

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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
Index

SECOND REGULAR SESSION

January 6, 1988 to March 24, 1988

On motion of Representative Manning of Portland, was referred to the Committee on Human Resources, ordered printed and sent up for concurrence.

On motion of Representative Diamond of Bangor, the House reconsidered its action whereby RESOLVE, to Extend the Reporting Deadline for the Commission on Children in Need of Supervision and Treatment (Emergency) (H.P. 1698) (L.D. 2331) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27) was referred to the Committee on State and Local Government.

Under suspension of the rules, without reference to any committee, the Resolve was read twice, passed to be engrossed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

(Off Record Remarks)

On motion of Representative Dutremble of Biddeford,

Adjourned until Wednesday, February 24, 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 23, 1988

Senate called to Order by the President.

Prayer by Father Donald McAllister of Saint Catherine of Siena Parish in Norway.

FATHER MCALLISTER: Oh God our Father, source of all wisdom Who's statutes are good, Who's statutes are gracious and Who's law is truth, guide and direct our State Legislature and particularly our State Senators that by just and prudent laws they may promote the well-being of all our people. We ask this through Christ our Lord. Amen.

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE

Non-concurrent Matter

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

H.P. 1255 L.D. 1713

(C "A" H-443)

In Senate, February 16, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-443), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-443) AND HOUSE AMENDMENT "A" (H-455) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

House Papers

Bill "An Act to Preserve Existing Rental Units which have been Constructed with Federal Assistance and Tax Benefits for Moderate-Income and Low-Income People"

H.P. 1693 L.D. 2322

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

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

Bill "An Act to Clarify the Reporting Mechanism of the Student Assessment Program"

H.P. 1692 L.D. 2321

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 Change the Sales Tax Status of Snow-Making Equipment used by Commercial Ski Areas"

H.P. 1691 L.D. 2320

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.

Pursuant to Public Law
Commission on Land Conservation
and Economic Development

The Maine Commission on Land Conservation and Economic Development, pursuant to Public Law 1987,

chapter 514, section 3 asks leave to submit its findings and report that the accompanying Bill "An Act to Promote Orderly Economic Growth and Natural Resource Conservation"

H.P. 1688 L.D. 2317

Be referred to the Committee on ENERGY AND NATURAL RESOURCES for Public Hearing and printed pursuant to Joint Rule 18.

Comes from the House with the Report READ and ACCEPTED and the Bill referred to the Committee on ENERGY AND NATURAL RESOURCES for Public Hearing and printed pursuant to Joint Rule 18.

Which Report was READ and ACCEPTED, in concurrence.

The Bill referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED, pursuant to Joint Rule 18, in concurrence.

Pursuant to Public Law
Commission on Land Conservation
and Economic Development

The Maine Commission on Land Conservation and Economic Development, pursuant to Public Law 1987, chapter 514, section 3 asks leave to submit its findings and report that the accompanying Bill "An Act to Impose a Tax on Capital Gains from Speculative Land Sales"

H.P. 1689 L.D. 2318

Be referred to the Committee on TAXATION for Public Hearing and printed pursuant to Joint Rule 18.

Comes from the House with the Report READ and ACCEPTED and the Bill referred to the Committee on TAXATION for Public Hearing and printed pursuant to Joint Rule 18.

Which Report was READ and ACCEPTED, in concurrence.

The Bill referred to the Committee on TAXATION and ORDERED PRINTED, pursuant to Joint Rule 18, in concurrence.

Pursuant to Public Law
Commission on Land Conservation
and Economic Development

The Maine Commission on Land Conservation and Economic Development, pursuant to Public Law 1987, chapter 514, section 3 asks leave to submit its findings and report that the accompanying Bill "An Act to Amend the Farm and Open Space Tax Law"

H.P. 1690 L.D. 2319

Be referred to the Committee on TAXATION for Public Hearing and printed pursuant to Joint Rule 18.

Comes from the House with the Report READ and ACCEPTED and the Bill referred to the Committee on TAXATION for Public Hearing and printed pursuant to Joint Rule 18.

Which Report was READ and ACCEPTED, in concurrence.

The Bill referred to the Committee on TAXATION and ORDERED PRINTED, pursuant to Joint Rule 18, in concurrence.

COMMUNICATIONS

The Following Communication:

WORKERS' COMPENSATION COMMISSION
STATE HOUSE STATION 27
AUGUSTA, MAINE 04333

February 19, 1988

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

Dear President Pray:

Enclosed please find 2 copies of the report to the 113th Legislature on Vocational Rehabilitation under the Maine Workers' Compensation Act, 39 M.R.S.A. subsections 81-90. Also enclosed are 2 copies of my summary of the conclusions in the report.

The report was compiled by Frank Richards and Michael Niss of this Agency.

Sincerely,
S/Ralph L. Tucker
Chairman

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

SENATE PAPERS

Bill "An Act to Create a Home-Based Treatment and Education Demonstration Program for Persons with Mental Illness and their Families" (Emergency)

S.P. 898 L.D. 2334

Presented by Senator BUSTIN of Kennebec
Cosponsored by: Representative CARTER of Winslow, Representative HICKEY of Augusta, Senator PERKINS of Hancock

Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 27
Which was referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Prohibit Automated Telephone Solicitation"

S.P. 900 L.D. 2336

Presented by Senator BRANNIGAN of Cumberland
Cosponsored by: Representative TARDY of Palmyra, Representative GURNEY of Portland

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 Minimize the Environmental, Social and Physical Impact of Tourists on Monhegan Island"

S.P. 899 L.D. 2335

Presented by Senator SEWALL of Lincoln
Cosponsored by: Representative SCARPINO of St. George

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

Which was referred to the Committee on MARINE RESOURCES and ORDERED PRINTED.
Sent down for concurrence.

Bill "An Act to Amend the Juvenile Code"

S.P. 901 L.D. 2337

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.

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:

PAPERS FROM THE HOUSE
House Papers

Resolve, to Extend the Reporting Deadline for the Commission on Children in Need of Supervision and Treatment (Emergency)

H.P. 1698 L.D. 2331

Committee on STATE AND LOCAL GOVERNMENT suggested and ORDERED PRINTED.

Comes from the House, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, without reference to a Committee.

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

ORDERS

Joint Resolutions

On motion by Senator MATTHEWS of Kennebec (Sponsored by: Senator ERWIN of Oxford, Representative JACQUES of Waterville, Representative TRACY of Rome) the following Joint Resolution:

S.P. 902

JOINT RESOLUTION REQUESTING IMMEDIATE ACTION TO RESTORE THE PUBLIC PEACE, HEALTH AND SAFETY OF MAINE CITIZENS IN FRANKLIN AND ANDROSCOGGIN COUNTIES

WHEREAS, widespread fear haunts the peaceful towns of Jay, Livermore Falls and Chisom in the wake of a series of gas and chemical leaks at the International Paper Company's Androscoggin Mill; and

WHEREAS, tensions mount throughout the area over threats to health and safety and the frightened townspeople have been shaken by the presence of clouds of deadly gas, hospitalization and mass evacuation; and

WHEREAS, this continuing and unnecessary threat to the public health and safety of citizens of this State behoves the reasonable person to cease all operations pending a full determination of policies and practices that will lead to the causes and prevention of such conditions; and

WHEREAS, emergency powers are vested by law enabling certain officials in time of crisis to take actions to prevent violence or disaster for the preservation of the public peace, health and safety; and

WHEREAS, the selectmen of the Town of Jay voted unanimously to request that the Governor shut down the International Paper Company mill in Jay until such time as the mill can be thoroughly inspected and proven safe; now, therefore, be it

RESOLVED: That We, the members of the 113th Legislature now assembled in Second Regular Session, being mindful of events leading to the crisis which has angered and frightened the citizens of Androscoggin and Franklin Counties and the official position the Town of Jay has taken on closing the mill, respectfully urge and request the Governor of this State, the Honorable John R. McKernan, Jr., to exercise the emergency powers of his office to

immediately suspend the operation of the International Paper Company's Androscoggin Mill pending a full investigation of policies and practices by which the mill is operated to determine the extent to which safety is observed, to which there is provision for emergency response and to which the public is protected; and be it further

RESOLVED: That the Governor mobilize appropriate members of his cabinet on environmental protection, labor, human services and public safety to restore public peace, health and safety, to determine if the law is being upheld in all respects and what, if any, changes in structures, procedures or operations should be made to better serve this industry and the public at large; and be it further

RESOLVED: That the Governor gives the appropriate federal, municipal and county officials and individuals with expertise in the various occupations and skills necessary in operating a papermaking facility an opportunity to participate in these deliberations; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted forthwith to Governor John R. McKernan, Jr., and appropriate cabinet members.

Which was READ.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Matthews.

Senator MATTHEWS: Thank you Mr. President, men and women of the Senate. I stand before you today as the sponsor of this Resolution. I sponsored this Resolution because I believe, as I think all of us in this Chamber do, that health and safety issues and the health and safety of the citizens of this state are the most important things that the Legislature can attempt to guarantee. I stand before you this morning moved by the concerns and the emotions of the people in Jay that have gone through the roughest six months probably of any citizens of any community across our state.

I want to just mention the kinds of concerns that have been mentioned before throughout our history and the statements, I guess, that echoed through my mind today are the words of Franklin D. Roosevelt: "That we have a right to be free from fear. The citizens have a right to be free from fear." The people of Jay have that same right. The children of Jay have that same right. I understand this morning that a motion to Table this Resolution will be made. I concur with that motion. I have never and I will never stand against any attempt by the Governor or anyone to offer their services and attempt to redress situations like this. I thank the Governor for his interest. I would ask that the Governor's Commission attempt to seriously deal with this issue because it is a serious issue not a political issue, not a labor issue. It is a health and safety issue and in an effort to give the Governor due course and time, we will Table this Resolution today. Thank you Mr. President.

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

COMMITTEE REPORTS

House

Change of Reference

The Committee on UTILITIES on Bill "An Act Establishing Rights-of-Way for Utilities in Existing Rights-of-Way for Egress and Ingress"

H.P. 1633 L.D. 2228

Reported that the same be REFERRED to the Committee on JUDICIARY.

Comes from the House with the Report READ and ACCEPTED and the Bill REFERRED to the Committee on JUDICIARY.

Which Report was READ and ACCEPTED, in concurrence.

The Bill REFERRED to the Committee on JUDICIARY, in concurrence.

Ought to Pass

The Committee on HUMAN RESOURCES on Bill "An Act to Clarify the Authority of Local Health Officers"

H.P. 1540 L.D. 2095

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.

SECOND READERS

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

House

Bill "An Act to Incorporate the Pembroke Utilities District" (Emergency)

H.P. 1675 L.D. 2294

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

House As Amended

Bill "An Act to Amend Procedures Under the Unclaimed Motor Vehicle Laws"

H.P. 1509 L.D. 2059

(C "A" H-451)

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

Senate As Amended

Bill "An Act to Amend the Law Concerning the Maine Student Incentive Scholarship Program" (Emergency)

S.P. 730 L.D. 1989

(C "A" S-317)

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 Amend the Notice Provision under the Motor Vehicle Laws

H.P. 1656 L.D. 2266

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

Off Record Remarks

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

S.P. 733 L.D. 1992

(C "A" S-315)

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending ENACTMENT.

An Act Pertaining to Fire Permit Enforcement

S.P. 865 L.D. 2254

On motion by Senator CLARK of Cumberland, Tabled 2 Legislative Days, pending ENACTMENT.

Emergency

An Act to Clarify the Volume Fee Provision of the Maine Consumer Credit Code

H.P. 1468 L.D. 1979

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with No Senators having voted in negative, and 30 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.

ORDERS OF THE DAY

The Chair laid before the Senate the Tabled and Specially 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 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.)

THE PRESIDENT: The Chair recognizes the Senator from Washington, Senator Randall.

Senator RANDALL: Mr. President, I would like to raise a point of parliamentary inquiry. Mr. President in regard to Joint Rule 37, I was raising the question as to whether or not this measure is properly before the Body?

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

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

Off Record Remarks

On motion by Senator BRANNIGAN of Cumberland, ADJOURNED until Wednesday, February 24, 1988, at 9:00 in the morning.