

# 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  
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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**  
**6th Legislative Day**  
**Thursday, January 11, 1990**

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

Prayer by Reverend Jack Perkins, First Parish Congregational Church, Gorham.

The Journal of Tuesday, January 9, 1990, was read and approved.

Quorum call was held.

**PAPERS FROM THE SENATE**

The following Communication:

Maine State Senate  
Augusta, Maine 04333  
January 9, 1990

The Honorable John L. Martin  
Speaker of the House  
114th Legislature  
Augusta, Maine 04333  
Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed the following: Upon the recommendation of the Joint Standing Committee on Education:

William H. Beardsley of Ellsworth for appointment as a member of the Higher Education Students Financial Assistance Board.

Donald A. Kopp of West Buxton for appointment as a member of the Higher Education Students Financial Assistance Board.

Benton A. Milster of Temple for appointment as a member of the Higher Education Students Financial Assistance Board.

J. Michael Orenduff of Farmington for appointment as a member of the Higher Education Students Financial Assistance Board.

Lucia W. Smyth of Waterville for appointment as a member of the Higher Education Students Financial Assistance Board.

Sincerely,  
S/Joy J. O'Brien  
Secretary of the Senate

Was read and ordered placed on file.

The following Communication:

Maine State Senate  
Augusta, Maine 04333  
January 9, 1990

The Honorable John L. Martin  
Speaker of the House  
114th Legislature  
Augusta, Maine 04333  
Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today denied the following:

Upon the recommendation of the Joint Standing Committee on Education:

Gordon R. Pow of Belgrade for appointment as a member of the Higher Education Students Financial Assistance Board.

Sincerely,  
S/Joy J. O'Brien  
Secretary of the Senate

Was read and ordered placed on file.

**Later Today Assigned**

The following Joint Resolution: (S.P. 847)  
**JOINT RESOLUTION MEMORIALIZING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO TAKE ACTION TO**

**PREVENT THE CLOSING OF THE DEPARTMENT OF VETERANS AFFAIRS REGIONAL OFFICE AT TOGUS, MAINE**

WE, your Memorialists, the Members of the One Hundred and Fourteenth Legislature of the State of Maine now assembled in the Second Regular Session, most respectfully present and petition the President and the Congress of the United States as follows:

WHEREAS, the United States Department of Veterans Affairs has proposed to consolidate the central office facility located at Togus, Maine with a similar facility in Manchester, New Hampshire; and

WHEREAS, this transfer will impose hardships on the veterans of our large and diverse state and will result in a loss of benefits to many as services routinely provided at Togus will no longer be provided there, requiring some veterans to travel great distances to New Hampshire to apply for certain services and to receive others; and

WHEREAS, these new hurdles will discourage eligible veterans from obtaining benefits to which they are rightfully entitled and will predictably result in a reduction in benefits received by Maine veterans and place new burdens on state veterans services and benefit programs; and

WHEREAS, many positions may be eliminated by this consolidation resulting in a reduction in the number of caring and experienced employees, a loss which will directly and indirectly affect Maine veterans, veterans' families and the other citizens of this State; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request the President and the Congress of the United States to intervene and take all appropriate actions to cancel this ill-advised consolidation plan; and be it further

RESOLVED: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable George H.W. Bush, President of the United States, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, and to each Member of the Maine Congressional Delegation.

Came from the Senate, read and adopted.

Was read.

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

Bill "An Act to Prohibit Motor Vehicle Insurers from Adjusting Personal Insurance Rates of Law Enforcement Officers" (S.P. 843) (L.D. 2162)

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 the Laws for the Licensing of Counseling Professionals" (S.P. 838) (L.D. 2151)

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

Was referred to the Committee on Business Legislation in concurrence.

Resolve, to Study Threats to Maine Lakes (EMERGENCY) (S.P. 841) (L.D. 2160)

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 Reduce Hunting Related Accidents" (S.P. 840) (L.D. 2159)

Bill "An Act Concerning the Driving of Deer" (S.P. 842) (L.D. 2161)

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

Were referred to the Committee on Fisheries and Wildlife in concurrence.

Bill "An Act to Amend the Implementation Date of the Drug Testing Laws" (EMERGENCY) (S.P. 837) (L.D. 2145)

Came from the Senate under suspension of the rules and without reference to a Committee, the Bill read twice and passed to be engrossed as amended by Senate Amendment "A" (S-468).

(The Committee on Reference of Bills had suggested reference to the Committee on Labor.)

Was referred to the Committee on Labor in non-concurrence and sent up for concurrence.

#### Reported Pursuant to Public Law

Report of the Committee on Banking and Insurance, pursuant to Public Law 1989, chapter 67 ask leave to submit its findings and to report that the accompanying Bill "An Act to Amend the Laws Relating to the Maine Insurance Guaranty Association and the Maine Life and Health Insurance Guaranty Association" (S.P. 844) (L.D. 2163) be referred to the Joint Standing Committee on Banking and Insurance 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 Banking and Insurance and ordered printed.

Report was read and accepted and the bill referred to the Committee on Banking and Insurance 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 Resolve, to Require the Office of Comprehensive Land Use Planning to Study Municipal Implementation of Manufactured Housing Laws (S.P. 845) (L.D. 2164) 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.

#### Unanimous Ought Not To Pass

Report of the Committee on Utilities reporting "Ought Not to Pass" on Bill "An Act to Promote the Access of Cable Television to Maine Citizens" (EMERGENCY) (S.P. 249) (L.D. 579)

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 Housing and Economic Development reporting "Leave to Withdraw" on Bill "An Act to Allow Municipalities to Assess Impact Fees for

Activities that Create or Intensify Problems for Municipalities with Respect to the Availability of Affordable Housing" (S.P. 153) (L.D. 273)

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

#### Refer to the Committee on Judiciary

Report of the Committee on Human Resources on Bill "An Act to Establish a Five-year Medical Liability Demonstration Project" (S.P. 782) (L.D. 2023) reporting that it be referred to the Committee on Judiciary.

Came from the Senate with the report read and accepted and the bill referred to the Committee on Judiciary.

Report was read and accepted and the bill referred to the Committee on Judiciary in concurrence.

#### Refer to the Committee on Legal Affairs

Report of the Committee on State and Local Government on Bill "An Act to Remove Notarization from the Voter Registration Application Process" (S.P. 750) (L.D. 1958) reporting that it be referred to the Committee on Legal Affairs.

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

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

#### Non-Concurrent Matter

Bill "An Act to Provide Access to Camps" (H.P. 876) (L.D. 1219) (C. "A" H-728) on which the Bill and accompanying papers were recommitted to the Committee on Transportation in the House on January 8, 1990.

Came from the Senate with Report "B" "Ought Not to Pass" of the Committee on Transportation read and accepted in non-concurrence.

On motion of Representative Gwadosky of Fairfield, tabled pending further consideration and specially assigned for Tuesday, January 16, 1990.

The following item appearing on Supplement No. 2 was taken up out of order by unanimous consent:

#### PETITIONS, BILLS AND RESOLVES

##### REQUIRING REFERENCE

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

#### Appropriations and Financial Affairs

Bill "An Act to Provide Emergency Fuel Assistance to Elderly and Low-income Residents" (EMERGENCY) (H.P. 1579) (L.D. 2188) (Presented by Representative PARADIS of Augusta) (Cosponsored by Senator DUTREMBLE of York and Representative STROUT of Corinth) (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.

#### COMMUNICATIONS

The following Communication:

STATE OF MAINE

HOUSE OF REPRESENTATIVES  
SPEAKER'S OFFICE  
AUGUSTA, MAINE 04333

January 9, 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 House Rule 1, I have today made the following appointments to the Joint Standing Committee on State and Local Government:

Rep. Mary F. Cahill, of Mattawamkeag, will replace Rep. Dan A. Gwadosky, of Fairfield.

Rep. Philip E. Curran, of Westbrook, will replace Rep. Dana C. Hanley, of South Paris.

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

Was read and ordered placed on file.

The following Communication: (H.P. 1572)  
STATE OF MAINE  
ONE HUNDRED AND FOURTEENTH LEGISLATURE  
COMMITTEE ON STATE AND LOCAL GOVERNMENT  
January 9, 1990

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

The Joint Standing Committee on State and Local Government is pleased to submit the attached report of our Study of its Structure and Possible Redistribution of Certain Functions pursuant to the order of the Legislative Council. We hope you find this report a useful tool in our continuing efforts.

Sincerely,  
s/Sen. Georgette B. Berube s/Rep. Ruth Joseph  
Senate Chair House Chair

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

The following Communication: (S.P. 848)  
114TH MAINE LEGISLATURE  
January 9, 1990

Senator Judy C. Kany  
Rep. Michael H. Michaud  
Chairpersons  
Joint Standing Committee on Energy and Natural  
Resources  
114th Legislature  
Augusta, Maine 04333  
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Franklin P. Eggert of Verona Island and Richard P. Bentzel of Fairfield for reappointments as members of the Sludge & Residuals Utilization Research Foundation.

Pursuant to P.L. 1988, Chapter 799, these nominations will require review by the Joint Standing Committee on Energy and Natural Resources and confirmation by the Senate.

Please be advised that Governor John R. McKernan, Jr. has nominated Marion Fuller Brown of York for reappointment as a member of the Land for Maine's Future Board.

Pursuant to P.L. 1988, Chapter 858, this nomination will require review by the Joint Standing

Committee on Energy and Natural Resources and confirmation by the Senate.

Please be advised that Governor John R. McKernan, Jr. has nominated Margaret M. Roy of Cornish for reappointment as a member of the Board of Environmental Protection.

Pursuant to Title 38, MRSA Section 361, this nomination will require review by the Joint Standing Committee on Energy and Natural Resources 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 Energy and Natural Resources.

Was Read and Referred to the Committee on Energy and Natural Resources 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:

Agriculture

Bill "An Act to Regulate the Handling of Manure" (H.P. 1575) (L.D. 2182) (Presented by Representative NUTTING of Leeds) (Cosponsored by Senator BERUBE of Androscoggin) (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 Provide More Equitable Hunting and Trapping Opportunity for Maine Sportsmen" (H.P. 1576) (L.D. 2183) (Presented by Representative CARROLL of Southwest Harbor) (Cosponsored by Senator ESTY of Cumberland, Representative GREENLAW of Standish and Representative WALKER of Norway) (Submitted by the Department of Inland Fisheries and Wildlife pursuant to Joint Rule 24.)

Ordered Printed.  
Sent up for Concurrence.

Housing and Economic Development

Bill "An Act to Encourage International Awareness in Maine and Improve International Trade Services to Maine Companies" (H.P. 1578) (L.D. 2185) (Presented by Representative NADEAU of Lewiston) (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 to Provide Greater Protection to Victims of Domestic Abuse" (H.P. 1571) (L.D. 2177) (Presented by Representative CATHCART of Orono) (Cosponsored by Representative FARNSWORTH of Hallowell and Senator HOLLOWAY of Lincoln) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Ordered Printed.  
Sent up for Concurrence.

**Labor**

Bill "An Act Regarding Written Notice to Employees of Layoff or Termination" (H.P. 1577) (L.D. 2184) (Presented by Representative HUSSEY of Milo) (Cosponsored by Representative TARDY of Palmyra, Representative McHENRY of Madawaska and Representative RUHLIN of Brewer) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Ordered Printed.  
Sent up for Concurrence.

**Legal Affairs**

Bill "An Act to Clarify the Status of Permanent Residents in Hotels and Lodging and Rooming Houses" (H.P. 1567) (L.D. 2172) (Presented by Representative GURNEY of Portland) (Cosponsored by Representative RYDELL of Brunswick and Senator BRANNIGAN of Cumberland) (Submitted by the Department of the Attorney General pursuant to Joint Rule 24.)

Bill "An Act Concerning Political Campaign Financing and Reporting" (H.P. 1570) (L.D. 2175) (Presented by Representative MAYO of Thomaston) (Cosponsored by Senator TITCOMB of Cumberland) (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 to Permit the Sale of Consumer Education Materials by the Attorney General" (H.P. 1568) (L.D. 2173) (Presented by Representative RYDELL of Brunswick) (Cosponsored by Representative GURNEY of Portland and Senator CLARK of Cumberland) (Submitted by the Department of the Attorney General pursuant to Joint Rule 24.)

Ordered Printed.  
Sent up for Concurrence.

**Utilities**

Bill "An Act to Require Notice of Charges for Use of Telephones Made Available for Public Use" (H.P. 1569) (L.D. 2174) (Presented by Representative CLARK of Millinocket) (Cosponsored by Senator BOST of Penobscot, Representative PARADIS of Old Town and Representative HANDY of Lewiston) (Submitted by the Public Utilities Commission pursuant to Joint Rule 24.)

Ordered Printed.  
Sent up for Concurrence.

**Study Report - Committee on Agriculture**

Representative TARDY from the Committee on Agriculture to which was referred by the Legislative Council the Study Relative to Agriculture Marketing and Bargaining Act 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 Maine Agricultural Marketing and Bargaining Act of 1973" (H.P. 1574) (L.D. 2181) 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 Agriculture, ordered printed and sent up for concurrence.

Reported Pursuant to Statutes

Representative CASHMAN from the Committee on Taxation, pursuant to Maine Revised Statutes Annotated, Title 36, section 199 ask leave to submit its findings and to report that the accompanying Bill "An Act to Amend Certain Sales Tax Exemptions" (H.P. 1573) (L.D. 2180) be referred to the Joint Standing Committee on Taxation for Public Hearing and printed pursuant to Joint Rule 18.

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

**REPORTS OF COMMITTEES**

**Unanimous Ought Not to Pass**

Representative CASHMAN from the Committee on Taxation on Bill "An Act to Amend the School Finance Law" (H.P. 499) (L.D. 679) 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 JOSEPH from the Committee on State and Local Government on Bill "An Act to Amend the Charter of the Portland Water District to Give Standish its Own Seat on the Board of Trustees" (H.P. 1344) (L.D. 1861) reporting "Leave to Withdraw"

Representative ADAMS from the Committee on Utilities on Bill "An Act to Amend the Laws Concerning Service Territories of and Additional Service by Public Utilities" (H.P. 1175) (L.D. 1629) reporting "Leave to Withdraw"

Representative HICKEY from the Committee on Aging, Retirement and Veterans on Bill "An Act to Establish a Volunteer Firefighters' Pension Fund" (H.P. 302) (L.D. 414) reporting "Leave to Withdraw"

Representative TARDY from the Committee on Agriculture on Resolve, to Establish the Commission on Maine's Food Policy (H.P. 1244) (L.D. 1737) reporting "Leave to Withdraw"

Representative COTE from the Committee on Judiciary on Bill "An Act Concerning the Right to Die" (EMERGENCY) (H.P. 733) (L.D. 1010) reporting "Leave to Withdraw"

Representative PARADIS from the Committee on Judiciary on Bill "An Act to Amend the Laws Relating to Offers of Judgment" (H.P. 1030) (L.D. 1436) reporting "Leave to Withdraw"

Representative PARADIS from the Committee on Judiciary on Bill "An Act Regarding the Disposal of Fetal Remains" (H.P. 647) (L.D. 881) reporting "Leave to Withdraw"

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

**Refer to the Committee on Legal Affairs**

Representative PARADIS from the Committee on Judiciary on Bill "An Act to Strengthen Penalties for Operating under the Influence When a Minor Is a Passenger" (H.P. 1405) (L.D. 1953) reporting that it be referred to the Committee on Legal Affairs.

Report was read and accepted and the bill referred to the Committee on Legal Affairs 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. 1348) (L.D. 1865) Bill "An Act to Amend the Charter of the Hallowell Water District" (EMERGENCY) Committee on Utilities reporting "Ought to Pass"

There being no objections, the above item was ordered to appear on the Consent Calendar of Tuesday, January 16, 1990, under the listing of Second Day.

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CONSENT CALENDAR  
Second Day

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

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

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

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

PAPER FROM THE SENATE

The following Joint Order: (S.P. 854)  
ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, January 16, 1990, at 12 o'clock in the afternoon.

Came from the Senate, read and passed.  
Was read and passed in concurrence.

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The Chair laid before the House the following matter: Joint Resolution memorializing the President and the Congress of the United States to take action to prevent the closing of the Department of Veterans Affairs Regional Office at Togus, Maine (S.P. 847) which was tabled earlier in the day and later today assigned pending adoption.

The SPEAKER: The Chair recognizes the Representative from Fairfield, Representative Gwadosky.

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: Sometime in the last year, the Department of Veterans Affairs had proposed the closing of the Veterans Office at Togus in a consolidation that would move that regional office to Manchester, New Hampshire. That move, once it was announced, created widespread concern throughout our state because a transfer would have created hardships on many Maine veterans and certainly would have led to loss of benefits for people who would have gone to that particular location for services.

In the last couple of days, there appears to have been some good news and thanks to the involvement of veterans across the state and the efforts of our Congressional Delegation, it appears that the Department of Veterans Affairs has reversed their decision for the time being. It appears at this time that this Joint Resolution is no longer necessary.

Subsequently, on motion of Representative Gwadosky of Fairfield, the Joint Resolution was indefinitely postponed in non-concurrence and sent up for concurrence.

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On motion of Representative Mayo of Thomaston, the House reconsidered its action whereby Bill "An Act to Amend the Implementation Date of the Drug

Testing Laws" (EMERGENCY) (S.P. 837) (L.D. 2145) was referred to the Committee on Labor.

Under suspension of the rules and without reference to a Committee, the Bill was read once.

Senate Amendment "A" (S-468) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was read a second time, passed to be engrossed as amended in concurrence.

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(Off Record Remarks)

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On motion of Representative Jalbert of Lisbon, Adjourned until Tuesday, January 16, 1990, at twelve o'clock noon pursuant to Joint Order (S.P. 854.)

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