

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
17th Legislative Day
Friday, February 8, 1991

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

Prayer by Reverend Charles D. Kinney, Unity Union Church.

The Journal of Thursday, February 7, 1991, was read and approved.

SENATE PAPERS

Bill "An Act to Prohibit Commercial Hazardous Waste Disposal Facilities" (EMERGENCY) (S.P. 173) (L.D. 428)

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

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

Bill "An Act to Require Local Development Corporations to Hold Open Meetings" (S.P. 170) (L.D. 425)

Came from the Senate, referred to the Committee on **Housing and Economic Development** and Ordered Printed.

Was referred to the Committee on **Housing and Economic Development** in concurrence.

Bill "An Act to Provide Advocacy for Children Involved with Abuse Investigations" (S.P. 148) (L.D. 360)

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

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

Bill "An Act Relating to Discrimination in Membership in Golf and Country Clubs" (S.P. 172) (L.D. 427)

Bill "An Act to Prevent Discrimination" (S.P. 175) (L.D. 430)

Bill "An Act Regarding Harassment by Telephone" (S.P. 176) (L.D. 431)

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

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

Bill "An Act to Amend the Definition of Aquaculture" (S.P. 178) (L.D. 433)

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

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

Bill "An Act Requiring Property Tax Bills to Indicate the Fiscal Year of the Municipality for Which the Tax Applies" (S.P. 174) (L.D. 429)

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

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

Resolve, to Increase the State's Funding Share for the Augusta Capitol Street and Armory Street Project (S.P. 177) (L.D. 432)

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

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

Bill "An Act to Regulate Water Utility Contingency Reserve Funds" (S.P. 171) (L.D. 426)

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

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

COMMUNICATIONS

The following Communication:

STATE OF MAINE
PLANNING ADVISORY COUNCIL
STATE HOUSE STATION 130
AUGUSTA, MAINE 04333

February 5, 1991

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

Dear Speaker Martin and Members of the House:

The Planning Advisory Council is pleased to submit its 1991 Annual Report, as required by the Growth Management Act (30-A MRSA, Section 4341).

As required by that statute, copies of the report

have been provided to the members and chairs of the Energy and Natural Resources Committee. Copies can be made available to others who may desire them by contacting the Office of Comprehensive Planning, Department of Economic and Community Development.

Thank you for your continued support of the Growth Management Program.

Sincerely,

S/Mark A. Kearns
Chair

Was read and with accompanying report ordered placed on file.

The following Communication:

DEPARTMENT OF PUBLIC SAFETY
STATE HOUSE STATION 42
AUGUSTA, MAINE 04333

February 5, 1991

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

Honorable Charles P. Pray
President of the Senate
State House Station #3
Augusta, ME 04333

Dear Speaker Martin and President Pray:

It is my privilege to present herewith the second annual report on the status of enhanced 9-1-1 emergency telephone service.

Many challenges lie ahead as the establishment of a statewide E-911 system in a large rural state requires the resolution of a series of special problems. Nevertheless, given the commitment of the E-911 Advisory Committee, your support and that of public safety agencies, I believe we will succeed.

Respectfully submitted,

S/JOHN R. ATWOOD
Commissioner

Was read and with accompanying report ordered placed on file.

**PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE**

The following Bills and Resolves 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:

Aging, Retirement and Veterans

Bill "An Act to Extend Coverage to Veterans' Stepchildren for Educational Assistance" (H.P. 335) (L.D. 465) (Presented by Representative NORTON of Winthrop) (Cosponsored by Senator VOSE of Washington, Representative GREENLAW of Standish and Representative AULT of Wayne)

Bill "An Act to Allow Retirement Credit for Service in Out-of-state Postsecondary Educational Institutions" (H.P. 337) (L.D. 467) (Presented by Representative PENDLETON of Scarborough) (Cosponsored by Representative NORTON of Winthrop, Representative JALBERT of Lisbon and Senator ESTY of Cumberland)

Ordered Printed.
Sent up for Concurrence.

Agriculture

Bill "An Act Setting Up the Office of Farmland Development Rights" (H.P. 339) (L.D. 469) (Presented by Representative MARSH of West Gardiner) (Cosponsored by Representative WHITCOMB of Waldo, Senator McCORMICK of Kennebec and Representative ADAMS of Portland)

Ordered Printed.
Sent up for Concurrence.

Business Legislation

An Act to Regulate Welding (H.P. 356) (L.D. 486) (Presented by Representative TRACY of Rome) (Cosponsored by Representative SHELTRA of Biddeford and Representative GRAHAM of Houlton)

Ordered Printed.
Sent up for Concurrence.

Joint Select Committee on Corrections

Resolve, Directing the Department of Corrections to Develop a Plan for the Employment of Correctional Facility Inmates (H.P. 336) (L.D. 466) (Presented by Representative HANLEY of Paris) (Cosponsored by Representative HEPBURN of Skowhegan, Representative ANTHONY of South Portland and Senator GILL of Cumberland)

Ordered Printed.
Sent up for Concurrence.

Education

Bill "An Act to Partially Fund Extraordinary Costs of Education in Island Communities" (H.P. 331) (L.D. 461) (Presented by Representative WHITCOMB of Waldo) (Cosponsored by Senator GOULD of Waldo and Senator BRAUN of Knox)

Bill "An Act to Amend the Composition of the

Board of Trustees of the Maine Technical College System" (H.P. 354) (L.D. 484) (Presented by Representative MAHANY of Easton) (Cosponsored by Senator McCORMICK of Kennebec, Representative HANDY of Lewiston and Representative OLIVER of Portland)

Ordered Printed.
Sent up for Concurrence.

Energy and Natural Resources

Bill "An Act to Extend the Eligibility Period for Reimbursement of Municipalities for Landfill Closure" (H.P. 324) (L.D. 454) (Presented by Representative LORD of Waterboro) (Cosponsored by Senator LUDWIG of Aroostook, Representative JACQUES of Waterville and Senator TITCOMB of Cumberland)

Bill "An Act to Allow Horseback Riding in State Parks During the Off-season" (H.P. 330) (L.D. 460) (Presented by Representative SMALL of Bath) (Cosponsored by Representative KILKELLY of Wiscasset)

Resolve, to Establish a Maximum Water Level for Sebago Lake (H.P. 349) (L.D. 479) (Presented by Representative LORD of Waterboro) (Cosponsored by Representative JACQUES of Waterville)

Ordered Printed.
Sent up for Concurrence.

Fisheries and Wildlife

Bill "An Act to Ensure That Wildlife Rehabilitators Are Reimbursed for Actual Costs" (H.P. 345) (L.D. 475) (Presented by Representative MARSH of West Gardiner) (Cosponsored by Representative GRAHAM of Houlton, Representative JACQUES of Waterville and Representative CARROLL of Southwest Harbor)

Bill "An Act to Provide for Safer Hunting of Deer During the Firearms Season" (H.P. 347) (L.D. 477) (Presented by Representative SWAZEY of Bucksport) (Cosponsored by Representative JACQUES of Waterville, Senator MATTHEWS of Kennebec and Representative MARSH of West Gardiner)

Ordered Printed.
Sent up for Concurrence.

Housing and Economic Development

Bill "An Act to Repeal the Job Opportunity Zones Act" (H.P. 325) (L.D. 455) (Presented by Representative GRAHAM of Houlton) (Cosponsored by Representative ADAMS of Portland and Representative CARROLL of Gray)

Ordered Printed.
Sent up for Concurrence.

Human Resources

Bill "An Act to Exempt Substance Abuse and Psychiatric Patients from the Prohibition against Smoking in Hospitals" (H.P. 333) (L.D. 463) (Presented by Representative DORE of Auburn) (Cosponsored by Representative HALE of Sanford, Senator GAUVREAU of Androscoggin and Representative GEAN of Alfred)

Bill "An Act to Suspend Administratively Certain Licenses Granted by the Department of Human Services" (H.P. 348) (L.D. 478) (Presented by Representative PENDLETON of Scarborough) (Cosponsored by Senator CAHILL of Sagadahoc and Senator CLARK of Cumberland) (Submitted by the Department of Human Services pursuant to Joint Rule 24.)

Bill "An Act to Improve Community Services to People with Mental Illness" (H.P. 351) (L.D. 481) (Presented by Representative MELENDY of Rockland) (Cosponsored by Senator GAUVREAU of Androscoggin, Representative MANNING of Portland and Senator GILL of Cumberland)

Ordered Printed.
Sent up for Concurrence.

Judiciary

Bill "An Act to Protect Volunteers from Liability" (H.P. 340) (L.D. 470) (Presented by Representative JOSEPH of Waterville)

Bill "An Act to Amend the Maine Human Rights Act to Prohibit Educational Discrimination on the Basis of Race" (H.P. 341) (L.D. 471) (Presented by Representative HANDY of Lewiston) (Cosponsored by Senator GAUVREAU of Androscoggin, Representative OLIVER of Portland and Representative JOSEPH of Waterville)

Bill "An Act to Quiet Title to Unused Ancient Rights-of-way" (H.P. 342) (L.D. 472) (Presented by Representative KILKELLY of Wiscasset) (Cosponsored by Senator HOLLOWAY of Lincoln and Representative FARNSWORTH of Hallowell)

Bill "An Act Concerning Destruction of Certain Court Records in Real Estate Matters" (H.P. 355) (L.D. 485) (Presented by Representative MARSANO of Belfast) (Cosponsored by Representative OTT of York, Representative HANLEY of Paris and Representative STEVENS of Bangor)

Ordered Printed.
Sent up for Concurrence.

Labor

Bill "An Act to Regulate the Working Hours of Minors" (H.P. 326) (L.D. 456) (Presented by Representative PINEAU of Jay) (Cosponsored by Senator CONLEY of Cumberland and Senator ESTY of Cumberland)

Bill "An Act to Protect Retail Sales Employees" (H.P. 352) (L.D. 482) (Presented by Representative

PINEAU of Jay) (Cosponsored by Senator ESTY of Cumberland, Senator BUSTIN of Kennebec and Representative ST. ONGE of Greene)

Ordered Printed.
Sent up for Concurrence.

Marine Resources

Bill "An Act to Require Labeling of Maine Finfish Produced by Aquaculture" (H.P. 334) (L.D. 464) (Presented by Representative HOLT of Bath) (Cosponsored by Senator VOSE of Washington and Representative MARSH of West Gardiner)

Bill "An Act to Create the Aquaculture Leasing Board" (H.P. 344) (L.D. 474) (Presented by Representative MITCHELL of Freeport) (Cosponsored by Representative STEVENS of Bangor, Representative HOLT of Bath and Representative RUHLIN of Brewer)

Bill "An Act Concerning the Lobster Harvesting License Fee for Persons 70 Years of Age or Older" (H.P. 346) (L.D. 476) (Presented by Representative FARREN of Cherryfield) (Cosponsored by Representative CARROLL of Southwest Harbor, Representative TOWNSEND of Eastport and Senator VOSE of Washington)

Ordered Printed.
Sent up for Concurrence.

State and Local Government

Bill "An Act to Require Legislators to File Their Own Travel Expenditures" (H.P. 332) (L.D. 462) (Presented by Representative WHITCOMB of Waldo) (Cosponsored by Representative HANLEY of Paris and Representative LOOK of Jonesboro)

Ordered Printed.
Sent up for Concurrence.

LATER TODAY ASSIGNED

Bill "An Act to Establish a Center for Nonprofit Development" (EMERGENCY) (H.P. 357) (L.D. 487) (Presented by Representative CLARK of Brunswick)

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

On motion of Representative Melendy of Rockland, tabled pending reference and later today assigned.

Taxation

Bill "An Act Relating to Income Taxation of Part-time Residents" (H.P. 323) (L.D. 453) (Presented by Representative RICHARDSON of Portland) (Cosponsored by Representative MAYO of Thomaston)

Bill "An Act to Require that Payment of Owed Taxes be First Applied to Penalty and Interest Due" (H.P. 329) (L.D. 459) (Presented by Representative DAGGETT of Augusta) (Cosponsored by Senator BOST of Penobscot, Representative O'GARA of Westbrook and Representative DORE of Auburn)

Bill "An Act to Provide a Sales Tax Exemption for Sales by Volunteer Fire Department Auxiliaries" (H.P. 343) (L.D. 473) (Presented by Representative HOLT of Bath) (Cosponsored by Representative KILKELLY of Wiscasset, Representative SWAZEY of Bucksport and Senator CARPENTER of York)

Bill "An Act Permitting Abatement of Property Tax under Catastrophic Circumstances" (H.P. 350) (L.D. 480) (Presented by Representative TOWNSEND of Eastport) (Cosponsored by Senator VOSE of Washington, Representative GRAHAM of Houlton and Representative ANDERSON of Woodland)

Ordered Printed.
Sent up for Concurrence.

Transportation

Bill "An Act to Amend the Law Regarding Traffic Approaching a School Bus" (H.P. 327) (L.D. 457) (Presented by Representative WHITCOMB of Waldo)

Bill "An Act to Require Out-of-state Recreational Vehicles to Purchase a Fuel Use Decal" (H.P. 338) (L.D. 468) (Presented by Representative LOOK of Jonesboro) (Cosponsored by Senator BERUBE of Androscoggin, Representative NORTON of Winthrop and Representative CARROLL of Southwest Harbor)

Bill "An Act to Decrease the Speed Limit to 55 Miles Per Hour" (H.P. 353) (L.D. 483) (Presented by Representative TRACY of Rome) (Cosponsored by Representative BUTLAND of Cumberland)

Ordered Printed.
Sent up for Concurrence.

Utilities

Bill "An Act to Provide Funds to the Maine Rural Water Association for Services to Water and Wastewater Systems" (EMERGENCY) (H.P. 328) (L.D. 458) (Presented by Representative MAYO of Thomaston) (Cosponsored by Representative MARTIN of Van Buren, Senator HOLLOWAY of Lincoln and Speaker MARTIN of Eagle Lake)

Ordered Printed.
Sent up for Concurrence.

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:

Bill "An Act to Amend the Workers' Compensation Laws to Encourage Safety in the Workplace" (H.P. 175) (L.D. 260)
- In House, Referred to the Committee on Labor.
- In Senate, Referred to the Committee on Banking and Insurance in non-concurrence.
(Committee on Reference of Bills had suggested reference to the Committee on Labor)
TABLED - February 7, 1991 (Till Later Today) by Representative GWADOSKY of Fairfield.
PENDING - Further Consideration.

The House voted to recede and concur.

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

Bill "An Act to Encourage Prompt Resolution of Workers' Compensation Cases" (H.P. 270) (L.D. 390)
(Committee on Reference of Bills had suggested reference to the Committee on Labor.)
TABLED - February 7, 1991 (Till Later Today) by Representative GWADOSKY of Fairfield.
PENDING - Reference.

Subsequently, was referred to the Committee on Labor, ordered printed, and sent up for concurrence.

(At Ease)

The House was called to order by the Speaker.

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

ORDERS

On motion of Representative GWADOSKY of Fairfield, the following Joint Order: (H.P. 376)

ORDERED, the Senate concurring that when the House adjourns it do so until Tuesday, February 12, 1991 at 10:00 in the morning and the Senate adjourns until Monday, February 11, 1991 at 10:00 in the morning.

Was read and passed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

On motion of Representative Clark of Millinocket, Recessed until the sound of the gong.

(After Recess)

The House was called to order by the Speaker.

On motion of Representative Paradis of Frenchville,
Adjourned at 12:32 p.m. until Tuesday, February 11, 1991, at ten o'clock in the morning pursuant to Joint Order (H.P. 376).