

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

that we put together which is a collection of information in terms of upcoming events, important hearings, as well as reports from people on the committee of issues that are being dealt with in that committee. We will never practice censorship. It is a document that is open and free and for the expression of comments. We never will practice censorship. I appreciate the opportunity of having been able to discuss that with you before we went into session. Thank you.

The SPEAKER: The Chair would make one comment -- that it is still paid for with public funds. This Chair, this Speaker, is responsible for the authorization of that expenditure of money and it will not be done for partisan reasons.

On motion of Representative Diamond of Bangor, Adjourned until Friday, February 19, 1988, at eleven o'clock in the morning.

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

In Senate Chamber
Thursday
February 18, 1988
Senate called to Order by the President.

Prayer by Father Gilbert Patenaude of St. Francis Xavier Catholic Church in Winthrop.

FATHER PATENAUDE: Almighty and merciful God, Whose wise and loving providence watches over every human event, be our light and council on this day. We pray Thee to shower Thy blessings upon our President and Congress and all the members of our Senate. Give them light, wisdom and strength. Grant them that they may be enlightened by Thy grace and always fulfill their duty to Thee and to their country. Oh God, protector of all of those who trust in Thee without Whom nothing is strong, nothing is holy, multiply towards us Thy blessings so that You may be always guiding us towards material and spiritual prosperity. We ask this through Christ our Lord. Amen.

Reading of the Journal of Yesterday.

Off Record Remarks

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Define Chemical Preservative and to Provide Alternative Labeling Requirements"
H.P. 1672 L.D. 2290

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.

Bill "An Act to Appropriate Funds to Implement the Findings of the Job Classification Study of the University of Maine System"

H.P. 1666 L.D. 2284

Bill "An Act to Allocate Stripper Well Oil Refund Money to the Home Energy Assistance Program" (Emergency)

H.P. 1670 L.D. 2288

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 Prohibit the Establishment of Docking Condominiums on Tidewaters, Lakes and Great Ponds"

H.P. 1671 L.D. 2289

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 Revise the Procedures for Enforcing Money Judgments"

H.P. 1667 L.D. 2285

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

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

Bill "An Act to Extend the Sales Tax Exemption on Energy Use in Manufacturing to Agricultural Businesses"

H.P. 1668 L.D. 2286

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

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

Resolve, to Name the New Bridge Between the Communities of Bucksport and Verona the "Dr. Edward Thegan Memorial Bridge"

H.P. 1669 L.D. 2287

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.

Pursuant to Resolves

Commission to Review the Laws

Relating to REGISTERED MAINE GUIDES

The Commission to Review the Laws Relating to REGISTERED MAINE GUIDES, pursuant to Resolves 1987, Chapter 17, ask leave to submit its findings and to report that the accompanying Resolve, to Reconstitute the Commission to Review the Laws Relating to Registered Maine Guides (Emergency)

H.P. 1673 L.D. 2292

Be referred to the Joint Standing Committee on FISHERIES AND WILDLIFE for Public Hearing and printed pursuant to Joint Rule 18.

Comes from the House with the Report READ and ACCEPTED and the Resolve referred to the Committee on FISHERIES AND WILDLIFE and ORDERED PRINTED, pursuant to Joint Rule 18.

Which Report was READ and ACCEPTED, in concurrence.

The Resolve referred to the Committee on FISHERIES AND WILDLIFE and ORDERED PRINTED, pursuant to Joint Rule 18, in concurrence.

COMMUNICATIONS

The Following Communication:

STATE OF MAINE

DEPARTMENT OF HUMAN SERVICES

AUGUSTA, MAINE 04333

February 12, 1988

To: Honorable John L. Martin, Speaker of the House
Honorable Charles P. Pray, President of the Senate
From: S/Rollin Ives, Commissioner, Department of Human Services

Subject: Maine Social Services Report

Enclosed is the 1987 Maine Social Services Report pursuant to 5 M.R.S.A., Chapter 148-A, Sections 1641-1643.

We apologize for the delay and look forward to being more timely in our 1988 report due to you prior to December 1, 1988.

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

SENATE PAPERS

Bill "An Act to Continue the Driver Education Evaluation Program" (Emergency)

S.P. 886 L.D. 2298

Presented by Senator PERKINS of Hancock
Cosponsored by: Representative PINES of Limestone, Representative TAYLOR of Camden
Submitted by the Department of Human Services pursuant to Joint Rule 24

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

Sent down for concurrence.

(See Action Later Today)

Bill "An Act to Improve Personal Care Attendant Services under the Home-Based Care Laws"

S.P. 884 L.D. 2296

Presented by Senator ANDREWS of Cumberland
Cosponsored by: Senator GILL of Cumberland, Representative MELENDY of Rockland, Senator BUSTIN of Kennebec

Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26

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

Sent down for concurrence.

Bill "An Act to Enhance the Effectiveness of the Operating-Under-the-Influence Laws" (Emergency)

S.P. 885 L.D. 2297

Presented by Senator KANY of Kennebec
Cosponsored by: Representative ALLEN of Washington, Representative PRIEST of Brunswick, Representative JALBERT of Lisbon

Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26

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

Sent down for concurrence.

Off Record Remarks

Senate at Ease

Senate called to order by the President.

On motion by Senator CLARK of Cumberland, the Senate RECONSIDERED whereby it referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS:

Bill "An Act to Continue the Driver Education Evaluation Program" (Emergency)

S.P. 886 L.D. 2298

On further motion by same Senator, referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED.

Sent down for concurrence.

Off Record Remarks

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on FISHERIES AND WILDLIFE on Bill "An Act to Amend the Framework Within Which the Commissioner of Inland Fisheries and Wildlife May Establish Deer Hunting Seasons"

H.P. 1459 L.D. 1970

Reported that the same Ought Not to Pass.

Signed:

Senator:

ERWIN of Oxford

Representatives:

JACQUES of Waterville
 CLARK of Millinocket
 DUFFY of Bangor
 SMITH of Island Falls
 WALKER of Norway
 BROWN of Gorham
 ROTONDI of Athens

The Minority of the same Committee on the same subject reported that the same Ought to Pass.

Signed:

Senator:

BRAWN of Knox

Representatives:

WEYMOUTH of West Gardiner
 GREENLAW of Standish
 FARRIN of Cherryfield

(Senator USHER of Cumberland - Absent)

Comes from the House the Majority OUGHT NOT TO PASS Report READ and ACCEPTED.

Which Reports were READ.

On motion by Senator ERWIN of Oxford, the Majority OUGHT NOT TO PASS Report was ACCEPTED, in concurrence.

Senate

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 Provide Retraining Opportunities to Workers who have been Replaced During a Labor Dispute" (Emergency)

S.P. 813 L.D. 2127

Ought to Pass

Senator ESTES for the Committee on MARINE RESOURCES on Bill "An Act Concerning Marine Recreational Fisheries"

S.P. 732 L.D. 1991

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

Off Record Remarks

SECOND READERS

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

House

Bill "An Act to Clarify the Volume Fee Provision of the Maine Consumer Credit Code" (Emergency)

H.P. 1468 L.D. 1979

Bill "An Act to Amend the Notice Provision under the Motor Vehicle Laws"

H.P. 1656 L.D. 2266

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

Senate

Bill "An Act Creating the Fayette Water District" (Emergency)

S.P. 883 L.D. 2291

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

Sent down for concurrence.

ENACTORS

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

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)

On motion by Senator PEARSON of Penobscot, placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

ORDERS OF THE DAY

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

Emergency

An Act Concerning Sanitary Conditions on Railroad Property

H.P. 1647 L.D. 2253

Tabled - February 17, 1988, by Senator CLARK of Cumberland.

Pending - ENACTMENT

(In Senate, February 12, 1988, PASSED TO BE ENGROSSED, without reference to a Committee, in concurrence.)

(In House, February 16, 1988, PASSED TO BE ENACTED.)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with No Senators having voted in the negative, and 32 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 WEBSTER of Franklin was granted unanimous consent to address the Senate on the Record.

Senator WEBSTER: Thank you Mr. President, ladies and gentlemen of the Senate. Several days ago, the good Senator from Kennebec, Senator Matthews, brought to our attention his concerns regarding the recent chlorine leak in Jay, Maine. It is a concern that we all have and I want to bring to the attention of this Body today several things that have happened in the last few days. Yesterday, on page three of the Kennebec Journal, there was an article of concern to me and to many of us of a chlorine leak at Statler Paper in Augusta. I would like to read on the Record a quote by a DEP official. "If it hadn't been for the public exposure of the incident in Jay, Maine, they probably wouldn't have reported it." That ought to be of some concern to us. Yesterday, in Rumford at Boise Cascade, there was a chlorine leak and an evacuation of twenty people on the front page of the Lewiston Sun. That ought to be of concern to us. I would like to bring these matters to the attention of the Senate and to anyone who is listening that we are concerned about these incidences that are happening throughout Maine. I heard over the weekend of a chlorine leak in northern Maine, in that paper company and I would suggest that somebody in State Government, and I am not in any way implying the Governor because I believe we all realize he is doing all that can be done, but I would hope that particularly DEP would take notice that this is not the kind of thing that should be going on, jeopardizing the health of the people of Maine. Thank you.

Senator GAUVREAU of Androscoggin was granted unanimous consent to address the Senate off the Record.

On motion by Senator TWITCHELL of Oxford, ADJOURNED, in memory of Harry F. Sanborn, until Friday, February 19, 1988, at 11:00 in the morning.

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE
SECOND REGULAR SESSION
27th Legislative Day
Friday, February 19, 1988

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

Prayer by Reverend James O'Brien, South Parish Congregational Church, Augusta.

The Journal of Thursday, February 18, 1988, was read and approved.

Quorum call was held.

SENATE PAPERS

RESOLVE, to Create A Demonstration Project to Provide for Ladders of Advancement in the Nursing Profession (Emergency) (S.P. 877) (L.D. 2280)

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

Was referred to the Committee on Business Legislation in concurrence.

Bill "An Act to Establish the Maine Elderly Tax Assistance Program" (S.P. 880) (L.D. 2283)

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

Was referred to the Committee on Economic Development in concurrence.

Bill "An Act to Improve Personal Care Attendant Services under the Home-Based Care Laws" (S.P. 884) (L.D. 2296)

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 Continue the Driver Education Evaluation Program" (Emergency) (S.P. 886) (L.D. 2298)

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

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

Was referred to the Committee on Human Resources in concurrence.

Bill "An Act to Enhance the Effectiveness of the Operating-Under-the-Influence Laws" (Emergency) (S.P. 885) (L.D. 2297)

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

Was referred to the Committee on Legal Affairs in concurrence.

Unanimous Leave to Withdraw

Report of the Committee on Labor reporting "Leave to Withdraw" on Bill "An Act to Provide Retraining Opportunities to Workers who have been Replaced During a Labor Dispute" (Emergency) (S.P. 813) (L.D. 2127)

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

Ought to Pass in New Draft

Report of the Committee on Utilities on Bill "An Act Creating the Fayette Water District" (S.P. 431)