

# 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  
Index

**FIRST CONFIRMATION SESSION**  
October 30, 1989  
Index

**SECOND CONFIRMATION SESSION**  
December 12, 1989  
Index

**SECOND REGULAR SESSION**  
January 3, 1990 to March 19, 1990

**ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE  
SECOND REGULAR SESSION  
3rd Legislative Day  
Friday, January 5, 1990**

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

Prayer by Reverend David Glusker, First Radio Parish Church of America, Augusta.

The Journal of Thursday, January 4, 1990, was read and approved.

Quorum call was held.

**\*APERS FROM THE SENATE**

Bill "An Act to Appropriate Funds for Alternatives to Juvenile Detention" (S.P. 817) (L.D. 2093)

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.

Bill "An Act to Amend the Definition of Actual Cash Value for Insurance Purposes" (S.P. 820) (L.D. 2096)

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

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

Bill "An Act to Amend Vital Statistics Provisions Pertaining to Adoptions" (S.P. 818) (L.D. 2094)

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

Was referred to the Committee on Human Resources in concurrence.

Bill "An Act to Increase Eligibility for Imprisonment with Intensive Supervision" (S.P. 822) (L.D. 2098)

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

On motion of Representative Melendy of Rockland, was referred to the Joint Select Committee on Corrections in non-concurrence and sent up for concurrence.

Bill "An Act to Clarify the Maine Juvenile Code" (S.P. 823) (L.D. 2099)

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

Was referred to the Committee on Judiciary in concurrence.

Resolve, to Allow Tyron Gray to Sue the State (S.P. 819) (L.D. 2095)

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

Was referred to the Committee on Legal Affairs in concurrence.

Bill "An Act to Clarify Definitions and Provisions of Marine Resources Laws" (S.P. 821) (L.D. 2097)

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

Was referred to the Committee on Marine Resources in concurrence.

**Study Report-Committee on Business Legislation**  
Report of 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 Certain 3rd-party Prescription Drug Programs Be Subject to the Provisions of the Appropriate Preferred Provider Arrangement Act" (S.P. 816) (L.D. 2080) be referred to this Committee for public hearing and printed pursuant to Joint Rule 19.

Came from the Senate with the report read and accepted and the bill referred to the Committee on Business Legislation and ordered printed.

Report was read and accepted and the bill referred to the Committee on Business Legislation and ordered printed in concurrence.

**Reported Pursuant to Private and Special Law**  
Report of 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 Regarding Evictions from Mobile Home Parks" (S.P. 815) (L.D. 2079) be referred to the Joint Standing Committee on Legal Affairs for public hearing and printed pursuant to Joint Rule 18.

Came from the Senate with the report read and accepted and the bill referred to the Committee on Legal Affairs and ordered printed.

Report was read and accepted and the bill referred to the Committee on Legal Affairs and ordered printed in concurrence.

**Reported Pursuant to Private and Special Law**  
Report of 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 Prevent Retaliatory Evictions of Mobile Park Tenants" (S.P. 814) (L.D. 2078) be referred to the Joint Standing Committee on Legal Affairs for public hearing and printed pursuant to Joint Rule 18.

Came from the Senate with the report read and accepted and the bill referred to the Committee on Legal Affairs and ordered printed.

Report was read and accepted and the bill referred to the Committee on Legal Affairs and ordered printed in concurrence.

**Non-Concurrent Matter**  
An Act to Allow a Student an Option in Biological Dissection (H.P. 253) (L.D. 365) (H. "A" H-383 to C. "A" H-334) which was passed to be Enacted on June 8, 1989.

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

The House voted to recede and concur.

**COMMUNICATIONS**

The following Communication:  
**MAINE STATE LEGISLATURE**  
Augusta, Maine 04333  
**COMMISSION TO STUDY PUBLIC FINANCING**

OF STATE ELECTIONS

December 29, 1989

The Honorable John L. Martin  
The Honorable Charles P. Pray  
Maine Legislature  
State House  
Augusta, ME 04333

Dear Speaker Martin and President Pray:

The Commission to Study Public Financing of State Elections is pleased to submit its report to the Legislature pursuant to Resolves 1989, ch. 59.

Sincerely,  
S/Rep. Charles R. Priest,  
Chair

Was read and with accompanying report ordered placed on file.

The following Communication:

MAINE STATE LEGISLATURE  
Augusta, Maine 04333  
MANUFACTURED HOUSING COMMISSION  
December 29, 1989

The Honorable John L. Martin  
The Honorable Charles P. Pray  
Maine Legislature  
State House  
Augusta, ME 04333

Dear Speaker Martin and President Pray:

The Manufactured Housing Commission is pleased to submit its report to the Legislature pursuant to Private & Special Law 1987, c. 139.

Sincerely,  
S/Rep. Charles R. Priest,  
Chair

Was read and with accompanying report ordered placed on file.

PETITIONS, BILLS AND RESOLVES  
REQUIRING REFERENCE

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

Aging, Retirement and Veterans

Bill "An Act to Amend the Laws Relating to the Maine Committee on Aging" (H.P. 1546) (L.D. 2131) (Presented by Representative HICKEY of Augusta) (Cosponsored by Senator CLARK of Cumberland, Representative McSWEENEY of Old Orchard Beach and Representative JALBERT of Lisbon) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Bill "An Act to Require the State to Pay a Portion of the Health Insurance Premiums for Dependents of Retired State Employees" (H.P. 1534) (L.D. 2119) (Presented by Representative AULT of Wayne) (Cosponsored by Representative NORTON of Winthrop, Senator KANY of Kennebec and Senator CLARK of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Ordered Printed.  
Sent up for Concurrence.

Agriculture

Bill "An Act Prohibiting Membership in a Trade or Similar Association from Being a Condition for Licensing or Certifying a Producer's Food as Natural or Organic" (H.P. 1522) (L.D. 2107) (Presented by Representative WHITCOMB of Waldo) (Approved for

introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Bill "An Act to Regulate Food Salvage Operations" (H.P. 1536) (L.D. 2121) (Presented by Representative PINES of Limestone) (Cosponsored by Senator COLLINS of Aroostook, Representative BELL of Caribou and Representative ALIBERTI of Lewiston) (Submitted by the Department of Agriculture, Food and Rural Resources pursuant to Joint Rule 24.)

Ordered Printed.  
Sent up for Concurrence.

Appropriations and Financial Affairs

Bill "An Act to Address the Crisis Confronting Clients of the Training Programs Administered by the Bureau of Vocational Rehabilitation" (EMERGENCY) (H.P. 1526) (L.D. 2111) (Presented by Representative GWADOSKY of Fairfield) (Cosponsored by Senator CAHILL of Sagadahoc, Senator PEARSON of Penobscot and Representative McGOWAN of Canaan) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Ordered Printed.  
Sent up for Concurrence.

Agriculture

Bill "An Act to Purchase the Development Rights to Farmland" (H.P. 1545) (L.D. 2130) (Presented by Representative MARSH of West Gardiner) (Cosponsored by Representative WHITCOMB of Waldo and Representative McGOWAN of Canaan) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

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

On motion of Representative Carter of Winslow, was referred to the Committee on Agriculture, ordered printed and sent up for concurrence.

Appropriations and Financial Affairs

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$15,000,000 to Finance the Acquisition of Farmland to Preserve the Land for its Natural, Open Space, Ecological and Aesthetic Value" (H.P. 1544) (L.D. 2129) (Presented by Representative MARSH of West Gardiner) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Ordered Printed.  
Sent up for Concurrence.

Later Today Assigned

Resolve, to Study the Effect of Maine's Antifouling Paint Laws (EMERGENCY) (H.P. 1539) (L.D. 2124) (Presented by Representative KILKELLY of Wiscasset) (Cosponsored by Representative BREWER of Boothbay Harbor, Representative BEGLEY of Waldoboro and Senator ESTES of York) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

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

Representative Carter of Winslow moved that L.D. 2124 be referred to the Committee on Energy and Natural Resources.

On motion of Representative Mitchell of Freeport, tabled pending the motion of Representative Carter of Winslow that L.D. 2124 be referred to the Committee

on Energy and Natural Resources and later today assigned.

**Business Legislation**

Bill "An Act to Require Home Radon Testing Prior to Sale" (H.P. 1531) (L.D. 2116) (Presented by Representative DORE of Auburn) (Cosponsored by Representative GWADOSKY of Fairfield and Senator TITCOMB of Cumberland) (Submitted by the Department of the Attorney General pursuant to Joint Rule 24.)

Bill "An Act to Allow the Issuance of a Temporary License in Case of the Death of a Real Estate Broker" (H.P. 1529) (L.D. 2114) (Presented by Representative O'DEA of Orono) (Cosponsored by Representative DORE of Auburn and Representative CASHMAN of Old Town) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Bill "An Act Concerning the Application of Licensure Requirements for Counseling Professionals" (H.P. 1520) (L.D. 2105) (Presented by Representative ROLDE of York) (Cosponsored by Representative MANNING of Portland, Senator BRANNIGAN of Cumberland 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 Concerning Special Waste" (H.P. 1532) (L.D. 2117) (Presented by Representative MAYO of Thomaston) (Cosponsored by Representative MELENDY of Rockland, Representative LORD of Waterboro and Representative DEXTER of Kingfield) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Bill "An Act to Ensure Adequate Closure of the Landfill Operated by Downeast Disposal, Incorporated in Steuben" (H.P. 1515) (L.D. 2100) (Presented by Representative CONSTANTINE of Bar Harbor) (Cosponsored by Representative FARREN of Cherryfield and Senator RANDALL of Washington) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Bill "An Act to Modify the Solid Waste Law as it Applies to Aseptic Packaging" (H.P. 1525) (L.D. 2110) (Presented by Representative GOULD of Greenville) (Cosponsored by Representative FOSS of Yarmouth, Senator BUSTIN of Kennebec and Representative HOGLUND of Portland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Bill "An Act to Replace the Large Lot Exceptions under the Site Location of Development Law with a Low-density Exemption" (H.P. 1543) (L.D. 2128) (Presented by Representative DEXTER of Kingfield) (Cosponsored by Representative GOULD of Greenville, Representative MARSH of West Gardiner and Senator KANY of Kennebec) (Submitted by the Department of Environmental Protection pursuant to Joint Rule 24.)

Ordered Printed.  
Sent up for Concurrence.

**Fisheries and Wildlife**

Bill "An Act Concerning Operation of All-terrain Vehicles" (H.P. 1519) (L.D. 2104) (Presented by Representative McPHERSON of Eliot) (Cosponsored by Representative GOULD of Greenville) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Bill "An Act to Amend the Moose Hunting Laws" (H.P. 1518) (L.D. 2103) (Presented by Representative

GOULD of Greenville) (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 Amend the Maine Human Rights Act with Regard to Housing Discrimination on the Basis of Handicap" (H.P. 1542) (L.D. 2127) (Presented by Representative FARNSWORTH of Hallowell) (Cosponsored by Senator BUSTIN of Kennebec, Representative GWADOSKY of Fairfield and Senator CLARK of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

(The Committee on Reference of Bills had suggested the Committee on Housing and Economic Development)

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

**Human Resources**

Bill "An Act to Amend the Laws Concerning the Department of Human Services to Increase the Maximum Allowable Fine to \$50,000" (H.P. 1521) (L.D. 2106) (Presented by Representative PENDLETON of Scarborough) (Cosponsored by Senator WEBSTER of Franklin and Representative CLARK of Brunswick) (Submitted by the Department of Human Services pursuant to Joint Rule 24.)

Bill "An Act to Expand Estate Recovery from Certain Medicaid Recipients" (H.P. 1524) (L.D. 2109) (Presented by Representative DELLERT of Gardiner) (Cosponsored by Senator PERKINS of Hancock, Senator TITCOMB of Cumberland and Representative MANNING of Portland) (Submitted by the Department of Human Services pursuant to Joint Rule 24.)

Bill "An Act to Establish the Protection and Advocacy Agency for Persons with Disabilities" (EMERGENCY) (H.P. 1527) (L.D. 2112) (Presented by Representative CLARK of Brunswick) (Cosponsored by Senator BUSTIN of Kennebec, Senator CAHILL of Sagadahoc and Representative MANNING of Portland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Ordered Printed.  
Sent up for Concurrence.

**Judiciary**

Bill "An Act Regarding Preliminary Protection Orders in Child Protective Cases" (H.P. 1530) (L.D. 2115) (Presented by Representative NUTTING of Leeds) (Cosponsored by Representative BURKE of Vassalboro and Representative WHITCOMB of Waldo) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

(The Committee on Reference of Bills had suggested the Committee on Human Resources)

On motion of Representative Manning of Portland, was referred to the Committee on Judiciary, ordered printed and sent up for concurrence.

**Human Resources**

Bill "An Act to Establish the Advisory Board on Rights of Children in Need of Treatment" (H.P. 1537) (L.D. 2122) (Presented by Representative DELLERT of Gardiner) (Cosponsored by Senator GILL of Cumberland, Senator BRANNIGAN of Cumberland and Representative BURKE of Vassalboro) (Submitted by the Department of

Mental Health and Mental Retardation pursuant to Joint Rule 24.)

Bill "An Act to Clarify the Laws Regarding Recovery of Medicaid Payments from Liable Third Parties" (H.P. 1540) (L.D. 2125) (Presented by Representative DELLERT of Gardiner) (Cosponsored by Senator GILL of Cumberland, Senator GAUVREAU of Androscoggin and Representative MANNING of Portland) (Submitted by the Department of Human Services pursuant to Joint Rule 24.)

Ordered Printed.

Sent up for Concurrence.

#### Judiciary

Bill "An Act to Amend the Statute of Limitations with Respect to Medical Malpractice Prelitigation Screening Panels" (H.P. 1516) (L.D. 2101) (Presented by Representative MARSANO of Belfast) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.

Sent up for Concurrence.

#### Legal Affairs

Bill "An Act to Amend the Operating-under-the-influence Laws" (H.P. 1535) (L.D. 2120) (Presented by Representative PRIEST of Brunswick) (Cosponsored by Representative HUSSEY of Milo, Representative BAILEY of Farmington and Senator PERKINS of Hancock) (Submitted by the Department of Public Safety pursuant to Joint Rule 24.)

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

On motion of Representative Paradis of Augusta, was referred to the Committee on Legal Affairs, ordered printed and sent up for concurrence.

#### Later Today Assigned

Bill "An Act Establishing Ownership of and Liability for Nuclear Waste" (H.P. 1538) (L.D. 2123) (Presented by Representative HOLT of Bath) (Cosponsored by Senator GAUVREAU of Androscoggin, Representative FOSTER of Ellsworth and Representative HASTINGS of Fryeburg) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

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

On motion of Representative Paradis of Augusta, tabled pending reference and later today assigned.

#### Legal Affairs

Bill "An Act to Prohibit the Breaking of Glass Products in Games of Skill" (H.P. 1517) (L.D. 2102) (Presented by Representative TRACY of Rome) (Cosponsored by Representative GOULD of Greenville and Representative ADAMS of Portland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Ordered Printed.

Sent up for Concurrence.

#### Marine Resources

Bill "An Act Regarding the Testing of Closed Clam Flats" (H.P. 1528) (L.D. 2113) (Presented by Representative MITCHELL of Freeport) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Bill "An Act Regarding Municipal Shellfish Regulations" (H.P. 1533) (L.D. 2118) (Presented by Representative MITCHELL of Freeport) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Bill "An Act to Establish Licensing Requirements and a Cooperative Monitoring Program for Mahogany Quahogs" (H.P. 1541) (L.D. 2126) (Presented by Representative LOOK of Jonesboro) (Cosponsored by Representative HUTCHINS of Penobscot, Senator BRANNIGAN of Cumberland and Representative MITCHELL of Freeport) (Submitted by the Department of Marine Resources pursuant to Joint Rule 24.)

Ordered Printed.

Sent up for Concurrence.

#### Transportation

Bill "An Act to Prevent Pollution in Penobscot Bay" (H.P. 1523) (L.D. 2108) (Presented by Representative WHITCOMB of Waldo) (Cosponsored by Representative MAYO of Thomaston, Senator BRAUN of Knox and Senator GOULD of Waldo) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Ordered Printed.

Sent up for Concurrence.

#### REPORTS OF COMMITTEES

##### Divided Report

Six Members of the Committee on Transportation on Bill "An Act to Provide Access to Camps" (H.P. 876) (L.D. 1219) report in Report "A" that the same "Ought to Pass" as amended by Committee Amendment "A" (H-728)

Signed:

Representatives: MOHOLLAND of Princeton  
MACOMBER of South Portland  
STROUT of Corinth  
HICHBORN of Howland  
MARTIN of Van Buren  
MILLS of Bethel

Six Members of the same Committee on same Bill report in Report "B" that the same "Ought Not to Pass".

Signed:

Senators: TWITCHELL of Oxford  
GOULD of Waldo  
THERIAULT of Aroostook  
Representatives: McPHERSON of Eliot  
HUSSEY of Milo  
BAILEY of Farmington

Reports were read.

On motion of Representative Moholland of Princeton, Report "A" "Ought to Pass" was accepted, the Bill read once.

Committee Amendment "A" (H-728) was read by the Clerk and adopted and the Bill assigned for second reading Monday, January 8, 1990.

The following items appearing on Supplement No. 3 were taken up out of order by unanimous consent:

#### PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

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

##### Agriculture

Resolve, to Establish Harness Racing Dates for 1990 (EMERGENCY) (H.P. 1547) (L.D. 2146) (Presented by Representative TARDY of Palmyra) (Approved for

introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Resolve, Regarding Harness Racing (EMERGENCY) (H.P. 1548) (L.D. 2147) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsored by Representative MACOMBER of South Portland, Senator TWITCHELL of Oxford 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.

By unanimous consent, ordered sent forthwith to the Senate.

(Off Record Remarks)

On motion of Representative Martin of Van Buren, Adjourned until Monday, January 8, 1990, at 12:30 p.m.

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ORDERS OF THE DAY  
UNFINISHED BUSINESS

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

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

Bill "An Act to Make Corrections in the Governmental Ethics Law" (EMERGENCY) (H.P. 1481) (L.D. 2061)

(Committee on State and Local Government suggested.)

TABLED - January 3, 1990 by Representative GWADOSKY of Fairfield.

PENDING - Reference.

On motion of Representative Gwadosky of Fairfield, retabled pending reference and specially assigned for Monday, January 8, 1990.

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

Bill "An Act to Provide for Outpatient Commitment" (H.P. 1506) (L.D. 2086)

(Committee on Judiciary suggested.)

TABLED - January 4, 1990 (Till Later Today) by Representative GWADOSKY of Fairfield.

PENDING - Reference.

On motion of Representative Manning of Portland, was referred to the Committee on Human Resources, ordered printed and sent up for concurrence.

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The Chair laid before the House the following matter: Resolve, to Study the Effect of Maine's Antifouling Paint Laws (EMERGENCY) (H.P. 1539) (L.D. 2124) which was tabled earlier in the day and later today assigned pending the motion of Representative Carter of Winslow that L.D. 2124 be referred to the Committee on Energy and Natural Resources.

Subsequently, Representative Carter of Winslow withdrew his motion.

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

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The Chair laid before the House the following matter: Bill "An Act to Amend the Maine Human Rights Act with Regard to Housing Discrimination on the Basis of Handicap" (H.P. 1542) (L.D. 2127) which was tabled earlier in the day and later today assigned pending reference.

On motion of Representative Gwadosky of Fairfield, retabled pending reference and specially assigned for Monday, January 8, 1990.