

MAINE STATE LEGISLATURE

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

VOLUME I

FIRST REGULAR SESSION

House of Representatives
December 5, 1990 to May 16, 1991

ONE HUNDRED AND FIFTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
15th Legislative Day
Wednesday, February 6, 1991

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

Prayer by Father Ray Morency, St. Augustine's Catholic Church, Augusta.

The Journal of Tuesday, February 5, 1991, was read and approved.

SENATE PAPERS

Bill "An Act Regarding Purchase of Service Credit by Teachers Who Previously Taught in Other than Public Schools" (S.P. 158) (L.D. 370)

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 to Provide an Alternative Refinancing Option for Teacher Retirement Payments" (EMERGENCY) (S.P. 159) (L.D. 371)

Came from the Senate indefinitely postponed.

(The Committee on Reference of Bills had suggested reference to the Committee on **Aging, Retirement and Veterans.**)

Was indefinitely postponed in concurrence.

Bill "An Act to Appropriate Funds for a Study of the Effectiveness of Education Reform in Maine" (EMERGENCY) (S.P. 154) (L.D. 366)

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

Was referred to the Committee on **Education** in concurrence.

Bill "An Act to Ensure Safe Removal of Underground Oil Storage Tanks" (S.P. 146) (L.D. 358)

Bill "An Act to Expand the Applicability of Certain Energy Standards" (S.P. 149) (L.D. 361)

Came from the Senate, referred to the Committee on **Energy and Natural Resources** and Ordered Printed.

Were referred to the Committee on **Energy and Natural Resources** in concurrence.

Bill "An Act to Correct the Registration of the

Thorncrag-Stanton and Woodbury Sanctuary with the Department of Inland Fisheries and Wildlife" (S.P. 160) (L.D. 372)

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

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

Bill "An Act to Provide Funds for Family Support Services" (S.P. 144) (L.D. 356)

Bill "An Act to Provide Funds for Additional Adult Day Care Services" (S.P. 147) (L.D. 359)

Bill "An Act Regarding the Availability of Counseling Services in York County" (S.P. 155) (L.D. 367)

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

Were referred to the Committee on **Human Resources** in concurrence.

Bill "An Act to Prohibit Drinking in Motor Vehicles" (S.P. 137) (L.D. 277)

Bill "An Act Regarding Change of Name upon Divorce or Annulment" (S.P. 140) (L.D. 352)

Bill "An Act to Amend the Definition of Sexual Contact" (S.P. 142) (L.D. 354)

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

Were referred to the Committee on **Judiciary** in concurrence.

Bill "An Act to Increase the Period of Suspension for Persons Convicted of Operating under the Influence" (S.P. 156) (L.D. 368)

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

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

Bill "An Act Relating to Notice of Injury under the Workers' Compensation Act" (S.P. 150) (L.D. 362)

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

Were referred to the Committee on **Labor** in concurrence.

Bill "An Act to Create a Special Liquor License for Certain Service Provider Organizations" (S.P. 136) (L.D. 276)

Bill "An Act to Amend the Requirements to Become a Licensed Private Investigator" (S.P. 153) (L.D. 365)

Came from the Senate, referred to the Committee on **Legal Affairs** and Ordered Printed.

Were referred to the Committee on **Legal Affairs** in concurrence.

Bill "An Act to Ensure Adequate Stocking of Washington County Atlantic Salmon Rivers" (S.P. 141) (L.D. 353)

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

Was referred to the Committee on **Marine Resources** in concurrence.

Bill "An Act to Clarify the Powers and Duties of a Sheriff" (S.P. 143) (L.D. 355)

Bill "An Act Allowing Local Governments to Accept Federal and State Funds" (EMERGENCY) (S.P. 151) (L.D. 363)

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

Were referred to the Committee on **State and Local Government** in concurrence.

Bill "An Act to Repeal Legislative Salary and Benefit Increases Granted in 1989" (S.P. 157) (L.D. 369)

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

On motion of Representative Joseph of Waterville, tabled pending reference in concurrence and specially assigned for Thursday, February 7, 1991.

Bill "An Act to Exempt Service Retirement Benefit Payments to Veterans of the United States Armed Forces from the Maine State Income Tax" (S.P. 145) (L.D. 357)

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

Was referred to the Committee on **Taxation** in concurrence.

Bill "An Act to Facilitate the Prosecution of

Drivers who Illegally Pass School Buses" (S.P. 138) (L.D. 278)

Bill "An Act to Prohibit Retrofitted Lift Axles on 100,000-pound General Commodity Permit Vehicles" (S.P. 152) (L.D. 364)

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

Were referred to the Committee on **Transportation** in concurrence.

Non-Concurrent Matter

Bill "An Act to Amend Revenue Sharing" (S.P. 121) (L.D. 223) which was referred to the Committee on **Energy and Natural Resources** in the House on February 2, 1991.

Came from the Senate with that Body having adhered to its former action whereby the Bill was referred to the Committee on **State and Local Government** in non-concurrence.

On motion of Representative Mayo of Thomaston, tabled pending further consideration and later today assigned.

Non-Concurrent Matter

Bill "An Act to Amend the Workers' Compensation Laws to Encourage Safety in the Workplace" (H.P. 175) (L.D. 260) which was referred to the Committee on **Labor** in the House on February 1, 1991.

Came from the Senate referred to the Committee on **Banking and Insurance** in non-concurrence.

On motion of Representative Mayo of Thomaston, tabled pending further consideration and later today assigned.

COMMUNICATIONS

The following Communication:

DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION
BUREAU OF INSURANCE
STATE HOUSE STATION 34
AUGUSTA, MAINE 04333

February 1, 1991

The Honorable John L. Martin
Speaker of the House
115th Maine State Legislature
State House Station No. 2
Augusta, Maine 04333

Dear Speaker Martin:

Enclosed is a copy of the final report of the Health Insurance Continuity Task Force.

Sincerely yours,

S/Joseph A. Edwards
Superintendent

Was read and with accompanying report ordered placed on file.

The following Communication:

SELECT COMMITTEE ON COMPREHENSIVE TAX REFORM
MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333

January 30, 1991

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

Dear Speaker Martin:

In compliance with the new policy regarding distribution of Committee reports, the **SELECT COMMITTEE ON COMPREHENSIVE TAX REFORM** hereby submits a summary listing of its recommendations. Should you have any questions or concerns, please contact any member of the Committee, especially the following Legislative members:

Senator John E. Baldacci, Chair
Rep. Guy R. Nadeau, Vice-chair
Sen. Stephen C. Estes
Rep. Walter E. Whitcomb
Rep. Clyde A. Hichborn

Copies of the complete report are available in the Law Library for further research or reference.

Sincerely,

S/John E. Baldacci
Committee Chair

S/Rep. Guy R. Nadeau
Committee Vice-Chair

Was read and with accompanying report ordered placed on file.

The following Communication:

STATE OF MAINE
ONE HUNDRED AND FIFTEENTH LEGISLATURE
COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS

February 5, 1991

The Honorable John L. Martin
Speaker of the House
115th Maine State Legislature
State House Station #2
Augusta, Maine 04333

Dear Speaker Martin:

Please find attached the final report of the Joint Standing Committee on Appropriations and

Financial Affairs studying Federal and Other Special Revenue Funds in Maine State Government. Legislation to implement our statutory recommendations has been submitted to the Revisor of Statutes.

We have also submitted a two-page summary of our recommendations for the review of all legislators.

We would be pleased to answer any questions you may have regarding our recommendations.

Respectfully submitted,

S/Michael D. Pearson
Senate Chair

S/Lorraine N. Chonko
House Chair

Was read and with accompanying report ordered placed on file.

**PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE**

The following Bills were received and, upon the recommendation of the Committee on Reference of Bills, were referred to the following Committees, Ordered Printed and Sent up for Concurrence:

Banking and Insurance

Bill "An Act to Prohibit Coerced and Connected Sales in Insurance" (H.P. 273) (L.D. 393) (Presented by Representative RAND of Portland) (Cosponsored by Representative PINEAU of Jay, Senator THERIAULT of Aroostook and Representative HÖGLUND of Portland)

Ordered Printed.
Sent up for Concurrence.

Business Legislation

Bill "An Act to Amend the Charitable Solicitations Act" (H.P. 274) (L.D. 394) (Presented by Representative STEVENS of Bangor) (Cosponsored by Representative GURNEY of Portland, Representative SHELTRA of Biddeford and Senator MATTHEWS of Kennebec)

Ordered Printed.
Sent up for Concurrence.

Education

Bill "An Act Concerning Transferral of Cumulative Grade Point Averages of University of Maine System Students" (H.P. 266) (L.D. 386) (Presented by Representative MacBRIDE of Presque Isle) (Cosponsored by Representative BAILEY of Farmington)

Ordered Printed.
Sent up for Concurrence.

Energy and Natural Resources

Bill "An Act Concerning the Board of Environmental Protection" (EMERGENCY) (H.P. 265) (L.D. 385) (Presented by Representative GOULD of Greenville) (Cosponsored by Representative ANDERSON of Woodland)

Bill "An Act to Amend the Site Location of Development Laws" (H.P. 269) (L.D. 389) (Presented by Representative MICHAUD of East Millinocket) (Cosponsored by Representative LORD of Waterboro, Representative JACQUES of Waterville and Representative HOGLUND of Portland)

Ordered Printed.
Sent up for Concurrence.

Fisheries and Wildlife

Bill "An Act Giving Preference for Antlerless Deer Permits to Property Owners that Allow Hunting on their Lands" (H.P. 272) (L.D. 392) (Presented by Representative MARSH of West Gardiner) (Cosponsored by Representative JACQUES of Waterville, Representative RUHLIN of Brewer and Representative LORD of Waterboro)

Ordered Printed.
Sent up for Concurrence.

Human Resources

Bill "An Act to Provide Mental Health Services to the Elderly" (H.P. 261) (L.D. 381) (Presented by Representative MANNING of Portland) (Cosponsored by Representative DORE of Auburn, Representative CARROLL of Gray and Representative WENTWORTH of Arundel)

Bill "An Act to Increase the Availability of Funding for Health Care" (H.P. 281) (L.D. 401) (Presented by Representative DORE of Auburn) (Cosponsored by Senator CLEVELAND of Androscoggin, Representative MAHANY of Easton and Representative SIMONDS of Cape Elizabeth)

Ordered Printed.
Sent up for Concurrence.

Judiciary

Bill "An Act to Allow a Limit on Fees for Service of Disclosure Subpoenas" (H.P. 262) (L.D. 382) (Presented by Representative STEVENS of Bangor) (Cosponsored by Senator HOLLOWAY of Lincoln, Representative RICHARDS of Hampden and Representative CATHCART of Orono)

Bill "An Act Regarding Judgment Notices in Small Claims Proceedings" (H.P. 263) (L.D. 383) (Presented by Representative KETTERER of Madison) (Submitted by the Judicial Department pursuant to Joint Rule 24.)

Bill "An Act to Amend the Juvenile Code Regarding Detention in Homicide Cases" (H.P. 264) (L.D. 384)

(Presented by Representative KETTERER of Madison) (Submitted by the Department of the Attorney General pursuant to Joint Rule 24.)

Bill "An Act to Provide Payment of Restitution to the Offices of the District Attorneys" (H.P. 268) (L.D. 388) (Presented by Representative CATHCART of Orono) (Submitted by the Judicial Department pursuant to Joint Rule 24.)

Bill "An Act to Clarify Ownership of Public Ways" (H.P. 275) (L.D. 395) (Presented by Representative FARNSWORTH of Hallowell) (Cosponsored by Representative LARRIVEE of Gorham, Representative GOULD of Greenville and Senator McCORMICK of Kennebec)

Bill "An Act to Establish a Victims' Bill of Rights" (H.P. 276) (L.D. 396) (Presented by Representative BOUTILIER of Lewiston) (Cosponsored by Senator BERUBE of Androscoggin, Representative PARADIS of Augusta and Representative RICHARDS of Hampden)

Ordered Printed.
Sent up for Concurrence.

Later Today Assigned

Bill "An Act to Encourage Prompt Resolution of Workers' Compensation Cases" (H.P. 270) (L.D. 390) (Presented by Representative LUTHER of Mexico) (Cosponsored by Representative McKEEN of Windham, Senator MILLS of Oxford and Senator DUTREMBLE of York)

(The Committee on Reference of Bills had suggested the Committee on Labor.)

On motion of Representative McHenry of Madawaska, tabled pending reference and later today assigned.

Labor

Bill "An Act to Amend Employment Practices Regarding Employee Personnel Files" (H.P. 267) (L.D. 387) (Presented by Representative FARNSWORTH of Hallowell) (Cosponsored by Representative RAND of Portland, Senator BUSTIN of Kennebec and Representative McKEEN of Windham)

Bill "An Act to Amend Child Labor Laws" (H.P. 277) (L.D. 397) (Presented by Representative SMALL of Bath) (Cosponsored by Representative REED of Falmouth, Representative PINEAU of Jay and Senator ESTY of Cumberland) (Submitted by the Department of Labor pursuant to Joint Rule 24.)

Bill "An Act to Effect Cost Savings and Ensure Worker Safety by Implementing Sexual Harassment Education and Training in the Workplace" (H.P. 279) (L.D. 399) (Presented by Representative RAND of Portland) (Cosponsored by Representative AULT of Wayne, Senator ESTY of Cumberland and Senator CONLEY of Cumberland)

Ordered Printed.
Sent up for Concurrence.

Taxation

Bill "An Act to Balance the State Budget by Raising Additional Revenue" (EMERGENCY) (H.P. 280) (L.D. 400) (Presented by Representative FARNSWORTH of Hallowell) (Cosponsored by Representative GOULD of Greenville, Representative HOGLUND of Portland and Senator McCORMICK of Kennebec)

Bill "An Act to Restructure Environmental Tax Credits" (H.P. 278) (L.D. 398) (Presented by Representative TREAT of Gardiner) (Cosponsored by Senator TITCOMB of Cumberland, Representative FARNSWORTH of Hallowell and Senator BOST of Penobscot)

Ordered Printed.
Sent up for Concurrence.

Utilities

Bill "An Act to Prohibit the Installation of Electric Heating Systems" (H.P. 271) (L.D. 391) (Presented by Representative HEESCHEN of Wilton) (Cosponsored by Representative HOLT of Bath, Representative MITCHELL of Freeport and Senator McCORMICK of Kennebec)

Ordered Printed.
Sent up for Concurrence.

Reported Pursuant to Public Law 1989, Chapter 787

Representative TARDY for the Commission to Study the Harness Racing Industry, pursuant to Public Law 1989, chapter 787 ask leave to submit its findings and to report that the accompanying Bill "An Act to Revise the Harness Racing Laws" (H.P. 282) (L.D. 402) be referred to the Joint Standing Committee on **Agriculture** for public hearing and printed pursuant to Joint Rule 18.

Report was read and accepted, and the bill referred to the Committee on **Agriculture**, ordered printed and sent up for concurrence.

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 item of Unfinished Business:

Bill "An Act to Establish the State of Maine Credit Card" (H.P. 248) (L.D. 339) (Committee on **Taxation** suggested) TABLED - February 5, 1991 (Till Later Today) by Representative CASHMAN of Old Town.
PENDING - Reference.

On motion of Representative Cashman of Old Town, was referred to the Committee on **Banking and Insurance**, ordered printed, and sent up for concurrence.

TABLED AND TODAY ASSIGNED

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

Bill "An Act to Promote Affordable Housing and Comprehensive Planning" (H.P. 206) (L.D. 297) (Committee on **Energy and Natural Resources** suggested) TABLED - February 5, 1991 by Representative JACQUES of Waterville.
PENDING - Reference.

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

(At Ease)

The House was called to order by the Speaker.

(Off Record Remarks)

On motion of Representative Foss of Yarmouth, Adjourned at 10:46 a.m. until Thursday, February 7, 1991, at nine o'clock in the morning.
