

# 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

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending PASSAGE TO BE ENGROSSED AS AMENDED, in concurrence.

Senate

Resolve, to Establish the Taxpayers' Bill of Rights  
S.P. 582 L.D. 1644  
Which was READ A SECOND TIME and PASSED TO BE ENGROSSED.  
Sent down for concurrence.

Senate As Amended

Bill "An Act to Amend the Maine Insurance Code"  
S.P. 203 L.D. 481  
(C "A" S-170)

Bill "An Act to Clarify the Immunity Provisions for Nonprofit Corporations"  
S.P. 274 L.D. 720  
(C "A" S-164)

Bill "An Act Relating to the Maine Commission on Mental Health" (Emergency)  
S.P. 408 L.D. 1074  
(C "A" S-166)

Which were READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended.  
Sent down for concurrence.

Off Record Remarks

Senator TWITCHELL of Oxford was granted unanimous consent to address the Senate off the Record.

On motion by Senator MATTHEWS of Kennebec, ADJOURNED until Thursday, June 1, 1989, at 8:30 in the morning.

ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE  
FIRST REGULAR SESSION  
74th Legislative Day  
Thursday, June 1, 1989

The House met according to adjournment and was called to order by the Speaker.  
Prayer by Father Louis Berube, Holy Family Church, Sanford.  
The Journal of Wednesday, May 31, 1989, was read and approved.  
Quorum call was held.

PAPERS FROM THE SENATE

The following Communication:  
Maine State Senate  
Augusta, Maine 04333

May 31, 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 its former action whereby it Accepted the Minority "Ought Not to Pass" Report of the Committee on Judiciary on Bill "An Act to Prevent Discrimination" (H.P. 413) (L.D. 556).

Sincerely,  
S/Joy J. O'Brien  
Secretary of the Senate

Was read and ordered placed on file.

Bill "An Act to Include Tourism Information Center Employees under the Civil Service Law" (S.P. 618) (L.D. 1714)

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

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

Unanimous Ought Not To Pass

Report of the Committee on Fisheries and Wildlife reporting "Ought Not to Pass" on Bill "An Act to Amend the Snowmobile Registration Laws" (S.P. 564) (L.D. 1592)

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

Unanimous Leave to Withdraw

Report of the Committee on Taxation reporting "Leave to Withdraw" on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Base the Valuation of All Real Estate on the Current Use of the Real Estate (S.P. 271) (L.D. 699)

Report of the Joint Select Committee on Corrections reporting "Leave to Withdraw" on Bill "An Act Relating to County Sheriffs" (S.P. 536) (L.D. 1471)

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

COMMUNICATIONS

The following Communication: (S.P. 619)  
114TH MAINE LEGISLATURE  
May 30, 1989

Senator Barry J. Hobbins

Representative Patrick E. Paradis  
 Chairpersons  
 Joint Standing Committee on Judiciary  
 114th Legislature  
 Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Beth I. Warren of Peaks Island for appointment to the Human Rights Commission.

Pursuant to Public Law 1988, Chapter 709, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,  
 S/Charles P. Pray  
 President of the Senate  
 S/John L. Martin  
 Speaker of the House

Came from the Senate, Read and Referred to the Committee on Judiciary.

Was Read and Referred to the Committee on Judiciary in concurrence.

**REPORTS OF COMMITTEES**

**Unanimous Ought Not to Pass**

Representative McCORMICK from the Committee on State and Local Government on Bill "An Act to Improve Public Access to Public Hearing Records of the Department of Environmental Protection and the Board of Environmental Protection" (H.P. 960) (L.D. 1338) reporting "Ought Not to Pass"

Representative CARTER from the Committee on Appropriations and Financial Affairs on Bill "An Act to Establish a Contingency Account for Certain Municipalities" (H.P. 912) (L.D. 1278) reporting "Ought Not to Pass"

Representative LUTHER from the Committee on Labor on Bill "An Act to Provide Stipend Payments under the Workers' Compensation Act to Claimants Whose Cases Are Not Resolved within 2 Years" (H.P. 1084) (L.D. 1506) 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 CLARK from the Committee on Utilities on Bill "An Act to Protect the Water Quality of Hobbs' Pond and Fish's Pond" (H.P. 682) (L.D. 934) reporting "Leave to Withdraw"

Representative CROWLEY from the Committee on Education on Bill "An Act to Alter Cost-sharing Agreements Among Municipalities in School Administrative Districts" (H.P. 1066) (L.D. 1488) reporting "Leave to Withdraw"

Representative HALE from the Committee on Transportation on Bill "An Act to Provide Funds for Preparation and Training of Class I and Class II Drivers" (EMERGENCY) (H.P. 1183) (L.D. 1638) reporting "Leave to Withdraw"

Representative PARADIS from the Committee on Judiciary on Bill "An Act Relating to Discrimination by Licensing Agencies which Affect Employment Eligibility or Professional Status" (H.P. 945) (L.D. 1313) reporting "Leave to Withdraw"

Representative PRIEST from the Committee on Legal Affairs on Bill "An Act to Change the Date for Statewide Primary Elections" (H.P. 690) (L.D. 942) reporting "Leave to Withdraw"

Representative GRAHAM from the Committee on Housing and Economic Development on Bill "An Act to Ensure that Certain Homeowners May Remain in Their

Own Homes Regardless of Zoning" (H.P. 1198) (L.D. 1665) reporting "Leave to Withdraw"

Representative GRAHAM from the Committee on Housing and Economic Development on Bill "An Act for the 1989 Amendments to the Maine Housing Authorities Act" (H.P. 1088) (L.D. 1510) reporting "Leave to Withdraw"

Representative BELL from the Committee on Housing and Economic Development on Bill "An Act to Provide Funding for Homestead Land Trusts" (H.P. 933) (L.D. 1299) reporting "Leave to Withdraw"

Representative MANNING from the Committee on Human Resources on Bill "An Act to Extend Medical Assistance under and Clarify Certain Provisions of the Additional Support for People in Retraining and Education Program" (H.P. 1072) (L.D. 1494) reporting "Leave to Withdraw"

Representative MANNING from the Committee on Human Resources on Bill "An Act to Extend ASPIRE Transitional Medical Coverage" (H.P. 996) (L.D. 1385) 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**

Majority Report of the Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-341) on Bill "An Act Pertaining to Breast Cancer Treatment" (H.P. 219) (L.D. 299)

Signed:

Senators:

GAUVREAU of Androscoggin  
 TITCOMB of Cumberland  
 RANDALL of Washington  
 MANNING of Portland  
 ROLDE of York  
 BOUTILIER of Lewiston  
 BURKE of Vassalboro  
 CATHCART of Orono  
 PEDERSON of Bangor  
 DELLERT of Gardiner  
 HEPBURN of Skowhegan  
 PENDELETON of Scarborough

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

Signed:

Representative:

CLARK of Brunswick

Reports were read.

On motion of Representative Manning of Portland, the House accepted the Majority "Ought to Pass" Report, the Bill read once.

Committee Amendment "A" (H-341) was read by the Clerk and adopted and the Bill assigned for second reading Friday, June 2, 1989.

**CONSENT CALENDAR**

**First Day**

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the First Day:

(S.P. 582) (L.D. 1644) Resolve, to Establish the Taxpayers' Bill of Rights Committee on Taxation reporting "Ought to Pass"

(S.P. 203) (L.D. 481) Bill "An Act to Amend the Maine Insurance Code" Committee on Banking and Insurance reporting "Ought to Pass" as amended by Committee Amendment "A" (S-170)

(S.P. 274) (L.D. 720) Bill "An Act to Clarify the Immunity Provisions for Nonprofit Corporations" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-164)

There being no objections, the above items were ordered to appear on the Consent Calendar of Friday, June 2, 1989, under the listing of Second Day.

(S.P. 408) (L.D. 1074) Bill "An Act Relating to the Maine Commission on Mental Health" (EMERGENCY) Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-166)

On motion of Representative Manning of Portland, was removed from Consent Calendar, First Day.

Report was read and accepted, the Bill read once. Committee Amendment "A" (S-166) was read by the Clerk.

On motion of Representative Manning of Portland, tabled pending adoption of Committee Amendment "A" and specially assigned for Friday, June 2, 1989.

(H.P. 700) (L.D. 952) Bill "An Act to Make Allocations from the Transportation Safety Fund for the Fiscal Years Ending June 30, 1990, and June 30, 1991" (EMERGENCY) Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-345)

(H.P. 1205) (L.D. 1675) Bill "An Act to Protect the Megunticook Watershed for the People of Lincolnville by Creating the Lincolnville Water District" Committee on Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-348)

(H.P. 706) (L.D. 967) Bill "An Act to Establish State Guidelines for Child Support Awards" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-349)

(H.P. 1061) (L.D. 1483) Bill "An Act to Make General Assistance More Available to Homeless People and Clarify the Definition of Need" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-352)

(H.P. 997) (L.D. 1386) Bill "An Act to Correct Errors and Inconsistencies Regarding Reporting Requirements in the General Assistance Laws" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-351)

(H.P. 1082) (L.D. 1504) Bill "An Act to Continue Habilitation and Vocational Rehabilitation Services to Eligible Clients" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-350)

(H.P. 1210) (L.D. 1682) Resolve, to Protect and Preserve Certain Property in Saco Owned by the Finance Authority of Maine (EMERGENCY) Committee on Housing and Economic Development reporting "Ought to Pass"

(H.P. 750) (L.D. 1054) Resolve, to Create the Commission to Study the Feasibility of a Southern Maine Regional Jetport Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-354)

(H.P. 795) (L.D. 1107) Bill "An Act to Clarify the Definition of Cocaine" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-355)

(H.P. 411) (L.D. 554) Bill "An Act to Clarify Use of Corporate-owned Life Insurance Policies" (EMERGENCY) Committee on Banking and Insurance reporting "Ought to Pass" as amended by Committee Amendment "A" (H-356)

(H.P. 465) (L.D. 630) Bill "An Act to Establish Mediation for Mobile Home Park Operators and Tenants" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-357)

(H.P. 39) (L.D. 39) Bill "An Act to Establish Appropriate Class Size in the Early Elementary Grades" Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-358)

(H.P. 37) (L.D. 37) Bill "An Act Providing for a Report on the Availability of Insurance and Level of Competition within the Insurance Industry in Maine and a Report on Insurance Rating Organizations in Maine" Committee on Banking and Insurance reporting "Ought to Pass" as amended by Committee Amendment "A" (H-359)

(H.P. 667) (L.D. 909) Bill "An Act to Amend the Underground Oil and Hazardous Substance Storage Tank Installer Laws" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-360)

(H.P. 629) (L.D. 852) Bill "An Act to Strengthen and Improve Enforcement of Environmental Laws" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-361)

(H.P. 1170) (L.D. 1624) Bill "An Act to Amend the Agricultural Marketing and Bargaining Law" Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-362)

There being no objections, the above items were ordered to appear on the Consent Calendar of Friday, June 2, 1989, under the listing of Second Day.

#### CONSENT CALENDAR Second Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the Second Day:

(S.P. 500) (L.D. 1374) Bill "An Act to Clarify Reporting Requirements for Induced and Spontaneous Abortions"

(S.P. 120) (L.D. 186) Bill "An Act to Amend the Continuing Care Retirement Law" (C. "A" S-163)

(S.P. 154) (L.D. 274) Bill "An Act to Permit Law Enforcement Officers to Solicit Funds for a Law Enforcement Officers' Memorial" (EMERGENCY) (C. "A" S-161)

(S.P. 171) (L.D. 328) Bill "An Act to Clarify the Applicability of the Maine Tort Claims Act to the Consumer Advisory Board" (C. "A" S-162)

(S.P. 479) (L.D. 1277) Bill "An Act to Protect the State's Ownership of Public Records" (C. "A" S-160)

(H.P. 591) (L.D. 809) Bill "An Act to Require Country of Origin Labeling on Fresh Produce" (C. "A" H-329)

(H.P. 841) (L.D. 1173) Bill "An Act to Provide Final Price Disclosure to Potato Growers" (C. "A" H-330)

(H.P. 781) (L.D. 1093) Bill "An Act to Provide a Fee Adjustment for Civil Process Servers" (C. "A" H-327)

(H.P. 804) (L.D. 1116) Bill "An Act to Increase the Penalty for Drug Crimes Committed while in Possession of a Firearm" (C. "A" H-324)

(H.P. 847) (L.D. 1179) Bill "An Act Concerning the Rights of a Father to Bring a Paternity Action" (C. "A" H-326)

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 as Amended and sent up for concurrence.

(H.P. 896) (L.D. 1253) Bill "An Act to Prevent, Punish and Remedy Violations of Constitutional Rights" (C. "A" H-325)

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-325) was read by the Clerk and adopted and the Bill assigned for second reading Friday, June 2, 1989.

(H.P. 883) (L.D. 1227) Bill "An Act to Amend the Maine Administrative Procedure Act" (C. "A" H-328)

(H.P. 1132) (L.D. 1575) Bill "An Act to Change the Listing Procedure on Town Warrants"

(H.P. 415) (L.D. 558) Bill "An Act to Ensure Public Access to the Shoreland Zone" (C. "A" H-331)

(H.P. 1086) (L.D. 1508) Bill "An Act to Regulate Water Flowage over Hydropower Dams" (C. "A" H-332)

(H.P. 294) (L.D. 406) Bill "An Act to Criminalize Marijuana" (C. "A" H-333)

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. 253) (L.D. 365) Bill "An Act to Allow a Student an Option in Biological Dissection" (C. "A" H-334)

On motion of Representative Crowley of Stockton Springs, was removed from Consent Calendar, Second Day.

On further motion of the same Representative, tabled pending acceptance of the Committee Report from the Committee on Education and specially assigned for Friday, June 2, 1989.

(H.P. 741) (L.D. 1024) Bill "An Act to Allow the Consideration of Foreign Convictions in Drug Cases" (C. "A" H-335)

(H.P. 826) (L.D. 1158) Bill "An Act to Strengthen Criminal Drug Laws in the State by Allowing Forfeiture of Firearms and Other Dangerous Weapons" (C. "A" H-336)

(H.P. 820) (L.D. 1148) Bill "An Act to Provide for the Forfeiture of Firearms Used to Commit Crimes" (C. "A" H-337)

(H.P. 757) (L.D. 1061) Bill "An Act to Increase the Penalties for Repeat Violations of the Prostitution Laws" (C. "A" H-338)

(H.P. 924) (L.D. 1290) Bill "An Act to Increase the Punishment for Trafficking in Cocaine" (C. "A" H-339)

(H.P. 1202) (L.D. 1672) Bill "An Act Concerning Public Water Supplies in the Mid-coast Area" (C. "A" H-340)

(H.P. 816) (L.D. 1144) Bill "An Act to Prohibit the Sale of Unlawful Drugs in or near Schools" (C. "A" H-342)

(H.P. 1213) (L.D. 1685) Resolve, Authorizing the Conveyance of Certain Public Lands

(H.P. 1212) (L.D. 1684) Resolve, Authorizing and Directing the Bureau of Public Lands to Convey Title to a Certain Parcel of Land in Augusta to the Maine Veterans' Homes Subject to Certain Conditions

(H.P. 981) (L.D. 1359) Resolve, to Study the Creation of a State Park at the Bangor Mental Health Institute Facility (C. "A" H-343)

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.

**ENACTOR**

**Emergency Measure  
Later Today Assigned**

An Act to Provide Assistance to Vietnam Veterans and Atomic Veterans and to Establish the Commission on Vietnam and Atomic Veterans (H.P. 33) (L.D. 33) (H. "A" H-274 to C. "A" H-235)

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

On motion of Representative Mayo of Thomaston, tabled pending passage to be enacted and later today assigned.

**ENACTOR**

**Emergency Measure  
Tabled and Assigned**

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

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 Friday, June 2, 1989.

**PASSED TO BE ENACTED**

**Emergency Measure**

An Act to Amend the Adult Protective Services Act (S.P. 435) (L.D. 1152) (C. "A" S-142)

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. 117 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**

Resolve, to Require the Manufactured Housing Board to Develop a Manufactured Housing Installation Standard (H.P. 48) (L.D. 62) (C. "A" H-263)

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 Resolve was finally passed, signed by the Speaker and sent to the Senate.

**PASSED TO BE ENACTED**

**Emergency Measure**

Resolve, Establishing a Commission to Study the Level of Services for Maine's Elderly Citizens (H.P. 550) (L.D. 747) (H. "A" H-215 and H. "B" H-317 to C. "A" H-183)

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

**PASSED TO BE ENACTED**

**Emergency Measure**

Resolve, to Amend Deadlines for the Study of the Structure and Operations of the Legislature (H.P. 1228) (L.D. 1709)

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 Resolve was finally passed, signed by the Speaker and sent to the Senate.

#### ENACTOR

##### Later Today Assigned

An Act to Amend the Animal Welfare Laws (H.P. 397) (L.D. 528) (C. "A" H-251)

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 later today assigned.

#### PASSED TO BE ENACTED

An Act to Implement the Interim Recommendations of the Manufactured Housing Commission (S.P. 71) (L.D. 60) (C. "A" S-153)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

#### PASSED TO BE ENACTED

An Act Relating to State Personnel Administration (S.P. 100) (L.D. 119) (H. "A" H-271 to C. "A" S-104)

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

The SPEAKER: The Chair recognizes the Representative from Cape Elizabeth, Representative Webster.

Representative WEBSTER: Mr. Speaker, Ladies and Gentlemen of the House: The engrossed copy of this bill includes language that is quite objectionable. Section II of the engrossed copy says that "except as otherwise provided in collective bargaining agreements, no salary range of any job classification or position in the classified or unclassified service, including major policy influencing paid positions may be changed without the specific approval of the legislature." This language would prevent the normal reclassification process to be continued for 456 state employees. These are confidential employees, the great majority of which are classified. Normal reclassification procedures for all remaining state employees, approximately 13,600 people, could also be prevented because of the language of the amendment and the current contract. This language puts the legislature directly in the job evaluation process which it worked hard to get out of in the mid-1970's through implementation of the Hay Classification System. I object to this language being included in the bill and I ask you to vote no on enactment.

The SPEAKER: The Chair recognizes the Representative from Fairfield, Representative Gwadosky.

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: During the 11 or so years that I have been fortunate to be a member of this body, I have seen a variety of attacks taken to attempt to kill legislation, sometimes these are called raising the red flag or raising a red herring or a smoke screen. I am sure that if a former Representative from Bangor, Representative Kelleher,

were here today he would be reminding the members of this body that it may be June 1st but we have just witnessed a snow job go through the House of Representatives.

I am very familiar with the arguments that have just been advanced by the Representative from Cape Elizabeth because those are the same arguments that were advanced to me last week by a member of the Division of Human Resources which is the Personnel Department for the State of Maine. Those specific objections were raised by an individual member and I could discuss more with this member at length but I choose not to at this point in time but I think it would be helpful at some point to understand where the information comes from.

The amendment in the section that Representative Webster is referring to is the amendment that I added unanimously on to this bill last week. Many of you may remember that. It deals with the situation of state government of salary range changes and it clarifies all legislative intent with respect to the issue of who has approval of salary range changes. It makes consistent the policies this legislature adopted back in 1985 when we abolished the State Department of Personnel and created the Division of Human Resources.

As you know, every position in state government has an established salary range. Usually a state employee will come in and begin work at the lower end of that salary range, then over their work period, advance to the higher end of that salary range. As jobs change so will their salary range change and so will the additional amount of money they receive.

There comes a time in state government when a position may become outdated, the specific responsibilities of that particular position are outdated and reclassification needs to take place. The way that works is that a department puts in a request through the Division of Human Resources to reclassify a certain position and then, once that is approved by the Division of Human Resources, the legislature has the responsibility to fund that reclassification request. We traditionally have to pick up the period of time in which that person would have qualified originally. In other words, we do it retroactively.

Nothing in this bill would affect the current reclassification process. That will still occur whether we do this bill as amended or not. The department will still have the opportunity to change reclassifications and submit those throughout the Division of Human Resources.

The suggestion was made today that this could potentially affect all state employees, the 13,600 state employees, and that is absolutely false. The language in the amendment itself says, "except as otherwise provided in collective bargaining agreements" so clearly that would prohibit those traditional classified state employees, those 13,600 state employees.

This amendment deals specifically with the 456 confidential employees. Confidential employees are different than classified employees in one respect, most of these people happen to be classified but they are not represented by bargaining units such as the traditional classified employees.

Earlier this year, the administration advanced a proposal to place 62 of those people into a different pay range. Unfortunately, that bill went down to defeat and I think at the admission of the administration itself they were not able to justify the background as to the reasons why those people warranted a pay range. My guess is that they will come back and request that again. I think many of

those people do in fact need a pay range. Those of us who have been familiar with state government and the personnel policy understand that we have probably over 50 percent of our state employees now at the top of their pay range. Adjustments need to be maintained if we are going to be responsible about recruiting and retaining good people but there is a process that has to take place. As legislators, we have a constitutional responsibility to make sure that the fiscal implications of salary range change is taken into consideration. We cannot allow salary range changes to just happen automatically when a particular commissioner allows their associate commissioner or somebody who works for them to change that salary range and then later on in the budget we just rubber stamp it. I think we have a responsibility and indeed an obligation to ensure our involvement in that process. Salary range changes have a major impact, immediate impact on our budget, and a long-standing comprehensive impact on future budgets. We believed in 1985, when we passed the original bill, as we do now, that any type of salary range change needs to be just and needs to be based on solid evidence.

What we are talking about, in finality, is the integrity of the civil service system and how that is going to be maintained and what the role of the legislature is in that check and balance of that process.

There has been a considerable amount of debate in the last several weeks about a variety of pieces of legislation that has been submitted under the so-called terminology as "good government" legislation. We have continued to hear the phrases "accountability" and "fiscal responsibility" and we have been mindful of the taxpayer back home who has to pay the bill. Ladies and gentlemen of the House, I can assure you that this bill speaks for all those good points. It provides for fiscal responsibility, it ensures accountability and it does make us mindful of the taxpayers back home who indeed have to pay this bill. If you are as concerned as I am concerned about the growth of our state budget, and incidentally, it is not a surprise to anybody in this chamber the explosion in the growth of our state budget over the past two years. The Governor's two year budget this session represents a \$500 million increase over our last two year budget. We are adding hundreds and hundreds of brand new full-time state employee positions each and every year. We will have easily reached the count of 1,000 brand new full-time state employees at the end of this Governor's four year term. If you believe as I do that it is time to put the brakes on run-away state spending and request some fiscal accountability and live up to our legislative and constitutional mandate to approve these budgets and these changes, then you join with me today in enacting this bill.

The SPEAKER: The Chair recognizes the Representative from Cape Elizabeth, Representative Webster.

Representative WEBSTER: Mr. Speaker I would request a roll call.

I would further like to comment on Representative Gwadosky's concerns for fiscal responsibility as something that I share and I know that many of us here also share.

I would just like to point out though that my objections to having the state legislature be in the business of job reclassification is my primary objection to this bill.

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. 53

YEA - Adams, Aliberti, Allen, Anthony, Bell, Brewer, Carroll, D.; Carter, Cashman, Chonko, Clark, H.; Clark, M.; Coles, Conley, Constantine, Cote, Crowley, Daggett, DiPietro, Dore, Duffy, Dutremble, L.; Erwin, P.; Farnsworth, Gould, R. A.; Graham, Gurney, Gwadosky, Hale, Handy, Heeschen, Hickey, Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Kilkelly, LaPointe, Larrivee, Lawrence, Lisnik, Luther, Macomber, Mahany, Manning, Marston, Martin, H.; Mayo, McGowan, McHenry, McKeen, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Nadeau, G. R.; Norton, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pederson, Pineau, Plourde, Pouliot, Priest, Rand, Ridley, Rolde, Rotondi, Ruhlin, Rydell, Sheltra, Simpson, Skoglund, Smith, Stevens, P.; Swazey, Tamaro, Tardy, Townsend, Tracy, Walker, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, Begley, Butland, Carroll, J.; Curran, Dellert, Dexter, Donald, Farnum, Farren, Foss, Foster, Garland, Greenlaw, Hanley, Hastings, Hepburn, Hichborn, Higgins, Hutchins, Jackson, Lebowitz, Libby, Look, Lord, MacBride, Marsano, Marsh, McCormick, McPherson, Merrill, Murphy, Paradis, E.; Parent, Pendleton, Pines, Reed, Richards, Seavey, Sherburne, Small, Stevens, A.; Stevenson, Strout, B.; Strout, D.; Telow, Tupper, Webster, M.; Wentworth.

ABSENT - Boutilier, Burke, Cathcart, Nadeau, G. G.; Richard, Whitcomb.

Yes, 92; No, 52; Absent, 6; Vacant, 1; Paired, 0; Excused, 0.

92 having voted in the affirmative, 52 in the negative, with 6 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 Strengthen the Regulation of Insurance (S.P. 155) (L.D. 275) (C. "A" S-140 and S. "A" S-156)

An Act to Strengthen the Social Worker Training and Education Requirements (S.P. 178) (L.D. 335) (C. "A" S-152)

An Act to Allow Health Care Practitioners to Report Burn Injuries Requiring Medical Attention to the Office of the State Fire Marshall (S.P. 193) (L.D. 430) (C. "A" S-145)

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 (S.P. 220) (L.D. 536) (C. "A" S-149)

An Act to Clarify Jurisdiction over Discrimination Cases Based upon Claims under the Workers' Compensation Act (S.P. 258) (L.D. 648) (C. "A" S-147)

An Act Regarding High-speed Chases (S.P. 310) (L.D. 815) (C. "A" S-143)

An Act to Permit the Reopening of Certain Workers' Compensation Cases (H.P. 74) (L.D. 105) (C. "A" H-270)

An Act to Amend Disorderly Conduct Offenses (H.P. 391) (L.D. 522) (C. "A" H-268)



An Act to Promote Equity in the Court Adjudication of Alimony Awards (H.P. 476) (L.D. 656) (C. "A" H-276)

An Act Concerning Burglary of a Motor Vehicle (H.P. 508) (L.D. 688) (C. "A" H-267)

An Act to Strengthen the Penalties against Those Who Intentionally Mislabeled Foods as Natural or Organic (H.P. 644) (L.D. 878) (S. "A" S-159 to C. "A" H-254)

An Act to Clarify Motor Vehicle Dealership Insurance Coverage Laws (H.P. 702) (L.D. 963) (C. "A" H-240)

An Act to Make Dam Owners Responsible for the Proper Functioning of Fishways (H.P. 829) (L.D. 1161) (C. "A" H-272)

An Act to Provide Assistance to Owners of Manufactured Housing (H.P. 908) (L.D. 1271) (C. "A" H-264)

An Act to Provide Visitation and Custody Rights to Grandparents in Cases other than Divorce (H.P. 1036) (L.D. 1447)

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.

**FINALLY PASSED**

Resolve, to Direct the Manufactured Housing Board to Provide Information to Purchasers of Manufactured Housing (S.P. 70) (L.D. 59) (C. "A" S-144)

Resolve, to Study and Consolidate the Laws and Rules Regulating Campgrounds (H.P. 1043) (L.D. 1454) (C. "A" H-278)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, finally passed, signed by the Speaker and sent to the Senate.

**ORDERS OF THE DAY**

**TABLED AND TODAY ASSIGNED**

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

An Act to Clarify that Municipal Police Officers Need Not Be Residents of the State (EMERGENCY) (H.P. 1019) (L.D. 1420)

TABLED - May 31, 1989 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

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

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

An Act to Create the Local Government Records Board (S.P. 410) (L.D. 1076)

TABLED - May 31, 1989 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

On motion of Representative Joseph of Waterville, under suspension of the rules, the House reconsidered its action whereby L.D. 1076 was passed to be engrossed.

On further motion of the same Representative, tabled pending passage to be engrossed and later today assigned.

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

Bill "An Act to Improve Compliance with Truck Weight Limits" (H.P. 36) (L.D. 36) (S. "A" S-169 to C. "A" H-277)

- In Senate, Passed to be Engrossed as Amended by Committee Amendment "A" (H-277) as amended by Senate Amendment "A" (S-169) thereto in non-concurrence on May 26, 1989.

TABLED - May 31, 1989 by Representative CARTER of Winslow.

PENDING - Motion of same Representative to reconsider whereby the House Receded and Concurred.

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

Representative STROUT: Mr. Speaker, Men and Women of the House: I guess my position here today is to speak against the motion to reconsider where the House receded and concurred. I would ask this House to reconsider the issue so that we could debate Senate Amendment "A" that was put on in the other body.

Mr. Speaker, it is my understanding that I can only debate the reconsider motion at this time?

The SPEAKER: The Chair would answer in the affirmative.

Representative STROUT: Knowing that, I would ask this House to give me the courtesy to reconsider so that I could explain to you on what was done in the other body.

Subsequently, the House voted to reconsider whereby the House voted to recede and concur.

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

Representative STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I speak to you today on an issue that I feel very strongly about. I served on the committee last year and worked very hard to get a truck weight that would be good for the State of Maine. We went through the process, the committee deliberated over a period of many months to come up with a proposal that I felt was good for everybody.

What happened in the other body was that there was an amendment put on that I can't support. I can't support the amendment in its entirety. The issue comes down to where the judicial department says that we need six assistant clerks to take care of 12 additional truck weight people. I can't support that and I will tell you why.

For the past five or six weeks, I have asked that department to explain to me how many people we have today in the judicial department that handles 19 truck weight people. We have never gotten that answer. If I could find out what percentage we have to handle those 19 people that we presently have, then I could consider supporting some additional people. The amendment that was put on in the other body says that we need six assistant clerks to handle 12 additional truck weight people and I can't buy that. I'm telling you people here today that it is a backdoor approach from the judicial department to get more employees and I am not going to accept that. If that is the way we are going to get additional people, it should not be done on a truck weight bill. That is why I am opposed to this.

I think this amendment should be defeated. I can tell you this, I am only one member of this body but if this amendment stays on as presented, I shall vote against the whole truck weight issue and I don't care if the whole truck weight is defeated. I have worked a long time over the last nine months to get a truck weight bill that would not only help our truckers back home but it would also be good for the Department of Transportation.

I am telling you again, in my opinion, this is a backdoor approach to get additional people and I don't buy it.

The SPEAKER: The Chair would advise members of the House, pursuant to House Rule 1, that this body

adopted rules under which we operate. Those rules which were amended a year or so ago requires now the placement of fiscal notes impacting the judiciary. The sponsor of that rule change is in this body. If this amendment is removed from the bill, the Chair will rule that the bill is improperly before the body in violation of the rules and, therefore, will be dead. That is the option under which we now operate so if you wish to remove the amendment, you can convince the judicial that the amendment is not necessary and that the staffing is not proper or amend the rules to remove that section out of the rules so the Chair would not be in a position to rule on that. That is the entire matter before the body and the Chair has to proceed as you do under the rules that we have adopted.

The Chair recognizes the Representative from Corinth, Representative Strout.

Representative STROUT: I would like to pose a question to the Chair.

If it was decided in trying to work out arrangements where it would not be necessary for six people, then what would be the answer to trying to amend this to put on the necessary people that we felt in our committee was necessary?

The SPEAKER: The Chair would advise the Representative from Corinth that it is entirely possible. However, since we are in the stage now of engrossment, that is the only time that the rules provide for amendments which must include an amendment at that time, which includes the cost to the judiciary. So, the only proper way at this point is to table the bill until someone decides that the judiciary figure is incorrect and they agree or the bill is dead.

Representative STROUT: Mr. Speaker, an additional question. Would it be possible to reconsider this and get it back to a posture where we could put an amendment on which some of us feels is correct?

The SPEAKER: The Chair would advise the Representative that, under the present rules, I must abide by the fiscal note that has been prepared and the only fiscal note that I have in my possession as provided by the Office of Fiscal and Program Review is the one which is contained in Senate Amendment "A" and therefore, if Senate Amendment "A" is defeated this morning, I will rule the bill improperly before the body.

Representative STROUT: Mr. Speaker, I would ask that somebody table this for one day so it could be worked on.

On motion of Representative Mayo of Thomaston, tabled pending the motion to recede and concur and specially assigned for Friday, June 2, 1989.

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

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)

TABLED - May 31, 1989 by Representative MITCHELL of Freeport.

PENDING - Passage to be Engrossed.

On motion of Representative Gwadosky of Fairfield, retabled pending passage to be engrossed and specially assigned for Friday, June 2, 1989.

**BILL HELD**

Bill "An Act Concerning Teacher Employment" (H.P. 486) (L.D. 666)

- In House, Passed to be Engrossed as amended by Committee Amendment "A" (H-163) as amended by House Amendment "B" (H-298) thereto on May 25, 1989.

- In Senate, Passed to be Engrossed as amended by Committee Amendment "A" (H-163) as amended by Senate Amendment "A" (S-171) thereto in non-concurrence on May 30, 1989.

- In House, House Receded and Concurred. HELD at the Request of Representative O'GARA of Westbrook.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative O'Gara.

Representative O'GARA: Mr. Speaker, is the House in possession of L.D. 666?

The SPEAKER: The Chair would answer in the affirmative.

On motion of Representative O'GARA, the House reconsidered its action whereby the House voted to recede and concur.

Representative Crowley of Stockton Springs withdrew his motion to recede and concur.

On further motion of the same Representative, the House voted to Adhere. Sent up for concurrence.

The Chair laid before the House the following matter: An Act to Clarify that Municipal Police Officers Need Not Be Residents of the State (EMERGENCY) (H.P. 1019) (L.D. 1420) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Priest of Brunswick, under suspension of the rules, the House reconsidered its action whereby L.D. 1420 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-366) and moved its adoption.

House Amendment "A" (H-366) 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.

The Chair laid before the House the following matter: An Act to Create the Local Government Records Board (S.P. 410) (L.D. 1076) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

Representative Joseph of Waterville offered House Amendment "A" (H-367) and moved its adoption.

House Amendment "A" (H-367) 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.

The Chair laid before the House the following matter: An Act to Provide Assistance to Vietnam Veterans and Atomic Veterans and to Establish the Commission on Vietnam and Atomic Veterans (Emergency) (H.P. 33) (L.D. 33) (H. "A" H-274 to C. "A" H-235) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Hickey of Augusta, under suspension of the rules, the House reconsidered its action whereby L.D. 33 was passed to be engrossed.

On motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-235) was adopted.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby House Amendment "A" (H-274) to Committee Amendment "A" (H-235) was adopted.

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

The same Representative offered House Amendment "B" (H-365) to Committee Amendment "A" (H-235) and moved its adoption.

House Amendment "B" (H-365) to Committee Amendment "A" (H-235) was read by the Clerk and adopted.

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

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

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The Chair laid before the House the following matter: An Act to Amend the Animal Welfare Laws (H.P. 397) (L.D. 528) (C. "A" H-251) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Tardy of Palmyra, under suspension of the rules, the House reconsidered its action whereby L.D. 528 was passed to be engrossed.

On motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-251) was adopted.

The same Representative offered House Amendment "A" (H-368) to Committee Amendment "A" (H-251) and moved its adoption.

House Amendment "A" (H-368) to Committee Amendment "A" (H-251) was read by the Clerk and adopted.

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

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

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(Off Record Remarks)

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(At Ease)

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The House was called to order by the Speaker.

On motion of Representative Lisnik of Presque Isle, the House reconsidered its action whereby (H.P. 1170) (L.D. 1624) Bill "An Act to Amend the Agricultural Marketing and Bargaining Law" Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-362) was assigned for Consent Calendar, Second Day.

By unanimous consent, was removed from the Consent Calendar, Second Day.

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

Committee Amendment "A" (H-362) was read by the Clerk and adopted.

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

By unanimous consent, ordered sent forthwith to the Senate.

At this point, the Speaker appointed Representative Michaud of East Millinocket to act as Speaker pro tem for Friday, June 2, 1989.

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(At Ease to Gong)

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The House was called to order by the Speaker.

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

**PASSED TO BE ENACTED**

**Emergency Measure**

An Act to Amend the Agricultural Marketing and Bargaining Law (H.P. 1170) (L.D. 1624) (C. "A" H-362)

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. 109 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.

By unanimous consent, ordered sent forthwith to the Senate.

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(Off Record Remarks)

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On motion of Representative Hussey of Milo, Adjourned until Friday, June 2, 1989, at twelve o'clock noon.