

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

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

January 6, 1988 to March 24, 1988

TABLED - February 12, 1988 by Representative PARADIS of Augusta.

PENDING - Reference.

On motion of Representative Paradis of Augusta, was referred to the Committee on Human Resources, 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. 2 was taken up out of order by unanimous consent:

SENATE PAPER

Bill "An Act to Extend the Reporting Deadlines of Certain Commissions and Committees" (Emergency) (S.P. 874) (L.D. 2277)

Came from the Senate under suspension of the rules and without reference to a Committee, the Bill read twice and passed to be engrossed.

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

Under suspension of the rules and without reference to any committee, the bill was read twice and passed to be engrossed in concurrence.

By unanimous consent, ordered sent forthwith to Engrossing.

(At Ease)

The House was called to order by the Speaker.

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

PASSED TO BE ENACTED
Emergency Measure

An Act to Extend the Reporting Deadlines of Certain Commissions and Committees (S.P. 874) (L.D. 2277)

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 1 against and accordingly the Bill 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 Melendy of Rockland, Adjourned until Wednesday, February 17, 1988, at nine o'clock in the morning.

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

In Senate Chamber
Tuesday
February 16, 1988

Senate called to Order by the President.

Prayer by Chaplain Terrence McGillicuddy of the Augusta Mental Health Institute in Augusta.

CHAPLAIN MCGILLICUDDY: Good morning Ladies and Gentlemen, please take a moment to pray with me.

Our Lord and God, we take this moment to acknowledge Your presence and to thank You for this day. We pray as one for all the people of Maine. That the decisions made in this room today and everyday will be motivated by compassion and a deep concern for the people of this great State. We remembers especially those in Maine who are suffering or struggling in one way or another at this moment. Our mentally-ill, our poor and homeless, those oppressed with injustice or inequality. For those who hope and struggle for a better life, never let us forsake or forget these brothers and sisters. And last but not least, I ask You to bless those in this room today and thank You for their service. Guide them and fill them with Your wisdom so that their works will be Your works and their words will be Your words. Bless our State and its people Oh Lord, for this we pray in Your name. Amen.

Reading of the Journal of Friday, February 12, 1988.

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

SENATE PAPERS

Bill "An Act to Extend the Reporting Deadlines of Certain Commissions and Committees" (Emergency) S.P. 874 L.D. 2277

Presented by Senator CLARK of Cumberland
Cosponsored by: Representative DIAMOND of Bangor, Representative MURPHY of Kennebunk, Senator PERKINS of Hancock

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

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

Under suspension of the Rules, ordered sent down forthwith for concurrence.

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Annually Adjust Handling Fees on Returnable Beverage Containers"

H.P. 1648 L.D. 2256

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

On motion by Senator CLARK of Cumberland, Tabled Unassigned, pending REFERENCE.

Off Record Remarks

Bill "An Act to Promote Solid Waste Research"
H.P. 1652 L.D. 2260

Comes from the House referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED.

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

Bill "An Act to Strengthen the Laws Concerning the Control of Communicable Diseases"

H.P. 1650 L.D. 2258

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

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

Bill "An Act to Clarify that Volunteer and Intern Service in the State Environmental Resource Volunteer Effort Program is Not Considered Employment for Unemployment Compensation Purposes" (Emergency)

H.P. 1653 L.D. 2261

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

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

Bill "An Act to Correct Liquor License Fees" (Emergency)

H.P. 1649 L.D. 2257

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.

ORDERS

Joint Resolution

The Following Joint Resolution: H.P. 1655

JOINT RESOLUTION MEMORIALIZING THE UNITED STATES COAST GUARD AND THE UNITED STATES DEPARTMENT OF TRANSPORTATION TO CEASE AND DESIST ALL EFFORTS TO CLOSE TWO COAST GUARD STATIONS IN MAINE

WE, your Memorialists, the Senate and House of Representatives of the State of Maine in the Second Regular Session of the One Hundred and Thirteenth Legislature, now assembled, most respectfully present and petition the United States Coast Guard and the United States Department of Transportation to cease and desist all efforts to close 2 Coast Guard stations in Maine, as follows:

WHEREAS, the United States Coast Guard has summarily and publicly announced the intention of permanently closing 2 stations in Maine; and

WHEREAS, the Maine stations designated for closing are the search and rescue station at Eastport and the marine safety detachment at Bangor, involving a total cutback of 12 people and \$473,000; and

WHEREAS, these facilities are 2 of 6 along the New England coast scheduled to be shut down next month to cover a shortfall in the operating budget; and

WHEREAS, this decision comes at a time when Maine's 3,500 miles of coastline are already thinly protected from the increased intrusion of drug traffic; and

WHEREAS, the sea provides the State with a vast and priceless resource which has long been vital to our economy, and our commercial fishermen rely on the services of the United States Coast Guard as their only protection; now, therefore be it

RESOLVED: That We, your Memorialists, do hereby respectfully protest said closure and request the United States Department of Transportation and the

United States Coast Guard to cease and desist in their efforts to close these facilities; and be it further

RESOLVED: That the Members of the United States Congress for the State of Maine are hereby urgently requested to use every possible means to cause the decision to close these facilities to be reversed; and be it further

RESOLVED: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to Admiral Paul A. Yost, Jr., Commandant of the United States Coast Guard; James H. Burnley IV, Secretary of the United States Department of Transportation; and to each member of the Maine Congressional Delegation.

Comes from the House READ and ADOPTED.

Which was READ and ADOPTED, in concurrence.

SENATE PAPERS

Bill "An Act to Enable the Creation of Watershed Districts"

S.P. 872 L.D. 2273

Presented by Senator KANY of Kennebec
Cosponsored by: Representative TRACY of Rome,
Representative JACQUES of Waterville,
Representative LACROIX of Oakland

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.

On motion by Senator CLARK of Cumberland, referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Authorize the Creation of the Freeport Water District" (Emergency)

S.P. 873 L.D. 2274

Presented by Senator CLARK of Cumberland
Cosponsored by: Representative MITCHELL of Freeport

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

Which was referred to the Committee on UTILITIES and ORDERED PRINTED.

Sent down for concurrence.

COMMITTEE REPORTS

House

Ought Not to Pass

The following Ought Not to Pass 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 Law Requiring Motorists to Stop for School Buses"

H.P. 1544 L.D. 2099

Ought to Pass

The Committee on HUMAN RESOURCES on Bill "An Act to Exempt from Labeling Requirements Goods Produced Under Certification issued by the United States Department of Justice Pursuant to the Prison Industries Enhancement Act"

H.P. 1471 L.D. 1982

Reported that the same Ought to Pass.

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.
The Bill READ ONCE.
The Bill TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass As Amended

The Committee on TRANSPORTATION on Bill "An Act to Adequately Compensate Municipal Agents for Activities Undertaken on Behalf of the State in the Registration of Motor Vehicles"

H.P. 1446 L.D. 1957

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-448).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-448)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-448) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

SECOND READERS

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

House

Bill "An Act to Add the Commissioner of Public Safety to the Alcohol and Drug Abuse Planning Committee"

H.P. 1461 L.D. 1972

Bill "An Act to Amend Reporting Deadlines under the Therapeutic Pharmaceutical Monitoring Panel" (Emergency)

H.P. 1491 L.D. 2041

Bill "An Act to Clarify the Voting Method of Expansion of the Harrison Water District" (Emergency)

H.P. 1496 L.D. 2046

Bill "An Act to Amend the Charter of the Limestone Water and Sewer District"

H.P. 1547 L.D. 2107

Bill "An Act to Prohibit Hunting, Trapping, Molesting or Harassing of Bear near Dumps"

H.P. 1635 L.D. 2234

Which were READ A SECOND TIME and PASSED TO BE ENGROSSED, in concurrence.

House As Amended

Bill "An Act to Amend Laws Relating to Certain Licensing Boards"

H.P. 1255 L.D. 1713

(C "A" H-443)

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

Senate

Bill "An Act to Authorize the Bureau of Banking, Securities Division, to Adopt a Simplified Registration Statement for Limited Public Offerings"

S.P. 738 L.D. 1997

Bill "An Act Pertaining to Fire Permit Enforcement"

S.P. 865 L.D. 2254

Which were READ A SECOND TIME and PASSED TO BE ENGROSSED.

Sent down for concurrence.

Senate As Amended

Bill "An Act to Strengthen the Disciplinary Authority of Various State Regulatory Boards"

S.P. 733 L.D. 1992

(C "A" S-315)

Which was READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended.

Sent down for concurrence.

Off Record Remarks

At this time, the Chair would like to express his appreciation to the Senator from York, Senator Dutremble, for the fine job he did Friday in his duties as Presiding Officer.

Senator MATTHEWS of Kennebec was granted unanimous consent to address the Senate on the Record.

Senator MATTHEWS: Thank you Mr. President, men and women of the Senate. I am not going to take a long time this morning, but I feel very, very strongly that something has to be said on the Record on this floor. We all know that over the weekend seven more workers, replacement workers, at the IP mill were exposed to chlorine gas. I don't know how many times this has happened at the International Paper Company mill in Jay, but it has been a number of times. It seems to me that the people that work in that mill, replacement workers and the people that live around that town, do deserve the kind of protection that this Legislature and our Governor can offer. I wonder how many people have to die before something is done in correcting what is going on at Jay. I am looking today at an article written by International Paper Company, an advertisement, which talks about the wonderful job that they are doing at International Paper Company in Jay and I won't read the whole gist of it, but it says, "Facts Not Fiction. A misinformation campaign has been rolling through Maine for several weeks. International Paper Company's Androscoggin mill believes that the people of Maine are entitled to the facts, not fiction." The Company says, "the facts are after making the tough decision to hire permanent replacements the mill has quickly been able to achieve normal production."

God save us if this is normal production at their Paper Company. People have been exposed to danger, chemicals, chlorine leaks, my God the Paper Company calls this normal production. I have two paper companies in my Senate District, both Scott Paper Company and never in my life have I heard of such outbreaks of chlorine leaks and poor management practices causing the communities to be jeopardized for their health and safety. My God, they ought to talk about the facts and put it out there to the public what the hell is going on, excuse me Mr. President. I think it is time enough and I would call upon the Governor to take strong action in Jay to preserve the health and safety of those replacement workers and the people who live in that area. Those workers that will someday get their jobs back. I think it is long overdue so I would make this message loud and clear. The good Senator from Oxford, Senator Erwin, has been telling us what has been going on in that mill for months now and it is time that the Legislature and the Governor took action. It is long overdue. God, let's not have some more people die.

Senate at Ease

Senate called to order by the President.

On motion by Senator USHER of Cumberland, RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

On motion by Senator CLARK of Cumberland, the Senate removed from the Unassigned Table the following:

Bill "An Act to Annually Adjust Handling Fees on Returnable Beverage Containers"

H.P. 1648 L.D. 2256

Tabled - February 16, 1988, by Senator CLARK of Cumberland.

Pending - REFERENCE

(In House, February 12, 1988, referred to the Committee on BUSINESS LEGISLATION and ORDERED PRINTED.)

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Thank you Mr. President, a parliamentary inquiry? Is L.D. 2256 properly before the Body?

THE PRESIDENT: The Chair would rule that the Bill is not properly before the Body, being in violation of Joint Rule 27.

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 Extend the Reporting Deadlines of Certain Commissions and Committees

S.P. 874 L.D. 2277

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with No Senators having voted in negative, and 27 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.

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

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

Senator MATTHEWS of Kennebec was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

On motion by Senator BUSTIN of Kennebec, ADJOURNED until Wednesday, February 17, 1988, at 9:00 in the morning.

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE
SECOND REGULAR SESSION
25th Legislative Day

Wednesday, February 17, 1988

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

Prayer by Reverend Calvin O. Dame, All Souls Church Unitarian Universalist, Augusta.

The Journal of Tuesday, February 16, 1988, was read and approved.

Quorum call was held.

SENATE PAPERS

Bill "An Act to Enable the Creation of Watershed Districts" (S.P. 872) (L.D. 2273)

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

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

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

Bill "An Act to Authorize the Creation of the Freeport Water District" (Emergency) (S.P. 873) (L.D. 2274)

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

Was referred to the Committee on Utilities in concurrence.

Ought to Pass in New Draft

Report of the Committee on Legal Affairs on Bill "An Act Pertaining to Fire Permit Enforcement" (S.P. 769) (L.D. 2026) reporting "Ought to Pass" in New Draft (S.P. 865) (L.D. 2254)

Came from the Senate, with the report read and accepted and the New Draft passed to be engrossed.

Report was read and accepted, the New Draft read once and assigned for second reading Thursday, February 18, 1988.

Non-Concurrent Matter

Bill "An Act to Annually Adjust Handling Fees on Returnable Beverage Containers" (H.P. 1648) (L.D. 2256) which was referred to the Committee on Business Legislation in the House on February 12, 1988.

Came from the Senate ruled not properly before that body pursuant to Joint Rule 27 in non-concurrence.

The SPEAKER: Pursuant to Joint Rule 27, the Chair would also rule that L.D. 2256 is not properly before this body.

COMMUNICATIONS

The following Communication:

MAINE STATE LEGISLATURE
Augusta, Maine 04333
COMMISSION ON LAND CONSERVATION
AND ECONOMIC DEVELOPMENT

February 15, 1988

President Pray

Speaker Martin

State House

Augusta, ME 04333

Dear President Pray and Speaker Martin:

Maine is today faced with inexorable growth pressures extending up from the south, along the coast and into the western mountains. Even Aroostook