

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
14th Legislative Day
Friday, February 2, 1990**

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

Prayer by Reverend Margaret Doggett, St. Philip's Episcopal Church, Wiscasset.

The Journal of Thursday, February 1, 1990, was read and approved.

Quorum call was held.

PAPERS FROM THE SENATE

Bill "An Act to Strengthen the Laws Regarding the Casual Disposal of Solid Waste" (EMERGENCY) (S.P. 891) (L.D. 2267)

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

Was referred to the Committee on Judiciary in concurrence.

Unanimous Ought Not To Pass

Report of the Committee on Energy and Natural Resources reporting "Ought Not to Pass" on Bill "An Act to Regulate the Use of Beverage Containers" (S.P. 784) (L.D. 2025)

Report of the Committee on Energy and Natural Resources reporting "Ought Not to Pass" on Bill "An Act Regulating the Exportation of Water" (S.P. 800) (L.D. 2048)

Report of the Committee on Energy and Natural Resources reporting "Ought Not to Pass" on Bill "An Act to Promote Markets for Recycled Newspapers" (S.P. 825) (L.D. 2133)

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

Non-Concurrent Matter

Bill "An Act to Protect the Public from Unsafe Industrial and Commercial Facilities" (H.P. 1249) (L.D. 1747) which was passed to be engrossed as amended by Committee Amendment "A" (H-741) in the House on January 29, 1990.

Came from the Senate with the Bill and Accompanying Papers recommitted to the Committee on Energy and Natural Resources in non-concurrence.

On motion of Representative Michaud of East Millinocket, the Bill and accompanying papers were committed to the Committee on Labor in non-concurrence and sent up for concurrence.

COMMUNICATIONS

The following Communication: (S.P. 892)
114TH MAINE LEGISLATURE
January 31, 1990

Senator Barry J. Hobbins
Rep. Patrick E. Paradis
Chairpersons
Joint Standing Committee on Judiciary
114th Legislature
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Roland Beaudoin of Falmouth for appointment as Associate Judge of the Administrative Court.

Pursuant to Title 4, MRSA Section 1151, this nomination will require review by the Joint Standing Committee on Judiciary 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 Judiciary.

Was Read and Referred to the Committee on Judiciary in concurrence.

The following Communication: (S.P. 893)
114TH MAINE LEGISLATURE
January 31, 1990

Senator Dennis L. Dutremble
Rep. Gregory G. Nadeau
Chairpersons
Joint Standing Committee on Housing
and Economic Development
114th Legislature
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Richard Schade of Augusta for appointment to the Finance Authority of Maine.

Pursuant to Title 10, MRSA Section 91, this nomination will require review by the Joint Standing Committee on Housing and Economic Development 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 Housing and Economic Development.

Was Read and Referred to the Committee on Housing and Economic Development in concurrence.

The following Communication: (H.P. 1643)
PUBLIC UTILITIES COMMISSION
242 State Street
State House Station 18
Augusta, Maine 04333-0018
February 1, 1990

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

In accordance with Title 35-A of the Maine Statutes, I am enclosing the Annual Report of the Maine Public Utilities Commission.

Please do not hesitate to call if you have any questions regarding the materials contained in the report.

Sincerely,
S/Charles A. Jacobs
Administrative Director

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

The following Communication:
ALCOHOL AND DRUG ABUSE PLANNING COMMITTEE
STATE HOUSE STATION #11
AUGUSTA, MAINE 04333
January 23, 1990

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

The enclosed FY'89 Progress Report of the Alcohol and Drug Abuse Planning Committee (ADPC) is presented according to P.L. 1983, c. 464. In compiling the required information, the ADPC relied on the coordination, interaction and communication among the ADPC State Departments. The accomplishments of each department are noted in detail, accompanied with costs and FY'90 plans.
Donald A. Lund, Ph.D., Planning Director of the ADPC will provide coordination for any questions concerning this report.

Sincerely,
S/Donald Allen, Commissioner S/John Atwood, Chair-
Department of Corrections person Commissioner,
S/Eve Bither, Commissioner S/Rollin Ives,
Dept. of Educational and S/Commissioner, Department
Cultural Services of Human Services
S/Robert Glover, Commissioner
Dept. of Mental Health and
Mental Retardation
Was read and with accompanying report ordered
placed on file.

**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:

Housing and Economic Development

Bill "An Act to Provide for the 1990 and 1991 Allocations of the State Ceiling on Private Activity Bonds" (EMERGENCY) (H.P. 1642) (L.D. 2275) (Presented by Representative BAILEY of Farmington) (Cosponsored by Senator CLARK of Cumberland, Senator PERKINS of Hancock and Representative MILLS of Bethel) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

(Committee on Appropriations and Financial Affairs had been suggested.)

On motion of Representative Mayo of Thomaston, was referred to the Committee on Housing and Economic Development, ordered printed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

ORDERS

On motion of Representative ROLDE of York, the following Joint Resolution: (H.P. 1644) (Cosponsors: Senator ESTES of York, Representative LAWRENCE of Kittery, and Representative McPHERSON of Eliot) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 35)

**JOINT RESOLUTION MEMORIALIZING CONGRESS TO PROTECT
WORKERS AT THE PORTSMOUTH NAVAL
SHIPYARD IN KITTERY, MAINE**

WHEREAS, the Portsmouth Naval Shipyard, located in Kittery, Maine, has received news that the overhaul of the nuclear submarine Sea-Devil, which was to be conducted at the Portsmouth Naval Shipyard, may now be cancelled; and

WHEREAS, this action may result in the loss of jobs for 1,000 to 3,000 workers, many of them Maine residents; and

WHEREAS, the seacoast region of Maine and New Hampshire has already sustained a potentially severe economic dislocation with the announced closing of Pease Air Force Base; and

WHEREAS, workers will have to be rehired for future overhauls at the Portsmouth Naval Shipyard that are already planned and scheduled; and

WHEREAS, there was no advance warning that the United States Navy might take such action and no opportunity to plan for an orderly transition for the displaced workers; and

WHEREAS, no concerted governmental action has been taken to alleviate the effects of defense budget cuts, or to work for conversion of defense industries to a peacetime economy; now, therefore, be it

RESOLVED: That the 114th Legislature of the State of Maine requests that Maine's Congressional Delegation make all diligent efforts to defer the action of the United States Navy in this instance and institute measures that will lessen the impact of defense cuts on industries in the State through planning for alternative use and will provide governmental assistance to workers during periods of transition; 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, the 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.

Was read.

The SPEAKER: The Chair recognizes the Representative from York, Representative Rolde.

Representative ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, the Resolution speaks for itself. However, at the time the Resolution was drafted, the Congressional Delegation was meeting with Defense Secretary Cheney and we were hopeful that action would be taken to change the cancellation of the overhaul of the submarine Sea-Devil. Unfortunately, that did not happen and the President's budget does contain the cancellation of this particular overhaul, which would be a very devastating blow to the shipyard. It's all the more important that our Congressional Delegation work on this and that we urge them to take these actions.

Was adopted and sent up for concurrence.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Harold Irish, for his 20 years of dedicated service to the people of the State and the development of the Veterans Cemetery; (HLS 1058) by Representative HICKEY of Augusta. (Cosponsors: Senator BUSTIN of Kennebec, Representative PARADIS of Augusta, Representative DAGGETT of Augusta)

On motion of Representative Hickey of Augusta, was removed from the Special Sentiment Calendar.

Was read.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Hickey.

Representative HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: We honor Harold Irish today in his retirement. He was the first superintendent and developer of the Maine Veterans Cemetery. He started with 60 acres of land and skillfully created the beautiful cemetery that serves Maine veterans today. Our cemetery, which he created, serves as a model for several other states.

Harold Irish was superintendent of the Maine Veterans Cemetery from 1970 to 1989. Harold -- you completely dedicated your knowledge and years of experience to assist and comfort the Maine veterans

and their families at a time of their greatest need, the loss of a loved one. For 20 years, you have given Maine veterans your expertise in developing and preparing the ground for the beauty of a proper resting place that they earned while they were defending their country. The devotion you have provided to the families of veterans will be cherished for many years to come.

Was passed and sent up for concurrence.

On motion of Representative Farnum of South Berwick, the House reconsidered its action whereby HLS 1058 was passed.

The SPEAKER: The Chair recognizes the Representative from South Berwick, Representative Farnum.

Representative FARNUM: Mr. Speaker, Ladies and Gentlemen of the House: I would also like to speak about Harold Irish. To me, he was a very unusual man. Harold Irish is a man who is gifted and dedicated in helping his fellow man in the position that he held at the veterans cemetery here in Augusta.

The first time I met him was as a legislator. I had gone to the veterans cemetery as a member of the Aging, Retirement and Veterans Committee to look at the equipment. We had been told that there was a truck in dire need of replacement and there was no money for it. Harold showed me the truck but with no comment. I examined it and I wondered what kept it running and I could only think that this quiet man who stood beside me breathed life into it for nothing else could have done it. Needless to say, through the efforts of everyone and a new bill, Harold got his truck and the work at the cemetery was able to be continued.

The second time I met this man was as a person grieving over the passing away of their brother, who had chosen this sacred place as his last home. It had only been at the last moment that arrangements had been made to bring him there. Harold arranged everything, the ceremony, the grave readied, as though he had had a week's notice, but more than that, the manner in which this quiet man treated my brother's wife, his sons and me, I will never forget. Words cannot describe the feeling that he left with us. My first thought was that he was doing this because I was a legislator but, in the days to come, I found, I saw and I experienced that this man left a part of himself with every person that came there. He showed that he cared and the people knew it.

I also saw this quiet and humble man in a third role in a part at the veterans cemetery director's meetings of which I am a member. His past role as a superintendent was from almost day one until a few weeks ago. This made him valuable and vital to the continuation of the duties set by those who prouided this special cemetery. Decisions that are being made by following his advice will last for years to come.

I wrestled with myself for a week, especially last night, trying to find the right words to say about this most unusual man and I found it difficult to say anything in a short time, but I am trying. I hope that in these few moments I have conveyed to you my personal feelings and the feelings of those who worked with him. I must also thank Dan Hickey for instigating this sentiment, I think it is wonderful and worthy and I would like to say thank you to him for asking me to say a few words.

Was passed and sent up for concurrence.

REPORTS OF COMMITTEES
Unanimous Ought Not to Pass

Representative RYDELL from the Committee on Banking and Insurance on Bill "An Act to Require Effective Notification of Cancellation to Insurance Policyholders" (H.P. 1356) (L.D. 1873) reporting "Ought Not to Pass"

Representative MITCHELL from the Committee on Energy and Natural Resources on Resolve, to Establish the State Comprehensive Energy Plan Commission (EMERGENCY) (H.P. 1585) (L.D. 2197) reporting "Ought Not to Pass"

Representative CASHMAN from the Committee on Taxation on Bill "An Act to Remove Service-connected Disability Compensation from Income Calculations for Circuit Breaker Property Tax Relief" (H.P. 1493) (L.D. 2066) reporting "Ought Not to Pass"

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. 700) (L.D. 1838) Resolve, to Study the Use of Herbicides (EMERGENCY) Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-480)

(H.P. 1403) (L.D. 1939) Bill "An Act to Amend the Guaranty Association Law to Provide a More Equitable Special Assessment" (EMERGENCY) Committee on Banking and Insurance reporting "Ought to Pass"

(H.P. 1461) (L.D. 2038) Bill "An Act to Provide for Expedited Merger, Consolidation or Acquisition of Credit Unions" (EMERGENCY) Committee on Banking and Insurance reporting "Ought to Pass"

(H.P. 1447) (L.D. 2016) Bill "An Act to Amend Laws Regulating the Sardine Industry by Enhancing Export Opportunities" (EMERGENCY) Committee on Marine Resources reporting "Ought to Pass"

There being no objections, the above items were ordered to appear on the Consent Calendar of Monday, February 5, 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. 1452) (L.D. 2026) Bill "An Act to Amend Continuing Educational Requirements for Licensed Insurance Agents, Brokers and Consultants"

(H.P. 462) (L.D. 627) Bill "An Act Relating to Computer Access" (C. "A" H-748)

(H.P. 1433) (L.D. 2001) Bill "An Act Regarding Maine Land Use Regulation Commission Requirements" (C. "A" H-749)

(S.P. 824) (L.D. 2132) Bill "An Act to Increase the Debt Limit of the Stonington Water Company" (EMERGENCY)

(S.P. 832) (L.D. 2140) Bill "An Act Concerning the Commission to Implement the Computerization of Criminal History Record Information" (C. "A" S-478)

(S.P. 541) (L.D. 1512) Bill "An Act to Reform the Juvenile Criminal Justice System" (C. "A" S-479)

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 or Passed to be Engrossed as Amended and sent up for concurrence.

ORDERS OF THE DAY

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

REPORTS OF COMMITTEES
Divided Report

Majority Report of the Committee on State and Local Government reporting "Ought to Pass" on Bill "An Act to Make Corrections in the Governmental Ethics Law" (EMERGENCY) (H.P. 1481) (L.D. 2061)

Signed:
Senators: ESTY of Cumberland
BERUBE of Androscoggin
Representatives: BEGLEY of Waldoboro
JOSEPH of Waterville
LARRIVEE of Gorham
HEESCHEN of Wilton
CAHILL of Mattawamkeag
DAGGETT of Augusta
ROTONDI of Athens

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-752) on same Bill.

Signed:
Senator: CARPENTER of York
Representatives: McCORMICK of Rockland
WENTWORTH of Wells
CURRAN of Westbrook

Reports were read.

On motion of Representative Joseph of Waterville, the Majority "Ought to Pass" Report was accepted, the Bill read once.

Under suspension of the rules, the Bill was read a second time, passed to be engrossed and sent up for concurrence.

(At Ease)

The House was called to order by the Speaker.

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

PAPER FROM THE SENATE

Bill "An Act to Amend the Natural Resources Protection Act" (EMERGENCY) (S.P. 894) (L.D. 2276)

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.

On motion of Representative Jacques of Waterville, Adjourned until Monday, February 5, 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
February 2, 1990

Senate called to Order by the President.

Prayer by Pastor J.C. Gall of the Searsport Full Gospel Church in Searsport.

PASTOR J.C. GALL: Let us pray. Dear heavenly Father, I come before You today, first of all to thank You for democracy. Thank You for this legislative body. Thank You for these men and women who have been elected to serve in this great state and, Lord, I pray today for many nations around the world, many who are in upheaval, especially those in Eastern Europe today, who are contemplating their form of government, reassessing, reevaluating. I pray that You will guide and work and guide them into the way that You would have them to go. And now, heavenly Father, I pray that You will be exalted in these chambers today. I pray that You will be exalted and glorified in every one of our hearts, in each individual who deliberates and each individual who votes, that they will seek Your guidance. For, truly, we need Your guidance and we ask for it today. But I'm reminded of Your word that teaches us if any man lack wisdom, let him ask of God who giveth to every man liberally and upbraideth not and, Lord, we need Your wisdom today. We don't have the wisdom in the natural to conduct the affairs of life or of state. We need your wisdom and I pray that You'll give these fine men and women today Your guidance and may Your anointing be upon this time together and we give You praise in Jesus' name. Amen.

Reading of the Journal of Yesterday.

COMMUNICATIONS

The Following Communication:
ALCOHOL AND DRUG ABUSE PLANNING COMMITTEE
STATE HOUSE STATION 11
AUGUSTA, MAINE 04333

January 23, 1990

The Honorable Charles P. Pray
Senate President

State House Station #3
Augusta, Maine 04333

Dear President Pray:

The enclosed FY'89 Progress Report of the Alcohol and Drug Abuse Planning Committee (ADPC) is presented according to P.L. 1983, c. 464. In compiling the required information, the ADPC relied on the coordination, interaction and communication among the ADPC State Departments. The accomplishments of each department are noted in detail, accompanied with costs and FY'90 plans.

Donald A. Lund, Ph.D., Planning Director of the ADPC will provide coordination for any questions concerning this report.

Sincerely,

S/Donald Allen, Commissioner S/John Atwood
Department of Corrections Chairperson

Commissioner, Department
of Public Safety

S/Eve Bither, Commissioner
Department of Educational
and Cultural Services

S/Rollin Ives
Commissioner
Department of Human
Services