

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred And Fourteenth Legislature
OF THE
State Of Maine

VOLUME V

SECOND REGULAR SESSION
March 20, 1990 to April 14, 1990
Index

HOUSE & SENATE LEGISLATIVE SENTIMENTS
December 7, 1988 to April 14, 1990

**ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE
SECOND REGULAR SESSION
41st Legislative Day
Wednesday, March 28, 1990**

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

Prayer by Reverend David McLeish, Church of the Nazarene, Dover-Foxcroft.

The Journal of Tuesday, March 27, 1990, was read and approved.

Quorum call was held.

**PAPER FROM THE SENATE
Non-Concurrent Matter**

Bill "An Act to Establish Licensing Requirements and a Cooperative Monitoring Program for Mahogany Quahogs" (H.P. 1541) (L.D. 2126) which was passed to be engrossed as amended by Committee Amendment "A" (H-874) as amended by House Amendment "A" (H-989) thereto in the House on March 26, 1990.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-874) as amended by Senate Amendment "A" (S-624) thereto in non-concurrence.

The House voted to recede and concur.

COMMUNICATIONS

The following Communication:

**MAINE STATE LEGISLATURE
Augusta, Maine 04333**

**SUPREME JUDICIAL COURT PLAN AND DESIGN COMMISSION
March 9, 1990**

The Honorable Charles P. Pray
President of the Senate
114th Legislature
The Honorable John L. Martin
Speaker of the House
114th Legislature

Dear Mr. President and Mr. Speaker:

The Supreme Judicial Court Plan and Design Commission is pleased to submit its final report to the Legislature on planning and programming for the Supreme Judicial Court Building, with the State Law Library option, in Augusta as required by ch. 107 of the Resolves of 1987 and later amended by ch. 501 of the Public Laws of 1989.

The Commission Report was prepared by Space Management Consultants, Inc. of Seattle, Washington, one of the leading firms in the nation specializing in court programming and planning.

In response to specific mandates of the legislation:

1. The Commission has adopted the consultant's recommendation that the Court Building be sited across the river. Details of the consultant's evaluation of the nine sites considered are found in Section 10 of the Executive Summary, pages ES.9.
2. The Commission projects the cost of construction without the State Law Library at \$18,989,530 (see ES. 12). The attached legislation is prepared to reflect either option.
3. In addition to the requirement for bond issues, a general Fund appropriation is required of \$367,500 to provide for a two-stage design competition, as specified in the original Resolve. In accordance with that Resolve, the Commission recommends that a 7-member jury be appointed by the Chair of the Commission to oversee the design competition.

This report reflects a four year building process (see ES. 13) following approval of a construction bond issue and design competition. In view of current budgetary constraints, however, it may behoove the Legislature to suspend the operation of this Commission until such time as funding may be more favorable.

I wish to thank each member of the Commission and our consultant, Dr. F. Michael Wong, for their outstanding efforts in bringing the Supreme Judicial Court Building in the Capitol City of Augusta a little closer to reality.

Sincerely,
S/Ruth S. Foster
Chair

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:

Education

Bill "An Act Concerning State Education Mandate Waivers" (EMERGENCY) (H.P. 1788) (L.D. 2457) (Presented by Representative KILKELLY of Wiscasset) (Cosponsored by Representative PARADIS of Frenchville, Senator ESTES of York and Representative BURKE of Vassalboro) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.

Sent up for Concurrence.

By unanimous consent, was ordered sent forthwith to the Senate.

ORDERS

On motion of Representative ROLDE of York, the following Joint Resolution: (H.P. 1790) (Cosponsor: Representative McGOWAN of Canaan)

**JOINT RESOLUTION PETITIONING THE CONGRESS
OF THE UNITED STATES TO PROPOSE**

**AN AMENDMENT TO THE FEDERAL CONSTITUTION
TO LIMIT THE TERMS OF MEMBERS OF CONGRESS**

WHEREAS, Congress was originally envisioned by the Founding Fathers as a nonpartisan, part-time legislative body whose members would take time from their normal businesses and professions to attend the congressional session for 4 to 5 months annually; and

WHEREAS, the press of the nation's business has forced the Congress to become a highly structured, professional and hierarchical institution rather than the informal, flexible gathering of citizens and legal intellectuals that obtained in the Federalist Era; and

WHEREAS, the power of incumbency has grown over time and, with the institution of electronic media, has increased to the point that the incumbent is nearly unassailable in any normal election; and

WHEREAS, the seniority system in the Congress, though recently reformed, still places disproportionate stress on electoral longevity; and

WHEREAS, innovative ideas and rejuvenated vigor are more likely to come to the Congress through new members fresh from association with the American people; and

WHEREAS, the most common complaint that the public makes about congressional service is that members of Congress spend more of their time running

for office than attending to their duties; now, therefore, be it

RESOLVED: That the Congress of the United States is hereby petitioned to propose an amendment to the Constitution of the United States, for submission to the states for ratification, limiting the number of terms a person may serve in the United States House of Representatives to 6 consecutive terms and limiting the number of terms a person may serve in the United States Senate to 2 consecutive terms; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, to each member of the Maine Congressional Delegation and to the presiding officer of each house of each state legislature in the United States.

On motion of Representative Rolde of York, tabled pending adoption and specially assigned for Thursday, March 29, 1990.

REPORTS OF COMMITTEES

Unanimous Leave to Withdraw

Representative RICHARDS from the Committee on Judiciary on Bill "An Act to Amend the Drug Laws Pertaining to Lysergic Acid Diethylamide" (H.P. 1687) (L.D. 2335) reporting "Leave to Withdraw"

Representative MacBRIDE from the Committee on Judiciary on Bill "An Act to Increase the Penalties for Possession of Certain Controlled Substances" (H.P. 1615) (L.D. 2232) reporting "Leave to Withdraw"

Representative COTE from the Committee on Judiciary on Bill "An Act to Strengthen the Drug Laws" (H.P. 1614) (L.D. 2231) reporting "Leave to Withdraw"

Representative ANTHONY from the Committee on Judiciary on Bill "An Act to Increase the Criminal Penalties for the Furnishing of and Trafficking in LSD" (H.P. 1668) (L.D. 2309) reporting "Leave to Withdraw"

Representative HASTINGS from the Committee on Judiciary on Bill "An Act to Preserve the Rights of Certain Litigants in Whistleblower Suits" (EMERGENCY) (H.P. 1739) (L.D. 2403) reporting "Leave to Withdraw"

Representative STEVENS from the Committee on Judiciary on Bill "An Act to Provide Greater Protection to Victims of Domestic Abuse" (H.P. 1571) (L.D. 2177) 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:

(H.P. 1621) (L.D. 2243) Bill "An Act to Amend Certain Provisions of the Fish and Wildlife Laws" (EMERGENCY) Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1012)

(S.P. 712) (L.D. 1889) Bill "An Act to Clarify and Improve the General Assistance Laws" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-622)

(S.P. 807) (L.D. 2070) Bill "An Act to Assist the Department of Human Services in Conducting Chronic Disease Investigations and Evaluating the Completeness or Data Quality of its Disease

Surveillance Programs" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-621)

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

ENACTOR

**Emergency Measure
Later Today Assigned**

An Act to Adjust Commercial Motor Vehicle Fees (H.P. 1379) (L.D. 1910) (C. "A" H-948)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

On motion of Representative Gwadosky of Fairfield, tabled pending passage to be enacted and later today assigned.

PASSED TO BE ENACTED

Emergency Measure

An Act to Amend Certain Provisions in Marine Resources Laws (H.P. 1664) (L.D. 2304) (C. "A" H-949)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 102 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

ENACTOR

**Emergency Measure
Later Today Assigned**

An Act Regarding Security and Training Functions within the Bureau of Capitol Security and Funding for the Bureau of State Employee Health (H.P. 1751) (L.D. 2413) (C. "A" H-945)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

On motion of Representative Gwadosky of Fairfield, tabled pending passage to be enacted and later today assigned.

**ORDERS OF THE DAY
UNFINISHED BUSINESS**

The following matters, in the consideration of which the House was engaged at the time of adjournment yesterday, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 24.

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

An Act Related to the State Board of Substance Abuse Counselors (EMERGENCY) (S.P. 699) (L.D. 1837) (S. "A" S-506; H. "B" H-963 to C. "A" S-483)

TABLED - March 27, 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 later today assigned.

The Chair laid before the House the second item of Unfinished Business:

Bill "An Act to Make Revisions in the Drug Testing Laws" (S.P. 801) (L.D. 2049)

TABLED - March 27, 1990 (Till Later Today) by Representative RUHLIN of Brewer.

PENDING - Adoption of Committee Amendment "A" (S-600)
On motion of Representative Ruhlin of Brewer, retabled pending adoption of Committee Amendment "A" (S-600) and later today assigned.

The Chair laid before the House the third item of Unfinished Business:

An Act to Implement Changes to the Homestead Property Tax Exemption Law (EMERGENCY) (S.P. 827) (L.D. 2135) (C. "A" S-613)
TABLED - March 27, 1990 (Till Later Today) by Representative GWADOSKY of Fairfield.
PENDING - Passage to be Enacted.

On motion of Representative Swazey of Bucksport, under suspension of the rules, the House reconsidered its action whereby L.D. 2135 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (S-613) was adopted.

The same Representative offered House Amendment "A" (H-1014) to Committee Amendment "A" (S-613) and moved its adoption.

House Amendment "A" (H-1014) to Committee Amendment "A" (S-613) was read by the Clerk.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Corinth, Representative Strout.

Representative STROUT: Mr. Speaker, I would like to pose a question to the sponsor of this amendment. In the fiscal note it says this amendment deallocates the \$10 million from the property tax relief reserve fund. If they make the effective date April 1st, 1991, would we not need that \$10 million to implement that fund next year? That is my question, why would it say we are deallocating?

The SPEAKER PRO TEM: Representative Strout of Corinth has posed a question through the Chair to Representative Swazey of Bucksport who may respond if he so desires.

The Chair recognizes that Representative.

Representative SWAZEY: Mr. Speaker, Men and Women of the House: I believe (and anyone can correct me if I am wrong) that the \$10 million would come out of the -- it is supposed to go into effect April 1st of this year, it would be out of this year's budget, I am not sure, and this would simply put it in the 1991 budget.

Subsequently House Amendment "A" (H-1014) to Committee Amendment "A" (S-613) was 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.

(At Ease)

The House was called to order by the Speaker pro tem.

BILL HELD

Bill "An Act to Establish the International Commerce Council" (H.P. 1726) (L.D. 2385)

- In House, Majority "Ought Not to Pass" Report of the Committee on Housing and Economic Development read and accepted.

HELD at the request of Representative WEBSTER of Cape Elizabeth.

Representative Webster of Cape Elizabeth moved that the House reconsider its action whereby the Majority "Ought Not to Pass" Report was accepted and further 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.

Subsequently, Representative Webster of Cape Elizabeth withdrew her request for a roll call vote.

On motion of Representative Gwadosky of Fairfield, tabled pending the motion of Representative Webster of Cape Elizabeth to reconsider and specially assigned for Thursday, March 29, 1990.

(At Ease)

The House was called to order by the Speaker pro tem.

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

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

CONSENT CALENDAR

First Day

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

(H.P. 1703) (L.D. 2352) Bill "An Act to Ensure and Maintain Water Quality" Committee on Marine Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1015)

On motion of Representative Mitchell of Freeport, was removed from Consent Calendar, First Day.

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

Committee Amendment "A" (H-1015) was read by the Clerk.

Representative Mitchell of Freeport offered House Amendment "A" (H-1016) to Committee Amendment "A" (H-1015) and moved its adoption.

House Amendment "A" (H-1016) to Committee Amendment "A" (H-1015) 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, March 29, 1990.

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

PAPER FROM THE SENATE

Unanimous Leave to Withdraw

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act to Amend the Domestic Abuse Laws" (S.P. 897) (L.D. 2287)

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

ORDERS OF THE DAY

BILL RECALLED FROM LEGISLATIVE FILES

(Pursuant to Joint Order - House Paper 1789)

Bill "An Act to Amend the Solid Waste Landfill Remediation and Closure Laws Administered by the Department of Environmental Protection" (EMERGENCY) (H.P. 1712) (L.D. 2363)

By unanimous consent, the House reconsidered its action whereby it voted to adhere.

Subsequently, the Bill was referred to the Committee on Legal Affairs and sent up for concurrence.

(Off Record Remarks)

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

On motion of Representative Telow of Lewiston, Adjourned until Thursday, March 29, 1990, at nine o'clock in the morning.

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

In Senate Chamber
Wednesday
March 28, 1990

Senate called to Order by the President.

Prayer by the Reverend David Bell of the United Methodist Church in Waldoboro.

REVEREND DAVID BELL: Forgiving God, remembering how tanks and armed soldiers are outside some of the legislative halls of our world, we give thanks for the freedom that all too often we take for granted. Help us remember that some of our Maine citizens are held in fear by abuse, some are held in worry by loss of jobs, some are held in financial ruin by ill health and some are in fear of our environment. Guide our Senate members as they try to find ways to set our Maine people free from the fears that hold them. Guide our Senate members as they seek to offer justice to all through the laws of our state. For this day of freedom we give thanks and pray for the guidance to preserve that freedom. Amen.

Reading of the Journal of Tuesday, March 27, 1990.

Off Record Remarks

PAPERS FROM THE HOUSE
Non-concurrent Matter

Bill "An Act to Establish the Department of Child and Family Services"

H.P. 1199 L.D. 1666
(C "C" H-820)

In Senate, March 20, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (H-820), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (H-820) AS AMENDED BY HOUSE AMENDMENT "A" (H-1008) thereto, in NON-CONCURRENCE.

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending FURTHER CONSIDERATION.

Non-concurrent Matter

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
(C "A" H-902)

In Senate, March 16, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-902), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-902) AS AMENDED BY HOUSE AMENDMENT "A" (H-1013) thereto, in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Joint Orders

The following Joint Order: H.P. 1789
ORDERED, the Senate concurring, that Bill, "An Act to Amend the Solid Waste Landfill Remediation and Closure Laws Administered by the Department of Environmental Protection," H.P. 1712, L.D. 2363, and