

# 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  
75th Legislative Day  
Friday, June 2, 1989**

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

Prayer by Reverend George Fowler, Wells Congregational Church.

The Journal of Thursday, June 1, 1989, was read and approved.

Quorum call was held.

**PAPERS FROM THE SENATE**

**Unanimous Ought Not To Pass**

Report of the Committee on State and Local Government reporting "Ought Not to Pass" on Bill "An Act to Regulate Child Support Enforcement by the Department of Human Services" (S.P. 503) (L.D. 1377)

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 Transportation reporting "Leave to Withdraw" on Bill "An Act to Authorize Special Maine National Guard Motor Vehicle Registration Plates" (S.P. 504) (L.D. 1392)

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

**Divided Report**

Majority Report of the Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-184) on Bill "An Act to Establish the Medicaid Advisory Committee on Mental Health" (S.P. 467) (L.D. 1252)

Signed:

Senators:

GAUVREAU of Androscoggin  
TITCOMB of Cumberland  
RANDALL of Washington  
MANNING of Portland  
ROLDE of York  
BOUTILIER of Lewiston  
CLARK of Brunswick  
BURKE of Vassalboro  
PEDERSON of Bangor  
CATHCART of Orono

Representatives:

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

Signed:

Representatives:

DELLERT of Gardiner  
HEPBURN of Skowhegan  
PENDLETON of Scarborough

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-184)

Reports were read.

Representative Manning of Portland moved that the House accept the Majority "Ought to Pass" Report.

On motion of the same Representative, tabled pending his motion to accept the Majority "Ought to Pass" Report and specially assigned for Monday, June 5, 1989.

**Non-Concurrent Matter**

Bill "An Act to Require Administrators of Boarding Care Facilities to Obtain Continuing Education" (H.P. 914) (L.D. 1280) on which the

Majority "Ought to Pass" as amended Report of the Committee on Human Resources was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-309) in the House on May 31, 1989.

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

On motion of Representative Manning of Portland, tabled pending further consideration and specially assigned for Monday, June 5, 1989.

**Non-Concurrent Matter**

Bill "An Act to Restrict Smoking in Enclosed Shopping Malls" (H.P. 751) (L.D. 1055) on which the House insisted on its former action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-190) in the House on May 24, 1989.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-190) as amended by Senate Amendments "B" (S-167) and "C" (S-177) thereto in non-concurrence.

On motion of Representative Manning of Portland, the House voted to recede and concur.

**Non-Concurrent Matter**

Bill "An Act Concerning Withdrawal of Candidates" (H.P. 559) (L.D. 757) which was passed to be engrossed as amended by Committee Amendment "A" (H-234) as amended by House Amendment "A" (H-282) thereto in the House on May 26, 1989.

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

On motion of Representative Priest of Brunswick, tabled pending further consideration and later today assigned.

**Non-Concurrent Matter**

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) which was passed to be engrossed as amended by House Amendment "A" (H-279) in the House on May 26, 1989.

Came from the Senate passed to be engrossed as amended by House Amendment "A" (H-279) as amended by Senate Amendment "A" (S-191) thereto in non-concurrence.

On motion of Representative Mayo of Thomaston, tabled pending further consideration and specially assigned for Monday, June 5, 1989.

**COMMUNICATIONS**

The following Communication: (S.P. 620)  
114TH MAINE LEGISLATURE  
May 30, 1989

Senator Stephen M. Bost  
Representative Herbert E. Clark  
Chairpersons  
Joint Standing Committee on Utilities  
114th Legislature  
Augusta, Maine 04333  
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated William Lund of Falmouth for appointment as a Commissioner for the Public Utilities Commission.

Pursuant to Title 35-A, M.R.S.A. Section 105 (1988), this nomination will require review by the Joint Standing Committee on Utilities 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 Utilities.

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

**PETITIONS, BILLS AND RESOLVES**

**REQUIRING REFERENCE**

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

**Appropriations and Financial Affairs**

Bill "An Act to Improve the Operations of the Division of Public Administration" (EMERGENCY) (H.P. 1233) (L.D. 1718) (Presented by Representative MAYO of Thomaston) (Cosponsored by Representative FOSTER of Ellsworth, Senator CLARK of Cumberland and Senator BRANNIGAN of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.

Sent up for Concurrence.

**Banking and Insurance**

Bill "An Act to Exempt Group Medicare Supplement Contracts from the Mandated Benefits for Substance Abuse and Mental Illness" (H.P. 1230) (L.D. 1715) (Presented by Representative TRACY of Rome) (Cosponsored by Senator THERIAULT of Aroostook, Senator KANY of Kennebec and Representative CLARK of Millinocket) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.

Sent up for Concurrence.

**Energy and Natural Resources**

Bill "An Act to Reclaim Small Ponds" (H.P. 1232) (L.D. 1717) (Presented by Representative DONALD of Buxton) (Cosponsored by Representative MICHAUD of East Millinocket, Representative DEXTER of Kingfield and Representative LORD of Waterboro) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.

Sent up for Concurrence.

**Energy and Natural Resources**

Bill "An Act Relating to Transportation of Hazardous Materials by Railroad" (H.P. 1231) (L.D. 1716) (Presented by Representative MICHAUD of East Millinocket) (Cosponsored by Representative DEXTER of Kingfield) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.) (Committee on Transportation was suggested)

On motion of Representative Jacques of Waterville, was referred to the Committee on Energy and Natural Resources, ordered printed and sent over for concurrence.

**SPECIAL SENTIMENT CALENDAR**

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

Recognizing:

Danny Raymond, of Dayton-Lyman Boy Scout Troop #399 who has attained the high rank and distinction of Eagle Scout; (HLS 567) by Representative SEAVEY of Kennebunkport. (Cosponsor: Senator HOBBS of York)

On motion of Representative Gwadosky of Fairfield, was removed from Special Sentiment Calendar.

On further motion of the same Representative, tabled pending passage and specially assigned for Monday, June 5, 1989.

Recognizing:

Leonard Daigneault, of Dayton-Lyman Boy Scout Troop #399, who has attained the high rank and distinction of Eagle Scout; (HLS 568) by Representative SEAVEY of Kennebunkport. (Cosponsor: Senator HOBBS of York)

On motion of Representative Gwadosky of Fairfield, was removed from Special Sentiment Calendar.

On further motion of the same Representative, tabled pending passage and specially assigned for Monday, June 5, 1989.

**REPORTS OF COMMITTEES**

**Unanimous Ought Not to Pass**

Representative HANDY from the Committee on Education on Bill "An Act to Require Preadmission and Post-Graduation Assessment Exams for University of Maine System Students" (H.P. 1099) (L.D. 1532) reporting "Ought Not to Pass"

Representative HANDY from the Committee on Education on Bill "An Act to Improve and Enhance the Quality and Amount of Instructional Time for Students" (H.P. 967) (L.D. 1345) reporting "Ought Not to Pass"

Representative KILKELLY from the Committee on Education on Resolve, to Request that the Board of Trustees of the University of Maine System Determine the Cost of Establishing a Training Program for Nurse Practitioners in Northern Maine and a Nursing Research Center (H.P. 1053) (L.D. 1464) reporting "Ought Not to Pass"

Representative TRACY from the Committee on Fisheries and Wildlife on Bill "An Act to Create a Game Sanctuary at Beaver Cove in Moosehead Lake" (H.P. 1206) (L.D. 1676) 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 ANTHONY from the Committee on Judiciary on Bill "An Act to Prohibit the Use of State Funds to Subsidize the Implementation of Alternative Sentencing Options" (H.P. 1104) (L.D. 1537) reporting "Leave to Withdraw"

Representative MARTIN from the Committee on Transportation on Bill "An Act to Amend the Law Governing Abandoned Vehicles" (H.P. 1203) (L.D. 1673) reporting "Leave to Withdraw"

Representative JOSEPH from the Committee on State and Local Government on Bill "An Act to Require Detailed Legislator Finance Reports" (H.P. 664) (L.D. 906) reporting "Leave to Withdraw"

Representative JOSEPH from the Committee on State and Local Government on Bill "An Act to Restrict Post-legislative Activity" (H.P. 573) (L.D. 777) reporting "Leave to Withdraw"

Representative RAND from the Committee on Banking and Insurance on Bill "An Act Concerning Payment of

Maine-issued Bank Cards" (H.P. 964) (L.D. 1342) 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 Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-353) on Bill "An Act Concerning Unemployment Benefits for Lockouts" (H.P. 456) (L.D. 621)

Signed:  
Senators: ESTY of Cumberland  
MATTHEWS of Kennebec  
Representatives: TAMMARO of Baileyville  
McKEEN of Windham  
RAND of Portland  
McHENRY of Madawaska  
PINEAU of Jay  
LUTHER of Mexico  
RUHLIN of Brewer

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

Signed:  
Senator: WHITMORE of Androscoggin  
Representatives: McCORMICK of Rockport  
REED of Falmouth  
BUTLAND of Cumberland

Reports were read.

Representative McHenry of Madawaska moved that the House accept the Majority "Ought to Pass" Report.

On motion of the same Representative, tabled pending his motion to accept the Majority "Ought to Pass" Report and specially assigned for Monday, June 5, 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. 118) (L.D. 184) Bill "An Act Clarifying Intoxication Under the Workers' Compensation Law" Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (S-182)

(S.P. 251) (L.D. 641) Bill "An Act to Implement Civil Penalties for Passing Worthless Instruments" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-172)

(S.P. 297) (L.D. 795) Bill "An Act to Amend the Wrongful Death Laws to Encompass Associated Claims" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-176)

(S.P. 340) (L.D. 901) Bill "An Act to Require Labeling of Produce Treated with Post-harvest Treatments" Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (S-173)

(S.P. 389) (L.D. 1034) Resolve, to Establish a Blue Ribbon Task Force to Promote Equity of Opportunity for Women in the Public School System (EMERGENCY) Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (S-175)

(S.P. 402) (L.D. 1046) Bill "An Act to Reduce the Quantities of Cocaine and Heroin Necessary to Allow a Presumption of Trafficking" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-183)

(S.P. 450) (L.D. 1212) Bill "An Act to Increase Educational Opportunities for Economically and Educationally Disadvantaged Residents" Committee on

Education reporting "Ought to Pass" as amended by Committee Amendment "A" (S-174)

(S.P. 465) (L.D. 1250) Bill "An Act Relating to Licensing of State Social Workers" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-178)

(S.P. 496) (L.D. 1370) Resolve, to Study the Feasibility of Establishing a Piscataqua River Basin Compact between Maine and New Hampshire (EMERGENCY) Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-185)

(S.P. 516) (L.D. 1412) Resolve, Concerning Grant of Easement (EMERGENCY) Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-181)

(S.P. 528) (L.D. 1445) Bill "An Act to Amend the Charter of the Rangeley Water District" Committee on Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (S-179)

(H.P. 1106) (L.D. 1539) Bill "An Act to Amend the Law Relating to Court Security" Committee on Judiciary reporting "Ought to Pass"

(H.P. 1186) (L.D. 1653) Bill "An Act to Amend the Antitrust Laws to Permit Suits by Indirect Purchasers" Committee on Judiciary reporting "Ought to Pass"

(H.P. 973) (L.D. 1351) Bill "An Act Amending the Maine Board of Oil and Solid Fuel Dealers Law" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-370)

(H.P. 809) (L.D. 1121) Bill "An Act to Create a Hazardous Highway Spills Fund" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-371)

(H.P. 978) (L.D. 1356) Bill "An Act to Authorize County Commissioners to Provide Additional Facilities for Prisoners" (EMERGENCY) Joint Select Committee on Corrections reporting "Ought to Pass" as amended by Committee Amendment "A" (H-373)

(H.P. 614) (L.D. 837) Bill "An Act to Create a Northeast Interstate Dairy Compact" Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-374)

(H.P. 202) (L.D. 282) Bill "An Act to Eliminate the Statute of Limitations in Child Molestation or Incest Cases" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-375)

(H.P. 428) (L.D. 593) Bill "An Act to Require a Hearing to Cancel Policies Issued under an Assigned Risk Plan" Committee on Banking and Insurance reporting "Ought to Pass" as amended by Committee Amendment "A" (H-376)

(H.P. 765) (L.D. 1069) Bill "An Act Relating to Motor Vehicle Insurance Surcharges Due to License Suspension" Committee on Banking and Insurance reporting "Ought to Pass" as amended by Committee Amendment "A" (H-377)

(H.P. 503) (L.D. 683) Bill "An Act to Prohibit Motor Vehicle Insurers from Adjusting Personal Insurance Rates of Public Works Employees Involved in Collisions" Committee on Banking and Insurance reporting "Ought to Pass" as amended by Committee Amendment "A" (H-378)

(H.P. 668) (L.D. 910) Bill "An Act to Amend the Law Relating to Submerged Land" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-379)

There being no objections, the above items were ordered to appear on the Consent Calendar of Monday, June 5, 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. 582) (L.D. 1644) Resolve, to Establish the Taxpayers' Bill of Rights

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

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

(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) (C. "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" (C. "A" H-348)

(H.P. 706) (L.D. 967) Bill "An Act to Establish State Guidelines for Child Support Awards" (C. "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" (C. "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" (C. "A" H-351)

(H.P. 1082) (L.D. 1504) Bill "An Act to Continue Habilitation and Vocational Rehabilitation Services to Eligible Clients" (C. "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)

(H.P. 750) (L.D. 1054) Resolve, to Create the Commission to Study the Feasibility of a Southern Maine Regional Jetport (C. "A" H-354)

(H.P. 795) (L.D. 1107) Bill "An Act to Clarify the Definition of Cocaine" (C. "A" H-355)

(H.P. 411) (L.D. 554) Bill "An Act to Clarify Use of Corporate-owned Life Insurance Policies" (EMERGENCY) (C. "A" H-356)

(H.P. 465) (L.D. 630) Bill "An Act to Establish Mediation for Mobile Home Park Operators and Tenants" (C. "A" H-357)

(H.P. 39) (L.D. 39) Bill "An Act to Establish Appropriate Class Size in the Early Elementary Grades" (C. "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" (C. "A" H-359)

(H.P. 667) (L.D. 909) Bill "An Act to Amend the Underground Oil and Hazardous Substance Storage Tank Installer Laws" (C. "A" H-360)

(H.P. 629) (L.D. 852) Bill "An Act to Strengthen and Improve Enforcement of Environmental Laws" (C. "A" H-361)

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

**PASSED TO BE ENGROSSED**

**As Amended**

Bill "An Act Pertaining to Breast Cancer Treatment" (H.P. 219) (L.D. 299) (C. "A" H-341)

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

**PASSED TO BE ENGROSSED**

**As Amended**

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

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

Representative Tammaro of Baileyville offered House Amendment "A" (H-363) and moved its adoption.

House Amendment "A" (H-363) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-325) and House Amendment "A" (H-363) and sent up for concurrence.

**ENACTOR**

**Emergency Measure**

**Tabled and Assigned**

An Act to Amend the Acupuncturist Licensing Law (S.P. 327) (L.D. 864) (C. "A" S-150)

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 Monday, June 5, 1989.

**PASSED TO BE ENACTED**

**Emergency Measure**

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

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

**PASSED TO BE ENACTED**

**Emergency Measure**

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

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

**PASSED TO BE ENACTED**

**Emergency Measure**

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

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. 106 voted in favor of the same and 9

against and accordingly the Bill was passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

**FINALLY PASSED  
Emergency Measure**

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 (H.P. 1197) (L.D. 1664) (C. "A" H-284)

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 2 against and accordingly the Resolve was finally passed, signed by the Speaker pro tem and sent to the Senate.

**PASSED TO BE ENACTED**

An Act to Insure Maintenance of Financial Responsibility by All Motorists (S.P. 172) (L.D. 329)

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bangor, Representative Garland.

Representative GARLAND: Mr. Speaker, Members of the House: I move indefinite postponement of L.D. 329.

I believe that everyone that has a privilege to drive on our roads should be insured. If this legislation insured that, I would support it.

Presently, we have a carrot and stick approach to get the uninsured off our roads. Once stopped, the motorist must get insurance before his or her court date. This incentive approach has reduced our uninsured motorists to a mere 9 percent, one of the lowest in the nation.

This law before us today mandating insurance is a stick approach which will hit the motorist with higher premiums, a fine, and less incentive to get insured.

I urge your support of this motion and Mr. Speaker, I request a Division.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Buxton, Representative Donald.

Representative DONALD: Mr. Speaker, Men and Women of the House: I just wanted to remind everybody that this was the bill we discussed before. The intent of the previous legislature, the 113th Legislature, was that people would have insurance out there. There is presently a loophole and that is what this bill intends to do and that is to simply close up that loophole so that we can all be assured of having the majority of those drivers out there with auto insurance. I urge you to support this bill.

Representative Curran of Westbrook requested a roll call vote.

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 PRO TEM: The Chair recognizes the Representative from Brunswick, Representative Rydell.

Representative RYDELL: Mr. Speaker, Men and Women of the House: I would just remind you that this bill does not require a person to show up in court with proof of insurance. Our current law requires a person to show proof of insurance within 24 hours prior to their court date. Then they would not have to go to court, we would be saving all those court costs and the person would have shown proof of insurance and would be insured. Under this bill, a person can come to court without having to show proof of insurance and can go for another period of time without insurance. I would ask you to please support the pending motion.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Rumford, Representative Erwin.

Representative ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: As a member of the Banking and Insurance Committee, I would urge you to support Representative Rydell's position, our House Chairman. I will be voting to indefinitely postpone.

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

Representative HUTCHINS: Mr. Speaker, I would like to pose a question.

If this passes, will it still be a requirement that insured motorist pay for the non-insured motorist?

The SPEAKER PRO TEM: Representative Hutchins of Penobscot has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Brunswick, Representative Rydell.

Representative RYDELL: Mr. Speaker, Men and Women of the House: Yes, there will still be a requirement that you purchase uninsured motorist insurance because there would still be motorists on our roads without insurance and to protect yourself, the only way you can do that is to purchase the uninsured motorist coverage.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Skowhegan, Representative Hepburn.

Representative HEPBURN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair.

I had assumed that similar to the current law that, if an individual was apprehended who did not have proof of insurance, that that individual would be required to supply that at some point. There have been some statements made here today that indicated that that might not be the case. I was wondering if somebody could clear that up, once and for all.

The SPEAKER PRO TEM: Representative Hepburn of Skowhegan has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Westbrook, Representative Curran.

Representative CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: If I understand the question correctly, if a person is stopped by an officer for certain kinds of violations, under a bill that was enacted only a few days ago, the officer is required to see evidence of insurance. If that person doesn't have evidence of insurance, he is given a long period of time (relatively at least) in order to provide proof of insurance. That means that it could be in some cases up to 30 days or so. During that time, presumably he could continue driving until he could get some insurance and produce it. That insurance that he purchases and produces does not cover the person who may have been injured in the accident that prompted the requirement that he get insurance. Now, you see that is a pretty shallow and meaningless kind of thing for the legislature to have produced.

The law that you are being asked to enact today would treat that quite differently. It would say, if you have been in an accident or certain other kinds of moving violations, you would be required within 24 hours to produce insurance that shows that you did indeed have insurance at the time the accident occurred and, therefore, the people who may have been harmed in that accident have recourse to a deeper pocket than you might yourself have.

Have I answered the question?

The SPEAKER PRO TEM: The Chair recognizes the Representative from Brunswick, Representative Rydell.

Representative RYDELL: Mr. Speaker, Men and Women of the House: Perhaps I can provide a little more enlightenment on that question. The present bill before us makes only one small change in the law. It changes the present law, which says that a person can show that he or she has purchased insurance up to 24 hours before the court appearance. This bill that we have before us now would say that they would have to show that that insurance was in effect at the time of the violation, in other words, at the time the law enforcement officer asked for proof.

In our original law, we crafted each section so it was dependent upon another. The current law allows a person to show insurance and that they have purchased it up to 24 hours prior to the court appearance and then the court no longer has jurisdiction and there is no longer a violation. Then it goes on to say that that was supposed to take care of a majority of the people and our data shows that it has. Then it goes on to say, "for those people who go to court and who are unable to show proof of insurance, they have an additional period of time." The present bill only makes that one small change; hence there is still no requirement that they come to court with proof of insurance. If we were to make changes in the law, we would need to make changes in several sections of the law and that is why we are asking this body to leave the present law stand and let the committee review the entire law and not just make one little change that throws out of balance the rest of this carefully crafted law but to let it stand until 1991 so that we can be sure that all of the pieces will fit together when any changes are made.

The SPEAKER PRO TEM: The Chair recognizes the Representative from South Portland, Representative Macomber.

Representative MACOMBER: Mr. Speaker, could we have the Committee Report read please?

Subsequently, the Committee Report from the Committee on Banking and Insurance was read by the Clerk.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lewiston, Representative Aliberti.

Representative ALIBERTI: Mr. Speaker, I would like pose a question through the Chair.

I would like to know, generally speaking, whether this law favors the law abider or the person that is still ignoring the law?

The SPEAKER PRO TEM: Representative Aliberti of Lewiston has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Buxton, Representative Donald.

Representative DONALD: Mr. Speaker, Men and Women of the House: This law favors the person who is driving his car and presently has insurance. It does not favor the person who is out there driving without insurance. Simply put, this is going to close a loophole. The way it is now, if someone has a violation, all they have to do then (after the fact) is go out and buy an insurance policy and then

show up in court and they are covered. That is not right. The people should be covered at the time the violation or the time the accident occurred, not after the fact. Simply put, that is what the situation is.

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

Representative SMITH: Mr. Speaker, Men and Women of the House: Simply put, this is mandatory insurance.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Westbrook, Representative Curran.

Representative CURRAN: Mr. Speaker, Men and Women of the House: I will only speak briefly and I wish to respond to something that Representative Rydell said which I think should be made quite clear to everyone by this time. I think I sort of resent and I think it should be clarified for you, she used the term "this small change in the law" and "this little bit of a change" I think three times -- this is not a small change in the law, it is not a little bit of a change, it is a very significant change in the law which will affect everyone in the State of Maine favorably in the end.

I hope that I can convince you to defeat the motion especially since you so enthusiastically passed this in the other reading.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Sanford, Representative Hale.

Representative HALE: Mr. Speaker, Men and Women of the House: I think the good gentleman from Skowhegan asked about uninsured motorists. A few years ago, when this question was debated on the floor of the House, I talked to the lobbyists and asked about myself -- I have uninsured motorist insurance, I pay a normal amount, granted. The uninsured motorist covers personal injury only. That it is why it is not a fact that is figured like your liability to cover your own vehicle. It does not actually cover your vehicle unless the law is changed.

May I pose a question through the Chair?

Has this law changed? Does anyone know?

The SPEAKER PRO TEM: Representative Hale of Sanford has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Eastport, Representative Townsend.

Representative TOWNSEND: Mr. Speaker, I would like to pose a question through the Chair.

It has been related to me that one of the tricks that people use to get by this law is, if they are hauled into court, they will go buy insurance, go into court, show the proof of that insurance and then not pay the premium and let it go by. Will this law take care of that loophole?

The SPEAKER PRO TEM: Representative Townsend of Eastport has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Brunswick, Representative Rydell.

Representative RYDELL: Mr. Speaker, Men and Women of the House: No, this change will not. It will only make the change of requiring the person to show that they had proof of insurance at the time of the violation or else be subject to a fine. It will not change the fact that they could have paid for only three months of their insurance or six months of their insurance or that the next time their insurance was up for renewal, they failed to pay the premium.

Representative Donald of Buxton was granted permission to address the House a third time.

Representative DONALD: Mr. Speaker, Men and Women of the House: You are right, but the real



problem is you cannot force someone to pay a bill. I think we all recognize that and that is why it is important that everybody continue to carry uninsured motorist insurance.

The way the law is now a person can, as the previous Representative said, after the fact go buy insurance and not be covered at the time of the violation. I think everybody knows that if there is a law and they know they are going to be fined and for that matter, if they continue to violate the law, they will be an habitual offender with far more consequences. I think it is clear that the person will make a stronger effort to buy automobile insurance than the way the law is now with a loophole. They know that all they have to do is to get the violation or be involved in an accident and then go out and buy an insurance policy and then they are covered in the eyes of the law.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lisbon, Representative Jalbert.

Representative JALBERT: Mr. Speaker, Men and Women of the House: I would like to pose a question through the Chair.

If someone is hauled in and pays the fine of \$100, is it part of the judgment that that person must then get insurance?

The SPEAKER PRO TEM: Representative Jalbert of Lisbon has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Buxton, Representative Donald.

Representative DONALD: Mr. Speaker, Men and Women of the House: Yes, it will be a requirement that everybody who drives an automobile that is registered will have to have insurance. You cannot force them to pay the bill but, I repeat, if they go out and if they have another violation or they get stopped again, they will be subject to another fine and subsequent to that as well.

The SPEAKER: The Chair recognizes the Representative from Lisbon, Representative Jalbert.

Representative JALBERT: Mr. Speaker, Men and Women of the House: That is not quite what I am getting at. What I asked is, if you pay a fine but part of your fine is that you must get insurance, and if you don't, will you then be in contempt of court, that is what I want to know?

The SPEAKER PRO TEM: Representative Jalbert of Lisbon has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Hampden, Representative Richards.

Representative RICHARDS: Mr. Speaker, Men and Women of the House: At least in my experience, I believe that would not be something a judge would say. They would advise you to get insurance but there is really no way of enforcing that.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lewiston, Representative Aliberti.

Representative ALIBERTI: Mr. Speaker, Men and Women of the House: I wonder if you are as confused about this issue as I am? I thought that in making my remarks or listening to the debate, I could designate who was for the bill, who was against the bill, who was for indefinite postponement and who was against it, but I just don't know now. So, may I ask a question through the Chair? May the House Chair please be definite as to the stand she is taking for indefinite postponement?

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lewiston, Representative Handy.

Representative HANDY: Mr. Speaker, Members of the House: I was intimately involved in the legislation that was passed in the 113th

Legislature. First of all to answer Representative Jalbert's question as directly as it possibly can be answered, when you are stopped and if you are found not to have insurance, you must have insurance by the time you have your court date. Therefore, your question really is a moot question because you must show that you have purchased that insurance at the time that you appear before that judge, so you will have insurance at that time.

I see Representative Jalbert shaking his head no, so I would assume that he already knew the answer to his question -- evidently he didn't.

The point is, this bill before you today closes up that loophole somewhat, not altogether. It does not propose that one have proof of insurance at the point of registration of a vehicle. So, this bill closes up that loophole to some extent. You can't drive a Mack truck through it, you might be able to drive a small pickup.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Rumford, Representative Erwin.

Representative ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to respond to the question of Representative Aliberti who would like to know who is for and who is against. The Majority of the Committee voted "Ought Not to Pass" and I did say on the Record and I say now again, I intend to vote for indefinite postponement.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of Representative Garland of Bangor that L.D. 329 and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 54

YEA - Aliberti, Anderson, Anthony, Begley, Boutillier, Brewer, Carroll, D.; Cathcart, Clark, M.; Conley, Dexter, Dore, Duffy, Dutremble, L.; Erwin, P.; Farnsworth, Farren, Garland, Gould, R. A.; Greenlaw, Gurney, Hale, Handy, Hanley, Hickey, Hoglund, Holt, Hussey, Hutchins, Jalbert, Joseph, Ketover, Larrivee, Lebowitz, Mahany, Marsano, Martin, H.; McGowan, McHenry, Mitchell, Moholland, Nadeau, G. R.; Norton, Oliver, Parent, Paul, Pederson, Pines, Priest, Rand, Richard, Rolde, Rotondi, Ruhlín, Rydell, Smith, Stevens, A.; Stevenson, Strout, D.; Tammaro, Tracy, Walker, Wentworth.

NAY - Adams, Aikman, Ault, Bailey, Bell, Butland, Carroll, J.; Coles, Cote, Crowley, Curran, Daggett, Dellert, Dipietro, Donald, Farnum, Foss, Foster, Graham, Gwadosky, Hastings, Heeschen, Hepburn, Higgins, Jacques, Kilkelly, LaPointe, Lawrence, Libby, Look, Lord, Luther, MacBride, Macomber, Manning, Marsh, Marston, Mayo, McCormick, McPherson, McSweeney, Melendy, Merrill, Mills, Murphy, Nadeau, G. G.; Nutting, O'Dea, O'Gara, Paradis, E.; Paradis, P.; Pendleton, Pineau, Plourde, Pouliot, Reed, Richards, Ridley, Sheltra, Sherburne, Skoglund, Small, Stevens, P.; Strout, B.; Swazey, Tardy, Telow, Townsend, Tupper, The Speaker.

ABSENT - Allen, Burke, Carter, Cashman, Chonko, Clark, H.; Constantine, Hichborn, Jackson, Lisnik, McKeen, Michaud, Paradis, J.; Seavey, Simpson, Webster, M.; Whitcomb.

Yes, 63; No, 70; Absent, 17; Vacant, 1; Paired, 0; Excused, 0.

63 having voted in the affirmative and 70 in the negative with 17 absent and 1 vacant, the motion to indefinitely postpone did not prevail.

Subsequently, the Bill was passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

ENACTOR

**Tabled and Assigned**

An Act Relating to the Director of the Bureau of Health (S.P. 379) (L.D. 1015) (S. "A" S-155 to C. "A" S-146)

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

On motion of Representative Joseph of Waterville, tabled pending passage to be enacted and specially assigned for Monday, June 5, 1989.

**PASSED TO BE ENACTED**

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 and H. "A" H-322)

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)

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

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

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

**ENACTOR**

**Tabled and Assigned**

An Act Relating to Smoking in Nursing Homes and Boarding Care Facilities (H.P. 920) (L.D. 1286) (C. "A" H-288)

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

On motion of Representative Manning of Portland, tabled pending passage to be enacted and specially assigned for Monday, June 5, 1989.

**PASSED TO BE ENACTED**

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

An Act Regarding Documentation of Rabies Shots for Dogs Brought into This State (H.P. 1076) (L.D. 1498)

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

**ENACTOR**

**Tabled and Assigned**

An Act to Clarify Procedural Aspects of the Forcible Entry and Detainer Law (H.P. 446) (L.D. 611) (C. "A" H-265)

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 Monday, June 5, 1989.

**ORDERS OF THE DAY  
TABLED AND TODAY ASSIGNED**

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

Bill "An Act Relating to the Maine Commission on Mental Health" (EMERGENCY) (S.P. 408) (L.D. 1074) - In Senate, Passed to be Engrossed as amended by Committee Amendment "A" (S-166).

TABLED - June 1, 1989 by Representative MANNING of Portland.

PENDING - Adoption of Committee Amendment "A" (S-166).

On of Representative Manning of Portland, retabled pending adoption of Committee Amendment "A" (S-166) and specially assigned for Monday, June 5, 1989.

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

HOUSE REPORT - "Ought to Pass" as amended by Committee Amendment "A" (H-334) - Committee on Education on Bill "An Act to Allow a Student an Option in Biological Dissection" (H.P. 253) (L.D. 365)

TABLED - June 1, 1989 by Representative CROWLEY of Stockton Springs.

PENDING - Acceptance of Committee Report.

On motion of Representative Crowley of Stockton Springs, retabled pending acceptance of the Committee Report and later today assigned.

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

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

TABLED - June 1, 1989 by Representative GWADOSKY of Fairfield.

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. 805 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" (S-128) was adopted.

The same Representative offered House Amendment "A" (H-369) to Committee Amendment "A" (S-128) and moved its adoption.

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

Committee Amendment "A" as amended by 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.

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

Bill "An Act to Improve Compliance with Truck Weight Limits" (H.P. 36) (L.D. 36) (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 - June 1, 1989 by Representative MAYO of Thomaston.

PENDING - Motion to Recede and Concur.

On motion of Representative Gwadosky of Fairfield, retabled pending the motion to recede and concur and specially assigned for Monday, June 5, 1989.

The Chair laid before the House the fifth 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 - June 1, 1989 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Engrossed.

On motion of Representative Mitchell of Freeport, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (S-141) was adopted.

The same Representative offered House Amendment "C" (H-364) to Committee Amendment "A" (S-141) and moved its adoption.

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

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

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

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(At Ease)

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The House was called to order by the Speaker.

The Chair laid before the House the following matter: Bill "An Act Concerning Withdrawal of Candidates" (H.P. 559) (L.D. 757) (passed to be engrossed as amended by Committee Amendment "A" (H-234) as amended by House Amendment "A" (H-282) thereto in the House on May 26, 1989, came from the Senate failing of passage to be engrossed in non-concurrence) which was tabled earlier in the day and later today assigned pending further consideration.

On motion of Representative Priest of Brunswick, retabled pending further consideration and specially assigned for Monday, June 5, 1989.

The Chair laid before the House the following matter: HOUSE REPORT - "Ought to Pass" as amended by Committee Amendment "A" (H-334) - Committee on Education on Bill "An Act to Allow a Student an Option in Biological Dissection" (H.P. 253) (L.D. 365) which was tabled earlier in the day and later today assigned pending acceptance of Committee Report.

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

Committee Amendment "A" (H-334) was read by the Clerk.

Representative Crowley of Stockton Springs offered House Amendment "A" (H-383) to Committee Amendment "A" (H-334) and moved its adoption.

House Amendment "A" to Committee Amendment "A" 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 Monday, June 5, 1989.

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(Off Record Remarks)

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Representative Holt of Bath was granted unanimous consent to address the House:

Representative HOLT: Mr. Speaker, Men and Women of the House: Today as part of the commemoration of the cooperation between the United States and Canada that was carefully crafted at the Governor's and Premier's Conference on Acid Rain, our State of Maine flag is flying over the Provincial Assembly at St. John's, Newfoundland.

Each year a state is paired with a Province of Canada to reaffirm our mutual commitment to stop acid rain pollution of our precious natural resources. This year we are proud to be paired with the Province of Newfoundland, Labrador. Unfortunately, although we do have a Newfoundland flag, it is not flying over our Capitol today because of a logistics snafu which may, we hope, be disentangled another year. But for the Record of this honorable Legislative body, it is important for us to reaffirm the commitment of Maine people to work with Canada, to see that we and our descendants are able to live in a place that is hospitable to the life of its creatures and plants, both great and small. Thank you Mr. Speaker.

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(Off Record Remarks)

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On motion of Representative Gould of Greenville, Adjourned until Monday, June 5, 1989, at nine o'clock in the morning.