

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred And Fourteenth Legislature
OF THE
State Of Maine

VOLUME IV

FIRST SPECIAL SESSION
August 21, 1989 to August 22, 1989
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FIRST CONFIRMATION SESSION
October 30, 1989
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SECOND CONFIRMATION SESSION
December 12, 1989
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SECOND REGULAR SESSION
January 3, 1990 to March 19, 1990

ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE
SECOND REGULAR SESSION
2nd Legislative Day
Thursday, January 4, 1990

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

Prayer by Father Renald LaBarre, Saint Philip's Catholic Church, Auburn.

The Journal of Wednesday, January 3, 1990, was read and approved.

Quorum call was held.

At this point, Representatives Bailey of Farmington, Gurney of Portland and Paradis, J. of Frenchville were added to the roll.

PAPERS FROM THE SENATE
Non-Concurrent Matter

An Act Relating to School Construction (C. "A" S-230) (S.P. 459) (L.D. 1244) which was Passed to be Enacted in the House on June 14, 1989.

Came from the Senate with the Bill and Accompanying Papers Recommended to the Committee on Education in non-concurrence.

The House voted to recede and concur.

COMMUNICATIONS

The following Communication:

DEPARTMENT OF
EDUCATIONAL AND CULTURAL SERVICES
STATE HOUSE STATION 23
Augusta, Maine 04333

To: Edwin H. Pert, Clerk of the House
From: S/Eve M. Bither, Commissioner
Date: January 4, 1990
Re: Report on habitual truants for the 1988-89 school year.

In accordance with 20-A MRSA Section 5051, I am pleased to submit our annual report of the number of habitual truants identified by school superintendents during the 1988-89 school year. A summary of findings for previous school years has been included for your information. The figures contained on this summary do not reflect the impact of new statutes enacted by the 112th Legislature under Chapter 415. These new statutes simplify the definition of habitual truancy, prohibit the employment of habitual truants and require professional qualifications for attendance coordinators.

Additional information regarding this report and statistics contained therein can be obtained by contacting the Office of Truancy, Dropout & Alternative Education, 289-5110.

Was read and with accompanying report ordered placed on file.

The following Communication:
STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333
January 3, 1990

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

This is to notify you that pursuant to my authority under 38 M.R.S.A., Section 1453, I am reappointing Theresa Secord Hoffman, of Indian

Island, to serve as a public member on the Maine Advisory Commission on Radioactive Waste.

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

Was read and ordered placed on file.

The following Communication: (H.P. 1513)
MAINE STATE LEGISLATURE
Augusta, Maine 04333
STUDY OF AGRICULTURAL MARKETING AND BARGAINING ACT
December 28, 1989

The Honorable John L. Martin, Chair
Legislative Council
Maine Legislature
State House
Augusta, ME 04333

Dear Mr. Chair:

The Study Committee on the Maine Agricultural Marketing and Bargaining Act is pleased to submit the attached report of our study, pursuant to the order of the Legislative Council. We hope you find this report a useful tool in our continuing efforts to support agriculture in the State.

Sincerely,
s/Rep. Robert J. Tardy
House Chair

Was read and with accompanying report ordered placed on file and sent up for concurrence.

The following Communication: (H.P. 1514)
STATE OF MAINE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
COMMITTEE ON BANKING AND INSURANCE
January 3, 1990

The Honorable John L. Martin, Chair
Legislative Council
Maine Legislature
State House
Augusta, ME 04333
Dear Mr. Chair:

The Joint Standing Committee on Banking and Insurance is pleased to submit the attached report of our Study of Uninsured Motorist Accidents pursuant to the order of the Legislative Council. We hope you find this report a useful tool in our continuing efforts to address this important issue.

Sincerely,
s/Sen. Raynold Theriault s/Rep. Charlene B. Rydell
Senate Chair House Chair

Was read and with accompanying report ordered placed on file and sent up for concurrence.

The following Communication:
MAINE STATE LEGISLATURE
Augusta, Maine 04333
December 28, 1989

The Honorable John L. Martin, Speaker
House of Representatives
State House
Augusta, ME 04333
Dear Speaker Martin:

The Student Financial Aid Transition Advisory Committee has submitted its study report to the Joint Standing Committee on Education, the Governor, and the Finance Authority of Maine as required by Chapter 559 of the Public Laws of 1989. For the information of the Legislature, the Advisory Committee is providing copies of the report to each representative and senator. We hope the Legislature finds this information useful.

Sincerely,
 S/Sen. Stephen M. Bost
 Chair, Student Financial Aid
 Transition Advisory Committee

Was read and with accompanying report referred to
 the Committee on Education.

**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 Continue the Percent for Art
 Program" (H.P. 1502) (L.D. 2082) (Presented by
 Representative WEBSTER of Cape Elizabeth)
 (Cosponsored by Representative FOSTER of Ellsworth,
 Senator BERUBE of Androscoggin and Representative
 MAYO of Thomaston) (Approved for introduction by a
 majority of the Legislative Council pursuant to Joint
 Rule 26.)

Bill "An Act to Continue Services for Homeless
 Youth in Cumberland County" (EMERGENCY) (H.P. 1510)
 (L.D. 2090) (Presented by Representative CARROLL of
 Gray) (Cosponsored by Representative HOGLUND of
 Portland, Senator BRANNIGAN of Cumberland and
 Representative WEBSTER of Cape Elizabeth) (Approved
 for introduction by a majority of the Legislative
 Council pursuant to Joint Rule 26.)

Bill "An Act to Determine the Prevalence of Lyme
 Disease in Maine" (H.P. 1511) (L.D. 2091) (Presented
 by Representative STEVENSON of Unity) (Cosponsored by
 Senator DUTREMBLE of York and Representative WEBSTER
 of Cape Elizabeth) (Approved for introduction by a
 majority of the Legislative Council pursuant to Joint
 Rule 26.)

Ordered Printed.
 Sent up for Concurrence.

Banking and Insurance

Bill "An Act to Expand and Extend the Maine
 Managed Care Insurance Plan Demonstration Project"
 (EMERGENCY) (H.P. 1509) (L.D. 2089) (Presented by
 Representative RYDELL of Brunswick) (Cosponsored by
 Representative MANNING of Portland, Senator COLLINS
 of Aroostook and Senator BRANNIGAN of Cumberland)
 (Approved for introduction by a majority of the
 Legislative Council pursuant to Joint Rule 26.)

Ordered Printed.
 Sent up for Concurrence.

Education

Bill "An Act to Strengthen Drug Abuse Treatment
 for Children of School Age" (H.P. 1504) (L.D. 2084)
 (Presented by Representative WEBSTER of Cape
 Elizabeth) (Cosponsored by Representative SMALL of
 Bath, Representative MacBRIDE of Presque Isle and
 Senator RANDALL of Washington) (Approved for
 introduction by a majority of the Legislative Council
 pursuant to Joint Rule 26.)

Ordered Printed.
 Sent up for Concurrence.

Energy and Natural Resources

Bill "An Act to Exempt Residential Developments
 from Noise Control Provisions" (H.P. 1503) (L.D.
 2083) (Presented by Representative LORD of Waterboro)
 (Cosponsored by Senator ERWIN of Oxford, Senator
 LUDWIG of Aroostook and Representative JACQUES of

Waterville) (Approved for introduction by a majority
 of the Legislative Council pursuant to Joint Rule 26.)

Bill "An Act Regarding Growth Management Efforts
 in Opportunity Zones" (H.P. 1505) (L.D. 2085)
 (Presented by Representative MICHAUD of East
 Millinocket) (Cosponsored by President PRAY of
 Penobscot, Representative HOGLUND of Portland and
 Representative DEXTER of Kingfield) (Approved for
 introduction by a majority of the Legislative Council
 pursuant to Joint Rule 26.)

Bill "An Act to Prohibit the Sale of Milk
 Products in Plastic Containers" (H.P. 1508) (L.D.
 2088) (Presented by Representative NUTTING of Leeds)
 (Approved for introduction by a majority of the
 Legislative Council pursuant to Joint Rule 26.)

Ordered Printed.
 Sent up for Concurrence.

Human Resources

Bill "An Act Concerning Availability of Income
 Between Spouses in the Determination of Medicaid
 Eligibility for Nursing Home Level Care" (H.P. 1501)
 (L.D. 2081) (Presented by Speaker MARTIN of Eagle
 Lake) (Cosponsored by Representative LISNIK of
 Presque Isle) (Approved for introduction by a
 majority of the Legislative Council pursuant to Joint
 Rule 26.)

Ordered Printed.
 Sent up for Concurrence.

Later Today Assigned

Bill "An Act to Provide for Outpatient
 Commitment" (H.P. 1506) (L.D. 2086) (Presented by
 Representative PARADIS of Augusta) (Approved for
 introduction by the majority of Legislative Council
 pursuant to Joint Rule 26.)

(The Committee on Reference of Bills had
 suggested the Committee on Judiciary)

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

Transportation

Bill "An Act to Enforce Reasonable Use of Sirens
 on Emergency Vehicles" (H.P. 1507) (L.D. 2087)
 (Presented by Representative GREENLAW of Standish)
 (Cosponsored by Senator COLLINS of Aroostook, Senator
 THERIAULT of Aroostook and Representative CARROLL of
 Gray) (Submitted by the Department of Human Services
 pursuant to Joint Rule 24.)

(The Committee on Reference of Bills had
 suggested the Committee on Legal Affairs)

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

Transportation

Bill "An Act Concerning the Travel Information
 Advisory Council" (H.P. 1512) (L.D. 2092) (Presented
 by Representative GWADOSKY of Fairfield) (Cosponsored
 by Representative TARDY of Palmyra and Representative
 MILLS of Bethel) (Approved for introduction by a
 majority of the Legislative Council pursuant to Joint
 Rule 26.)

Ordered Printed.
 Sent up for Concurrence.

Study Report-Committee on Banking and Insurance

Representative RYDELL from the Committee on Banking and Insurance to which was referred by the Legislative Council the Study Relative to The Feasibility of a State Fund to Provide Workers' Compensation Insurance Coverage to Employers have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$10,000,000 to Provide Initial Capitalization of a Public Mutual Insurance Company to Provide Workers' Compensation Insurance to Employers in this State" (H.P. 1496) (L.D. 2073) be referred to Joint Standing Committee on Appropriations and Financial Affairs for public hearing and printed pursuant to Joint Rule 19.

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

Study Report – Committee on Judiciary

Representative PARADIS from the Committee on Judiciary to which was referred by the Legislative Council the Study Relative to Termination of Medical Treatment, Hydration and Nutrition have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act Concerning Living Wills" (H.P. 1497) (L.D. 2074) be referred to this Committee for public hearing and printed pursuant to Joint Rule 19.

Report was read and accepted, and the bill referred to the Committee on Judiciary, ordered printed and sent up for concurrence.

Study Report – Committee on Business Legislation

Representative CONSTANTINE from the Committee on Business Legislation to which was referred by the Legislative Council the Study Relative to Third-Party Prescription Programs have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Require That Pharmacists Dispense Generic Drugs When Allowed by the Physician" (H.P. 1498) (L.D. 2075) be referred to this Committee for public hearing and printed pursuant to Joint Rule 19.

Report was read and accepted, and the bill referred to the Committee on Business Legislation, ordered printed and sent up for concurrence.

Reported Pursuant to Private and Special Law

Representative PRIEST for the Commission on Manufactured Housing, pursuant to Private and Special Law 1987, chapter 139 ask leave to submit its findings and to report that the accompanying Bill "An Act to Clarify Mobile Home Tenants' Rights" (H.P. 1499) (L.D. 2076) be referred to the Joint Standing Committee on Legal Affairs for Public Hearing and printed pursuant to Joint Rule 18.

Report was read and accepted, and the bill referred to the Committee on Legal Affairs, ordered printed and sent up for concurrence.

Reported Pursuant to Private and Special Law

Representative PRIEST for the Commission on Manufactured Housing, pursuant to Private and Special Law 1987, chapter 139 ask leave to submit its findings and to report that the accompanying Bill "An Act to Provide Warranties for Manufactured Housing Purchased from Out-of-state Dealers" (H.P. 1500) (L.D. 2077) be referred to the Joint Standing

Committee on Legal Affairs for Public Hearing and printed pursuant to Joint Rule 18.

Report was read and accepted, and the bill referred to the Committee on Legal Affairs, ordered printed and sent up for concurrence.

SPECIAL SENTIMENT CALENDAR

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

In Memory of:

Vivian Powell, who passed away on January 2, 1990, after more than 7 years of distinguished service as Public Address System Operator for the Maine House of Representatives. Vivian, a devoted Democrat, firmly believed in the two-party system and will be remembered by all as being exceptionally dedicated, hardworking, generous and good-natured; (HLS 1002) by Speaker MARTIN of Eagle Lake. (Cosponsors: Senator BUSTIN of Kennebec, Representative FARNSWORTH of Hallowell, Representative DAGGETT of Augusta, Representative HICKEY of Augusta, Representative PARADIS of Augusta, Representative BURKE of Vassalboro)

On motion of Representative Daggett of Augusta, was removed from the Special Sentiment Calendar.

Was read.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Joseph.

Representative JOSEPH: Mr. Speaker, Men and Women of the House: This is my tribute to Vivian Powell, who has done so much for so many, who spent a lifetime as an activist, as a kingmaker, never seeking attention or recognition or applause for herself. Her time was spent doing those important, behind-the-scenes chores and jobs that are necessary for success of those whom she supported and in whom she believed in. She did this with quiet dedication. She was the recipient of the Sam Shapiro Award, which recognizes the hard work and dedication of an outstanding Democrat, such as Vivian.

To Vivian's family, we thank them for sharing her with us.

Subsequently was adopted and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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

PAPER FROM THE SENATE

Refer to the Committee on Energy and Natural Resources

Report of the Committee on Aging, Retirement and Veterans on Bill "An Act to Amend the Laws Implementing, Administering and Enforcing the United States Emergency Planning and Community Right-to-Know Act of 1986" (EMERGENCY) (S.P. 780)(L.D. 2021) reporting that it be referred to the Committee on Energy and Natural Resources.

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

The report was read and accepted and the bill referred to the Committee on Energy and Natural Resources in concurrence.

(At Ease)

The House was called to order by the Speaker.

ORDERS OF THE DAY

BILL RECALLED FROM LEGISLATIVE FILES

(Pursuant to Joint Order - House Paper 1482)

Bill "An Act to Provide Needed Services Identified by the Task Force on Incapacitated and Dependent Adults, and Required by the United States Omnibus Budget Reconciliation Act of 1988" (H.P. 691) (L.D. 943)

On motion of Representative Gwadosky of Fairfield, was recommitted to the Committee on Human Resources in non-concurrence and sent up for concurrence.

(Off Record Remarks)

On motion of Representative Rydell of Brunswick, Adjourned until Friday, January 5, 1990, at twelve o'clock noon in memory of Vivian Powell.

STATE OF MAINE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
SECOND REGULAR SESSION
JOURNAL OF THE SENATE

In Senate Chamber

Thursday

January 4, 1990

Senate called to Order by the President.

Prayer by Gridley Barrows, Second Reader of the First Church of Christ, Scientist in Auburn.

GRIDLEY BARROWS: Good morning. It is good to be here and to support your recognition of what is good. The voice of the people impelled by the divine law that good is all and for all has been heard. The historic events of the past year must certainly inspire and sustain all of us in our commitment to recognize and maintain a government of the people, by the people, for the people. Each of us here can promote good government and the universal cause of freedom. We can do this by our recognition and obedience to the divine law, the law of love. We do this in our affirmation of human rights, regardless of race, religion, sex or nationality. We pray that you are chosen legislators will not be overwhelmed by the huge task confronting you. We know that when you stop and listen for that guidance, which requires each of us to be meek, honest, charitable, and to love his neighbor as himself, that you will be guided rightly in the days ahead. And now let us have a moment of silent prayer. Amen.

Reading of the Journal of Yesterday.

COMMUNICATIONS

The Following Communication:

MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333

December 28, 1989

The Honorable Charles P. Pray
President, Maine Senate
State House
Augusta, ME 04333

Dear President Pray:

The Student Financial Aid Transition Advisory Committee has submitted its study report to the Joint Standing Committee on Education, the Governor, and the Finance Authority of Maine as required by Chapter 559 of the Public Laws of 1989. For the information of the Legislature, the Advisory Committee is providing copies of the report to each representative and senator. We hope the Legislature finds this information useful.

Sincerely,
S/Sen. Stephen M. Bost
Chair
Student Financial Aid
Transition Advisory
Committee

Which was READ and referred to the Committee on EDUCATION.

The Following Communication:

DEPARTMENT OF
EDUCATIONAL AND CULTURAL SERVICES
STATE HOUSE STATION 23
AUGUSTA, MAINE 04333

To: Joy J. O'Brien, Secretary of the Senate
From: S/Eve M. Bither, Commissioner
Date: January 4, 1990
Re: Report on habitual truants for the 1988-89