

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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December 12, 1989
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SECOND REGULAR SESSION
January 3, 1990 to March 19, 1990

has gone on in my area is that the advertising has been very misleading by the dairy industry, thinking and making people believe that it is against the law and they will be fined a \$100 if they have a milk crate. They have been treading on real thin ice, and when a little lady who told me that she had been collecting mittens to give to the poor in a milk crate and she returned it to the dairy, while there are thousands of them around stores and shopping centers and all over the place and they don't pick up their own carts, I was really appalled!

I called and contacted the dairy representatives, and they told me that they are going to stop the advertising. But two nights ago, police officers were on TV talking about picking up people, enforcing the law, and fining them \$100 if they have these milk crates. So, hopefully, the law will be read to as a public service announcement to the people of the State of Maine, that it is not against the law, that university students that use them for storage of albums, or storage, or whatever else, that it's not a \$100 fine, the Legislature didn't pass it.

But the dairy industry tread on very thin ice, and this is a warning to them and the public, that this shouldn't happen again, a misrepresentation. Thank you Mr. President.

Senator KANY of Kennebec was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

Senate at Ease

Senate called to order by the President.

Out of order and under suspension of the Rules, the Senate considered the following:

PAPERS FROM THE HOUSE

House Papers

Resolve, to Establish Harness Racing Dates for 1990 (Emergency)

H.P. 1547 L.D. 2146

Resolve, Regarding Harness Racing (Emergency)

H.P. 1548 L.D. 2147

Come from the House referred to the Committee on AGRICULTURE and ORDERED PRINTED.

Which were referred to the Committee on AGRICULTURE and ORDERED PRINTED, in concurrence.

On motion by Senator BUSTIN of Kennebec, ADJOURNED in memory of Vivian Powell, until Monday, January 8, 1990, at 12:00 in the afternoon.

ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE
SECOND REGULAR SESSION
4th Legislative Day
Monday, January 8, 1990

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

Prayer by Reverend Jill Staples, First Congregational Church of Kittery at Kittery Point.

Pledge of Allegiance.

The Journal of Friday, January 5, 1990, was read and approved.

Quorum call was held.

PAPERS FROM THE SENATE

Bill "An Act to Improve the Standard of Living of Children from Low-income Families" (S.P. 828) (L.D. 2136)

Bill "An Act to Provide Funding for Volunteer Literacy Services for Maine Citizens" (S.P. 831) (L.D. 2139)

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

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

Bill "An Act to Amend and Improve the Education Laws of Maine" (S.P. 830) (L.D. 2138)

Bill "An Act to Amend and Reauthorize the Percent for Art Act" (S.P. 834) (L.D. 2142)

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

Were referred to the Committee on Education in concurrence.

Bill "An Act to Promote Markets for Recycled Newspapers" (S.P. 825) (L.D. 2133)

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

Was referred to the Committee on Energy and Natural Resources in concurrence.

Bill "An Act to Change the Name of the Committee for the Interdepartmental Coordination of Services to Children and Families" (S.P. 826) (L.D. 2134)

Bill "An Act to Amend Spinal Screening Laws" (S.P. 833) (L.D. 2141)

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

Were referred to the Committee on Human Resources in concurrence.

Bill "An Act Concerning the Commission to Implement the Computerization of Criminal History Record Information" (S.P. 832) (L.D. 2140)

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

Was referred to the Committee on Judiciary in concurrence.

Bill "An Act to Allow Kineo Township to Organize" (S.P. 835) (L.D. 2143)

Came from the Senate, referred to the Committee on State and Local Government and Ordered Printed.

Was referred to the Committee on State and Local Government in concurrence.

Bill "An Act to Implement Changes to the Homestead Property Tax Exemption Law" (EMERGENCY) (S.P. 827) (L.D. 2135)

Bill "An Act to Repeal the Homestead Exemption" (EMERGENCY) (S.P. 829) (L.D. 2137)

Resolve, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Real Estate in Unorganized Territory (S.P. 836) (L.D. 2144)

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

Were referred to the Committee on Taxation in concurrence.

Bill "An Act to Increase the Debt Limit of the Stonington Water Company" (EMERGENCY) (S.P. 824) (L.D. 2132)

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

Was referred to the Committee on Utilities in concurrence.

Non-Concurrent Matter

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) which was referred to the Committee on Appropriations and Financial Affairs in the House on January 4, 1989.

Came from the Senate referred to the Committee on Banking and Insurance in non-concurrence.

On motion of Representative Carter of Winslow, the House voted to recede and concur.

COMMUNICATIONS

The following Communication: (H.P. 1549)

STATE OF MAINE
OFFICE OF POLICY AND LEGAL ANALYSIS
State House Station 13
Augusta, Maine 04333

December 29, 1989

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

Dear Mr. Chair:

The Joint Standing Committee on Human Resources is pleased to submit the attached report of our study of Mental Health Services pursuant to the order of the Legislative Council. We hope you find this report a useful tool in our continuing efforts.

Sincerely,

s/Sen. N. Paul Gauvreau, s/Rep. Peter J. Manning,
Chair Chair

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

Energy and Natural Resources

Bill "An Act Pertaining to the Generation of Electric Power Through the Use of Wood" (H.P. 1552) (L.D. 2150) (Presented by Representative SMITH of Island Falls) (Cosponsored by Representative ANDERSON of Woodland and Representative MICHAUD of East

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

Sent up for Concurrence.

Fisheries and Wildlife

Bill "An Act to Improve the Organizational Structure of the Fish and Wildlife Advisory Council" (H.P. 1551) (L.D. 2149) (Presented by Representative FARREN of Cherryfield) (Cosponsored by Representative SMITH of Island Falls, Representative CARROLL of Southwest Harbor and Representative CLARK of Millinocket) (Submitted by the Department of Inland Fisheries and Wildlife pursuant to Joint Rule 24.) Ordered Printed.

Sent up for Concurrence.

Taxation

Bill "An Act Concerning Property Valuation for Tax Purposes" (H.P. 1550) (L.D. 2148) (Presented by Representative SMITH of Island Falls) (Cosponsored by Representative DORE of Auburn and Speaker MARTIN of Eagle Lake) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.) Ordered Printed.

Sent up for Concurrence.

ORDERS

On motion of Representative McSWEENEY of Old Orchard Beach, the following Order:

ORDERED, that Representative Conrad Heeschen of Wilton be excused January 5 for legislative business.

AND BE IT FURTHER ORDERED, that Representative John H. Carroll of Southwest Harbor be excused January 5 for personal reasons.

Was read and passed.

REPORTS OF COMMITTEES

Unanimous Leave to Withdraw

Representative JACQUES from the Committee on Energy and Natural Resources on Bill "An Act to Provide for a Clear Definition of the High-water Mark of Artificial Bodies of Water" (H.P. 1320) (L.D. 1822) reporting "Leave to Withdraw"

Representative RYDELL from the Committee on Banking and Insurance on Bill "An Act to Create a State Fund to Provide Workers' Compensation Insurance Coverage to Employers" (H.P. 952) (L.D. 1320) reporting "Leave to Withdraw"

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

CONSENT CALENDAR

First Day

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

(H.P. 1330) (L.D. 1847) Bill "An Act to Amend the Potato Branding Laws" (EMERGENCY) Committee on Agriculture reporting "Ought to Pass"

(S.P. 665) (L.D. 1778) Bill "An Act to Encourage Air Transportation to Designated Locations in Maine" Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-467)

There being no objections, the above items were ordered to appear on the Consent Calendar of Tuesday, January 9, 1990, under the listing of Second Day.

Adjourned until Tuesday, January 9, 1990, at four o'clock in the afternoon.

**SECOND READER
(Recommitted)**

Bill "An Act to Provide Access to Camps" (H.P. 876) (L.D. 1219) (C. "A" H-728)

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

On motion of Representative Gwadosky of Fairfield, Bill and accompanying papers were recommitted to the Committee on Transportation and sent up for concurrence.

**ORDERS OF THE DAY
UNFINISHED BUSINESS**

The following matter, in the consideration of which the House was engaged at the time of adjournment on Friday, January 5, 1990 has preference in the Orders of the Day and continues 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 Establishing Ownership of and Liability for Nuclear Waste" (H.P. 1538) (L.D. 2123) (Committee on Judiciary suggested.)

TABLED - January 5, 1990 (Till Later Today) by Representative PARADIS of Augusta.
PENDING - Reference.

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

TABLED AND TODAY ASSIGNED

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

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 5, 1990 by Representative GWADOSKY of Fairfield.

PENDING - Reference.

On motion of Representative Gwadosky of Fairfield, retabled pending reference and specially assigned for Tuesday, January 9, 1990.

The Chair laid before the House the second tabled and today assigned 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)

(Committee on Housing and Economic Development suggested.)

TABLED - January 5, 1990 by Representative GWADOSKY of Fairfield.

PENDING - Reference.

Was referred to the Committee on Housing and Economic Development, ordered printed and sent up for concurrence.

At this point, Representatives Cathcart of Orono, Ketover of Portland, Conley of Portland and Murphy of Berwick were added to the roll.

(Off Record Remarks)

On motion of Representative Conley of Portland,