

MAINE STATE LEGISLATURE

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

VOLUME III

FIRST CONFIRMATION SESSION

August 21, 1987
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FIRST SPECIAL SESSION

October 9, 1987 to October 10, 1987
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SECOND SPECIAL SESSION

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SECOND REGULAR SESSION

January 6, 1988 to March 24, 1988

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

In Senate Chamber
Thursday
January 21, 1988

Senate called to Order by the President.

Prayer by Reverend Joseph Brown of the Assembly of God Church in Thomaston.

REVEREND BROWN: Our God we stand before You this morning knowing that all power belongs unto You and that in ourselves with all of our inadequacies and our limitations we recognize that without You we can do nothing. Help us to always remember our great Constitution and the Declaration of Independence has never set us up as a nation free from You or independent of our God. You have stated in Your word that the nations are as a drop in the bucket and the aisles are as nothing before Thee, but yet You have promised us as Your creatures that if we need wisdom, if we need prudence to understand truth and equity and righteousness and every right way, and if we as the people would call upon You seek Your face, that as a people or as a nation we would mount up with wings as eagles we could run and not become weary, we could walk and we would not faint. So give us of Your help and give us of Your strength, give us of Your wisdom and of Your knowledge so that Lord in all of our agenda and all of our paper work we will remember that You are God and that we are independent and seek Your wisdom and Your knowledge. So help us to understand that which are weightier matters from that which are superfluous as well as Lord those things which are right from those things which are just convenient. So give us understanding in truth as we work for our constituents and special interest groups. Lord especially may we have a conscience void of offense towards God and towards man. We ask it in the name of our Lord and our Savior, Jesus Christ. Amen.

Reading of the Journal of Yesterday.

Off Record Remarks

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Clarify the Authority of Local Health Officers"

H.P. 1540 L.D. 2095

Bill "An Act Pertaining to Hospital Blood Donorship Policies"

H.P. 1542 L.D. 2097

Bill "An Act to Provide that Places of Public Accommodation Install Bathroom Stalls in Conformance with the American National Standards Institute Standards"

H.P. 1543 L.D. 2098

Come from the House referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED.

Which were referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED, in concurrence.

Bill "An Act to Clarify Late Charges for Residential Dwelling Units"

H.P. 1539 L.D. 2094

Committee on UTILITIES suggested and ORDERED PRINTED.

Comes from the House referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED.

Which was referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED, in concurrence.

Bill "An Act to Allow Plowing of Private or Public Ways or Roads by Municipalities"

H.P. 1541 L.D. 2096

Comes from the House referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED.

Which was referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED, in concurrence.

Bill "An Act to Amend the Law Requiring Motorists to Stop for School Buses"

H.P. 1544 L.D. 2099

Comes from the House referred to the Committee on TRANSPORTATION and ORDERED PRINTED.

Which was referred to the Committee on TRANSPORTATION and ORDERED PRINTED, in concurrence.

COMMUNICATIONS

The Following Communication:

STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333

January 20, 1988

Honorable Joy J. O'Brien
Secretary of the Senate
113th Legislature
Augusta, Maine 04333

Dear Madam Secretary:

House Paper 1415, Legislative Document 1919, AN ACT to Encourage Prompt and Peaceful Settlements of Labor Disputes, having been returned by the Governor together with his objections to the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration the House proceeded to vote on the question: 'Shall this Bill become a law notwithstanding the objections of the Governor?'

Seventy-nine voted in favor and fifty-five against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Respectfully,
S/Edwin H. Pert
Clerk of the House

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

STATE OF MAINE
OFFICE OF THE PRESIDENT
AUGUSTA, MAINE 04333

January 19, 1988

Honorable Joy J. O'Brien
Secretary of the Senate
State House Station 3
Augusta, Maine 04333

Dear Madam Secretary:

Pursuant to my authority under M.R.S.A. 38, Section 1453, I have appointed Senator John M. Kerry to the Advisory Commission on Radioactive Waste. Senator Kerry replaces Senator Judy Kany, who has resigned from this position.

Pursuant to my authority under M.R.S.A. 37B, Section 954, I have appointed Mr. Garland Davis to the Radiological Emergency Preparedness Committee. Mr. Davis also replaces Senator Kany on this Committee.

Please let me know if you have any questions about these appointments.

Sincerely,
S/Charles P. Pray
President of the Senate

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:
EDUCATIONAL AND CULTURAL SERVICES
STATE HOUSE STATION 23
AUGUSTA, MAINE 04333

January 20, 1988
Joy J. O'Brien
Secretary of the Senate
State House Station 3
Augusta, ME 04333
Dear Ms. O'Brien:

In accordance with the provisions of 20-A MRSA, Chapter 421, I am requested to annually report to the Governor and to the Legislature a plan which assures, to the extent practicable, that students who participate in the Postgraduate Health Professions Program return to practice their profession in the State of Maine. In this regard, I am pleased to transmit herewith the Annual Report of the Advisory Committee on Medical Education which summarizes the Committee's activities for the period January, 1987 - December, 1987 and provides information designed to address the requirement of the law.

Sincerely,
S/Eve M. Bither
Commissioner

Which was READ and with Accompanying Papers ORDERED PLACED ON FILE.

The Following Communication:
COMMITTEE ON AGRICULTURE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
January 13, 1988

President Pray
Speaker Martin
State House
Augusta, ME 04333

Dear President Pray and Speaker Martin:

The Joint Standing Committee on Agriculture is pleased to submit its report of our study of Pesticide Regulation to the Legislature pursuant to Resolves, 1987 c. 50.

Sincerely,
S/Sen. Zachary Matthews S/Rep. Robert Tardy
Chair Chair

Which was READ and with Accompanying Papers ORDERED PLACED ON FILE.

The Following Communication:
COMMISSION TO STUDY THE INTEGRATION
OF THE MAINE STATE RETIREMENT SYSTEM
WITH SOCIAL SECURITY
January 20, 1988

President Pray
Speaker Martin
State House
Augusta, ME 04333

Dear President Pray and Speaker Martin:

The Commission to Study The Integration of the Maine State Retirement System with Social Security is pleased to submit its report to the Legislature pursuant to Resolves 1987, c. 53.

Sincerely,
S/Charles Sherburne

Chair

Which was READ and with Accompanying Papers ORDERED PLACED ON FILE.

SENATE PAPERS

Resolve, to Extend the Deadline for the Study of the Relationship between Nonprofit Service Agencies and Professional Liability and Other Hard-to-Obtain Lines of Liability Insurance (Emergency)

S.P. 807 L.D. 2116

Presented by Senator THERIAULT of Aroostook
Cosponsored by: Representative RYDELL of Brunswick

Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 27
Bill "An Act to Amend the Maine Insurance Guaranty Association Law"

S.P. 810 L.D. 2119

Presented by Senator THERIAULT of Aroostook
Cosponsored by: Senator COLLINS of Aroostook
Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26

Which were referred to the Committee on BANKING AND INSURANCE and ORDERED PRINTED.
Sent down for concurrence.

Bill "An Act to Clarify the Experience Requirement for Licensed Dietitians" (Emergency)

S.P. 809 L.D. 2118

Presented by President PRAY of Penobscot
Cosponsored by: Senator KANY of Kennebec, Senator BUSTIN of Kennebec, Speaker MARTIN of Eagle Lake

Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 27
Which was referred to the Committee on BUSINESS LEGISLATION and ORDERED PRINTED.
Sent down for concurrence.

Resolve, to Extend the Reporting Deadline of the Commission to Study the Use of Involuntary Services for Substance Abusers (Emergency)

S.P. 808 L.D. 2117

Presented by Senator MATTHEWS of Kennebec
Cosponsored by: Representative FARNUM of South Berwick

Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 27
Committee on STATE AND LOCAL GOVERNMENT suggested and ORDERED PRINTED.

Which was, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, without reference to a Committee, and ORDERED PRINTED.
Sent down for concurrence.

Senate at Ease
Senate called to order by the President.

COMMITTEE REPORTS
House

Leave to Withdraw

The following Leave to Withdraw Report shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Bill "An Act to Amend the Workers' Compensation Rating Laws"

H.P. 540 L.D. 724

ORDERS OF THE DAY

The Chair laid before the Senate the Tabled and Specially Assigned matter:

JOINT RESOLUTION - Calling for a Constitutional Convention to Propose an Amendment to the United States Constitution to Require the President of the United States to Submit a Proposed Balanced Budget to the Congress and to Require a Balanced Federal Budget
S.P. 798

Tabled - January 20, 1988, by Senator CLARK of Cumberland.

Pending - ADOPTION

(In Senate, January 20, 1988, READ.)

On motion by Senator CLARK of Cumberland, TABLED UNASSIGNED pending ADOPTION.

The Chair laid before the Senate the Tabled and Specially Assigned matter:

Bill "An Act to Include Drugs for Treatment of Chronic Obstructive Lung Disease in the Elderly Low-Cost Drug Program"

S.P. 800 L.D. 2101

Tabled - January 20, 1988, by Senator CLARK of Cumberland.

Pending - REFERENCE

(Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS suggested and ORDERED PRINTED.)

Which was referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

Sent down for concurrence.

Off Record Remarks

Senator ANDREWS of Cumberland was granted unanimous consent to address the Senate on the Record.

Senator ANDREWS: Thank you Mr. President. Mr. President, men and women of the Senate. This week we received on our desks what is called the Telecommunications Access Plan by the Department of Administration and the Office of Information Services. I hope that you will all take a look at this access plan. The plan is designed to make state government accessible to hearing impaired persons. Those people who use telecommunications devices that allow them to communicate over telephone lines with state government. Part of the package we have before us is a targeted T.D.D. Deployment Program for areas of state government where they think T.D.D.'s should be placed as soon as possible. One of those areas identified is the Legislature. I am sure I speak for everyone in this Chamber when I express my gratification that the Legislature has been identified as one of the deployment areas and we ask the Department to move as quickly as possible to make the Maine Legislature accessible to hearing impaired people by installing T.D.D.'s here for Senators and members of the other Body.

I also want to note while on the subject my great pleasure in witnessing during the State of the State Message this past week, Governor McKernan having his message interpreted for hearing impaired people as they watched in their homes across the State. It was a major step forward and I congratulate him as I am sure we all do for that step. Finally, for those who provided us with this report, they do indicate that there are other public areas in the State that we have required to be accessible to hearing impaired people including hospitals, airport terminals, bus and train depots. They indicate that there has been no state agency or group to ensure that the intent of

the law is carried out, but that certainly does not mean that they do not have an obligation to carry out this legislation.

We will be looking at that situation very closely during the course of this Session and if at the end of this Session we find that there is non-compliance with the law, then we may have to take action before we leave to make certain that the law is carried out. Thank you very much.

Off Record Remarks

On motion by Senator THERIAULT of Aroostook, ADJOURNED until Friday, January 22, 1988, at 11:00 in the morning.