

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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October 9, 1987 to October 10, 1987
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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
Monday
February 22, 1988

Senate called to Order by the President.

Prayer by Father Mark Nolette of St. Augustine's Catholic Church in Augusta.

FATHER NOLETTE: God, Father in heaven, Lord of the universe. You have brought us together to begin another week, a week of work, a week of deliberations, a week of trying to make decisions that will affect the lives of many people in our state. We ask that You will send Your spirit among us as we work, as we talk, as we decide that in all the things that we do, we will be guided by Your spirit of mercy and justice and work for justice and peace as best we can for our state and for those in those cities and towns whom we represent. And all these things we ask in Your mercy through Christ our Lord. Amen.

Reading of the Journal of Friday, February 19, 1988.

PAPERS FROM THE HOUSE

Non-concurrent Matter

HOUSE REPORTS - from the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act Allowing the Town of Island Falls to Annex Township 4, Range 3 WELS in Arrostook County"

H.P. 1017 L.D. 1370

Majority - Ought to Pass as Amended by Committee Amendment "A" (H-437).

Minority - Ought Not to Pass.

In House, February 4, 1988, 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-437).

In Senate, February 8, 1988, the Minority OUGHT NOT TO PASS Report READ and ACCEPTED in NON-CONCURRENCE.

Comes from the House, that Body ADHERED.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator PEARSON.

Senator PEARSON: Mr. President, I would like to pose a parliamentary inquiry. Mr. President is it permissible to quote from what we call the horseblanket, the minutes of the other Body in the course of debate on an issue?

THE PRESIDENT: The Chair will Table this Bill, pending a Ruling of the Chair.

Tabled by the President, pending a RULING OF THE CHAIR.

House Papers

Bill "An Act to Authorize a Bond Issue to Provide Funds to Create an Adaptive Equipment Loan Program"

H.P. 1686 L.D. 2315

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

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

Bill "An Act to Restrict Smoking in Elementary and Secondary Schools"

H.P. 1682 L.D. 2311

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

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

Bill "An Act to Improve and Expedite the Enforcement of Environmental Laws"

H.P. 1685 L.D. 2314

Bill "An Act to Consolidate State Land Use Statutes into the Natural Resources Protection Act"

H.P. 1687 L.D. 2316

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

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

Bill "An Act to Increase the Penalties for Class A, B and C Crimes"

H.P. 1683 L.D. 2312

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 Amend the Requirement that Counties Contribute to the Support of the Superior Courts and the Supreme Judicial Court"

H.P. 1677 L.D. 2306

Bill "An Act to Establish On-Site Day Care at the Capitol Complex"

H.P. 1678 L.D. 2307

Bill "An Act to Designate the Schooner Bowdoin as the Official State Vessel"

H.P. 1679 L.D. 2308

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

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

Bill "An Act Relating to the Net Operating Loss Carry-Back on the Maine Income Tax"

H.P. 1681 L.D. 2310

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.

Bill "An Act to Amend the Charter of the Eastport Port Authority" (Emergency)

H.P. 1684 L.D. 2313

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

Senator TUTTLE of York, moved that the Bill be referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED in NON-CONCURRENCE.

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending the motion of Senator TUTTLE of York, to refer the Bill to the Committee on STATE AND LOCAL GOVERNMENT in NON-CONCURRENCE.

COMMUNICATIONS

The Following Communication:
MAINE TURNPIKE AUTHORITY

430 RIVERSIDE STREET
PORTLAND, MAINE 04103

February 17, 1988

Honorable Charles P. Pray
President of the Senate
Chairman Legislative Council
Senate of Maine
State House Station 3
Augusta, Maine 04333

Dear President Pray:

I am pleased to submit to you in accordance with Section 1966, paragraph 4, of Title 23, M.R.S.A., the Maine Turnpike Authority's Legislative Report, which will serve as the semi-annual report to the Transportation Committee.

The Authority intends to meet with the Legislature's Transportation Committee to share with it the findings and conclusions of our current review of transportation needs along the corridor of the Maine Turnpike.

I look forward to working with you, other members of leadership, the Joint Standing Committee on Transportation and the Legislature, as we work toward meeting Maine's transportation needs.

If I can be of further assistance in this regard, please feel free to contact me at any time.

Sincerely,
S/Paul E. Violette
Executive Director

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

SENATE PAPERS

Bill "An Act Establishing a Medicare Assignment Program"

S.P. 895 L.D. 2324

Presented by Senator BUSTIN of Kennebec
Cosponsored by: President PRAY of Penobscot,
Representative MATTHEWS of Caribou,
Representative HICKEY of Augusta
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 to Clarify the Site Location of
Development Law"

S.P. 897 L.D. 2326

Presented by Senator CLARK of Cumberland
Cosponsored by: Senator ESTES of York,
Representative MURPHY of Kennebunk,
Representative ROLDE of York
Approved for Introduction by a Majority of the
Legislative Council pursuant to Joint Rule 27
Which was referred to the Committee on ENERGY AND
NATURAL RESOURCES and ORDERED PRINTED.

Sent down for concurrence.

Resolve, to Establish the Commission on State
Standards for Personal Service Contracts

S.P. 894 L.D. 2323

Presented by Senator BUSTIN of Kennebec
Cosponsored by: Representative ROLDE of York,
Senator MAYBURY of Penobscot, Representative
JOSEPH of Waterville
Approved for Introduction by a Majority of the
Legislative Council pursuant to Joint Rule 26
Which was referred to the Committee on STATE AND
LOCAL GOVERNMENT and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act Making an Amendment to the Charter
of the Jackman Water District"

S.P. 896 L.D. 2325

Presented by Senator WEBSTER of Franklin
Cosponsored by: Representative ROTONDI of Athens
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 referred to the Committee on UTILITIES
and ORDERED PRINTED.

Sent down for concurrence.

Off Record Remarks

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on TRANSPORTATION on Bill "An Act
to Amend Procedures Under the Unclaimed Motor Vehicle
Laws"

H.P. 1509 L.D. 2059

Reported that the same Ought to Pass as Amended
by Committee Amendment "A" (H-451).

Comes from the House, with the Report READ and
ACCEPTED and the Bill PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "A" (H-451)

Which Report was READ and ACCEPTED, in
concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-451) READ and ADOPTED,
in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND
READING.

Ought to Pass in New Draft

The Committee on UTILITIES on Bill "An Act to
Incorporate the Pembroke Utilities District"
(Emergency)

H.P. 501 L.D. 671

Reported that the same Ought to Pass in New Draft
under same title (Emergency).

H.P. 1675 L.D. 2294

Comes from the House, with the Report READ and
ACCEPTED and the Bill in NEW DRAFT PASSED TO BE
ENGROSSED.

Which Report was READ and ACCEPTED, in
concurrence.

The Bill in NEW DRAFT READ ONCE.

The Bill in NEW DRAFT TOMORROW ASSIGNED FOR
SECOND READING.

Senate

Ought to Pass As Amended

Senator ESTES for the Committee on EDUCATION on
Bill "An Act to Amend the Law Concerning the Maine
Student Incentive Scholarship Program" (Emergency)

S.P. 730 L.D. 1989

Reported that the same Ought to Pass as Amended
by Committee Amendment "A" (S-317).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-317) 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:

House

Bill "An Act Relating to Disclosures when Selling Used Cars"

H.P. 1435 L.D. 1952

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

Senate

Bill "An Act Concerning the Use of Flashing Lights on School Buses"

S.P. 893 L.D. 2305

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

Sent down for concurrence.

Bill "An Act Concerning Legislative Review of Nominations to the Maine State Housing Authority Board and the Board of Directors of the Finance Authority of Maine"

S.P. 891 L.D. 2303

Which was READ A SECOND TIME.

On motion by Senator CLARK of Cumberland, Senate Amendment "A" (S-318) READ and ADOPTED.

Which was PASSED TO BE ENGROSSED, as Amended, without reference to a Committee.

Sent down for concurrence.

Senate As Amended

Bill "An Act Concerning the Carrying of Concealed Firearms by Licensed Private Investigators"

S.P. 779 L.D. 2036

(C "A" S-316)

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

Sent down for concurrence.

ENACTORS

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

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

(C "A" H-448)

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

Which were PASSED TO BE ENACTED and having been signed by the President, were presented by the Secretary to the Governor for his approval.

ORDERS OF THE DAY

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

JOINT RESOLUTION - In Honor of Carrie S. Berry

H.P. 1654

Tabled - February 19, 1988, by Senator CLARK of Cumberland.

Pending - ADOPTION

(In Senate, February 19, 1988, READ.)

(In House, February 17, 1988, READ and ADOPTED.)

Which was ADOPTED, in concurrence.

The Chair laid before the Senate the Tabled and Later Today Assigned matter:

Bill "An Act to Amend the Charter of the Eastport Port Authority" (Emergency)

H.P. 1684 L.D. 2313

Tabled - February 22, 1988, by Senator CLARK of Cumberland.

Pending - Motion of Senator TUTTLE of York, to refer the Bill to the Committee on STATE AND LOCAL GOVERNMENT in NON-CONCURRENCE.

(In House, February 19, 1988, referred to the Committee on TRANSPORTATION and ORDERED PRINTED.)

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending the motion of Senator TUTTLE of York, to refer the Bill to the Committee on STATE AND LOCAL GOVERNMENT in NON-CONCURRENCE.

On motion by Senator DUTREMBLE of York, ADJOURNED until Tuesday, February 23, 1988, at 9:00 in the morning.