

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**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

Cosponsored by Senator THERIAULT of Aroostook, Representative GARLAND of Bangor and Representative BOUTILIER of Lewiston Submitted by the Department of Human Services pursuant to Joint Rule 24. Which was referred to the Committee on BUSINESS LEGISLATION and ORDERED PRINTED. Sent down for concurrence.

Senate at Ease  
Senate called to order by the President.

SECOND READERS

The Committee on Bills in the Second Reading reported the following:

Senate  
Bill "An Act to Amend the Implementation Date of the Drug Testing Laws" (Emergency)  
S.P. 837 L.D. 2145  
Which was READ A SECOND TIME.  
On motion by Senator DUTREMBLE of York, Tabled 1 Legislative Day, pending PASSAGE TO BE ENGROSSED.

ORDERS OF THE DAY

The Chair laid before the Senate the Tabled and Today Assigned matter:

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 1987"  
H.P. 691 L.D. 943  
(C "A" H-199)

Tabled - January 5, 1990, by Senator GAUVREAU of Androscoggin.

Pending - FURTHER CONSIDERATION

(In House, July 1, 1989, Bill and Accompanying Papers INDEFINITELY POSTPONED, in concurrence.)

(In House, January 3, 1990, RECALLED from the Legislative Files pursuant to Joint Order H.P. 1482.)

(In House, January 4, 1990, Bill and Accompanying Papers RECOMMITTED to the Committee on HUMAN RESOURCES in NON-CONCURRENCE.)

On motion by Senator GAUVREAU of Androscoggin, the Senate RECEDED and CONCURRED.

On motion by Senator GAUVREAU of Androscoggin, ADJOURNED until Tuesday, January 9, 1990, at 4:00 in the afternoon.

ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE  
SECOND REGULAR SESSION  
5th Legislative Day  
Tuesday, January 9, 1990

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

Prayer by Father John Shorty, Saint Mary's Catholic Church, Augusta.

The Journal of Monday, January 8, 1990, was read and approved.

Quorum call was held.

PAPERS FROM THE SENATE

Resolve, to Promote Community-based Volunteerism in Defense of the Environment (S.P. 839) (L.D. 2152)

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.

COMMUNICATIONS

The following Communication: (H.P. 1566)

STATE OF MAINE

ONE HUNDRED AND FOURTEENTH LEGISLATURE

COMMITTEE ON BANKING AND INSURANCE

January 5, 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 & Insurance has received the attached staff report, "Survey of Victims of Uninsured Motorist Accidents", from the Office of Policy and Legal Analysis in accordance with Title 29, section 790, subsection 3 of the Revised Statutes.

This survey provided the basis for the study of Uninsured Motorist Accidents submitted by this committee to the Legislature earlier this week. For the information of the Legislature, the Committee is providing copies of the staff report of the survey itself to each representative and senator. We hope the Legislature finds this information useful in considering the financial problems faced by victims of accidents caused by uninsured motorists.

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.

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 Provide Emergency Supplemental Funding to Maintain the Current Level of AIDS-related Community-based Services Provided through the AIDS Project" (EMERGENCY) (H.P. 1556) (L.D. 2156) (Presented by Representative CONLEY of Portland) (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 Establish a Wildlife Management Area in the Town of Bradley" (H.P. 1553) (L.D. 2153) (Presented by Representative PARADIS of Old Town) (Cosponsored by Senator BOST of Penobscot) (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 Relating to the ASPIRE Program" (H.P. 1555) (L.D. 2155) (Presented by Representative FOSS of Yarmouth) (Cosponsored by Senator GILL of Cumberland, Senator BERUBE of Androscoggin and Representative CONLEY of Portland) (Submitted by the Department of Human Services pursuant to Joint Rule 24.)

Ordered Printed.  
Sent up for Concurrence.

**Legal Affairs**

Bill "An Act to Discourage Negative Campaign Practices" (H.P. 1558) (L.D. 2158) (Presented by Representative MAYO of Thomaston) (Cosponsored by President PRAY of Penobscot, Senator CLARK of Cumberland and Representative GWADOSKY of Fairfield) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Ordered Printed.  
Sent up for Concurrence.

**State and Local Government**

Bill "An Act Shifting Financial Responsibility for County District Attorney Offices to the State" (H.P. 1554) (L.D. 2154) (Presented by Representative CONLEY of Portland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Ordered Printed.  
Sent up for Concurrence.

**Utilities**

Bill "An Act Pertaining to Cable Television Systems" (H.P. 1557) (L.D. 2157) (Presented by Representative SMITH of Island Falls) (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 RAND from the Committee on Banking and Insurance to which was referred by the Legislative Council the Study Relative to 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 Amend the Workers' Compensation Insurance Laws" (H.P. 1565) (L.D. 2171) 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 Banking and Insurance, ordered printed and sent up for concurrence.

**Study Report-Committee on Banking and Insurance**

Representative JOSEPH from the Committee on Banking and Insurance to which was referred by the Legislative Council the Study Relative to 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 RESOLUTION, Proposing an Amendment to the Constitution of Maine to Ensure the Financial Integrity of Any Public Mutual Insurance Company Established to Provide Workers' Compensation Insurance to Employers in This State (H.P. 1561) (L.D. 2167) be referred to this Committee for public hearing and printed pursuant to Joint Rule 19.

Report was read and accepted.

On motion of Representative Rydell of Brunswick, tabled pending reference and specially assigned for Thursday, January 11, 1990.

**Study Report-Committee on Housing and Economic Development**

Representative MELENDY from the Committee on Housing and Economic Development to which was referred by the Legislative Council the Study Relative to Affordable Housing have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Continue the Effort to Preserve and Promote Affordable Housing and Economic Opportunities for Maine People" (H.P. 1564) (L.D. 2170) 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 Housing and Economic Development, ordered printed and sent up for concurrence.

**Reported Pursuant to Private and Special Law**

Representative CARROLL 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 Regarding Mobile Home Park Tenants' Use of the Defense of Breach of the Warranty of Habitability" (H.P. 1559) (L.D. 2165) 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 SHELTRA 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 Ensure that Mobile Home Park Operators are Informed of Habitability Problems" (H.P. 1560) (L.D. 2166) 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 SHELTRA 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 Regarding Mobile Home Safety Standards" (H.P. 1562) (L.D. 2168) 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 CARROLL 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 Regarding Homeowners' Rights When Mobile Home Parks are Sold" (H.P. 1563) (L.D. 2169) 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.

**REPORTS OF COMMITTEES**

**Unanimous Ought Not to Pass**

Representative JACQUES from the Committee on Energy and Natural Resources on Bill "An Act to Abate Nonpoint Source Pollution from Road Runoff" (H.P. 1387) (L.D. 1917) reporting "Ought Not to Pass"

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

**Unanimous Leave to Withdraw**

Representative MANNING from the Committee on Human Resources on Bill "An Act to Strengthen the Maine Radiation Control Program" (H.P. 756) (L.D. 1060) reporting "Leave to Withdraw"

Representative MANNING from the Committee on Human Resources on Bill "An Act to Amend the Family Planning Services Act" (H.P. 846) (L.D. 1178) reporting "Leave to Withdraw"

Representative McHENRY from the Committee on Labor on Bill "An Act to Create a Workers' Compensation Logging Industry Fund" (H.P. 666) (L.D. 908) 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 item appeared on the Consent Calendar for the First Day:

(H.P. 645) (L.D. 879) Bill "An Act to Create a Standard for Respiratory Rescue Personnel Who Are State Employees" Committee on Labor reporting "Ought to Pass"

There being no objections, the above item was ordered to appear on the Consent Calendar of Thursday, January 11, 1990, 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:

(H.P. 1330) (L.D. 1847) Bill "An Act to Amend the Potato Branding Laws" (EMERGENCY)

(S.P. 665) (L.D. 1778) Bill "An Act to Encourage Air Transportation to Designated Locations in Maine" (C. "A" S-467)

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

**ORDERS OF THE DAY**

**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 8, 1990 by Representative GWADOSKY of Fairfield.

PENDING - Reference.

On motion of Representative Mayo of Thomaston, retabled pending reference and later today assigned.

(At Ease)

The House was called to order by the Speaker.

The Chair laid before the House the following matter: Bill "An Act to Make Corrections in the Governmental Ethics Law" (EMERGENCY) (H.P. 1481) (L.D. 2061) which was tabled earlier in the day and later today assigned pending reference.

Subsequently, was referred to the Committee on State and Local Government, ordered printed and sent up for concurrence.

(Off Record Remarks)

At this point, pursuant to House Rule 1, the Speaker removed the Representative from Fairfield, Representative Gwadosky, from the Committee on State and Local Government and replaced him with the Representative from Mattawamkeag, Representative Cahill. The Speaker also removed the Representative from Paris, Representative Hanley, from the Committee on State and Local Government and replaced him with the Representative from Westbrook, Representative Curran.

On motion of Representative Ketover of Portland, Adjourned until Thursday, January 11, 1990, at four o'clock in the afternoon.