

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

Off Record Remarks

The ADJOURNMENT ORDER having been returned from the House READ and PASSED, in concurrence, on motion by Senator PEARSON of Penobscot, ADJOURNED until 12:00 in the afternoon, Friday, January 19, 1990.

ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE
SECOND REGULAR SESSION
8th Legislative Day
Friday, January 19, 1990

The House met according to adjournment and was called to order by the Speaker pro tem.
Prayer by Father Normand MacPherson, Saint Joseph's Catholic Church, Old Town.
The Journal of Tuesday, January 16, 1990, was read and approved.
Quorum call was held.

PAPERS FROM THE SENATE

Unanimous Ought Not To Pass
Report of the Joint Select Committee on Corrections reporting "Ought Not to Pass" on Bill "An Act Concerning the Commitment and Detention of Juveniles" (S.P. 692) (L.D. 1831)
Was placed in the Legislative Files without further action pursuant to Joint Rule 15 in concurrence.

COMMUNICATIONS

The following Communication:
MAINE STATE LEGISLATURE
STATE COMPENSATION COMMISSION
Augusta, Maine 04333
January 11, 1990

The Honorable John L. Martin
Speaker of the House of Representatives
Maine Legislature
State House
Augusta, Maine 04333

Dear Speaker Martin:

The State Compensation Commission is pleased to submit its second interim report to the Legislature pursuant to Title 3, Section 2-A of the Revised Statutes. We have submitted legislation to implement our statutory recommendations to the Revisor of Statutes.

We would be pleased to answer any questions you may have regarding our recommendations.

Respectfully submitted,
S/Stephen R. Crockett
Chairman

Was read and with accompanying report ordered placed on file.

The following Communication:
DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION
BUREAU OF BANKING
State House Station 36
Augusta, Maine 04333
January 16, 1990

The Honorable John L. Martin
Speaker of the House
State House Station 2
Augusta, Maine 04333
Dear Speaker Martin:

In accordance with Title 9-B Maine Revised Statutes Annotated section 217, as amended, I am submitting "The Status of Maine's Financial Institutions."

This report contains information on the number, type and legal structure of all regulated financial institutions in the State of Maine, as well as the location of offices and total deposits held by these institutions. An analysis of the programs offered by Maine financial institutions with out-of-state ownership, to meet the credit needs of Maine consumers and businesses, is also included.

Copies of this report have been distributed to the Office of the Clerk of the House of Representatives in order to provide one copy for each member of the House.

Very truly yours,
S/H. Donald DeMatteis
Superintendent

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 16, 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 12 M.R.S.A., Section 7367, I have today appointed Thomas Wells, of Wayne, to serve on the White Water Safety Commission.

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

Was read and ordered placed on file.

The following Communication:
114th Maine Legislature
January 16, 1990

Hon. John R. McKernan, Jr.
Governor of Maine
State House Station #1
Augusta, Maine 04333
Dear Governor McKernan:

This is to acknowledge your letter of January 12 in regard to your State of the State Address. As you have requested, we are pleased to call a Joint Convention of the 114th Maine Legislature on Thursday, January 25, at 7:00 P.M.

We look forward to hearing from you at that time. Best wishes.

Sincerely,
S/Charles P. Pray S/John L. Martin
President of the Senate Speaker of the House
Was read and ordered placed on file.

The following Communication:
DEPARTMENT OF
ECONOMIC AND COMMUNITY DEVELOPMENT
OFFICE OF COMPREHENSIVE PLANNING
January 18, 1990

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

The Office of Comprehensive Planning is pleased to submit to the Legislature two reports that were required by Maine's Growth Management Act of 1988. Copies of these reports have been directly forwarded to the Committees on Energy and Natural Resources and Appropriations and Financial Affairs, as required by the Act.

The Annual Report of the Planning Advisory Council contains several recommendations that the Council believes are minimally necessary to fulfill the Program's legislated obligations. The Biennial

Progress Report of the Office addresses the status of growth management activities at the state, regional and local level.

We'd be pleased to respond to any questions or concerns on the part of any legislator with regard to either or both of these reports.

Sincerely,
S/Kathryn J. Rand
Deputy Commissioner

Was read and with accompanying reports 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:

Agriculture

Bill "An Act to Encourage Farming in Maine" (EMERGENCY) (H.P. 1593) (L.D. 2206) (Presented by Representative MAHANY of Easton) (Cosponsored by Representative LISNIK of Presque Isle, Senator COLLINS of Aroostook and Senator PEARSON of Penobscot) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)
Ordered Printed.
Sent up for Concurrence.

Appropriations and Financial Affairs

Bill "An Act to Authorize the Issuance of a Bond Not Exceeding \$25,000,000 for the Financing of the Maine Inland Fisheries and Wildlife Acquisition Fund" (H.P. 1594) (L.D. 2207) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsored by Representative JACQUES of Waterville, Representative McGOWAN of Canaan and Senator TITCOMB of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Bill "An Act to Implement the Training and Work Incentive Provisions of the Federal Family Support Act of 1988" (EMERGENCY) (H.P. 1586) (L.D. 2198) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsored by Representative CLARK of Brunswick, Representative LISNIK of Presque Isle and Senator GAUVREAU of Androscoggin) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)
Ordered Printed.
Sent up for Concurrence.

Tabled and Assigned

Resolve, Directing the Department of Environmental Protection to Establish a Clearinghouse for Information on Pollution Research, Control and Abatement (H.P. 1584) (L.D. 2196) (Presented by Representative COLES of Harpswell) (Cosponsored by Representative MICHAUD of East Millinocket, Representative McGOWAN of Canaan and Senator BOST of Penobscot) (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, tabled pending reference and specially assigned for Monday, January 22, 1990.

Energy and Natural Resources

Bill "An Act to Create the Maine Coast Environmental Trust Fund" (H.P. 1589) (L.D. 2201) (Presented by Representative ADAMS of Portland) (Cosponsored by Speaker MARTIN of Eagle Lake, Representative WEBSTER of Cape Elizabeth and Senator PERKINS of Hancock) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Resolve, to Establish the State Comprehensive Energy Plan Commission (EMERGENCY) (H.P. 1585) (L.D. 2197) (Presented by Representative PARADIS of Old Town) (Cosponsored by President PRAY of Penobscot, Representative LORD of Waterboro 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.

Human Resources

Bill "An Act to Expand Family Reunification Requirements in Child Protective Cases" (H.P. 1587) (L.D. 2199) (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 Implement Certain Provisions of the Federal Family Support Act of 1988 and Improve Access to Services in the Additional Support for People in Retraining and Education Program" (EMERGENCY) (H.P. 1590) (L.D. 2202) (Presented by Representative CLARK of Brunswick) (Cosponsored by Representative LISNIK of Presque Isle, Speaker MARTIN of Eagle Lake and Senator GAUVREAU of Androscoggin) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Bill "An Act to Facilitate Policies and Procedures of the Driver Education Evaluation Program" (H.P. 1596) (L.D. 2208) (Presented by Representative MAHANY of Easton) (Cosponsored by Representative GRAHAM of Houlton and Senator PERKINS of Hancock) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Bill "An Act to Remove Barriers to the Location of Family Day Care Homes in Areas Zoned for Residential Use" (H.P. 1597) (L.D. 2209) (Presented by Representative AULT of Wayne) (Cosponsored by Representative PRIEST of Brunswick) (Submitted by the Department of Human Services pursuant to Joint Rule 24.)

Ordered Printed.
Sent up for Concurrence.

State and Local Government

Bill "An Act Regarding Investment of State Funds in Corporations Doing Business in Northern Ireland" (H.P. 1588) (L.D. 2200) (Presented by Representative CASHMAN of Old Town) (Cosponsored by Speaker MARTIN of Eagle Lake, 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.

Utilities

Bill "An Act to Allow Towns to Lay Pipes Under Railroad Tracks" (H.P. 1592) (L.D. 2205) (Presented by Representative CAHILL of Mattawamkeag) (Cosponsored by Senator PEARSON of Penobscot) (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 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 Create a State Insurance Fund" (H.P. 1591) (L.D. 2203) 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.

By unanimous consent, all matters having been acted upon requiring Senate concurrence were ordered sent forthwith to the Senate.

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative MITCHELL from the Committee on Energy and Natural Resources on Bill "An Act Concerning Violations Occurring in Watershed Districts" (H.P. 1459) (L.D. 2036) reporting "Ought Not to Pass"

Representative DUFFY from the Committee on Fisheries and Wildlife on Bill "An Act to Amend the Moose Hunting Laws" (H.P. 1518) (L.D. 2103) reporting "Ought Not to Pass"

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

Unanimous Leave to Withdraw

Representative PARADIS from the Committee on Judiciary on Bill "An Act Concerning Jurisdiction over Contested Termination of Parental Rights Proceedings" (H.P. 760) (L.D. 1064) reporting "Leave to Withdraw"

Representative CARTER from the Committee on Appropriations and Financial Affairs on Resolve, Creating a Pilot Emergency Transfer System for Neonates, Other Children and "At-risk" Pregnant Women (H.P. 1408) (L.D. 1956) reporting "Leave to Withdraw"

Representative NUTTING from the Committee on Agriculture on Resolve, to Establish Harness Racing Dates for 1990 (EMERGENCY) (H.P. 1547) (L.D. 2146) 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. 1475) (L.D. 2060) Resolve, to Permit the Maine Veterans' Home to Place a Sign on U.S. Route 1 (EMERGENCY) Committee on Transportation reporting "Ought to Pass"

(H.P. 691) (L.D. 943) 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" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "B" (H-733)

There being no objections, the above items were ordered to appear on the Consent Calendar of Monday, January 22, 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. 1154) (L.D. 1608) Bill "An Act to Clarify the Traffic Movement Standards under the Site Location and Development Law" (C. "A" H-731)

(H.P. 1373) (L.D. 1904) Bill "An Act to Increase Fees for Defensive Driving Courses" (C. "A" H-730)

(H.P. 1431) (L.D. 1999) Bill "An Act to Prohibit the Sale of Bait in Polystyrene Foam Containers" (C. "A" H-729)

(H.P. 1335) (L.D. 1852) Bill "An Act to Amend the Professional Service Corporation Act"

(S.P. 739) (L.D. 1943) Bill "An Act to Ensure That Unwilling Sellers Are Provided Fair Treatment in the Land for Maine's Future Process"

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

**SECOND READER
As Amended
Recommitted**

Bill "An Act to Create an Educational Bonus for Affordable Housing" (H.P. 332) (L.D. 451) (C. "A" H-732)

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

On motion of Representative Nadeau of Lewiston, Bill and all accompanying papers were recommitted to the Committee on Housing and Economic Development in non-concurrence and sent up for concurrence.

**PASSED TO BE ENACTED
Emergency Measure**

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

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 121 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**ORDERS OF THE DAY
TABLED AND TODAY ASSIGNED**

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

Bill "An Act Making Additional Allocations for the Expenditure of Funds Received by the State as a Result of the Federal Court Order in the Stripper Well Oil Overcharge Case" (EMERGENCY) (H.P. 1581) (L.D. 2190)

(Committee on Appropriations and Financial Affairs suggested)

TABLED - January 16, 1990 by Representative GWADOSKY of Fairfield.

PENDING - Reference.

Subsequently, was referred to the Committee on Appropriations and Financial Affairs, ordered printed and sent up for concurrence.

(At Ease)

The House was called to order by the Speaker pro tem.

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

PAPERS FROM THE SENATE

Bill "An Act to Ensure the Proper Delivery of Insurance Benefits" (S.P. 859) (L.D. 2195)

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.

Resolve, to Establish a Maximum Water Level for Sebago Lake (S.P. 860) (L.D. 2204)

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.

**Study Report - Committee on
Appropriations and Financial Affairs**

Report of the Committee on Appropriations and Financial Affairs to which was referred by the Legislative Council the Study Relative to Public Advocate have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Provide Additional Funds for the Public Advocate and Continue the Public Advocate Utility Assessment" (EMERGENCY) (S.P. 862) (L.D. 2211) 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 Appropriations and Financial Affairs and ordered printed.

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

Study Report - Committee on Human Resources

Report of the Committee on Human Resources to which was referred by the Legislative Council the Study Relative to Review of State Mental Health Services have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Increase the Capacity of the State to Provide Mental Health Services" (S.P. 861) (L.D. 2210) 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 Human Resources and ordered printed.

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

Representative Carter of Winslow was granted unanimous consent to address the House:

Representative CARTER: Mr. Speaker, Ladies and Gentlemen of the House: It is not very often that you see my on my feet to try to make points but, as you all know, we are faced with several problems in this session, one of them is our fiscal constraints and the other one is an issue of solid wastes. Something came across my desk yesterday that fell into both categories. We in the legislature are trying to deal with both issues but apparently there are some departments in the state that haven't received the word yet about these problems. I am referring specifically to a report from the Department of Education which I received, an 8 by 11 sheet in an envelope that is nine and a half by thirteen. It's not only an excessive expenditure of state funds but it contributes to the solid waste problem. I think we should call this to the attention of the department involved and I can think of no better way to do this (and if you will join with me) than by returning your envelopes to me and I will see to it that they are returned to the appropriate department and we shall inform them that these are problems that should be dealt with and it should start in their own backyard.

(Off Record Remarks)

On motion of Representative Dexter of Kingfield, A djourned until Monday, January 22, 1990, at twelve o'clock noon.

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

In Senate Chamber
Friday
January 19, 1990

Senate called to Order by the President.

Prayer by Reverend David Simpson of the Mount Blue Assembly of God in Farmington.

REVEREND SIMPSON: Let us pray. Lord, we praise You today, that You are a mighty God that we serve, a God that has been with us throughout history, through whose power we have liberty, and by whose justice we have beheld a vision of a righteous nation. Help us not to be unmindful of the heritage which is ours, not of our deserving, but by Your providence, and bought with diligence, scholarship, and sacrifice. Help us to be worthy to stand in this place in the time allotted to us, and with steadfast courage and unwavering hope to fulfill the tasks which Thy will demands be done. In Jesus' name, Amen.

Reading of the Journal of Tuesday, January 16, 1990.

PAPERS FROM THE HOUSE

Non-concurrent Matter

HOUSE REPORTS - from the Committee on TRANSPORTATION on Bill "An Act to Provide Access to Camps"

H.P. 876 L.D. 1219

Report A - Ought to Pass as Amended by Committee Amendment "A" (H-728).

Report B - Ought Not to Pass.

In House, January 8, 1990, the Reports READ and Bill and Accompanying Papers RECOMMENDED to the Committee on TRANSPORTATION.

In Senate, January 9, 1990, the OUGHT NOT TO PASS Report READ and ACCEPTED in NON-CONCURRENCE.

Comes from the House, that Body ADHERED.

The Senate ADHERED.

The Secretary has so informed the Speaker of the House.

COMMUNICATIONS

The Following Communication: S.P. 863

114TH MAINE LEGISLATURE

January 16, 1990

Senator Georgette B. Berube

Rep. Ruth Joseph

Chairpersons

Joint Standing Committee on State & Local Government

114th Legislature

Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Franklin C. Leavitt, Jr. of Topsham for reappointment as a member of the Civil Service Appeals Board.

Pursuant to Title 5 M.R.S.A., Section 7081, this nomination will require review by the Joint Standing Committee on State & Local Government and confirmation by the Senate.

Sincerely,
S/Charles P. Pray
President of the Senate
S/John L. Martin
Speaker of the House