

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

**ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE
SECOND REGULAR SESSION
12th Legislative Day
Monday, January 29, 1990**

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

Prayer by Reverend Ronald Fast, First Assembly of God, Fryeburg.

National Anthem by the Central High School Band, East Corinth.

The Journal of Friday, January 26, 1990, was read and approved.

Quorum call was held.

PAPERS FROM THE SENATE

The following Joint Resolution: (S.P. 879)
**JOINT RESOLUTION MEMORIALIZING THE CONGRESS
OF THE UNITED STATES TO PROVIDE FUNDING
FOR FEDERAL MANDATES**

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 Congress of the United States, as follows:

WHEREAS, the State of Maine is currently experiencing a drastic decline in sales and other tax revenues; and

WHEREAS, this Legislature and the people of Maine are curtailing state spending to conform to available revenues; and

WHEREAS, the imposition of new demands upon those who struggle for preservation of financial stability would be a hardship for our citizenry; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request the Congress of the United States not to pass any law or issue any federal mandate that has a fiscal impact on Maine without providing adequate funding; 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, to 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 and adopted in concurrence.

COMMUNICATIONS

The following Communication:

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333**

January 26, 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 34-A M.R.S.A., Section 1204, I have today reappointed Rep. Vinton T. Ridley, of Shapleigh, to serve as the House member on the Maine Correctional Advisory Commission.

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

Was read and ordered placed on file.

**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:

Banking and Insurance

Bill "An Act to Limit the Role of Rating Organizations in Property and Casualty Rate Making" (H.P. 1627) (L.D. 2249) (Presented by Representative CURRAN of Westbrook) (Cosponsored by Representative RYDELL of Brunswick, Senator COLLINS of Aroostook and Senator THERIAULT of Aroostook) (Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 24.)

Ordered Printed.

Sent up for Concurrence.

State and Local Government

Bill "An Act to Ensure the Effective Use of Grants in the Office of the State Archivist" (H.P. 1624) (L.D. 2246) (Presented by Representative CARROLL of Gray) (Cosponsored by Representative ROLDE of York, Representative ADAMS of Portland and Senator BRANNIGAN of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Bill "An Act to Clarify the Law Governing the Aroostook County Finance Committee" (EMERGENCY) (H.P. 1625) (L.D. 2247) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsored by Senator COLLINS of Aroostook, Representative GRAHAM of Houlton and Representative LISNIK of Presque Isle) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Bill "An Act to Discourage Public Competition with Private Enterprise" (H.P. 1626) (L.D. 2248) (Presented by Representative LARRIVEE of Gorham) (Cosponsored 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.

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

ORDERS

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative JACQUES from the Committee on Energy and Natural Resources on Bill "An Act to Promote the Availability of Nutritionally Fortified Infant Fruit Juices" (EMERGENCY) (H.P. 1473) (L.D. 2058) 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 CROWLEY from the Committee on Education on Bill "An Act to Allow a Student an Option in Biological Dissection" (H.P. 253) (L.D. 365) reporting "Leave to Withdraw"

Representative RYDELL from the Committee on Banking and Insurance on Bill "An Act Relating to Returned Check Charges" (H.P. 1345) (L.D. 1862) 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:

(S.P. 732) (L.D. 1931) Bill "An Act to Correct Errors in the Affordable Housing Bond Issue" (EMERGENCY) Committee on Appropriations and Financial Affairs reporting "Ought to Pass"

(S.P. 702) (L.D. 1840) Bill "An Act to Amend the Charter of the Castine Water District" (EMERGENCY) Committee on Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (S-474)

(S.P. 718) (L.D. 1893) Bill "An Act to Revise the Asbestos Certification Law" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-473)

(S.P. 731) (L.D. 1930) Bill "An Act to Amend the Motor Vehicle Title Laws" Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-475)

(S.P. 748) (L.D. 1952) Resolve, to Extend the Deadline of the Blue Ribbon Task Force to Promote Equity of Opportunity for Women in the Public School System (EMERGENCY) Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (S-472)

(S.P. 756) (L.D. 1981) Resolve, to Create the International Lakeland Trail Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-476)

There being no objections, the above items were ordered to appear on the Consent Calendar of Thursday, February 1, 1990, under the listing of Second Day.

(H.P. 1371) (L.D. 1902) Bill "An Act to Provide for a Comprehensive State Mental Retardation Plan" Committee on Human Resources reporting "Ought to Pass" On motion of Representative Manning of Portland, was removed from the Consent Calendar, First Day.

Whereupon, the Committee Report was read and accepted, the Bill read once and assigned for second reading Thursday, February 1, 1990.

(H.P. 1366) (L.D. 1883) Bill "An Act to Extend the Reporting Deadline of the Special Commission to Study the Organization of the State's Cultural Agencies" (EMERGENCY) Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-746)

There being no objections, the above item was ordered to appear on the Consent Calendar of Thursday, February 1, 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:

(S.P. 774) (L.D. 2002) Bill "An Act to Extend the Appeal Time for Town Government"

(S.P. 648) (L.D. 1743) Bill "An Act to Modernize the Capital Structure of Domestic Stock Insurers" (EMERGENCY) (C. "A" S-470)

(S.P. 711) (L.D. 1888) Bill "An Act Concerning Financial Accountability of Schools Approved for Tuition Purposes" (C. "A" S-471)

(H.P. 1249) (L.D. 1747) Bill "An Act to Protect the Public from Unsafe Industrial and Commercial Facilities" (C. "A" H-741)

(H.P. 1364) (L.D. 1881) Bill "An Act to Prorate Prison Sentences for Work Performed for Charitable Organizations" (C. "A" H-742)

(H.P. 1324) (L.D. 1826) Bill "An Act to Clarify Legislative Intent Governing a Position Assignment" (C. "A" H-743)

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

(H.P. 822) (L.D. 1150) Bill "An Act to Strengthen the State Forensic Service" (C. "A" H-744)

On motion of Representative Tammaro of Baileyville, was removed from the Consent Calendar, Second Day.

Whereupon, the Committee Report was read and accepted and the Bill read once.

Committee Amendment "A" (H-744) was read by the Clerk.

Representative Tammaro of Baileyville offered House Amendment "A" (H-747) to Committee Amendment "A" (H-744) and moved its adoption.

House Amendment "A" to Committee Amendment "A" 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 Thursday, February 1, 1990.

PASSED TO BE ENGROSSED

As Amended

Bill "An Act Relating to the Administrative Staff of the Maine State Retirement System" (S.P. 697) (L.D. 1835) (S. "A" S-477)

Was reported by the Committee on Bills in the Second Reading, read the second time, the Senate Paper was Passed to be Engrossed as Amended in concurrence.

PASSED TO BE ENGROSSED

Bill "An Act Regarding the Maine Vocational-Technical Institute System" (H.P. 660) (L.D. 902) (C. "A" H-735)

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

The SPEAKER: The Chair recognizes the Representative from Winthrop, Representative Norton.

Representative NORTON: Mr. Speaker, Ladies and Gentlemen of the House: The transfer of the Maine Vocational-Technical operation from the Department of Education took place a very short time ago. That transfer was very traumatic for the mission of the institution, for the staff, for the students, and I submit to you, the citizens of this state. That transfer has barely been realized even though a great deal of thought and effort went into a carefully thought-out plan, which provided for a separate board, (which I certainly agree to) provided for an executive director's position to preside and carry out the orders of that board. However, the changes have been so rapid, to change the composition of that board at this time, I believe, would be a serious mistake. I think we need more time. I think the

losing of the first executive director of that board and to have all this change encompassed within a total period of less than four years, and that first executive director having left last June, left me unable to support this bill. I think we should let what stability can be realized from leaving the board in its present composition for a time longer and would be in the best interests of the institution and the students in the state of Maine.

The SPEAKER: The Chair recognizes the Representative from Cape Elizabeth, Representative Webster.

Representative WEBSTER: Mr. Speaker, Ladies and Gentlemen of the House: I share some of the same concerns that Representative Norton has expressed to you today and I hope that you will vote no on the question of engrossment of this bill. Mr. Speaker, I ask for a roll call.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Handy.

Representative HANDY: Mr. Speaker, Members of the House: The bill you have before you today essentially is House Amendment H-735. L.D. 902, which came to us last session and was carried over to this session, was a rather comprehensive piece of legislation. Eleven members of the Education Committee have signed on to the "Ought to Pass" Report, which I said is House Amendment 735. This amendment does two things, it establishes the comprehensive planning process and does address the membership of the Board of Trustees.

As one member of the Education Committee who also served on the Joint Select Committee on Vocational-Technical Institutes -- when we looked at the legislation to remove the vocational education out of the Department of Education -- we approached this from the standpoint that we are going to look at this system and treat it as an educational system on the par as the University of Maine system. I think that is the intent of the entire legislature -- to look at vocational-technical education equally to that of the university education. By getting away from the quota system that was established in the original legislation by the Select Committee, which had members from the Department of Education, Economic and Community Development and Labor -- that was a transition board of trustees.

I think the Vocational-Technical Institutes have really come a long way and should be treated on the par as the University of Maine system and get away from this quota system and treating them as a stepchild because I think that is what you do if you treat them somewhat different than our higher educational institutions in the state of Maine. This makes the membership of the Board of Trustees consistent with that of the University system and I submit to you that they will perform just as well as the University system; in fact, I think they have a great future to look forward to.

I would hope that you would support the 11 members of the Education Committee who have endorsed this amendment.

The SPEAKER: The Chair recognizes the Representative from Wayne, Representative Ault.

Representative AULT: Mr. Speaker, Ladies and Gentlemen of the House: Now more than ever we need a close working relationship between the Department of Labor and the Maine Technical College system. The Department of Labor currently handles all the job training activities. Our state will soon have a worker shortage in its future and I believe this shortage must be met by coordinating job training efforts of the Department of Labor with the education available at the Maine Technical College system.

I urge you to vote no on the engrossment of this bill.

The SPEAKER: The Chair recognizes the Representative from Wiscasset, Representative Kilkelly.

Representative KILKELLY: Mr. Speaker, Ladies and Gentlemen of the House: One of the things that we have heard a lot about this morning has been the difficulty of transition for the Vocational-Technical College Boards. The positions that are being left out of the new make up of the board, two of them are currently vacant as the Commissioner of Labor has been hired to direct the Vocational-Technical Colleges. The position from the University of Maine Board of Trustees is one that will be vacant soon and it has been addressed in the bill, that when that position becomes vacant, it would not be refilled. The only position that is currently full and will continue to be full and is being changed is the Commissioner of Economic and Community Development. My suggestion is that it would be more of a difficulty in the transition to appoint people to that on a short-term rather than allowing the board just to make a change through a very logical transition process as the vacancies become available.

I would hope that you would support the Majority Report.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question before the House is passage to be engrossed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 163

YEA - Adams, Aliberti, Allen, Bell, Boutilier, Brewer, Burke, Cahill, M.; Carroll, D.; Carter, Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Conley, Constantine, Cote, Crowley, Dipietro, Duffy, Dutremble, L.; Erwin, P.; Farnsworth, Gould, R. A.; Graham, Gurney, Gwadosky, Hale, Handy, Heeschen, Hichborn, Hogleund, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Kilkelly, LaPointe, Larrivee, Lisnik, Luther, Macomber, Mahany, Manning, Martin, H.; Mayo, McGowan, McHenry, McKeen, Melendy, Michaud, Mills, Mitchell, Moholland, Nadeau, G. G.; Nadeau, G. R.; Nutting, O'Dea, O'Gara, Oliver, Paul, Pederson, Pineau, Plourde, Pouliot, Priest, Rand, Richard, Ridley, Rolde, Rotondi, Ruhlin, Rydell, Sheltra, Simpson, Skoglund, Smith, Stevens, P.; Strout, D.; Swazey, Tammaro, Tardy, Telow, Townsend, Tracy, Walker, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, Begley, Butland, Carroll, J.; Curran, Dellert, Dexter, Donald, Farnum, Farren, Foss, Foster, Garland, Hastings, Hepburn, Higgins, Hutchins, Lebowitz, Libby, Look, Lord, MacBride, Marsano, Marsh, Marston, McCormick, McPherson, Merrill, Murphy, Norton, Paradis, E.; Pendleton, Pines, Reed, Seavey, Stevens, A.; Stevenson, Strout, B.; Tupper, Webster, M.; Wentworth, Whitcomb.

ABSENT - Anthony, Daggett, Dore, Greenlaw, Hanley, Hickey, Jackson, Lawrence, McSweeney, Paradis, J.; Paradis, P.; Parent, Richards, Sherburne, Small.

Yes, 91; No, 45; Absent, 15; Paired, 0; Excused, 0.

91 having voted in the affirmative and 45 in the negative with 15 being absent, L.D. 902 was passed to be engrossed and sent up for concurrence.

**PASSED TO BE ENGROSSED
As Amended**

Bill "An Act to Assure Access to Nutrition Programs for Kindergarten and Part-day Students" (H.P. 882) (L.D. 1226) (H. "A" H-745 to C. "A" H-736)

Was reported by the Committee on Bills in the Second Reading, read the second time, the House Paper was 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:

PAPER FROM THE SENATE

The following Joint Order: (S.P. 883)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Thursday, February 1, 1990, at 10 o'clock in the morning.

Came from the Senate, read and passed.

Was read and passed in concurrence.

Bill "An Act Concerning the Discontinuance and Replacement of Group Health Insurance" (S.P. 880) (L.D. 2250)

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 Provide for Wider Production of Certain Deer for Food" (S.P. 881) (L.D. 2251)

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

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

Bill "An Act Concerning Full Disclosure of Legislation-influencing Donations and Expenditures" (S.P. 882) (L.D. 2252)

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

On motion of Representative Joseph of Waterville, was referred to the Committee on Legal Affairs in non-concurrence and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Representative Kilkelly of Wiscasset was granted unanimous consent to address the House:

Representative KILKELLY: Mr. Speaker, Men and Women of the House: Earlier today, this body accepted a "Leave to Withdraw" Report on L.D. 365, a bill that has been with us since early in the First Regular Session, nearly a year ago. The "Leave to Withdraw" motion was based on an understanding reached between the Education Committee and the Department of Education but the following information letter will be sent to all Superintendents prior to the end of this session. I would like to share with you the letter.

To: Superintendents of Schools;
From: The Commissioner of Education
Subject: Allowing Students to Refuse to do Dissection and Provisions for

Alternatives to Dissection.

As you are aware, based on recent legislative debate and consideration, the issue of allowing students to refuse to do dissection and providing alternative instruction to dissection has reached a high level of awareness and discussion.

Therefore, to accommodate students who request not to do dissection, I am issuing the following advisory for local school administrative unit action:

1. That school administrative units recognize that students who show a legitimate conscientious, ethical reason not to do dissection should not be required to do so and should be offered an alternative assignment to dissection.
2. That school administrative units establish a local policy which:
 - (a) allows students to refuse to do dissection
 - (b) states that alternative assignments to dissection which meet the student need while at the same time preserve the integrity of the biology program will be provided to students on request;
 - (c) makes known that students have an alternative to dissection through posters, course descriptions, student handbooks; and
 - (d) establishes a procedure whereby students may request, and the school may review and approve/disapprove, an alternative.

I hope that this advisory is useful to you, either in reinforcing practices which already exist in your school administrative unit or in assisting you in revising or establishing formal practices relative to the issue of student option to dissection.

Please share this information with appropriate staff as you see fit, and let me know if you have questions or require further information.

On motion of Representative Jacques of Waterville, the House reconsidered its action whereby Bill "An Act to Provide for Wider Production of Certain Deer for Food" (S.P. 881) (L.D. 2251) was referred to the Committee on Fisheries and Wildlife in concurrence.

On motion of the same Representative, was referred to the Committee on Agriculture in non-concurrence and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

(Off Record Remarks)

On motion of Representative Dexter of Kingfield, Adjourned until Thursday, February 1, 1990, at ten o'clock in the morning pursuant to Joint Order (S.P. 883)