 990) (L.D. 1379) reporting "Leave to Withdraw"

Representative PRIEST from the Committee on Legal Affairs on Bill "An Act Concerning Property Abandoned by Tenants" (H.P. 1162) (L.D. 1616) reporting "Leave to Withdraw"

Representative SHELTRA from the Committee on Business Legislation on Bill "An Act to Regulate

Out-of-state Mail Order Pharmacies to Ensure the Safety of Prescription Drugs" (H.P. 771) (L.D. 1083) reporting "Leave to Withdraw"

Representative PARADIS from the Committee on Judiciary on Bill "An Act Concerning Offenses Against Public Order" (H.P. 1109) (L.D. 1542) reporting "Leave to Withdraw"

Representative LISNIK from the Committee on Appropriations and Financial Affairs on Bill "An Act to Establish a Line Item Budget for the Maine Agricultural Experiment Station and the Cooperative Extension Service" (H.P. 1119) (L.D. 1551) reporting "Leave to Withdraw"

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

Refer to the Committee

on Energy and Natural Resources

Representative SHELTRA from the Committee on Business Legislation on Bill "An Act to Prohibit Possession of Improperly Labeled Beverage Containers" (H.P. 1029) (L.D. 1435) reporting that it be 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 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. 624) (L.D. 847) Resolve, to Establish the Commission to Study the Preservation of Volunteer Ambulance Crews and Volunteer Fire Departments Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-299)

(H.P. 971) (L.D. 1349) Bill "An Act Concerning Insurance Required of Wreckers" Committee on Transportation reporting "Ought to Pass"

There being no objections, the above items were ordered to appear on the Consent Calendar of Tuesday, May 30, 1989, under the listing of Second Day.

(H.P. 106) (L.D. 143) Bill "An Act Concerning Pilferage of Shopping Carts and Bakery and Milk Product Containers" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-292)

On motion of Representative Allen of Washington, was removed from Consent Calendar, First Day.

Report was read and accepted, the Bill read once.

Committee Amendment "A" (H-292) was read by the Clerk and adopted and the Bill assigned for second reading Tuesday, May 30, 1989.

(H.P. 830) (L.D. 1162) Bill "An Act Regarding Sludge Spreading" (EMERGENCY) Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-293)

(H.P. 376) (L.D. 507) Bill "An Act to Conform Maine Water Quality Law with Federal Requirements" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-294)

(H.P. 948) (L.D. 1316) Bill "An Act for the Preservation of Affordable Rental Housing in Maine" Committee on Housing and Economic Development

reporting "Ought to Pass" as amended by Committee Amendment "A" (H-295)

(H.P. 802) (L.D. 1114) Bill "An Act to Clarify the Exempt Status of a Bona Fide Lienholder under the Forfeiture of Assets Act" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-296)

(H.P. 341) (L.D. 460) Bill "An Act to Ensure the Confidentiality of Emergency Medical Services Quality Assurance and Peer Review Activities" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-297)

(S.P. 70) (L.D. 59) Resolve, to Direct the Manufactured Housing Board to Provide Information to Purchasers of Manufactured Housing Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-144)

(S.P. 193) (L.D. 430) Bill "An Act to Require the Reporting of Burn Injuries Requiring Medical Attention to the Office of the State Fire Marshal" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-145)

(S.P. 220) (L.D. 536) Bill "An Act to Authorize Designation of Department of Mental Health and Mental Retardation Employees to Appear in Probate Court on Behalf of the Department of Mental Health and Mental Retardation" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-149)

(S.P. 258) (L.D. 648) Bill "An Act to Amend the Maine Human Rights Act Pertaining to Discrimination Because of Previous Assertion of a Claim Under the Workers' Compensation Act" Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (S-147)

(S.P. 310) (L.D. 815) Bill "An Act Regarding High-speed Chases" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-143)

(S.P. 435) (L.D. 1152) Bill "An Act to Amend the Adult Protective Services Act" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-142)

(S.P. 71) (L.D. 60) Bill "An Act to Implement the Interim Recommendations of the Manufactured Housing Commission" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-153)

(S.P. 178) (L.D. 335) Bill "An Act to Strengthen the Social Worker Training and Education Requirements" Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-152)

(S.P. 327) (L.D. 864) Bill "An Act to Amend the Acupuncturist Licensing Law" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-150)

(H.P. 1179) (L.D. 1634) Bill "An Act to Revise the Asbestos Certification Law" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-300)

(H.P. 828) (L.D. 1160) Bill "An Act to Provide for Consent of Minors to Health Services" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-301)

(H.P. 807) (L.D. 1119) Bill "An Act to Increase the Penalties for Tampering With a Juror or a Victim" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-302)

(H.P. 484) (L.D. 664) Bill "An Act to Increase the Residence Exemption for Elderly and Disabled Persons" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-303)

(H.P. 596) (L.D. 814) Bill "An Act to Clarify the Affirmative Defense of Breach of Warranty of Habitability" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-304)

(H.P. 944) (L.D. 1312) Bill "An Act to Allow Intervenor Funding in Public Utilities Proceedings" Committee on Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-305)

(H.P. 354) (L.D. 473) Bill "An Act to Expand the High-risk Insurance Program" Committee on Banking and Insurance reporting "Ought to Pass" as amended by Committee Amendment "A" (H-306)

(H.P. 929) (L.D. 1295) Bill "An Act to Amend the Penalty for Violation of Natural Resource Protection Laws" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-307)

(H.P. 858) (L.D. 1190) Bill "An Act to Amend the Law Relating to Property Insurance" Committee on Banking and Insurance reporting "Ought to Pass" as amended by Committee Amendment "A" (H-308)

(H.P. 513) (L.D. 693) Bill "An Act to Reform the Maine Board of Professional Surveyors Law" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-311)

(H.P. 623) (L.D. 846) Bill "An Act to Amend the Child and Family Services and Child Protection Act" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-310)

There being no objections, the above items were ordered to appear on the Consent Calendar of Tuesday, May 30, 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. 1076) (L.D. 1498) Bill "An Act Regarding Documentation of Rabies Shots for Dogs Brought into This State"

(H.P. 588) (L.D. 792) Bill "An Act to Provide Support for Nonprofit Community AIDS Organizations Which are Members of a Statewide AIDS Alliance" (EMERGENCY)

(H.P. 688) (L.D. 940) Bill "An Act to Provide Funds for the Establishment of the Community Service Center for the Deaf and Hearing-Impaired" (C. "A" H-280)

(H.P. 1046) (L.D. 1457) Bill "An Act Concerning Solid Waste Management" (C. "A" H-283)

(H.P. 622) (L.D. 845) Bill "An Act to Fund Community-based AIDS Programs and Services" (C. "A" H-285)

(H.P. 849) (L.D. 1181) Bill "An Act to Increase the Number of Superior Court Justices and District Court Judges" (C. "A" H-286)

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

(H.P. 95) (L.D. 130) Bill "An Act to Strengthen Penalties for Furnishing Liquor to Minors" (C. "A" H-287)

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

Report was read and accepted, the Bill read once.

Committee Amendment "A" (H-287) was read by the Clerk and adopted and the Bill assigned for second reading Tuesday, May 30, 1989.

(H.P. 920) (L.D. 1286) Bill "An Act to Prohibit Boarding Care Facility and Nursing Home Facility Personnel from Smoking" (C. "A" H-288)

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

(H.P. 891) (L.D. 1235) Bill "An Act to Require Licensure of Clinics" (C. "A" H-289)

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

Report was read and accepted, the Bill read once. Committee Amendment "A" (H-289) was read by the Clerk.

Representative Tamaro of Baileyville offered House Amendment "A" (H-315) to Committee Amendment "A" (H-289) and moved its adoption.

House Amendment "A" (H-315) to Committee Amendment "A" (H-289) was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted and the Bill assigned for second reading Tuesday, May 30, 1989.

SECOND READER

Tabled and Assigned

Bill "An Act to Extend Seasonal Liquor Licenses Under Certain Circumstances" (H.P. 130) (L.D. 174)

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

Representative Priest of Brunswick moved that the Bill and all accompanying papers be indefinitely postponed.

On motion of the same Representative, tabled pending his motion to indefinitely postpone and specially assigned for Tuesday, May 30, 1989.

PASSED TO BE ENGROSSED

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for 4-Year Terms for Senators and Representatives (H.P. 808) (L.D. 1120)

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

Representative Mahany of Easton offered House Amendment "A" (H-279) and moved its adoption.

House Amendment "A" (H-279) was read by the Clerk and adopted.

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

SECOND READER

As Amended

Later Today Assigned

Bill "An Act Concerning Municipal Regulation of Shellfish Resources" (EMERGENCY) (S.P. 354) (L.D. 955) (S. "A" S-151 to C. "A" S-141)

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

On motion of Representative Mitchell of Freeport, tabled pending passage to be engrossed and later today assigned.

PASSED TO BE ENGROSSED

Bill "An Act to Prohibit Injurious Hazing of Public School Students" (S.P. 420) (L.D. 1131) (S. "A" S-148)

Bill "An Act to Clarify Provisions of the Natural Resources Protection Act as They Relate to Aquaculture" (EMERGENCY) (H.P. 739) (L.D. 1022) (H. "A" H-291 to C. "A" H-266)

Bill "An Act to Expand the Jurisdiction of the District Courts to Include Violations within Municipal Harbors and to Impose the Same Penalties for Harbor Violations that Have Been Created for Land Use Violations" (H.P. 389) (L.D. 520) (H. "A" H-290 to C. "A" H-269)

Bill "An Act Concerning Withdrawal of Candidates" (H.P. 559) (L.D. 757) (H. "A" H-282 to C. "A" H-234)

Bill "An Act to Create the Individual Income Tax Windfall Fund" (EMERGENCY) (S.P. 306) (L.D. 805) (C. "A" S-128)

Were reported by the Committee on Bills in the Second Reading, read the second time, the Senate Papers were Passed to be Engrossed as Amended in concurrence and the House Papers were Passed to be Engrossed as Amended and sent up for concurrence.

PASSED TO BE ENACTED

Emergency Measure

An Act to Amend the Low-level Radioactive Waste Authority Laws (H.P. 369) (L.D. 500) (C. "A" H-230)

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. 115 voted in favor of the same and 2 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 Make Allocations for Various Funds of the Department of Environmental Protection for the Fiscal Years Ending June 30, 1990 and June 30, 1991 (H.P. 470) (L.D. 635) (C. "A" H-228)

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. 114 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.

ENACTOR

**Emergency Measure
Tabled and Assigned**

An Act to Make Allocations for the Operating Expenditures of the Intergovernmental Telecommunications Fund, Department of Administration, for the Fiscal Years Ending June 30, 1990, and June 30, 1991 (H.P. 531) (L.D. 716) (C. "A" H-223)

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 30, 1989.

PASSED TO BE ENACTED

An Act to Regulate the Installation of Fire Sprinklers (S.P. 237) (L.D. 567) (S. "A" S-139 to C. "A" S-126)

An Act to Clarify That the Use of Antifreeze or Other Toxic Agents on Lakes, Ponds and Streams Is Illegal (S.P. 499) (L.D. 1373) (C. "A" S-127)

An Act to Repair the Chain of Ponds' Dam (H.P. 755) (L.D. 1059) (C. "A" H-229)

An Act to Amend the Law on Home Construction Contracts (H.P. 921) (L.D. 1287) (C. "A" H-225)

An Act to Establish a Technical Services Program in the Local Soil and Water Conservation Districts (H.P. 1018) (L.D. 1419) (C. "A" H-231)

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.

**ORDERS OF THE DAY
UNFINISHED BUSINESS**

The following matters, in the consideration of which the House was engaged at the time of adjournment yesterday, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 24.

The Chair laid before the House the first item of Unfinished Business:

Resolve, Authorizing the Commissioner of Corrections to Enter into an Agreement with the Warren Sanitary District and the Camden and Rockland Water Company to Construct a Sewer and Water System for the Warren State Prison and Pay User Fees (EMERGENCY) (H.P. 1197) (L.D. 1664) (C. "A" H-284)
TABLED - May 25, 1989 (Till Later Today) by Representative MAYO of Thomaston.
PENDING - Passage to be Engrossed.

The SPEAKER: The Chair recognizes the Representative from Thomaston, Representative Mayo.

Representative MAYO: Mr. Speaker, Men and Women of the House: I intend to vote for engrossment of this bill this morning. The only reason that I slowed it down yesterday, as you might imagine when you read one of your town's in your district in a title of a bill that did not have a public hearing and you did not understand that it was coming to the floor that quickly, you become a little anxious. But in talking to both the chairman of the board of the Warren Sanitary District, someone representing Camden/Rockport Water Company and the consultant hired to do the sanitary district work, they all seem to be satisfied with the legislation and therefore, I shall support it but I do not want this to be construed as any support for any proposed bond issue that may come. That decision I will make later on.

Subsequently, the Bill was passed to be engrossed as amended and sent up for concurrence.

The Chair laid before the House the second item of Unfinished Business:

HOUSE REPORT - "Ought to Pass" as amended by Committee Amendment "A" (H-262) - Committee on Legal Affairs on Bill "An Act to Strengthen the Law Pertaining to Taking or Defacing Political Campaign Signs" (H.P. 791) (L.D. 1103)
TABLED - May 25, 1989 (Till Later Today) by Representative GWADOSKY of Fairfield.
PENDING - Acceptance of Committee Report.

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

Committee Amendment "A" (H-262) was read by the Clerk and adopted and the Bill assigned for second reading, Tuesday, May 30, 1989.

The Chair laid before the House the third item of Unfinished Business:

An Act to Amend the Child and Family Services and Child Protection Act and the Law Governing Shelters for Children (H.P. 303) (L.D. 415) (C. "A" H-201)
TABLED - May 25, 1989 (Till Later Today) by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

On motion of Representative Gwadosky of Fairfield, retabled pending passage to be enacted and specially assigned for Tuesday, May 30, 1989.

The Chair laid before the House the fourth item of Unfinished Business:

Resolve, Establishing a Commission to Study the Level of Services for Maine's Elderly Citizens (EMERGENCY) (H.P. 550) (L.D. 747) (H. "A" H-215 to C. "A" H-183)

TABLED - May 25, 1989 (Till Later Today) by Representative MAYO of Thomaston.

PENDING - Final Passage.

On motion of Representative Manning of Portland, under suspension of the rules, the House reconsidered its action whereby L.D. 747 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" as amended by House Amendment "A" thereto was adopted.

The same Representative offered House Amendment "B" (H-317) to Committee Amendment "A" (H-183) and moved its adoption.

House Amendment "B" to Committee Amendment "A" (H-183) was read by the Clerk and adopted.

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

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

(Off Record Remarks)

Representative Richard of Madison was granted unanimous consent to address the House:

Representative RICHARD: Mr. Speaker, Ladies and Gentlemen of the House: Of all the day's that America sets aside to commemorate the people in the traditions which have made this country great, there is none more significant nor meaningful than Memorial Day. For this reason, I ask that when we adjourn today, we do so in honor of all our veterans, living and dead.

Representative Rydell of Brunswick was granted unanimous consent to address the House:

Representative RYDELL: Mr. Speaker, Men and Women of the House: Last evening, I participated in the opening ceremonies of the AIDS names quilt which is now on view through Memorial Day at the Portland Expo. The quilt was born in San Francisco when a few people conceived the idea of creating quilt panels in memory of their loved ones who had died of AIDS. The idea quickly spread and quilt panels are now sewn world-wide. Through the efforts of many people in our state, part of the quilt has come to Portland, and in the course of the weekend, new pieces, some sewn in Maine, will be brought to the exhibition hall and joined into new sections. The quilt is now so massive that only a small portion can be exhibited at any one time.

As I entered the hall last evening and looked at the colorful sections of quilt, each depicting the lives of persons who had succumbed to AIDS, hanging on all the walls and even over the basketball hoop, I was deeply moved. Then, after the reading of many names from all over the country, including some from our own state and my own community and the unfurling of additional sections, I listened to the powerful words of a person from our state who is living with this disease. I would like to share with you a few of his words. I think they are very appropriate as we each plan our celebrations and remembrances on this Memorial Day weekend.

Please bear with me as I read the words of Bruce Spritz of Portland. He said, "As I look out at this massive quilt, names, lives and memories crying out from every segment, each panel, each name a powerful symbol of people struggling with dignity against this terrible disease, I cannot help but think to myself, someday I, too, may have my place of honor in this living memorial. I, too, may join the voices crying out for remembrance reminding all who see and hear their testimony that they are not merely statistics, they are not merely numbers, they are our inspiration.

AIDS is testing everyone's capacity to understand. It is an opportunity to show that we care, that we as a nation, that we as a society and that we as individuals, will not sit by and allow this suffering to continue. It is hard to see the suffering, it is hard to feel it, it is hard to talk about it. But see it, talk about it and feel it we must for much is yet to be done and we must not leave anyone to suffer alone. We must let ourselves see the sufferings of our fellow human beings. It is a truth recognizable in all of us that when we don't want to become involved, when we don't want to confront even the issue of whether or not we will come to the aid of someone who is being unjustly treated, we blind ourselves to others suffering, we cut off our empathy with a person needing help. The most prevalent form of cowardice in our day hides behind the statement, 'I don't want to get involved'." Bruce continued, "To live with sensitivity in this age of limbo requires great courage, a choice confronts us all. Shall we, as we feel our foundation shaking, withdraw in anxiety and panic or we can seize the courage necessary to preserve our sensitivity, our awareness and our responsibility. We can consciously choose to participate on however small the scale, in whatever way we can. We are being called upon to do something now, to confront a no-man's-land, to push into a forest where there are no well-worn paths. History may well remember us by how well we fight this very battle. The one thing we can be sure of is that, if we let ourselves become involved, we will not come out unaffected.

As Emily Dickinson once said, 'If I can stop one heart from suffering, I will not have lived in vain'."

Bruce also said, "I have learned that I can be of no help to another unless I see that we are all in this together, that all of our differences are superficial and meaningless and that only the countless ways we are alike have any importance at all. The message and perhaps even the purpose of this disease is for us to learn that we are all in this together, for us to learn that compassion, tolerance and unconditional love are lessons that are long over due, that we cannot survive without the sustenance of human nurturing. These are lessons we must learn to live, not only through our words but through the example of our lives and the time to live is now." Those were the words of Bruce Spritz last evening.

I urge any of you who will be in the Portland area this weekend to view the quilt at the Portland Expo, it will be an experience that you will never forget. Thank you all for listening.

(Off Record Remarks)

On motion of Representative Richard of Madison,
Adjourned until Tuesday, May 30, 1989, at nine o'clock in the morning in memory of all our veterans, living and dead.
