

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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October 30, 1989
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SECOND CONFIRMATION SESSION
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SECOND REGULAR SESSION
January 3, 1990 to March 19, 1990

**ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE
SECOND REGULAR SESSION
11th Legislative Day
Friday, January 26, 1990**

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

Prayer by Father Leo James Michaud, Saint Ann's Catholic Church, Indian Island.

The Journal of Thursday, January 25, 1990, was read and approved.

Quorum call was held.

PAPERS FROM THE SENATE

The following Joint Order: (S.P. 876)

ORDERED, the House concurring, that Resolve, Creating the Special Commission to Study and Evaluate the Status of Education Reform in Maine, Senate Paper 561, Legislative Document 1564, and all its accompanying papers, be recalled from the legislative files to the Senate.

Came from the Senate, read and passed.

Was read.

A two-thirds vote of the members present and voting being necessary, a vote was taken. 124 having voted in the affirmative and none in the negative, the Joint Order was passed in concurrence.

Bill "An Act to Exempt Certain Persons from the Payment of Interest on Excess Retirement Benefits" (S.P. 869) (L.D. 2229)

Came from the Senate, referred to the Committee on Aging, Retirement and Veterans and Ordered Printed.

Was referred to the Committee on Aging, Retirement and Veterans in concurrence.

Bill "An Act to Maintain Appropriate Residential Care to Clients of Pineland Center" (EMERGENCY) (S.P. 867) (L.D. 2217)

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 Make Additional Allocations from the Public Utilities Commission Regulatory Fund for the Fiscal Year Ending June 30, 1990" (EMERGENCY) (S.P. 875) (L.D. 2237)

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

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

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

Bill "An Act Related to Secondary Markets" (S.P. 873) (L.D. 2235)

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 Continue the Driver Education Evaluation Program" (EMERGENCY) (S.P. 871) (L.D. 2233)

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 Concerning Representation of Nonprofit Corporations by Corporate Employees and Officers" (S.P. 874) (L.D. 2236)

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

Was referred to the Committee on Judiciary in concurrence.

Resolve, Authorizing the Director of the Bureau of Public Improvements to Sell the Maine Criminal Justice Academy Campus in Waterville, Maine (S.P. 872) (L.D. 2234)

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 Concerning Technical Changes to the Tax Laws" (EMERGENCY) (S.P. 868) (L.D. 2228)

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

Was referred to the Committee on Taxation in concurrence.

Unanimous Leave to Withdraw

Report of the Committee on Appropriations and Financial Affairs reporting "Leave to Withdraw" on Bill "An Act to Appropriate Funds for the Acquisition of Land in the Town of Enfield" (EMERGENCY) (S.P. 788) (L.D. 2034)

Report of the Committee on Education reporting "Leave to Withdraw" on Bill "An Act Relating to School Construction" (S.P. 459) (L.D. 1244)

Were 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 Appropriations and Financial Affairs on Bill "An Act to Promote and Assist Barrier-free Construction in Places of Public Accommodation and Places of Employment" (S.P. 733) (L.D. 1932) 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 Appropriations and Financial Affairs

Report of the Committee on Taxation on Bill "An Act to Expand Eligibility for the Elderly Low-cost Drug Program" (S.P. 752) (L.D. 1960) reporting that it be referred to the Committee on Appropriations and Financial Affairs.

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

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

Ought to Pass

Report of the Committee on Aging, Retirement and Veterans reporting "Ought to Pass" on Bill "An Act Relating to the Administrative Staff of the Maine State Retirement System" (S.P. 697) (L.D. 1835)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Senate Amendment "A" (S-477).

Report was read and accepted, the bill read once.

Senate Amendment "A" (S-477) was read by the Clerk and adopted and the bill assigned for second reading Monday, January 29, 1990.

COMMUNICATIONS

The following Communication:

STATE OF MAINE
DEPARTMENT OF AUDIT
STATE HOUSE STATION 66
AUGUSTA, MAINE 04333
January 24, 1990

Representative John L. Martin
Speaker of the House of Representatives
State House Station #2
Augusta, Maine 04333
Dear Speaker Martin:

I submit herewith the 69th Annual Report of the State Auditor for the fiscal year ended June 30, 1988 as required by Title 5, Section 244 of the Maine Revised Statutes.

I would like to express my special appreciation to the managers and staff of the Department of Audit for their continued support of quality audits and to the officials and employees of the various state departments, courts, counties and municipalities for their cooperation with this department.

Respectfully submitted,
S/Rodney L. Scribner, CPA
State Auditor

Was read and with accompanying report ordered placed on file.

The following Communication:

MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333
WHITEWATER RAFTING ADVISORY COMMITTEE
January 25, 1990

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

Dear Speaker Martin and President Pray:

In compliance with 12 MRSA section 7369-A, sub-section 3, I am herewith forwarding the annual report of the Whitewater Advisory Committee. The Committee would be pleased to discuss any aspect of this report with you or answer any questions.

As per 12 MRSA section 7369-A, sub-section 4, the Committee is to sunset June 30, 1990. We believe we have accomplished the mission that was intended for us.

Respectfully submitted,
S/Wilmot Robinson,
Chairman
Whitewater Advisory
Committee

Was read and with accompanying report ordered placed on file.

The following Communication:

DEPARTMENT OF PUBLIC SAFETY

STATE HOUSE STATION 42
AUGUSTA, MAINE 04333

January 19, 1990

Edwin H. Pert
Clerk of the House
State House Station #2
Augusta, ME 04333
Dear Clerk Pert:

Please find enclosed a copy of the application submitted to the Bureau of Justice Assistance for funding the FY 1990 Drug Control and System Improvement Formula Grant Program.

The program requires that the application be submitted to the State Legislature or its designated body for review. Unless I receive further instructions from, I will consider that the Department of Public Safety has fulfilled its obligation in this area.

Sincerely,
S/John R. Atwood
Commissioner

Was read and with accompanying report referred to the Committee on Appropriations and Financial Affairs.

The following Communication: (H.P. 1623)

UNIVERSITY OF MAINE
BUREAU OF PUBLIC ADMINISTRATION
THE ROGER CLAPP GREENHOUSES
ORONO, MAINE 04469-0127

January 23, 1990

Mr. Ed Pert
Clerk of the House
State House Station #2
Augusta, ME 04333
Dear Clerk Pert:

Enclosed please find the 1989 Maine State Government Internship Report.

Sincerely,
S/Nancy Toombs
Administrative Assistant

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

The following Communication:

114th MAINE LEGISLATURE

January 24, 1990
Robert L. Woodbury, Chancellor
University of Maine System
107 Maine Avenue
Bangor, Maine 04401-1805

Dear Chancellor Woodbury:

Pursuant to 20-A MRSA., Section 10902-B, we are pleased to invite you to address a joint session of the Second Regular Session, of the 114th Maine State Legislature on Monday, February 5, at 12:15 in the afternoon, on the state of the University System and any other matters which you may care to bring to our attention.

We look forward to seeing you then. Best wishes.

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

The following Communication: (S.P. 870)

114TH MAINE LEGISLATURE

January 22, 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 Paul A. Fichtner, M.D. of Greenville for appointment to the Land Use Regulation Commission.

Pursuant to Title 12, MRSA Section 683, 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.

The following Communication: (S.P. 877)
114TH MAINE LEGISLATURE
January 24, 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 Thomas R. Stevens of Limestone for appointment to the Facility Siting Board.

Pursuant to Title 30, MRSA Section 2152, 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:

Appropriations and Financial Affairs

Bill "An Act Concerning Emergency Needs of Developmentally Disabled Persons and Mentally Retarded Persons" (H.P. 1618) (L.D. 2240) (Presented by Representative MANNING of Portland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.
Sent up for Concurrence.

Energy and Natural Resources

Bill "An Act to Reclassify Surface Waters of the State" (H.P. 1622) (L.D. 2244) (Presented by Representative LORD of Waterboro) (Cosponsored by

Representative GOULD of Greenville, Representative DEXTER of Kingfield and Representative JACQUES of Waterville) (Submitted by the Department of Environmental Protection pursuant to Joint Rule 24.)

Ordered Printed.
Sent up for Concurrence.

Fisheries and Wildlife

Bill "An Act to Amend Certain Provisions of the Fish and Wildlife Laws" (EMERGENCY) (H.P. 1621) (L.D. 2243) (Presented by Representative JACQUES of Waterville) (Cosponsored by Senator ERWIN of Oxford, Senator GOULD of Waldo and Representative GREENLAW of Standish) (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 Providing for the 1990 Amendments to the Finance Authority of Maine Act" (H.P. 1619) (L.D. 2241) (Presented by Representative GWADOSKY of Fairfield) (Cosponsored by Senator PERKINS of Hancock, Representative BAILEY of Farmington and Speaker MARTIN of Eagle Lake) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.
Sent up for Concurrence.

Human Resources

Bill "An Act to Provide Greater Compliance with General Assistance Laws" (H.P. 1617) (L.D. 2239) (Presented by Representative CLARK of Brunswick) (Cosponsored by Representative BURKE of Vassalboro 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.

Taxation

Bill "An Act to Implement Changes for the Deferred Collection of Homestead Property Taxes" (Emergency) (H.P. 1620) (L.D. 2242) (Presented by Representative JACKSON of Harrison) (Cosponsored by Senator EMERSON of Penobscot and Representative NADEAU of Saco) (Submitted by the Department of Finance pursuant to Joint Rule 24.)

Ordered Printed.
Sent up for Concurrence.

SPECIAL SENTIMENT CALENDAR

In accordance with House Rule 56 and Joint Rule 34, the following item:
Recognizing:

Robert Wade, a resident of the Veterans Administration Hospital at Togus, whose positive attitude, courage and perseverance despite being physically challenged due to the debilitating effects of Lou Gehrig's disease is an inspiration to all; (HLS 1033) by Representative NORTON of Winthrop. (Cosponsor: Senator KANY of Kennebec)

On motion of Representative Norton of Winthrop, was removed from the Special Sentiment Calendar.
Was read, passed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

REPORTS OF COMMITTEES

Divided Report

Majority Report of the Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-736) on Bill "An Act to Assure Access to Nutrition Programs for Kindergarten and Part-day Students" (H.P. 882) (L.D. 1226)

Signed:

Senators: ESTES of York
BOST of Penobscot
GILL of Cumberland

Representatives: AULT of Wayne
CROWLEY of Stockton Springs
O'GARA of Westbrook
NORTON of Winthrop
HANDY of Lewiston
KILKELLY of Wiscasset
O'DEA of Orono
OLIVER of Portland
PARADIS of Frenchville

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Signed:

Representative: SMALL of Bath

Reports were read.

On motion of Representative Crowley of Stockton Springs, the Majority "Ought to Pass" Report was accepted, the Bill read once.

Committee Amendment "A" (H-736) was read by the Clerk.

Representative Kilkelly of Wiscasset offered House Amendment "A" (H-745) to Committee Amendment "A" (H-736) and moved its adoption.

House Amendment "A" (H-745) to Committee Amendment "A" (H-736) was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted and the Bill assigned for second reading, Monday, January 29, 1990.

Divided Report

Majority Report of the Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-735) on Bill "An Act Regarding the Maine Vocational-Technical Institute System" (H.P. 660) (L.D. 902)

Signed:

Senators: ESTES of York
BOST of Penobscot
GILL of Cumberland

Representatives: CROWLEY of Stockton Springs
O'GARA of Westbrook
HANDY of Lewiston
SMALL of Bath
KILKELLY of Wiscasset
O'DEA of Orono
OLIVER of Portland
PARADIS of Frenchville

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Signed:

Representatives: AULT of Wayne
NORTON of Winthrop

Reports were read.

The SPEAKER: The Chair recognizes the Representative from Stockton Springs, Representative Crowley.

Representative CROWLEY: Mr. Speaker, I move that we accept the Majority "Ought to Pass" Report.

Ladies and Gentlemen of the House: This L.D. 902, "An Act Regarding the Maine Vocational-Technical Institute System" was one that we had carried over to

use as a vehicle to make corrections and changes in the Maine technical college system legislation. Committee Amendment "A" (H-735) is a new bill and replaces the original 902 making only two changes, the first change is to establish a comprehensive strategy planning process for the system. Beginning in 1991, the Maine Technical College Board of Trustees will develop a five year plan to be reviewed and revised every five years. The system will have a statement of strategies and specific action designed to achieve the academic, occupational and technical missions of the system. The plan will be developed with input from each of the six campuses assuring collaboration and communication in the Maine Technical College System.

The second change in the bill is a change in the Board of Trustee make up. Now that the transition has been accomplished, the amendment deletes the Commissioner of Economic Development and deletes the Commissioner of Labor as ex officio voting members and it deletes the representatives from the State Board of Education and the representative from the University of Maine System. Under the amended plan, the Governor will appoint all eleven members to the board and the Commissioner of Education will continue to serve as an ex officio voting member; thus the Technical College Board will be structured like the University of Maine's board, like the Maine Maritime Academy Board — they are excellent models, efficient and successful and we think this is a good move.

Subsequently, the Majority "Ought to Pass" Report was accepted, the Bill read once.

Committee Amendment "A" (H-735) was read by the Clerk and adopted and the Bill assigned for second reading Monday, January 29, 1990.

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

CONSENT CALENDAR

First Day

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

(S.P. 774) (L.D. 2002) Bill "An Act to Extend the Appeal Time for Town Government" Committee on Taxation reporting "Ought to Pass"

(S.P. 648) (L.D. 1743) Bill "An Act to Modernize the Capital Structure of Domestic Stock Insurers" (EMERGENCY) Committee on Banking and Insurance reporting "Ought to Pass" as amended by Committee Amendment "A" (S-470)

(S.P. 711) (L.D. 1888) Bill "An Act Concerning Financial Accountability of Schools Approved for Tuition Purposes" Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (S-471)

(H.P. 1249) (L.D. 1747) Bill "An Act to Protect the Public from Unsafe Industrial and Commercial Facilities" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-741)

(H.P. 1364) (L.D. 1881) Bill "An Act to Prorate Prison Sentences for Work Performed for Charitable Organizations" Joint Select Committee Corrections reporting "Ought to Pass" as amended by Committee Amendment "A" (H-742)

(H.P. 1324) (L.D. 1826) Bill "An Act to Clarify Legislative Intent Governing a Position Assignment" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-743)

(H.P. 822) (L.D. 1150) Bill "An Act to Strengthen the State Forensic Service" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-744)

There being no objections, the above items were ordered to appear on the Consent Calendar of Monday, January 29, 1990, under the listing of Second Day.

(Off Record Remarks)

On motion of Representative Hogland of Portland, Adjourned until Monday, January 29, 1990, at twelve o'clock noon.

CONSENT CALENDAR

Second Day

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

(H.P. 1362) (L.D. 1879) Bill "An Act to Promote Sound Capital Investment As Part of Local Growth Management Programs" (C. "A" H-737)

(H.P. 1349) (L.D. 1866) Bill "An Act to Amend the Law Concerning the Use of Replacement Motor Vehicles" (C. "A" H-738)

(H.P. 38) (L.D. 38) Resolve, Creating the Blue Ribbon Commission to Study the Establishment of a Cabinet-level Department of Children within State Government (C. "A" H-739)

(H.P. 1352) (L.D. 1869) Bill "An Act to Give the Department of Conservation an Option on Abandoned Railroad Lines" (C. "A" H-740)

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

ORDERS OF THE DAY

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

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative DEXTER from the Committee on Energy and Natural Resources on Bill "An Act to Modify the Solid Waste Law as it Applies to Aseptic Packaging" (H.P. 1525) (L.D. 2110) reporting "Ought Not to Pass"

Representative JACQUES from the Committee on Energy and Natural Resources on Bill "An Act to Prohibit the Sale of Milk Products in Plastic Containers" (H.P. 1508) (L.D. 2088) reporting "Ought Not to Pass"

Representative JACQUES from the Committee on Energy and Natural Resources on Bill "An Act Concerning Special Waste" (H.P. 1532) (L.D. 2117) reporting "Ought Not to Pass"

Representative SIMPSON from the Committee on Energy and Natural Resources on Bill "An Act Pertaining to the Generation of Electric Power Through the Use of Wood" (H.P. 1552) (L.D. 2150) reporting "Ought Not to Pass"

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

By unanimous consent, ordered sent forthwith to the Senate.

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

PAPER FROM THE SENATE

Bill "An Act to Rehabilitate Public School Facilities Necessitated by the Removal of Hazardous Materials" (S.P. 878) (L.D. 2245)

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

Was referred to the Committee on Education in concurrence.