

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

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day pending the motion of Senator BALDACCII of Penobscot to ACCEPT the Minority OUGHT NOT TO PASS Report.

Off Record Remarks

Senator PEARSON of Penobscot was granted unanimous consent to address the Senate off the Record.

On motion by Senator BOST of Penobscot, ADJOURNED until Tuesday, March 13, 1990, at 8:00 in the morning.

ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE
SECOND REGULAR SESSION
31st Legislative Day
Tuesday, March 13, 1990

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

Prayer by Tim Griffin, Baha'i Community, Auburn. The Journal of Monday, March 12, 1990, was read and approved.

Quorum call was held.

PAPERS FROM THE SENATE

Bill "An Act to Allow Certain School Secretaries to Elect Not to Be Members of the Maine State Retirement System" (S.P. 958) (L.D. 2422)

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 Regarding the Administration of the Maine Children's Trust Fund" (S.P. 957) (L.D. 2421)

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

Was referred to the Committee on Human Resources in concurrence.

Resolve, to Extend the Deadline for the Report of the Commission on Maine's Future (EMERGENCY) (S.P. 956) (L.D. 2420)

Came from the Senate under suspension of the rules and without reference to a Committee, the Bill read twice and passed to be engrossed.

(The Committee on Reference of Bills had suggested reference to the Committee on State and Local Government.)

Under suspension of the rules and without reference to any Committee, the bill was read twice and passed to be engrossed in concurrence.

COMMUNICATIONS

The following Communication: (S.P. 959)

114TH MAINE LEGISLATURE

March 9, 1990

Senator Joseph C. Brannigan

Rep. James Mitchell

Chairpersons

Joint Standing Committee on Marine Resources

114th Legislature

Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Christopher S. Heinig of South Harpswell for appointment as a member of the Marine Research Board.

Pursuant to P.L. 1989, Chapter 529, this nomination will require review by the Joint Standing Committee on Marine 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 Marine Resources.

Was Read and Referred to the Committee on Marine Resources in concurrence.

The following Communication: (S.P. 960)
114TH MAINE LEGISLATURE
March 12, 1990

Senator John E. Baldacci
Rep. Carol M. Allen
Chairpersons
Joint Standing Committee on Business Legislation
114th Legislature
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Joanna Dennis of Waterville for reappointment as a member of the Maine Real Estate Commission.

Pursuant to Title 32, MRSA Section 13062, this nomination will require review by the Joint Standing Committee on Business Legislation 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 Business Legislation.

Was Read and Referred to the Committee on Business Legislation in concurrence.

REPORTS OF COMMITTEES

Unanimous Leave to Withdraw

Representative NADEAU from the Committee on Taxation on Bill "An Act to Amend the Maine State Sales and Use Tax Law" (H.P. 1450) (L.D. 2019) reporting "Leave to Withdraw"

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

Divided Report

Majority Report of the Committee on Education reporting "Ought Not to Pass" on Bill "An Act Regarding Eligibility for Participation in Extracurricular Activities" (EMERGENCY) (H.P. 1676) (L.D. 2318)

Signed:

Senators: BOST of Penobscot
ESTES of York
GILL of Cumberland
Representatives: NORTON of Winthrop
AULT of Wayne
SMALL of Bath
O'GARA of Westbrook
CROWLEY of Stockton Springs

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-903) on same Bill.

Signed:

Representatives: HANDY of Lewiston
KILKELLY of Wiscasset
OLIVER of Portland
PARADIS of Frenchville
O'DEA of Orono

Reports were read.

Representative Crowley of Stockton Springs moved that the House accept the Majority "Ought Not to Pass" Report.

On motion of the same Representative, tabled pending his motion that the House accept the Majority "Ought Not to Pass" Report and specially assigned for Wednesday, March 14, 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. 695) (L.D. 1833) Bill "An Act Relating to the Child and Family Services and Child Protection Act" Committee on Human Resources reporting "Ought to Pass"

(S.P. 838) (L.D. 2151) Bill "An Act to Amend the Laws for the Licensing of Counseling Professionals" Committee on Business Legislation reporting "Ought to Pass"

(S.P. 760) (L.D. 1985) Bill "An Act to Allow the State Police to Recover Funds Expended for Presidential Security" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-569)

(S.P. 794) (L.D. 2045) Bill "An Act to Amend Certain Laws Dealing with Motor Vehicle Inspections" Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-573)

(S.P. 915) (L.D. 2321) Resolve, Directing the Department of Human Services to Develop a Poison Warning System Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-572)

(H.P. 1734) (L.D. 2393) Bill "An Act to Amend the Charter of the Van Buren Water District" (EMERGENCY) Committee on Utilities reporting "Ought to Pass"

(H.P. 332) (L.D. 451) Bill "An Act to Create an Educational Bonus for Affordable Housing" Committee on Housing and Economic Development reporting "Ought to Pass" as amended by Committee Amendment "B" (H-908)

(H.P. 1608) (L.D. 2221) Bill "An Act to Clarify the Governance of Mackworth Island Public Trust Lands" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-909)

(H.P. 1575) (L.D. 2182) Bill "An Act to Regulate the Handling of Manure" Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-910)

(H.P. 1545) (L.D. 2130) Bill "An Act to Purchase the Development Rights to Farmland" Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-911)

There being no objections, the above items were ordered to appear on the Consent Calendar of Wednesday, March 14, 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. 859) (L.D. 2195) Bill "An Act to Ensure the Proper Delivery of Insurance Benefits" (C. "A" S-562)

(S.P. 719) (L.D. 1894) Bill "An Act to Increase the Penalty for Desecration of a Cemetery" (C. "A" S-560)

(H.P. 1662) (L.D. 2302) Bill "An Act Regarding Foreign Trade Zones"

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

(H.P. 1642) (L.D. 2275) Bill "An Act to Provide for the 1990 and 1991 Allocations of the State Ceiling on Private Activity Bonds" (EMERGENCY) (C. "A" H-902)

On motion of Representative Gwadosky of Fairfield, was removed from the Consent Calendar, Second Day.

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

Committee Amendment "A" (H-902) was read by the Clerk and adopted and the Bill assigned for Second Reading Wednesday, March 14, 1990.

(H.P. 1565) (L.D. 2171) Bill "An Act to Amend the Workers' Compensation Insurance Laws" (C. "A" H-904)

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

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

Committee Amendment "A" (H-904) was read by the Clerk.

Representative Tammaro of Baileyville offered House Amendment "A" (H-914) to Committee Amendment "A" (H-904) and moved its adoption.

House Amendment "A" (H-914) to Committee Amendment "A" (H-904) 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 Wednesday, March 14, 1990.

(H.P. 1627) (L.D. 2249) Bill "An Act to Limit the Role of Rating Organizations in Property and Casualty Rate Making" (C. "A" H-905)

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

**PASSED TO BE ENGROSSED
As Amended**

Bill "An Act to Annex Township 4, Range 3 WELS to the Town of Island Falls" (H.P. 164) (L.D. 229)

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

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

Representative WENTWORTH: Mr. Speaker, Members of the House: I would just like to remind you that last year this came out of committee with an 8 to 5 "Ought Not to Pass" Report. We have not seen the bill since.

I would ask for a roll call when the vote is taken.

Representative Smith of Island Falls offered House Amendment "A" (H-915) and moved its adoption.

House Amendment "A" was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" and sent up for concurrence.

**PASSED TO BE ENGROSSED
As Amended**

Bill "An Act Concerning Public Utilities" (S.P. 761) (L.D. 1986) (S. "A" S-574 to C. "A" S-561)

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

PASSED TO BE ENACTED

An Act to Implement the Recommendations of the Special Commission to Study the Organization of the State's Cultural Agencies (S.P. 885) (L.D. 2254) (S. "A" S-549; C. "A" S-546)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

**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 Correct the Subdivision Laws (H.P. 1357) (L.D. 1874) (C. "A" H-843)

TABLED - March 12, 1990 (Till Later Today) by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

On motion of Representative Gwadosky of Fairfield, retabled pending passage to be enacted and specially assigned for Wednesday, March 14, 1990.

TABLED AND TODAY ASSIGNED

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

Bill "An Act Related to the State Board of Substance Abuse Counselors" (EMERGENCY) (S.P. 699) (L.D. 1837)

- In House, Passed to be Engrossed as amended by Committee Amendment "A" (S-483) as amended by House Amendment "A" (H-860) thereto and Senate Amendment "A" (S-506) on March 2, 1990.

- In Senate, Passed to be Engrossed as amended by Committee Amendment "A" (S-483) as amended by Senate Amendment "A" (S-525) thereto and Senate Amendment "A" (S-506) in non-concurrence.

TABLED - March 12, 1990 by Representative MAYO of Thomaston.

PENDING - Further Consideration.

On motion of Representative Mayo of Thomaston, tabled pending further consideration and specially assigned for Wednesday, March 14, 1990.

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

Bill "An Act Related to Overcompensation" (S.P. 743) (L.D. 1947)

- In House, Passed to be Engrossed as amended by Committee Amendment "A" (S-524) as amended by House Amendment "B" (H-890) thereto on March 8, 1990.

- In Senate, that Body having insisted on its former action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" (S-524) in non-concurrence.

TABLED - March 12, 1990 by Representative McHENRY of Madawaska

PENDING - Further Consideration.

On motion of Representative McHenry of Madawaska, the House voted to recede and concur.

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

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) (C. "A" S-536; S. "B" S-568)

TABLED - March 12, 1990 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Engrossed.

On motion of Representative Paradis of Augusta, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (S-536) was adopted.

The same Representative offered House Amendment "A" (H-907) to Committee Amendment "A" (S-536) and moved its adoption.

House Amendment "A" (H-907) to Committee Amendment "A" (S-536) was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto and Senate Amendment "B" (S-568) was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto and Senate Amendment "B" (S-568) in non-concurrence and sent up for concurrence.

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

Expression of Legislative Sentiment recognizing the Scarborough High School Academic Decathlon Team (HLS 1153)

TABLED - March 12, 1990 by Representative NADEAU of Saco.

PENDING - Passage.

On motion of Representative Webster of Cape Elizabeth, tabled pending passage and specially assigned for Wednesday, March 14, 1990.

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

An Act to Authorize the Department of Human Services to Impose Civil Penalties on Vendors Who Violate the Requirements of the Women, Infants and Children Special Supplemental Food Program (H.P. 1521) (L.D. 2106) (C. "A" H-830)

TABLED - March 12, 1990 by Representative MANNING of Portland.

PENDING - Passage to be Enacted.

On motion of Representative Manning of Portland, under suspension of the rules, the House reconsidered its action whereby L.D. 2106 was passed to be engrossed.

On motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-830) was adopted.

The same Representative offered House Amendment "A" (H-913) to Committee Amendment "A" (H-830) and moved its adoption.

House Amendment "A" (H-913) to Committee Amendment "A" (H-830) was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto in non-concurrence and sent up for concurrence.

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

An Act to Protect Consumer Privacy by Regulating Automated Telephone Solicitations (H.P. 1421) (L.D. 1973) (H. "A" H-855; C. "A" H-835)

TABLED - March 12, 1990 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

On motion of Representative Gwadosky of Fairfield, retabled pending passage to be enacted and specially assigned for Wednesday, March 14, 1990.

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

An Act to Protect Consumers Against Unsolicited Telefacsimile Transmissions (H.P. 1423) (L.D. 1975) (C. "A" H-845)

TABLED - March 12, 1990 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

On motion of Representative Adams of Portland, under suspension of the rules, the House reconsidered its action whereby L.D. 1975 was passed to be engrossed.

On motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-845) was adopted.

The same Representative offered House Amendment "A" (H-917) to Committee Amendment "A" (H-845) and moved its adoption.

House Amendment "A" (H-917) to Committee Amendment "A" (H-845) was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto in non-concurrence and sent up for concurrence.

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

An Act to Amend the Operating-under-the-influence Laws (H.P. 1535) (L.D. 2120) (C. "A" H-834)

TABLED - March 12, 1990 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

On motion of Representative Gwadosky of Fairfield, retabled pending passage to be enacted and specially assigned for Wednesday, March 14, 1990.

The Chair laid before the House the ninth tabled and today assigned matter;

An Act to Amend the Laws Governing the Military and Naval Children's Home (H.P. 1610) (L.D. 2226) (C. "A" H-842)

TABLED - March 12, 1990 by Representative MANNING of Portland.

PENDING - Passage to be Enacted.

On motion of Representative Manning of Portland, under suspension of the rules, the House reconsidered its action whereby L.D. 2226 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-912) and moved its adoption.

House Amendment "A" (H-912) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" and House Amendment "A" thereto in non-concurrence and sent up for concurrence.

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

An Act to Enhance Enforcement of the Driving Under the Influence of Alcohol and Drug Laws (H.P. 814) (L.D. 1126) (H. "A" H-801 to C. "A" H-775)
TABLED - March 12, 1990 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

On motion of Representative Gwadosky of Fairfield, retabled pending passage to be enacted and specially assigned for Wednesday, March 14, 1990.

Representative Aliberti of Lewiston was granted unanimous consent to address the House:

Representative ALIBERTI: Mr. Speaker, I have here a record of Roll Call #185. I voted against the passage of that bill but I did vote and so my vote recorded to support the motion to reconsider. It is just a matter of commitment that I have that the House process be initiated and addressed to its fullest extent to any member of this illustrious body. I was present, I did cast my vote, and verified it. I solicit your correction of that vote.

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

An Act to Establish the Wells National Estuarine Research Reserve Management Authority (H.P. 1457) (L.D. 2031) (C. "A" H-853)
TABLED - March 12, 1990 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

On motion of Representative Michaud of East Millinocket, under suspension of the rules, the House reconsidered its action whereby L.D. 2031 was passed to be engrossed.

On motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-853) was adopted.

The same Representative offered House Amendment "A" (H-918) to Committee Amendment "A" (H-853) and moved its adoption.

House Amendment "A" (H-918) to Committee Amendment "A" (H-853) was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto in non-concurrence and sent up for concurrence.

On motion of Representative Nadeau of Saco,
Adjourned until Wednesday, March 14, 1990, at twelve o'clock noon.

BILL HELD

Bill "An Act to Authorize the Annexation of Land Adjacent to the Town of East Millinocket" (EMERGENCY) (S.P. 746) (L.D. 1950)

- In House, Passed to be Engrossed as amended by Committee Amendment "A" (S-547) as amended by Senate Amendment "A" (S-570) and House Amendment "A" (H-900) thereto in non-concurrence.

HELD at the request of Representative GWADOSKY of Fairfield.

On motion of Representative Gwadosky of Fairfield, the House reconsidered its action whereby L.D. 1950 was passed to be engrossed.

On motion of the same Representative, the House reconsidered its action whereby Committee Amendment "A" (H-547) as amended by Senate Amendment "A" (S-570) and House Amendment "A" (H-900) thereto was adopted.

On motion of the same Representative, the House reconsidered its action whereby Senate Amendment "A" to Committee Amendment "A" was adopted.

On motion of the same Representative, Senate Amendment "A" was indefinitely postponed.

Committee Amendment "A" (H-547) as amended by House Amendment "A" (H-900) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (S-547) as amended by House Amendment "A" (H-900) thereto in non-concurrence and sent up for concurrence.