

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
Index

FIRST SPECIAL SESSION

October 9, 1987 to October 10, 1987
Index

SECOND SPECIAL SESSION

October 21, 1987 to November 20, 1987
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SECOND REGULAR SESSION

January 6, 1988 to March 24, 1988

Thistle, Tupper, Vose, Wentworth, Weymouth, Zirkilton, The Speaker.

NAY - Bailey, Begley, Davis, Foss, Foster, Garland, Stevens, A.; Webster, M.; Whitcomb, Willey.

ABSENT - Anthony, Bost, Callahan, Clark, H.; Conley, Cote, Hanley, Hepburn, Hillock, Hogle, Jackson, Jacques, Kimball, LaPointe, Lord, Marsano, Nadeau, G. G.; Paradis, P.; Priest, Rand, Reeves, Rice, Rotondi, Seavey, Soucy, Stevenson, Swazey, Tamaro, Tracy, Walker, Warren.

Yes, 110; No, 10; Absent, 31; Paired, 0; Excused, 0.

110 having voted in the affirmative and 10 in the negative with 31 being absent, L.D. 2163 was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

(Off Record Remarks)

On motion of Representative Manning of Portland, Adjourned until Thursday, February 11, 1988, at ten o'clock in the morning.

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

In Senate Chamber
Wednesday
February 10, 1988

Senate called to Order by the President.

Prayer by Reverend Anthony Lombardi of the South Lewiston Baptist Church in Lewiston.

REVEREND LOMBARDI: Let us bow together in prayer. Our Father, as we approached Your throne of grace, we thank You for the scriptures which tell us that men are always to pray and not to lose heart. Therefore, we come before You asking for these who are our State Senators, that they will have divine wisdom in any decisions or transactions that have to be made. We thank You for the words of Isaac Watts of days of old, who said, "before the hills an order stood, for earth received her frame, from everlasting Thou art God, to end us years the same." Thus, we call upon You seeking Your divine guidance for this day and this Session. We thank You in Jesus' name. Amen.

Reading of the Journal of Yesterday.

Off Record Remarks

PAPERS FROM THE HOUSE
House Papers

Bill "An Act to Establish the Agent Orange Information Commission"

H.P. 1621 L.D. 2214

Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS suggested and ORDERED PRINTED.

Comes from the House referred to the Committee on AGING, RETIREMENT AND VETERANS and ORDERED PRINTED.

Which was referred to the Committee on AGING, RETIREMENT AND VETERANS and ORDERED PRINTED, in concurrence.

Bill "An Act to Improve the Potato Marketing Improvement Fund"

H.P. 1618 L.D. 2211

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

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

Resolve, Authorizing Philip Wolley of Searsport to Collect Compensation from the State of Maine

H.P. 1615 L.D. 2208

Bill "An Act to Improve the Standard of Living for Maine's Low-Income Children" (Emergency)

H.P. 1619 L.D. 2212

Bill "An Act to Enhance the Provisions of Head Start Services in Maine"

H.P. 1620 L.D. 2213

Come from the House referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

Which were referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED, in concurrence.

Bill "An Act to Assure Savings to the Public From the Maine Health Care Finance Commission"

H.P. 1617 L.D. 2210

Comes from the House referred to the Committee on BANKING AND INSURANCE and ORDERED PRINTED.

Which was referred to the Committee on BANKING AND INSURANCE and ORDERED PRINTED, in concurrence.

Bill "An Act Relating to the Direct Initiative Process"

H.P. 1616 L.D. 2209

Committee on STATE AND LOCAL GOVERNMENT suggested and ORDERED PRINTED.

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

On motion by Senator CLARK of Cumberland, referred to the Committee on JUDICIARY and ORDERED PRINTED in NON-CONCURRENCE.

Sent down for concurrence.

Study Report

Committee on ECONOMIC DEVELOPMENT

Report of the Committee on ECONOMIC DEVELOPMENT to which was referred by the Legislative Council the Study Relative to Regional Economic Development Strategies and Policies and the Implementation of these Strategies have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Incorporate Economic Growth and Development and Growth Management in Transportation Planning"

H.P. 1614 L.D. 2207

Be referred to the Joint Standing Committee on ECONOMIC DEVELOPMENT for Public Hearing and printed pursuant to Joint Rule 19.

Comes from the House with the Report READ and ACCEPTED and the Bill referred to the Committee on ECONOMIC DEVELOPMENT and ORDERED PRINTED, pursuant to Joint Rule 19.

Which Report was READ and ACCEPTED, in concurrence.

The Bill referred to the Committee on ECONOMIC DEVELOPMENT and ORDERED PRINTED, pursuant to Joint Rule 19, in concurrence.

Study Report

Committee on ECONOMIC DEVELOPMENT

Report of the Committee on ECONOMIC DEVELOPMENT to which was referred by the Legislative Council the Study Relative to Regional Economic Development Strategies and Policies and the Implementation of these Strategies have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Facilitate the Collection and Organization of Data for Effective Use in State Government"

H.P. 1622 L.D. 2217

Be referred to the Joint Standing Committee on ECONOMIC DEVELOPMENT for Public Hearing and printed pursuant to Joint Rule 19.

Comes from the House with the Report READ and ACCEPTED and the Bill referred to the Committee on ECONOMIC DEVELOPMENT and ORDERED PRINTED, pursuant to Joint Rule 19.

Which Report was READ and ACCEPTED, in concurrence.

The Bill referred to the Committee on ECONOMIC DEVELOPMENT and ORDERED PRINTED, pursuant to Joint Rule 19, in concurrence.

COMMUNICATIONS

The Following Communication:

DEPARTMENT OF HUMAN SERVICES

AUGUSTA, MAINE 04333

February 4, 1988

TO: Honorable Charles Pray, President of the Senate

FROM: Honorable John Martin, Speaker of the House
S/Rollin Ives, Commissioner
Department of Human Services

SUBJECT: Alcohol and Drug Abuse Planning
Committee's Annual Report

In accordance with P.L. 1983, Chapter 464, the Alcohol and Drug Planning Committee is required to submit to the Legislature an annual report. The purpose of this report is to present the legislature both the past and present substance abuse prevention, education, treatment and research activities throughout the State.

The report is now in final draft and will be sent out shortly to the Departments of Mental Health and Mental Retardation, Corrections, and Educational and Cultural Services for final review and comment. Once this step is completed, the report will be printed and sent to the Legislature without hesitation. I therefore respectfully request that the legislative leadership extend the presentation date for this report. We anticipate the submission of this report to be the last week of February.

Thank you for your consideration in this matter.

Which was READ and ORDERED PLACED ON FILE.

Off Record Remarks

SENATE PAPERS

Bill "An Act Concerning the Labeling of Prescription Drugs"

S.P. 856 L.D. 2232

Presented by Senator DILLENBACK of Cumberland
Cosponsored by: Representative CARROLL of Gray
Approved for Introduction by a Majority of the
Legislative Council pursuant to Joint Rule 26
Which was referred to the Committee on BUSINESS
LEGISLATION and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act Relating to Development Along the St. Croix River"

S.P. 854 L.D. 2230

Presented by Senator RANDALL of Washington
Cosponsored by: Representative MOHOLLAND of
Princeton, Representative LOOK of Jonesboro,
Representative TAMMARO of Baileyville
Submitted by the State Planning Office pursuant
to Joint Rule 24

Which was referred to the Committee on ENERGY AND
NATURAL RESOURCES and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Provide for Expedited Judicial Review of Municipal Action or Inaction"

S.P. 857 L.D. 2233

Presented by Senator BRANNIGAN of Cumberland
Cosponsored by: Representative PARADIS of Augusta
Approved for Introduction by a Majority of the
Legislative Council pursuant to Joint Rule 26
Which was referred to the Committee on JUDICIARY
and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act Expanding the Role of the Bureau of Marine Patrol"

S.P. 855 L.D. 2231

Presented by Senator TUTTLE of York
 Cosponsored by: Representative MITCHELL of Freeport, Senator CAHILL of Sagadahoc, Representative LOOK of Jonesboro
 Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26
 Which was referred to the Committee on MARINE RESOURCES and ORDERED PRINTED.
 Sent down for concurrence.

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator GAUVREAU for the Committee on HUMAN RESOURCES on Bill "An Act Relating to the Powers of the Maine Youth Center Employees"

S.P. 729 L.D. 1988

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-314).
 Which Report was READ and ACCEPTED.
 The Bill READ ONCE.
 Committee Amendment "A" (S-314) READ and ADOPTED.
 The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

SECOND READERS

The Committee on Bills in the Second Reading reported the following:

Senate As Amended

Bill "An Act to Require Principles of Reimbursement for Intermediate Care Facilities for the Mentally Retarded to Include Provisions for Covering Increases in Insurance Premiums"

S.P. 176 L.D. 491

(C "A" S-312)

Which was READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended.
 Sent down for concurrence.

Senator CLARK of Cumberland was granted unanimous consent to address the Senate off the Record.

Senator PERKINS of Hancock was granted unanimous consent to address the Senate off the Record.

On motion by Senator DUTREMBLE of York, RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

Out of order and under suspension of the Rules, the Senate considered the following:

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on LABOR on Bill "An Act to Improve Retraining Opportunities for Dislocated Workers"

H.P. 1585 L.D. 2163

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-446).

Signed:

Senators:

DUTREMBLE of York

ANDREWS of Cumberland

COLLINS of Aroostook

Representatives:

MCHENRY of Madawaska

ZIRNKILTON of Mount Desert

HEPBURN of Skowhegan

RAND of Portland

TAMMARO of Baileyville

HALE of Sanford

RUHLIN of Brewer

JOSEPH of Waterville

The Minority of the same Committee on the same subject reported that the same Ought Not to Pass.

Signed:

Representatives:

BEGLEY of Waldoboro

WILLEY of Hampden

Comes from the House the Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-446) AND HOUSE AMENDMENT "A" (H-447).
 Which Reports were READ.

The Majority OUGHT TO PASS AS AMENDED Report was ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-446) READ.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Dutremble.

Senator DUTREMBLE: Thank you Mr. President and members of the Senate. This Bill contains no change in the eligibility language of the dislocated workers program. Everyone involved, including the Commissioner of the Department of Labor, agrees that no change to the current law is needed to qualify people who are involved in extended labor disputes with the program. This Bill simply re-authorizes the dislocated workers program and appropriates additional administrative funds to insure that service can be delivered to what is expected to be an extended clientele during the coming year.

By avoiding any changes in current eligibility standards, this Legislature avoids even the appearance that it is taking sides in the labor dispute at Jay and avoids any potential charges that we are interfering with collective bargaining negotiations. The Committee Amendment to the Bill deletes language requiring active attendance at training programs to avoid any problems that may be caused by semester breaks or delays between segments of training programs. Essentially, the program re-authorized with this legislation is the same one that has been in successful operation for the past two years. The Commissioner has the authority to regulate through rule-making normal attendance requirements for participation in the program if he determines that problems exist with active participation.

I read that into the Record to make sure everyone is clear as to what the intent of the amendment and the Bill is. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Collins.

Senator COLLINS: Thank you Mr. President and members of the Senate. I am indeed happy to be on the same side as the good Senator from York, once again, and I am pleased that he has read into the Record some of the concerns that some of us have with the Bill. I think I would like to reiterate that those of us that are supporting this Bill do, in fact, want it to be a real training Bill and we expect the people that are going to receive additional unemployment benefits under this act to participate actively in a training program so that they may in fact acquire new skills. I should like

to say that we have great faith in the Commissioner of Labor and his ability to construct programs that do perform true functions and we know that this is the case and that he does have programs in hand that can go into place immediately after enactment of this legislation. So, I am proud and pleased to support the passage of this Bill in its present form and with the comments that have been read into the Record by Senator Dutremble. Thank you Mr. President.

Committee Amendment "A" (H-446) ADOPTED, in concurrence.

House Amendment "A" (H-447) READ and ADOPTED, in concurrence.

Under suspension of the Rules, READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended, in concurrence.

Under suspension of the Rules, ordered sent down forthwith to the Engrossing Department.

On motion by Senator BERUBE of Androscoggin, ADJOURNED until Thursday, February 11, 1988, at 10:00 in the morning.

Off Record Remarks

Out of order and under suspension of the Rules, the Senate considered the following:

ENACTORS

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

Emergency

An Act to Postpone the Effective Date for the Use of Biodegradable Escape Panels on Lobster Traps

H.P. 1613 L.D. 2206

This being an Emergency Measure and having received the affirmative vote of 24 Members of the Senate, with 2 Senators having voted in negative, and 24 being two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator WEBSTER of Franklin, RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

Out of order and under suspension of the Rules, the Senate considered the following:

ENACTORS

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

Emergency

An Act to Improve Retraining Opportunities for Dislocated Workers

H.P. 1585 L.D. 2163

(C "A" H-447; H "A" H-447)

This being an Emergency Measure and having received the affirmative vote of 26 Members of the Senate, with 1 Senator having voted in negative, and 26 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Under suspension of the Rules, all matters thus acted upon were ordered sent forthwith for concurrence.
