

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
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
23rd Legislative Day
Tuesday, February 27, 1990**

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

Prayer by Sister Frances Carr, United Society of Shakers, New Gloucester.

The Journal of Monday, February 26, 1990, was read and approved.

Quorum call was held.

PAPERS FROM THE SENATE

Reported Pursuant to Resolve

Report of the Committee on Business Legislation, pursuant to Resolve 1989, Chapter 39 ask leave to submit its findings and to report that the accompanying Bill "An Act to Provide for the Licensing and Certification of Real Estate Appraisers and to Create a Board of Real Estate Appraisers" (EMERGENCY) (S.P. 934) (L.D. 2365) be referred to the Joint Standing Committee on Business Legislation 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 Business Legislation and ordered printed.

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

Unanimous Leave to Withdraw

Report of the Committee on Banking and Insurance reporting "Leave to Withdraw" on Resolve, to Investigate the Formation of an Interstate Insurance Compact (EMERGENCY) (S.P. 694) (L.D. 1832)

Report of the Committee on Banking and Insurance reporting "Leave to Withdraw" on Bill "An Act to Amend the Definition of Actual Cash Value for Insurance Purposes" (S.P. 820) (L.D. 2096)

Report of the Committee on Banking and Insurance reporting "Leave to Withdraw" on Bill "An Act Related to Secondary Markets" (S.P. 873) (L.D. 2235)

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

Ought to Pass as Amended

Report of the Committee on Education reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-521) on Bill "An Act to Amend and Reauthorize the Percent for Art Act" (S.P. 834) (L.D. 2142)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-521) and Senate Amendment "A" (S-528).

Report was read and accepted, the bill read once. Committee Amendment "A" (S-521) was read by the Clerk and adopted.

Senate Amendment "A" (S-528) was read by the Clerk and adopted and the Bill assigned for second reading Thursday, March 1, 1990.

Divided Report

Later Today Assigned

Majority Report of the Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (S-523) on Bill "An Act to Ensure the Independence of the Animal Welfare Board" (S.P. 691) (L.D. 1830)

Signed:

Senators: TWITCHELL of Oxford

KANY of Kennebec

Representatives: PARENT of Benton

BELL of Caribou

MAHANY of Easton

HUSSEY of Milo

ALIBERTI of Lewiston

TARDY of Palmyra

PINES of Limestone

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

Signed:

Senator: EMERSON of Penobscot

Representatives: WHITCOMB of Waldo

NUTTING of Leeds

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-523).

Reports were read.

On motion of Representative Gwadosky of Fairfield, tabled pending acceptance of either report and later today assigned.

COMMUNICATIONS

The following Communication: (H.P. 1718)
Bureau of Corporations, Elections, and Commissions
Department of
the Secretary of State
State House Station #101
Augusta, Maine 04333

February 23, 1990

To the Honorable 114th Legislature of the State of Maine

Attention: House of Representatives, Clerk Pert

Info: Senate, Secretary O'Brien

I have the honor to transmit herewith an initiated bill entitled "An Act to Amend the Sunday Sales Law," and the results of the examination by this office of the initiative relative to it.

The minimum number of valid signatures required to initiate this legislation is 42,686. These petitions were filed in this office on January 29, 1990 which met the requirement of the Maine Constitution. After extensive review we have determined the number of valid signatures is 45,498.

In view of the foregoing determination, I hereby certify that these petitions have met the constitutional requirement of the minimum of 42,686 valid signatures. Since these petitions have previously satisfied the constitutional requirements in all respects, under the provisions of Article IV, Part Third, Section 18, of the Constitution of Maine, I do hereby declare this initiative petition to be valid.

In the event the Legislature rejects this initiative proposal, a referendum election will be called.

Respectfully,

S/Gary Cooper

Deputy Secretary of State

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

On Motion of Representative GWADOSKY of Fairfield, the accompanying Bill "An Act to Amend the Sunday Sales Law" (I.B. 3) (L.D. 2371) was referred to the Committee on Business Legislation, ordered printed and sent up for concurrence.

The following Communication:

Maine Turnpike Authority
430 Riverside Street
Portland, Maine 04103

February 23, 1990

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

I am pleased to submit to you in accordance with Section 1966 paragraph 4, of Title 23, M.R.S.A. the Turnpike Authority's Fifth Legislative Report, which will serve as the semi-annual report to the Transportation Committee. I trust that the Legislative session is going well. If either I or my staff can be of any assistance please feel free to call me. With best wishes.

Sincerely,
S/Paul E. Violette
Executive Director

Was read and with accompanying report ordered placed on file.

The following Communication:
STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE
04333

February 23, 1990

To: The Honorable Members of the 114th Legislature

I am returning without my signature or approval H.P. 660, L.D. 902, "An Act Regarding the Maine Technical College System." Although I agree with much of this bill, including the section that would require the Board of Trustees to develop and review a comprehensive five-year plan for the Technical College System, I cannot support the provision that would remove the Commissioner of Labor and the Commissioner of Economic and Community Development as ex-officio members of the Board.

The mission of the Technical College System is inextricably related to the services and resources provided by the Department of Labor and the Department of Economic and Community Development. The statute establishing the Technical College System could not recognize this point any more clearly: "The primary goals of post-secondary vocational-technical education and the Maine Technical College System are to create an educated, skilled and adaptable labor force which is responsive to the changing needs of the economy of the State and to promote local, regional and statewide economic development" (emphasis added). It is, in my view, critical to the proper functioning of the Board that the State's leaders in those two areas participate in the policy decisions affecting the colleges.

We all agree that our technical colleges will play an increasingly important role in meeting this decade's labor and economic development needs. With a shortage of 35,000 Maine workers projected for 1995, there will be a much greater need to cultivate both traditional and non-traditional workers. The Department of Labor, by handling approximately \$18 million a year in job training resources and by collecting and analyzing the statistical data regarding all aspects of employment in Maine, is uniquely qualified to help the technical colleges meet this need. Likewise, the Department of Economic and Community Development, devoting approximately \$13 million per year to ensure that Maine can attract and retain new, expanding and diversifying businesses, is also uniquely situated to contribute to the leadership of the technical colleges.

These facts clearly demonstrate the need to have the commissioners of Labor and DECD serve as trustees

of the colleges. Moreover, it is appropriate that these commissioners serve ex-officio. There is no reason to require persons already subject to appointment and confirmation as commissioners to be appointed and confirmed again to participate in a system so closely linked to their own. The Legislature so agreed as recently as 19 months ago when it accepted the unanimous recommendation of the Joint Standing Committee on Education to have the Labor commissioner serve as an ex-officio trustee of the colleges.

Because there is no rational reason to strip the technical colleges of their direct access to the guidance of the State's highest labor and economic development leaders, and because the technical colleges clearly benefit from the expertise of these leaders, I urge you to sustain this veto.

Thank you.

Sincerely,
S/John R. McKernan, Jr.
Governor

Was read and ordered placed on file.

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

On motion of Representative Gwadosky of Fairfield, tabled pending reconsideration and specially assigned for Thursday, March 1, 1990.

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:

Energy and Natural Resources

Bill "An Act to Reduce Toxics in Packaging" (EMERGENCY) (H.P. 1715) (L.D. 2368) (Presented by Representative CURRAN of Westbrook) (Cosponsored by Senator KANY of Kennebec, Representative GARLAND of Bangor and Representative HUTCHINS of Penobscot)

Ordered Printed.

Sent up for Concurrence.

Judiciary

Bill "An Act Regarding Liability for Nuclear Waste" (H.P. 1714) (L.D. 2367) (Presented by Representative HOLT of Bath) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.

Sent up for Concurrence.

State and Local Government

Bill "An Act to Promote Effective Services Delivery to Children and Youth" (H.P. 1716) (L.D. 2369) (Presented by Representative FOSS of Yarmouth) (Cosponsored by Senator GILL of Cumberland, Senator BERUBE of Androscoggin and Representative GARLAND of Bangor)

Ordered Printed.

Sent up for Concurrence.

Taxation

Bill "An Act to Prohibit Ramps for Disabled People from Adding to Property Tax Valuations" (H.P. 1717) (L.D. 2370) (Presented by Representative LUTHER of Mexico) (Cosponsored by Representative ERWIN of Rumford, Senator GAUVREAU of Androscoggin and Senator ANDREWS of Cumberland) (Approved for introduction by

a majority of the Legislative Council pursuant to Joint Rule 27.)

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.

SPECIAL SENTIMENT CALENDAR

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

In Memory of:

Villa Hayden Quinn, a native of Presque Isle, who passed away on February 12, 1990; an outstanding educator who contributed 50 years of distinguished service to the people of Maine; a state curriculum consultant with the Department of Education from 1936 until her retirement in 1973 who was known and recognized throughout the State and region and in many areas of the nation as preeminent in her field; a woman who will be remembered by all for her strength and indomitable spirit, for her exceptional dedication, hard work and generosity; (HLS 1104) by Representative MAHANY of EASTON. (Cosponsors: Representative NORTON of Winthrop, Senator COLLINS of Aroostook and Representative LISNIK of Presque Isle)

On motion of Representative Mahany of Easton, was removed from the Special Sentiment Calendar.

Was read.

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

Representative NORTON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to say a few words very personally about Villa Hayden Quinn. I met her in 1951 when I was a student at what was then Washington State Normal School. Villa had already been in the Department since 1936. I was a freshman at that institution and not too serious about education at that time but Villa impressed me, one of the few speeches in assembly that got my attention and it made a real impression. After she finished talking about her pride in being a member of the Department of Education in Augusta, I decided that one day, if I did get serious about education, I would strive to work at that institution which she described so eloquently and so sincerely.

I always went out speaking before young people whenever I got a chance to make an appearance in public. Whether it is an Eagle Scout ceremony or whatever, I always go because of that very personal memory of how much that one appearance by one individual actually changed my life. Following her visit some said, if you ever have an aspiration from that inspiration, you had better get serious about school, you'd better study hard because they don't want someone of no ability at that place. I did begin to get a serious sense of purpose. I remember the laugh, the hat, and her wisdom.

My next acquaintance with Villa came at a banquet when I heard the Commissioner of Education, Warren Hill, say that he referred to Villa often as his key to every school system in the state of Maine.

Now to get really personal and down to business, I tried to substitute once at a small Maine community north of Skowhegan. I won't mention the name because I wouldn't want to, in any way, defame it because it was one of the funniest episodes in my life, which made me very angry at the time. I went into this elementary school to fill in for Villa Quinn, who had already worked with the parents and students at that school over a period of some months. So, when the

person who was to escort me to the meeting met me at the door she said, "Where is Villa?" I said, "I am filling in for Villa." She said, "Could you come right this way?" She led me to small room, a very small room, it might even have been called a broom closet, and she said, "I want you to wait here because I am not going to tell them that Villa isn't here until the very last moment because I wouldn't want anyone to leave." At first, I fumed in that broom closet but I gathered a smile and went in and we had a pretty good evening, no one left, but I certainly was uneasy there for a moment.

I saw Villa Quinn while I was teaching this last semester. She lived in North Windham and I went down to see her. Her spirit was still good, her words were still warm but I could see she was a very sick lady. I know that this state has lost a true friend of education and one that I will never forget.

Subsequently was adopted. Sent up for concurrence.

REPORTS OF COMMITTEES

Divided Report

Majority Report of the Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-819) on Bill "An Act to Return Certain Positions within the Department of Mental Health and Mental Retardation to Classified Service under the Civil Service Law and to Establish Uniform Pay Schedules" (H.P. 1380) (L.D. 1911)

Signed:

Senators:

CARPENTER of York
BERUBE of Androscoggin
ESTY of Cumberland
JOSEPH of Waterville
HEESCHEN of Wilton
ROTONDI of Athens
LARRIVEE of Gorham
CAHILL of Mattawamkeag
DAGGETT of Augusta
CURRAN of Westbrook

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

Signed:

Representatives:

BEGLEY of Waldoboro
WENTWORTH of Wells
McCORMICK of Rockport

Reports were read.

Representative Joseph of Waterville moved that the House accept the Majority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Wells, Representative Wentworth.

Representative WENTWORTH: Mr. Speaker, Men and Women of the House: I would hope that you would vote against this Majority Report because it has only been a matter of six months since these positions became unclassified. They have not had sufficient time to prove the efficiency of the present system. Management at AMHI are enthusiastic about the system, management at AMHI are enthusiastic about the performance of these new medical personnel. It certainly seems as though this law, passed last year, should be given a chance to succeed. If you do not give it a chance to work, it will be placing a heavy increase on the operation of the hospital. I ask you to give this new system a chance to succeed.

When the vote is taken, I request a roll call.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Joseph.

Representative JOSEPH: Mr. Speaker, Men and Women of the House: During the last session's budget deliberations, positions in the Department of Mental Health and Mental Retardation were made unclassified

positions. The Amendment which is on your desk, Amendment H-809, is different from the original bill which continues to restore those positions to bargaining units as unclassified employees. It provides for negotiations of a new pay structure to accommodate the Department's desire to develop new criteria for determining levels of compensation.

This was a compromise of the Joint Standing Committee on State and Local Government and I urge you to support the Majority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Rockport, Representative McCormick.

Representative McCORMICK: Mr. Speaker, Ladies and Gentlemen of the House: One of the things that concerns me very much about this bill is the fact that any time that you take a professional person and put them under an umbrella where they don't have to show their greatest expertise and greatest effort and they are not in a competitive situation, you are not going to get the best out of those professionals. Keep in mind that these are doctors and there is a tendency when you put professional people within the classified system -- there is no incentive there for them to perform. This is a principle in business and myself being a former businessman know this very, very well. Any time you put an employee in a situation where he is protected from any kind of criticism of his work or taking away the incentive of doing a good job, you are not going to get good performance. I suspect that that is one of the reasons that AMHI wasn't performing as well over the past eight or ten years because the positions were under the classified service.

I respectfully request that you leave the positions as they are now. They have not been unclassified that long and they seem to be performing very well. I ask you to vote against this.

The SPEAKER: The Chair recognizes the Representative from Vassalboro, Representative Burke.

Representative BURKE: Mr. Speaker, Ladies and Gentlemen of the House: In response to the previous speaker, as a nurse I would like to say that, as a professional, I am frankly insulted that it would be intimated that coverage under a bargaining unit would make one perform less professionally. Professionalism comes from ones own sense of excellence, not from whether one is protected by a bargaining unit or not.

When I cosponsored this legislation and presented it before the State and Local Government Committee, I asked each of the members of this committee to picture themselves as physicians and asked them if I could please offer them a job. Let me ask you to come to an institution that has been fraught with problems, that has been investigated by the Maine State Legislature, that is currently undergoing an investigation by the U.S. Justice Department for civil rights violations and that currently faces a class action suit. Let me ask you to come to this institution and receive less pay then you would make if you were working on your own out in the community. Let me ask you to work longer hours in a facility that is antiquated and itself presents problems and knowing that, should a problem arise, that you could act as a scapegoat, that you could lose your job at the whim of the Commissioner.

Basically, by removing these people from the bargaining unit, you ask them to serve at the whim of the Commissioner. The current Commissioner appears to be excellent, I do not believe that he will ever pull someone out in order to place blame upon them for an unfortunate incident that occurred at the institution but we can't always be assured that such

a good Commissioner will be in charge, as was evidenced by the previous Commissioner.

I urge you to accept the Majority "Ought to Pass" Report and have these positions come under the jurisdiction of the bargaining unit.

The SPEAKER: The Chair recognizes the Representative from Waldoboro, Representative Begley.

Representative BEGLEY: Mr. Speaker, Men and Women of the House: The positions we are talking about were declassified last spring. My understanding is that it was bipartisan input. I think it is very interesting to note that, after the bill was passed and the physicians were given a choice of whether they wanted to stay classified or unclassified, two-thirds of the physicians that were there at AMHI chose to be unclassified. Only six chose to remain in the classified positions.

The Amendment before us would make everybody unclassified but keep them in bargaining units.

I would also like to point out that the physicians that have been hired since last July have also been placed in unclassified service. I think physicians in state government should be treated as any other physicians would be in a general hospital, they should be held accountable for their actions and should be reviewed by a medical review panel. Many of us believe that the present system, which has been pointed out to you, is new and has not been in place very long but we are asking you to let it work for awhile longer before this decision is made to go back to fully classified. We do believe that this will allow for equally as good patient care, and I am sure that is what we are all striving for, and I encourage you to vote against L.D. 1911.

The SPEAKER: The Chair recognizes the Representative from Lisbon, Representative Jalbert.

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I can't agree with my good friend, the Representative from Rockport, Representative McCormick. Classified service in the state of Maine has nothing to do with determining qualifications. When you are hired to work for the state, there is an interim period where you are on probation once they determine your capabilities. Classified service was established to protect the employee. In this particular case, if you are an employee, you are protected from outside interference, you can do your job without political pressure and, therefore, when you remove someone from classified service, you are putting the person at the mercy of the administration. This has been tried for the last four years -- time and time again, they try to take people out of classified service and out of the union -- two words sum this up, "union busting." I don't like it.

Let's not take the protection away from the state employees. I know someone who worked for the state for 30 years, that's the only protection you have. You do not question anybody's ability when you hire them to go through the probation period. Even after they do get to become classified, there is a mechanism to remove that person from service if they are not qualified or not doing their job.

I would ask that you 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 the motion of the Representative from Waterville, Representative Joseph, that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 170

YEA - Adams, Aliberti, Allen, Anthony, Bell, Brewer, Burke, Cahill, M.; Carter, Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Conley, Constantine, Cote, Crowley, Curran, DiPietro, Donald, Dore, Dutremble, L.; Erwin, P.; Farnsworth, Gould, R. A.; Graham, Gurney, Gwadosky, Hale, Handy, Heeschen, Hichborn, Hickey, Hogle, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Kilkelly, Lawrence, Lisnik, Luther, Macomber, Mahany, Martin, H.; Mayo, McGowan, McHenry, McKeen, McSweeney, Melendy, Michaud, Mills, Moholland, Nadeau, G. R.; Norton, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pederson, Pineau, Plourde, Priest, Richard, Ridley, Rolde, Rotondi, Ruhlin, Rydell, Sheltra, Simpson, Skoglund, Smith, Strout, D.; Swazey, Tamaro, Telow, Townsend, Tracy, Walker, The Speaker.

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

ABSENT - Boutilier, Butland, Carroll, D.; Daggett, Duffy, Jackson, LaPointe, Larrivee, Manning, Marston, Mitchell, Nadeau, G. G.; Pouliot, Rand, Sherburne, Stevens, P.; Tardy.

Yes, 89; No, 45; Absent, 17; Paired, 0; Excused, 0.

89 having voted in the affirmative and 45 in the negative with 17 being absent, the Majority "Ought to Pass" Report was accepted, the Bill read once.

Committee Amendment "A" (H-819) was read by the Clerk and adopted and the Bill assigned for second reading Thursday, March 1, 1990.

CONSENT CALENDAR

First Day

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

(S.P. 743) (L.D. 1947) Bill "An Act Related to Overcompensation" Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (S-524)

(S.P. 750) (L.D. 1958) Bill "An Act to Remove Notarization from the Voter Registration Application Process" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-522)

(S.P. 759) (L.D. 1984) Bill "An Act to Require the State to Pay a Portion of Retired State Employees' Medicare Costs" Committee on Aging, Retirement and Veterans reporting "Ought to Pass" as amended by Committee Amendment "A" (S-516)

(S.P. 821) (L.D. 2097) Bill "An Act to Clarify Definitions and Provisions of Marine Resources Laws" Committee on Marine Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-517)

(S.P. 846) (L.D. 2176) Bill "An Act to Require Prior Notice of the Sale of Gas Stations" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-518)

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

Retirement and Veterans reporting "Ought to Pass" as amended by Committee Amendment "A" (S-520)

(H.P. 1360) (L.D. 1877) Bill "An Act to Amend the Maine Human Rights Act to Prohibit Educational Discrimination on the Basis of National Origin" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-825)

(H.P. 1377) (L.D. 1908) Bill "An Act to Amend the Law Governing Family Medical Leave" Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-821)

(H.P. 1509) (L.D. 2089) Bill "An Act to Expand and Extend the Maine Managed Care Insurance Plan Demonstration Project" (EMERGENCY) Committee on Banking and Insurance reporting "Ought to Pass" as amended by Committee Amendment "A" (H-823)

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

(H.P. 1577) (L.D. 2184) Bill "An Act Regarding Written Notice to Employees of Layoff or Termination" Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-827)

On motion of Representative Marsano of Belfast, was removed from the Consent Calendar, First Day.

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

Committee Amendment "A" (H-827) was read by the Clerk and adopted and the Bill assigned for second reading Thursday, March 1, 1990.

(H.P. 1367) (L.D. 1884) Bill "An Act to Improve Maine Occupational Safety and Health Provisions" Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-826)

(H.P. 1665) (L.D. 2305) Bill "An Act Allowing the Yarmouth Water District to Acquire the Assets and Liabilities of the North Yarmouth Water District" (EMERGENCY) Committee on Utilities reporting "Ought to Pass"

(H.P. 1574) (L.D. 2181) Bill "An Act to Amend the Maine Agricultural Marketing and Bargaining Act of 1973" Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-828)

(H.P. 744) (L.D. 1027) Bill "An Act to Require the Department of Human Services to Set Child Welfare Fee-for-service Rates Based on Yearly Negotiations with Private Nonprofit Community Residential Treatment Providers" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "B" (H-829)

(H.P. 1521) (L.D. 2106) Bill "An Act to Amend the Laws Concerning the Department of Human Services to Increase the Maximum Allowable Fine to \$50,000" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-830)

(H.P. 1609) (L.D. 2225) Bill "An Act Concerning Investigation of Allegations by the Office of Advocacy" Committee on Human Resources reporting "Ought to Pass"

(H.P. 1398) (L.D. 1934) Bill "An Act to Provide Access to Preventive Dental Care Services to Adults Eligible for Medicaid" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-831)

There being no objections, the above items were ordered to appear on the Consent Calendar of Thursday, March 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:

(H.P. 1624) (L.D. 2246) Bill "An Act to Ensure the Effective Use of Grants in the Office of the State Archivist"

(H.P. 1353) (L.D. 1870) Bill "An Act to Clarify the Succession of Estates under the Maine Probate Code" (C. "A" H-816)

(S.P. 703) (L.D. 1841) Bill "An Act Relating to the Town of York School District" (EMERGENCY) (C. "A" S-514)

No objections having been noted at the end of the Second Legislative Day, the Senate Paper was 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.

PASSED TO BE ENGROSSED

Bill "An Act to Ensure that Mobile Home Park Operators are Informed of Habitability Problems" (H.P. 1560) (L.D. 2166)

Was reported by the Committee on Bills in the Second Reading, read the second time, Passed to be Engrossed, and sent up for concurrence.

PASSED TO BE ENGROSSED

As Amended

Bill "An Act Concerning Geographic Isolation Grants" (H.P. 1305) (L.D. 1805) (C. "A" H-806)

Was reported by the Committee on Bills in the Second Reading, read the second time, Passed to be Engrossed as Amended, and sent up for concurrence.

SECOND READER

Tabled and Assigned

Bill "An Act to Protect Public Health by Prohibiting Smoking on Public Transportation Buses" (EMERGENCY) (H.P. 1462) (L.D. 2039) (C. "A" H-817)

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

Representative Pederson of Bangor offered House Amendment "A" (H-802) and moved its adoption.

House Amendment "A" (H-802) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Pederson.

Representative PEDERSON: Mr. Speaker, Ladies and Gentlemen of the House: This amendment would make it so that on chartered buses, if a majority of the people on that bus wants to smoke, then it would be possible. I think that that would be the type of thing where we have allowed chartered buses that are going to places and we have a group of people that are smokers and it gives them the right to be able to go some place and smoke. This is basically a simple amendment onto the bill.

On motion of Representative Gwadosky of Fairfield, tabled pending adoption of House Amendment "A" and specially assigned for Thursday, March 1, 1990.

**ORDERS OF THE DAY
UNFINISHED BUSINESS**

The following matter, in the consideration of which the House was engaged at the time of adjournment yesterday, has preference in the Orders

of the Day and continues with such preference until disposed of as provided by Rule 24.

The Chair laid before the House the first matter of Unfinished Business:

An Act to Coordinate and Consolidate Student Financial Assistance Services under the Finance Authority of Maine (EMERGENCY) (S.P. 865) (L.D. 2216) (C. "A" S-484)

TABLED - February 23, 1990 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

Representative Gwadosky of Fairfield moved that L.D. 2216 be tabled for one legislative day.

Representative Webster of Cape Elizabeth requested a roll call.

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 the motion of Representative Gwadosky of Fairfield that L.D. 2216 be tabled one legislative day. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 171

YEA - Adams, Aliberti, Allen, Anthony, Bell, Brewer, Burke, Cahill, M.; Carter, Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Conley, Constantine, Cote, Crowley, DiPietro, Dore, Dutremble, L.; Erwin, P.; Farnsworth, Gould, R. A.; Graham, Gurney, Gwadosky, Hale, Handy, Heeschen, Hichborn, Hickey, Hogle, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Kilkelly, Lawrence, Lisnik, Luther, Macomber, Mahany, Martin, H.; Mayo, McGowan, McHenry, McKeen, McSweeney, Melendy, Michaud, Mills, Moholland, Nadeau, G. R.; Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pederson, Pineau, Plourde, Priest, Richard, Ridley, Rolde, Rotondi, Ruhlin, Rydell, Sheltra, Simpson, Skoglund, Smith, Swazey, Tammaro, Townsend, Tracy, Walker, The Speaker.

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

ABSENT - Boutilier, Butland, Carroll, D.; Daggett, Duffy, Jackson, LaPointe, Larrivee, Manning, Marston, Mitchell, Nadeau, G. G.; Pouliot, Rand, Sherburne, Stevens, P.; Tardy.

Yes, 84; No, 50; Absent, 17; Paired, 0; Excused, 0.

84 having voted in the affirmative and 50 in the negative with 17 being absent, the Bill was tabled pending passage to be enacted and specially assigned for Thursday, March 1, 1990.

TABLED AND TODAY ASSIGNED

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

Bill "An Act to Provide for Increased Penalties for Land Use Violations within Certain Resource

Protection Zones" (H.P. 1329) (L.D. 1846) (C. "A" H-803)

TABLED - February 26, 1990 by Representative MICHAUD of East Millinocket.

PENDING - Passage to be Engrossed.

On motion of Representative Gwadosky of Fairfield, retabled pending passage to be engrossed and specially assigned for Thursday, March 1, 1990.

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

An Act to Improve the Organizational Structure of the Fish and Wildlife Advisory Council (EMERGENCY) (H.P. 1660) (L.D. 2300)

TABLED - February 26, 1990 by Representative JACQUES of Waterville.

PENDING - Passage to be Enacted.

On motion of Representative Jacques of Waterville, under suspension of the rules, the House reconsidered its action whereby L.D. 2300 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-818) and moved its adoption.

House Amendment "A" (H-818) was read by the Clerk and adopted.

On motion of Representative Jacques of Waterville, tabled pending passage to be engrossed and specially assigned for Thursday, March 1, 1990.

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

An Act Related to the State Board of Substance Abuse Counselors (EMERGENCY) (S.P. 699) (L.D. 1837) (C. "A" S-483 and S. "A" S-506)

TABLED - February 26, 1990 by Representative ALLEN of Washington.

PENDING - Passage to be Enacted.

On motion of Representative Allen of Washington, retabled pending passage to be enacted and specially assigned for Thursday, March 1, 1990.

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

An Act to Allow State Employees and Teachers to Buy Back Time Spent in Certain Programs (S.P. 787) (L.D. 2033) (C. "A" S-496)

TABLED - February 26, 1990 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

On motion of Representative Higgins of Scarborough, retabled pending passage to be enacted and specially assigned for Thursday, March 1, 1990.

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

An Act Concerning Patient Access to Medical Records (H.P. 1355) (L.D. 1872) (C "A" H-754)

TABLED - February 26, 1990 by Representative MANNING of Portland.

PENDING - Passage to be Enacted.

On motion of Representative Clark of Brunswick, retabled pending passage to be enacted and specially assigned for Thursday, March 1, 1990.

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 Establish an Office of Substance Abuse Policy within the Executive Department" (S.P. 935) (L.D. 2366)

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.

(At Ease)

The House was called to order by the Speaker.

Representative Paradis of Old Town was granted unanimous consent to address the House:

Representative PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: I call your attention to the past two weeks with some of the reports that have been made in our press across the state as to the difficulty of the Portland law enforcement agencies in order to bring to justice violations of the drug paraphernalia laws. Several members are still present here on the floor of the House who supported passage of that bill (which was in 1981 in the Second Session of the 110th Legislature) and the law has stood since that time. It has served our people well and has removed drug paraphernalia from the open market place of our towns and cities.

Public display of such equipment being offered for sale carried the message to the people that drugs in our society were condoned and it certainly set a bad example for our young people to see it so prominently displayed before us.

Each day we hear and read the efforts that are being made currently in this war against drugs and our society has been permeated with it, even in our state and our rural areas. We are told that it should be pursued relentlessly and that we should spare no effort to see to it that it is removed from our areas of responsibility. The towns, the state and the federal government has been pouring resources into this unlimited in order to remove it.

Now, when we see we have advocates in our midst, which are proponents of distribution of the equipment to use this material and we also have those who are saying that it should be legalized and then we find that our law enforcement agencies have difficulty in enforcing - I believe we have what is called in street language a "cop-out" from certain elements of our judiciary system.

Ladies and gentlemen, I don't believe that this is any way to go. We cannot afford to have any segment of our enforcement agencies that are in resistance - they should be in complete cooperation with each other and I would certainly look and hope that the agencies that we have available to us in our state would take all the appropriate measures to enforce the law to the fullest extent and spare no quarter in seeing to it that they are so fulfilled.

I thank you for hearing me this morning and I certainly hope that we will hear in our press that appropriate action has been taken in order to further remove this from the city of Portland which now has the problem. In the past, we had the problem which ranging all the way from Caribou to the center of the state and to all southern parts of the state. So, thank you for hearing me this morning.

Representative Adams of Portland was granted unanimous consent to address the House:

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

In Senate Chamber
Tuesday
February 27, 1990

Senate called to Order by the President.

Prayer by Reverend Trueman Bray of the Penny Memorial Baptist Church in Augusta.

REVEREND TRUEMAN BRAY: Let us bow together in prayer. O gracious God in heaven, we thank You for the rest of the night, and for the freshness and promise of a new day. We begin it by acknowledging that Thou art God, and there is none beside You. To Thee we owe our life and our strength. We have scheduled our moments and our hours and we pray that in your providence You will give us the strength to carry out duties of this day. Bless the women and men of this House, give them clear minds, alert to all the implications of their decisions. May they carry the trust of the people of Maine with great integrity. Bless them in their days of victory, and in their days of discouragement. When days grow long and weary, grant them that added measure of strength. We thank You for the Democratic process in a free land such as ours. We thank You for the dedication of elected officials entrusted with the governing process. In a very imperfect world, continue to give them the vision of what it can be, and may the actions and debates of this very day, bring us closer to that goal. May Thy will be done on earth, even as it is in heaven. Through Christ our Lord, we pray. Amen.

Reading of the Journal of Monday, February 26, 1990.

PAPERS FROM THE HOUSE
Non-concurrent Matter

SENATE REPORTS - from the Committee on BUSINESS LEGISLATION on Bill "An Act Amending the Licensure Requirements for Plumbers"

S.P. 615 L.D. 1710
(C "A" S-513)

Majority - Ought to Pass as Amended by Committee Amendment "A" (S-513).

Minority - Ought Not to Pass.

In Senate, February 23, 1990, the Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-513).

Comes from the House the Minority OUGHT NOT TO PASS Report READ and ACCEPTED in NON-CONCURRENCE.

On motion by Senator CLARK of Cumberland, the Senate INSISTED.

Sent down for concurrence.

Non-concurrent Matter

Bill "An Act to Amend the Definition of Dealer Under the Used Car Information Laws"

S.P. 717 L.D. 1892
(C "A" S-505)

In Senate, February 16, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-505).

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-505) AS AMENDED BY HOUSE AMENDMENT "A" (H-824) thereto, in NON-CONCURRENCE.

Representative ADAMS: Mr. Speaker, Men and Women of the House: The state learned earlier this month with deep regret of the passing of Sister R. Mildred Barker of the United Society of Shakers at Sabbathday Lake, Maine, the last active Shaker community in all the world.

Sister Mildred joined the Shakers as a little girl in 1904 when Theodore Roosevelt was President and for 86 years in her words and her work, first at the Shaker Colony in Alfred, Maine and later at Sabbathday Lake, she embraced the simple Shaker faith and message of "Hands to Work and Hearts to God." For 40 years, she was the spiritual leader of the Sabbathday Lake Shakers preserving their heritage, recording their songs and opening the community to all who were interested in the meaning and the message of the Shaker faith, often saying, "No strange gift ever came from God so don't feel strange or be a stranger." She sought to preserve in recordings the rich musical heritage of the Shaker spirituals, some of which were written in the 1700's and but for her efforts would have been lost to history. For her work, she received the Master Traditional Artist Award from the National Endowment for the Humanities at the Smithsonian Institution in Washington, D.C. in 1984.

Life is not a simple thing but faith is and, upon this thought, the Shaker faith built the fine furniture, the striking architecture, the close communities and the emphasis on simplicity, practicality and beauty for which this faith will always be remembered; of such was American built.

Sister Mildred was born at the end of the 19th Century and lived to the last days of the 20th. With her passes one of the last living links to another era but because of her, its heritage will live forever. She was one of Maine's unique gifts to America and her passing is deeply felt, not only by her brothers and sisters at Sabbathday Lake, but by "all the world's people," as the Shaker's say, across our state and beyond.

Mr. Speaker, in the words of our own memoriam, I ask that when this body adjourns today, it does so in memory of this fine citizen of the state of Maine, Sister R. Mildred Barker of Sabbathday Lake.

(Off Record Remarks)

On motion of Representative McSweeney of Old Orchard Beach,

Adjourned until Thursday, March 1, 1990, at eight-thirty in the morning in memory of Villa Hayden Quinn and Sister R. Mildred Barker.