

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
20th Legislative Day
Thursday, February 14, 1991

Secretary of the Senate

Was read and ordered placed on file.

The House met according to adjournment and was called to order by the Speaker.
Prayer by Father Sylvio Levesque, St. Francis Xavier Catholic Church, Winthrop.
The Journal of Wednesday, February 13, 1991, was read and approved.

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$5,000,000 to Finance the Acquisition of Public Access Lands in Northern Maine" (S.P. 231) (L.D. 585)

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

Was referred to the Committee on **Appropriations and Financial Affairs** in concurrence.

SENATE PAPERS

The following Communication:

Maine State Senate
Augusta, Maine 04333

February 13, 1991

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

Bill "An Act to Amend the Insurance Law Relating to the Type of Coverage Provided by Insurance Carriers" (S.P. 228) (L.D. 582)

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

Was referred to the Committee on **Banking and Insurance** in concurrence.

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on State & Local Government, Lai Orenduff of Farmington for appointment as the Chair of the Cultural Affairs Council.

Bill "An Act to Require Each Person Licensed for the Practice of Funeral Service to Participate in Continuing Professional Education" (S.P. 227) (L.D. 581)

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

Was referred to the Committee on **Business Legislation** in concurrence.

Sincerely,

S/Joy J. O'Brien
Secretary of the Senate

Was read and ordered placed on file.

The following Communication:

Maine State Senate
Augusta, Maine 04333

February 13, 1991

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

Bill "An Act to Provide Greater Local Review of Proposed Low-Level Radioactive Waste Sites" (S.P. 229) (L.D. 583)

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.

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Aging, Retirement and Veterans, David S. Wakelin of Cape Elizabeth for reappointment to the Maine State Retirement Board of Trustees.

Bill "An Act to Ensure That Inflationary and Demographic Trends Are Reflected in Home-based Care Funding" (S.P. 224) (L.D. 578)

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

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

Sincerely,

S/Joy J. O'Brien

Bill "An Act to Amend the Provisions Regarding

Prejudgment Interest" (S.P. 230) (L.D. 584)

Speaker of the House

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

Came from the Senate, Read and Referred to the Committee on **Judiciary**.

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

Was Read and Referred to the Committee on **Judiciary** in concurrence.

Bill "An Act to Require the State to Pay Municipal Permit Fees for New Construction or Improvements to State-owned Buildings" (S.P. 226) (L.D. 580)

The following Communication:

MAINE STATE LEGISLATURE
JOINT STANDING COMMITTEE ON
STATE AND LOCAL GOVERNMENT
Augusta, Maine 04333

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

February 13, 1991

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

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

Bill "An Act to Ensure Access to Land Located on Discontinued Roads" (S.P. 209) (L.D. 536)

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

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

Dear President Pray and Speaker Martin:

(The Committee on Reference of Bills had suggested reference to the Committee on **Transportation**.)

We are pleased to inform you that all county delegations to the 115th Legislature have organized with choice of chairpersons.

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

County delegation chairpersons are as follows:

COMMUNICATIONS

The following Communication: (S.P. 233)

115TH MAINE LEGISLATURE

February 12, 1991

Senator N. Paul Gauvreau
Rep. Patrick E. Paradis
Chairpersons
Joint Standing Committee on Judiciary
115th Legislature
Augusta, Maine 04333

ANDROSCOGGIN Representative Constance Cote
AROSTOOK Representative John L. Martin
CUMBERLAND Representative Donnell Carroll
FRANKLIN Representative Richard Tracy
HANCOCK Senator Ruth Foster
KENNEBEC Representative Paul F. Jacques
KNOX Representative Elmer Savage
LINCOLN Representative Marge Kilkelly
OXFORD Representative Phyllis Erwin
PENOBSCOT Representative Thomas Duffy
PISCATAQUIS Senator Charles Pray
SAGadahoc Representative James Reed Coles
SOMERSET Representative Dorothy Rotondi
WALDO Senator Robert Gould
WASHINGTON Representative Theone Look
YORK Representative Charles Plourde

Dear Chairs:

Sincerely,

Please be advised that Governor John R. McKernan, Jr. has nominated Honorable Douglas A. Clapp of Bucks Harbor for appointment as Judge of the Maine District Court, District XII.

S/Georgette B. Berube
Senate Chair

S/Ruth Joseph
House Chair

Pursuant to Title 4, MRSA Section 157, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Was read and ordered placed on file.

Sincerely,

The following Communication:

S/Charles P. Pray
President of the Senate

115th Maine Legislature

S/John L. Martin

February 13, 1991

Hon. Edwin H. Pert
Clerk of the House
State House Station #2
Augusta, ME 04333

(Presented by Representative RUHLIN of Brewer)
(Cosponsored by Representative DUFFY of Bangor,
Senator BOST of Penobscot and Representative TUPPER
of Orrington)

Dear Clerk Pert:

Ordered Printed.
Sent up for Concurrence.

Pursuant to our authority under M.R.S.A. 24-A,
section 6072, we have appointed Senator Judy C. Kany
to the Special Select Commission on Access to Health
Care.

Sincerely,

S/Charles P. Pray
President of the Senate

S/John L. Martin
Speaker of the House

Was read and ordered placed on file.

Judiciary

Bill "An Act to Provide for More Substantial
Penalties for Assaults Against Certain Agents of the
Department of Human Services" (H.P. 442) (L.D. 632)
(Presented by Representative PENDEXTER of
Scarborough) (Cosponsored by Representative BOUTILIER
of Lewiston, Senator GILL of Cumberland and Senator
GAUVREAU of Androscoggin) (Submitted by the
Department of Human Services pursuant to Joint Rule
24.)

Bill "An Act Regarding Proceedings of the Board
of Overseers of the Bar" (H.P. 448) (L.D. 638)
(Presented by Representative COLES of Harpswell) (By
Request) (Cosponsored by Representative JACQUES of
Waterville)

Bill "An Act Concerning Disclosure of the Names
of Criminal Suspects" (H.P. 449) (L.D. 639)
(Presented by Representative COLES of Harpswell) (By
Request) (Cosponsored by Representative JACQUES of
Waterville)

Bill "An Act to Require Convicted Felons to
Contribute to the Cost of Rehabilitation Programs"
(H.P. 454) (L.D. 644) (Presented by Representative
ANTHONY of South Portland) (Cosponsored by Senator
BUSTIN of Kennebec, Representative FARNSWORTH of
Hallowell and Representative PENDLETON of
Scarborough)

Ordered Printed.
Sent up for Concurrence.

**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:

Appropriations and Financial Affairs

Bill "An Act to Authorize a General Fund Bond
Issue in the Amount of \$5,000,000 for the
Construction of Necessary Safe Drinking Water
Facilities" (H.P. 453) (L.D. 643) (Presented by
Representative NORTON of Winthrop) (Cosponsored by
Senator McCORMICK of Kennebec, Representative TARDY
of Palmyra and Representative AULT of Wayne)

Ordered Printed.
Sent up for Concurrence.

Banking and Insurance

Bill "An Act to Clarify the Laws Relating to
Insurance Coverage for Mammograms" (EMERGENCY) (H.P.
452) (L.D. 642) (Presented by Representative RYDELL
of Brunswick) (Cosponsored by Senator CLARK of
Cumberland, Senator CAHILL of Sagadahoc and
Representative MITCHELL of Vassalboro)

Ordered Printed.
Sent up for Concurrence.

Legal Affairs

Bill "An Act to Limit Campaign Contributions to
Candidates and Candidates' Political Committees"
(H.P. 445) (L.D. 635) (Presented by Representative
RICHARDSON of Portland) (Cosponsored by
Representative JOSEPH of Waterville, Representative
TUPPER of Orrington and Representative SIMONDS of
Cape Elizabeth)

Bill "An Act to Amend the Election Laws Relating
to Ballot Counting" (H.P. 450) (L.D. 640) (Presented
by Representative GOULD of Greenville) (Cosponsored
by Senator KANY of Kennebec and Representative
JACQUES of Waterville)

Ordered Printed.
Sent up for Concurrence.

Energy and Natural Resources

Bill "An Act Concerning Senior Citizens' Discount
When Using State Parks" (H.P. 446) (L.D. 636)
(Presented by Representative NORTON of Winthrop)
(Cosponsored by Senator VOSE of Washington,
Representative TUPPER of Orrington and Representative
O'GARA of Westbrook)

Bill "An Act to Exempt Housing Developments of 6
Units or Less from the Natural Resource Protection
Laws in Certain Situations" (H.P. 451) (L.D. 641)

Transportation

Bill "An Act Relating to Violations Involving the Disregard of Red Flashing Lights on School Buses" (H.P. 443) (L.D. 633) (Presented by Representative MACOMBER of South Portland) (Cosponsored by Senator CLARK of Cumberland, Senator CAHILL of Sagadahoc and Representative BAILEY of Farmington)

Bill "An Act to Exempt Municipal Vehicles from Overweight Penalties" (H.P. 444) (L.D. 634) (Presented by Representative STROUT of Corinth) (Cosponsored by Representative MACOMBER of South Portland, Senator THERIAULT of Aroostook and Representative HUSSEY of Milo)

Bill "An Act Relating to the Restoration of Drivers' Licenses" (H.P. 447) (L.D. 637) (Presented by Representative TRACY of Rome) (Cosponsored by Representative KETTERER of Madison, Representative CARROLL of Gray and Representative LARRIVEE of Gorham)

Ordered Printed.
Sent up for Concurrence.

SPECIAL SENTIMENT CALENDAR

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

In Memory of:

Bernard Sean Winkley, former Windsor resident and warrant officer for the United States Marine Corps, whose sacrifice will not be forgotten and whose memory as a patriot will be forever held in the hearts and minds of so many; (HLS 81) by Representative MITCHELL of Vassalboro. (Cosponsor: Senator HOLLOWAY of Lincoln)

On motion of Representative Mitchell of Vassalboro, was removed from the Special Sentiment Calendar.

Was read and adopted. Sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative NADEAU from the Committee on Taxation on Bill "An Act to Establish an Excise Tax Exemption for Veterans" (H.P. 17) (L.D. 20) reporting "Ought Not to Pass"

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

Unanimous Leave to Withdraw

Representative NADEAU from the Committee on

Taxation on Bill "An Act to Establish a Fund to Assist Elderly Victims of Fires" (H.P. 88) (L.D. 123) reporting "Leave to Withdraw"

Representative NADEAU from the Committee on Taxation on Bill "An Act to Modify the Sales Tax Exemption for Ambulance Corps" (H.P. 23) (L.D. 26) reporting "Leave to Withdraw"

Representative HUSSEY from the Committee on Transportation on Bill "An Act to Provide Identification for Persons Using Handicapped Parking Privileges" (H.P. 28) (L.D. 31) reporting "Leave to Withdraw"

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

(At Ease)

The House was called to order by the Speaker.

ORDERS OF THE DAY

TABLED AND TODAY ASSIGNED

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

Bill "An Act Relating to Eligibility for the Elderly Low-cost Drug Program" (S.P. 214) (L.D. 541) - In Senate, Referred to the Committee on Human Resources.

TABLED - February 13, 1991, by Representative NADEAU of Saco.

PENDING - Reference in concurrence.

On motion of Representative Gwadosky of Fairfield, was referred to the Committee on Taxation in non-concurrence and sent up for concurrence.

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

Bill "An Act to Facilitate Policies and Procedures of the Driver Education Evaluation Program" (H.P. 425) (L.D. 608) (Committee on Human Resources suggested)

TABLED - February 13, 1991 by Representative MANNING of Portland.

PENDING - Reference.

On motion of Representative Manning of Portland, was referred to the Committee on Human Resources, ordered printed, and sent up for concurrence.

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

Bill "An Act to Clarify Provisions Relating to the Bureau of Intergovernmental Drug Enforcement" (H.P. 423) (L.D. 606)
(Committee on **Judiciary** suggested)
TABLED - February 13, 1991 by Representative PARADIS of Augusta.
PENDING - Reference.

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

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

SENATE PAPER

The following Joint Order: (S.P. 244)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until the call of the President of the Senate and the Speaker of the House, respectively, when there is need to conduct legislative business.

Came from the Senate, read and passed.

Was read and passed in concurrence.

On motion of Representative Graham of Houlton, Adjourned pursuant to Joint Order (S.P. 244) in memory of Bernard Sean Winkley of Windsor.
