

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Fifteenth Legislature

OF THE

State Of Maine

VOLUME V

FIRST SPECIAL SESSION

July 11, 1991 to July 18, 1991

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SECOND REGULAR SESSION

House of Representatives

January 8, 1992 to March 9, 1992

ONE HUNDRED AND FIFTEENTH MAINE LEGISLATURE
SECOND REGULAR SESSION
2nd Legislative Day
Thursday, January 9, 1992

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

Prayer by Reverend Kenneth MacDonald, Lisbon Falls Baptist Church.

The Journal of Wednesday, January 8, 1992, was read and approved.

SENATE PAPERS

The following Joint Order: (S.P. 827)

Ordered, the House concurring, that there be prepared, after adjournment of the present session, by the Legislative Information Officer, a Register of all the Bills and Resolves considered by both branches of the Legislature, showing the history and final disposition of each Bill and Resolve and that there be printed 400 copies of the same. The Legislative Information Officer shall mail a copy of the Register to each member and Officer of the Legislature and the State Law and Legislative Reference Library shall receive such number of copies as may be required.

Came from the Senate, read and passed.

Was read and passed in concurrence.

Bill "An Act to Restore Maine State Retirement Service Credit to Certain Part-time, Seasonal, Intermittent or Legislative Employees" (S.P. 809) (L.D. 2008)

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 Authorize a General Fund Bond Issue in the Amount of \$12,000,000 to Help Municipalities Pay for the Repair and Improvement of Publicly Owned Port Facilities" (S.P. 818) (L.D. 2017)

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.

Later Today Assigned

Bill "An Act to Provide Community Mental Health Services to Persons with Severe and Persistent Mental Illnesses" (S.P. 808) (L.D. 2007)

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

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

On motion of Representative Manning of Portland, tabled pending reference in concurrence and later today assigned.

Bill "An Act to Change the Legislative Reporting Requirements of the Mandated Benefits Advisory Commission" (S.P. 810) (L.D. 2009)

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.

Bill "An Act to Amend the Law Regarding the Responsibilities of Code Enforcement Officers to Approve Plans or Technical Submissions by Architects" (EMERGENCY) (S.P. 798) (L.D. 1997)

Bill "An Act to Benefit Consumers by Clarifying Directory Advertising for Osteopathic and Allopathic Physicians" (S.P. 799) (L.D. 1998)

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

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

Bill "An Act to Divert Juvenile Offenders from Secure Detention" (S.P. 805) (L.D. 2004)

Came from the Senate, referred to the **Joint Select Committee on Corrections** and Ordered Printed.

Was referred to the **Joint Select Committee on Corrections** in concurrence.

Bill "An Act Regarding the Repayment of Blaine House Scholarships" (S.P. 795) (L.D. 1994)

Bill "An Act to Amend the Laws Relating to Certification to Promote the Issuance of Professional Certificates to Experienced Out-of-state Teachers" (S.P. 801) (L.D. 2000)

Bill "An Act to Establish the School Construction Debt Service Limit for Fiscal Year 1994-95" (S.P. 821) (L.D. 2115)

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

Were referred to the Committee on Education in concurrence.

Bill "An Act Concerning Continuous Emission Monitoring Devices" (S.P. 817) (L.D. 2016)

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 Concerning Long-term Care Recipients" (S.P. 793) (L.D. 1992)

Resolve, to Direct the Department of Mental Health and Mental Retardation to Develop a Proposal to Improve Staff Retention in Community-based Programs Serving Persons with Mental Retardation (EMERGENCY) (S.P. 815) (L.D. 2014)

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 Concerning the Freedom of Access Laws as They Relate to Disclosure of Public Employee Personnel Records" (S.P. 819) (L.D. 2018)

Bill "An Act to Ensure Prompt Referral of Alleged Juvenile Offenders" (S.P. 822) (L.D. 2118)

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 Amend the Child Labor Laws Related to Specified Hours of Employment" (EMERGENCY) (S.P. 796) (L.D. 1995)

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 to Develop a Statewide Voter Registration File" (S.P. 811) (L.D. 2010)

Bill "An Act to Amend the Election Laws" (S.P. 820) (L.D. 2019)

Resolve, Authorizing Zelma Rudge to Sue the State (S.P. 802) (L.D. 2001)

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 Clarify the Definition of Resident as it Pertains to Marine Resource Licenses" (S.P. 800) (L.D. 1999)

Bill "An Act Authorizing the Establishment of Fisheries Management Zones" (EMERGENCY) (S.P. 816) (L.D. 2015)

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

Were referred to the Committee on Marine Resources in concurrence.

Bill "An Act to Extend the Reporting Date of the Commission to Study the Retirement Benefits Provided by the State" (EMERGENCY) (S.P. 807) (L.D. 2006)

Bill "An Act Authorizing the Town of Vanceboro to Issue Bonds and Notes for Construction of an Elementary School" (EMERGENCY) (S.P. 812) (L.D. 2011)

Bill "An Act to Create a Budget Advisory Committee for Hancock County" (S.P. 814) (L.D. 2013)

Resolve, That the Reporting Deadline for the Commission on Comprehensive Energy Planning Be Extended (EMERGENCY) (S.P. 794) (L.D. 1993)

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 Ensure that Certain Sales by Boy Scouting and Girl Scouting Organizations Are Exempt from the Sales Tax" (S.P. 806) (L.D. 2005)

Resolve, to Exclude from State Taxes Certain Federal Payments to Eji Suyama (EMERGENCY) (S.P. 804) (L.D. 2003)

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

Were referred to the Committee on Taxation in concurrence.

Bill "An Act to Amend the Laws Governing Telecommunications Interexchange Carrier Selection" (EMERGENCY) (S.P. 797) (L.D. 1996)

Bill "An Act to Amend the Law Governing the Rumford-Mexico Sewerage District" (S.P. 803) (L.D. 2002)

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

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

Unanimous Ought Not To Pass

Report of the Committee on **Judiciary** reporting "**Ought Not to Pass**" on Bill "An Act to Discourage Motor Vehicle Theft" (S.P. 684) (L.D. 1812)

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

Unanimous Leave to Withdraw

Report of the Committee on **Judiciary** reporting "**Leave to Withdraw**" on Bill "An Act to Clarify Implied or Legal Malice for the Purpose of Awarding Punitive Damages" (S.P. 677) (L.D. 1791)

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

COMMUNICATIONS

The following Communication: (S.P. 824)

115TH MAINE LEGISLATURE

January 7, 1992

Senator Dale McCormick
Representative John Jalbert
Chairpersons
Joint Standing Committee on Aging, Retirement and Veterans
115th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated William J. Deering of Bangor for reappointment William Bullock of Orrington for appointment to the Maine State Retirement Board of Trustees.

Pursuant to Title 5, MRSA Section 17102, these nominations will require review by the Joint Standing Committee on Aging, Retirement and Veterans 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 **Aging, Retirement and Veterans**.

Was Read and Referred to the Committee on **Aging, Retirement and Veterans** in concurrence.

The following Communication: (S.P. 825)

115TH MAINE LEGISLATURE

January 3, 1992

Senator R. Donald Twitchell
Rep. Robert J. Tardy
Chairpersons
Joint Standing Committee on Agriculture
115th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated the following:

Pursuant to Title 22, MRSA Section 1471-B, Jeffery O. Smith of Presque Isle for appointment to the Board of Pesticides Control.

Pursuant to Title 7, MRSA Section 231, William H. Mook of Damariscotta for reappointment to the Commission on Biotechnology and Genetic Engineering.

Pursuant to Title 7, MRSA Section 2952, Charles F. Davis of Gouldsboro for reappointment to the Maine Milk Commission.

These nominations will require review by the Joint Standing Committee on Agriculture 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 **Agriculture**.

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

The following Communication: (S.P. 826)

115TH MAINE LEGISLATURE

January 7, 1992

Senator Michael D. Pearson
Rep. Dorothy A. Rotondi
Chairpersons
Joint Standing Committee on Fisheries and Wildlife
115th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Joseph P. Robbins of Machias for appointment to the Inland Fisheries and Wildlife Advisory Council.

Pursuant to Title 12, MRSA Section 7033-A, this nomination will require review by the Joint Standing Committee on Fisheries and Wildlife 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 Fisheries and Wildlife.

Was Read and Referred to the Committee on Fisheries and Wildlife in concurrence.

**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:

Agriculture

Bill "An Act to Provide a Private Remedy for Violation of the Lead Poisoning Control Act" (H.P. 1515) (L.D. 2127) (Presented by Representative SIMONDS of Cape Elizabeth) (Submitted by the Department of Agriculture, Food and Rural Resources pursuant to Joint Rule 24.)

Ordered Printed.
Sent up for Concurrence.

Banking and Insurance

Bill "An Act to Require Insurance Companies Doing Business in Maine to Waive All Antitrust Immunities" (H.P. 1513) (L.D. 2125) (Presented by Representative JOSEPH of Waterville) (Cosponsored by Senator KANY of Kennebec) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Bill "An Act to Amend the Maine Insurance Code" (H.P. 1517) (L.D. 2129) (Presented by Representative RYDELL of Brunswick) (Cosponsored by Senator CLARK of Cumberland, Representative FOSS of Yarmouth and Senator CAHILL of Sagadahoc) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Ordered Printed.

Sent up for Concurrence.

Business Legislation

Bill "An Act Relating to Unredeemed Deposits" (H.P. 1519) (L.D. 2131) (Presented by Representative HOGGLUND of Portland) (Cosponsored by Senator BALDACCI of Penobscot) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Ordered Printed.
Sent up for Concurrence.

Joint Select Committee on Corrections

Resolve, to Develop a Plan for a Coordinated System of Sanctions and Services for Convicted Sex Offenders (EMERGENCY) (H.P. 1518) (L.D. 2130) (Presented by Representative ANTHONY of South Portland) (Cosponsored by Senator BUSTIN of Kennebec, Representative OTT of York and Representative FARNSWORTH of Hallowell) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Ordered Printed.
Sent up for Concurrence.

Energy and Natural Resources

Bill "An Act to Amend the Subdivision Laws within the Jurisdiction of the Maine Land Use Regulation Commission" (H.P. 1514) (L.D. 2126) (Presented by Representative MARSH of West Gardiner) (Cosponsored by Senator BALDACCI of Penobscot and Representative GOULD of Greenville) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Ordered Printed.
Sent up for Concurrence.

Judiciary

Bill "An Act Regarding Recording Requirements for Proceedings Involving Real Estate" (H.P. 1512) (L.D. 2124) (Presented by Representative PARADIS of Augusta) (Submitted by the Judicial Department pursuant to Joint Rule 24.)

Bill "An Act to Authorize Transfer of Venue for Multiple Cases by the Chief Justice of the Superior Court" (H.P. 1511) (L.D. 2123) (Presented by Representative STEVENS of Bangor) (Submitted by the Judicial Department pursuant to Joint Rule 24.)

Ordered Printed.
Sent up for Concurrence.

Legal Affairs

Bill "An Act to Allow for the Eviction of Migrant Farm Workers" (H.P. 1516) (L.D. 2128) (Presented by Representative FARREN of Cherryfield) (Cosponsored by Representative LOOK of Jonesboro, Representative BAILEY of Township 27 and Senator VOSE of Washington) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Resolve, Authorizing David Boone to Bring a Civil Action against the Town of Princeton (H.P. 1510) (L.D. 2122) (Presented by Representative TOWNSEND of Eastport) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Ordered Printed.
Sent up for Concurrence.

State and Local Government

Bill "An Act Regarding the Parking Violations that Occur on State Controlled Property within the Capitol Area" (H.P. 1509) (L.D. 2121) (Presented by Representative AULT of Wayne) (Cosponsored by Representative LOOK of Jonesboro) (Submitted by the Department of Public Safety pursuant to Joint Rule 24.)

Ordered Printed.
Sent up for Concurrence.

**PASSED TO BE ENGROSSED
WITHOUT REFERENCE TO COMMITTEE**

Resolve, Instructing the State Tax Assessor to Refrain from Certain Actions Affecting a Parcel of Land in Argyle Township (EMERGENCY) (H.P. 1520) (L.D. 2145) (Presented by Representative HICHBORN of Howland) (Cosponsored by Representative STROUT of Corinth and Senator PEARSON of Penobscot) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

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

Under suspension of the rules, without reference to a committee, the Resolve was read twice, passed to be engrossed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

By unanimous consent, all reference bills were ordered sent forthwith to the Senate.

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative PARADIS from the Committee on

Judiciary on Bill "An Act to Limit the Liability of Nonprofit Food Providers Who Supply Meals and Other Food to Low-income and Homeless Persons" (H.P. 1041) (L.D. 1514) 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 PARADIS from the Committee on **Judiciary** on Bill "An Act to Authorize the Supreme Judicial Court to Provide a Record of Court Proceedings" (H.P. 1318) (L.D. 1905) reporting "Leave to Withdraw"

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

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

**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:

Human Resources

Bill "An Act to Institute Conformity to the Low-cost Drug Program" (H.P. 1521) (L.D. 2146) (Presented by Representative MANNING of Portland) (Cosponsored by Representative GOODRIDGE of Cornville, Representative HICHENS of Eliot and Senator CONLEY of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Ordered Printed.
Sent up for Concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The following item appearing on Supplement No. 3 was taken up out of order by unanimous consent:

SENATE PAPER

The following Joint Order: (S.P. 842)

Ordered, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, January 14, 1992, at four o'clock in the afternoon.

Came from the Senate, read and passed.

Was read and passed in concurrence.

At this point, the Speaker pro tem added to the roll Representatives Anthony of South Portland, Cahill of Mattawamkeag, Heeschen of Wilton, Kilkelly of Wiscasset, Pendleton of Scarborough and Farnsworth of Hallowell.

The Chair laid before the House the following matter: Bill "An Act to Provide Community Mental Health Services to Persons with Severe and Persistent Mental Illnesses" (S.P. 808) (L.D. 2007) (Came from the Senate, referred to the Committee on **Appropriations and Financial Affairs**) which was tabled earlier in the day and later today assigned pending reference in concurrence.

(The Committee on Reference of Bills had suggested the Committee on **Appropriations and Financial Affairs**.)

On motion of Representative Manning of Portland, was referred to the Committee on **Human Resources** in non-concurrence and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The following items appearing on Supplement No. 4 were taken up out of order by unanimous consent:

SENATE PAPERS

Bill "An Act to Fund an Additional Child Protective Services Caseworker Position" (EMERGENCY) (S.P. 835) (L.D. 2139)

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.

Bill "An Act to Amend the Law Pursuant to the Medicare Supplement Insurance Minimum Standards Model Act" (EMERGENCY) (S.P. 840) (L.D. 2144)

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.

Bill "An Act Pertaining to the Assessment of Fees on Nuclear Power Plants" (S.P. 829) (L.D. 2133)

Bill "An Act to Provide Increased Local Participation in Comprehensive Land Use Planning" (S.P. 836) (L.D. 2140)

Bill "An Act to Amend Maine's Underground Oil

Storage Tank Laws" (EMERGENCY) (S.P. 837) (L.D. 2141)

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.

The following items appearing on Supplement No. 5 were taken up out of order by unanimous consent:

SENATE PAPERS

Bill "An Act to Amend the Laws Concerning High School Equivalency Certificates" (S.P. 828) (L.D. 2132)

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 Amend the Definition of Ambulatory Surgical Facilities" (S.P. 833) (L.D. 2137)

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 to Amend the Laws Concerning the Maine Court Facilities Authority" (S.P. 831) (L.D. 2135)

Bill "An Act to Update and Revise the Exemptions under the Maine Bankruptcy Code" (S.P. 834) (L.D. 2138)

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

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

The following items appearing on Supplement No. 6 were taken up out of order by unanimous consent:

SENATE PAPERS

Bill "An Act to Provide Certain Exemptions to the Limitations on Students Hours of Work" (EMERGENCY) (S.P. 832) (L.D. 2136)

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 to Amend the Laws Governing Solicitations by Police Officers" (S.P. 830) (L.D. 2134)

(Off Record Remarks)

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

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

On motion of Representative Cahill of Mattawankeag,

Adjourned at 4:35 p.m. until Tuesday, January 14, 1992 at four o'clock in the afternoon pursuant to Joint Order (S.P. 842).

Bill "An Act to Create the Cushings Island Village Corporation" (S.P. 838) (L.D. 2142)

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

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

Bill "An Act to Reestablish the Rangeley Water District" (S.P. 839) (L.D. 2143)

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

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

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

FINALLY PASSED

Emergency Measure

Resolve, Instructing the State Tax Assessor to Refrain from Certain Actions Affecting a Parcel of Land in Argyle Township (H.P. 1520) (L.D. 2145)

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. 109 voted in favor of the same and 3 against and accordingly the Resolve was finally passed, signed by the Speaker pro tem and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

Representative Mayo of Thomaston moved that the House reconsider its action whereby Bill "An Act to Institute Conformity to the Low-cost Drug Program" (H.P. 1521) (L.D. 2146) was referred to the Committee on **Appropriations and Financial Affairs** in concurrence.

On further motion of the same Representative, tabled pending his motion that the House reconsider and later today assigned.