

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
Index

SECOND REGULAR SESSION

January 6, 1988 to March 24, 1988

Adjourned until Monday, February 29, 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
Friday
February 26, 1988

Senate called to Order by the President.

Prayer by Pastor Ralph Clarke of the Winthrop Street
Universalist Church in Augusta.

PASTOR CLARKE: May we enter into a moment of
silence. Creator, spirit known in this world by many
names and Whom we choose to call God, be with us this
morning and may we feel Your spirit with us. May the
matters that we discuss and debate this morning be
matters of moment. May we avoid the trivial and
avoid the temptation to change things which do not
need change merely for the sake of change. May we
put aside our prejudices, our preconceptions and our
self-interest. May we truly hear the discussion of
all sides of the issues before us. May we use the
logic, the reason and the knowledge which we have
been given and may all of our decisions here today
increase the dignity, safety and well-being of all of
those who live in this great State. Amen.

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE
House Papers

Bill "An Act to Improve the Linked Investment
Program for Agricultural Loans" (Emergency)

H.P. 1718 L.D. 2357

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 Insure Adequate Rate Filing
Information from Health Insurers"

H.P. 1719 L.D. 2358

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 to Require Service Stations to Post
the Price of Fuel Sold"

H.P. 1717 L.D. 2356

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

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

Bill "An Act to Remove Caps from the Maine
Low-Level Radiation Waste Authority Act"

H.P. 1714 L.D. 2353

Bill "An Act Concerning Camp Lot Leases and
Access to Private Lands"

H.P. 1720 L.D. 2359

Bill "An Act to Encourage the Efficient Use of
Electrical Energy"

H.P. 1721 L.D. 2360

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.

Resolve, Authorizing Barry B. Tweedie to Bring Suit Against the State and the Town of Durham
H.P. 1715 L.D. 2354

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.

Bill "An Act to Require Legislative Confirmation of Members of the Maine Human Rights Commission"

H.P. 1716 L.D. 2355

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

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

Bill "An Act to Amend the Waldoboro Sewer District Charter"

H.P. 1713 L.D. 2352

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

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

COMMUNICATIONS

The Following Communication: H.P. 1722
MAINE HIGH RISK INSURANCE ORGANIZATION

February 22, 1988

The Honorable John L. Martin
Speaker of the House
State House, Room 301
Speaker's Office
Augusta, ME 04333

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

Gentlemen:

The Maine High Risk Insurance Organization submits the attached budget for its first year of operation. We need legislative approval for our budget so that we may begin offering insurance to a maximum of 300 Maine citizens who are unable to get health insurance because of medical reasons. Following is a brief explanation of the major elements of the budget:

Revenues

1. Hospital Assessment is based on the amount allowed in the law. This has been discussed at the Hospital Advisory Committee of the Maine Health Care Finance Commission and the Board has decided to ask hospitals to make quarterly payments to help ease any cash flow burdens. The law requires that the MHCFC recognizes the financial impact of this assessment in setting hospital revenue limits.
2. Premium income represents the payments that individuals will make for insurance coverage. This is based on our estimate of timing and the 150% maximum of standard rates allowed in the law.
3. General fund assessment is the amount included in the law for the subsidy for those who cannot afford to pay the full premium.

Expenses

1. Claims are estimated by the use of several actuarial computations using data from other states. This is a highly volatile area and may

vary significantly due to the nature of a high risk insurance group. If experience is significantly better than projected, we may be able to reduce future assessments to hospitals.

2. Staff support will be provided via contract with the Bureau of Insurance.

Please feel free to contact me at Eastern Maine Medical Center (945-7060) if you have any questions or need any additional information. We look forward to your prompt attention to this matter so that we can meet our 7/1/88 deadline.

Thank you.

Sincerely,
S/Kenneth A. Hewes

Chairman of the Board

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

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

The Following Communication:

STATE OF MAINE
OFFICE OF THE PRESIDENT
AUGUSTA, MAINE 04333

February 25, 1988

Honorable Joy J. O'Brien
Secretary of the Senate
State House
Augusta, Maine 04333

Dear Madam Secretary:

Pursuant to my authority under Senate Rule 1, I have appointed Senator Ronald Usher to serve as President Pro Tempore for the remainder of the Second Regular Session.

Please let me know if you have any questions about this.

Sincerely,
S/Charles P. Pray
President of the Senate

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

STATE OF MAINE
OFFICE OF THE PRESIDENT
AUGUSTA, MAINE 04333

February 25, 1988

Honorable Joy J. O'Brien
Secretary of the Senate
State House
Augusta, Maine 04333

Dear Madam Secretary:

Pursuant to my authority under Chapter 39 of the Resolves of 1987, I have appointed Senator John Tuttle to the Commission on Sports Fisheries. He will replace Senator Pamela Cahill, who has resigned from this Commission.

Please let me know if you have any questions about this appointment.

Sincerely,
S/Charles P. Pray
President of the Senate

Which was READ and ORDERED PLACED ON FILE.

SENATE PAPERS

Bill "An Act to Revise the Laws Protecting the Farmers' Right to Farm"

S.P. 911 L.D. 2377

Presented by Senator BLACK of Cumberland
Cosponsored by: Representative SHERBURNE of Dexter, Representative PARENT of Benton, Senator GOULD of Waldo

Submitted by the Department of Agriculture, Food and Rural Resources pursuant to Joint Rule 24 Which was referred to the Committee on AGRICULTURE and ORDERED PRINTED.
Sent down for concurrence.

Bill "An Act to Provide for Allocations of the State Ceiling on Private Activity Bonds" (Emergency)
S.P. 910 L.D. 2376

Presented by Senator PERKINS of Hancock
Cosponsored by: Representative FOSTER of Ellsworth, President PRAY of Penobscot, Representative GWADOSKY of Fairfield
Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS suggested and ORDERED PRINTED.

On motion by Senator CLARK of Cumberland, referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED.
Sent down for concurrence.

Resolve, Relating to the Licensure of Foreign-Trained Dentists and the Creation of Specialties within the Dental Profession
S.P. 913 L.D. 2365

Presented by Senator KANY of Kennebec
Cosponsored by: Representative JOSEPH of Waterville, Senator WEBSTER of Franklin, Senator MATTHEWS of Kennebec
Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 27
Which was referred to the Committee on BUSINESS LEGISLATION and ORDERED PRINTED.
Sent down for concurrence.

Bill "An Act Providing for the 1988 Amendments to the Finance Authority of Maine Act"
S.P. 912 L.D. 2378

Presented by President PRAY of Penobscot
Cosponsored by: Representative HIGGINS of Scarborough, Representative CHONKO of Topsham, Senator EMERSON of Penobscot
Which was referred to the Committee on ECONOMIC DEVELOPMENT and ORDERED PRINTED.
Sent down for concurrence.

COMMITTEE REPORTS

House

Ought to Pass in New Draft under New Title
The Committee on FISHERIES AND WILDLIFE on Bill "An Act to Require a Turtle Trapping License" (Emergency)
H.P. 1484 L.D. 2018

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act to Regulate the Taking of Turtles for Commercial Purposes" (Emergency)
H.P. 1711 L.D. 2348

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

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT under NEW TITLE READ ONCE.

The Bill in NEW DRAFT under NEW TITLE TOMORROW ASSIGNED FOR SECOND READING.

Senate
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 Ban Importing of All Waste"
S.P. 840 L.D. 2185

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 Increase the Base Salary of Vocational-Technical Institute Instructors"
S.P. 776 L.D. 2033

SECOND READERS

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

House

Bill "An Act to Clarify Late Charges for Residential Dwelling Units"
H.P. 1539 L.D. 2094

Bill "An Act Relating to Nonforfeiture and Valuation Standards for Fraternal Benefit Societies"
H.P. 1571 L.D. 2142

Bill "An Act to Control Vehicle Speeds on Public Easements"
H.P. 1696 L.D. 2329

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Oxford County for the Year 1988 (Emergency)
H.P. 1702 L.D. 2339

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

ENACTORS

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

An Act to Amend Laws Relating to Certain Licensing Boards
H.P. 1255 L.D. 1713
(H "A" H-455; C "A" H-443)

An Act Concerning Marine Recreational Fisheries
S.P. 732 L.D. 1991

An Act to Amend Procedures Under the Unclaimed Motor Vehicle Laws
H.P. 1509 L.D. 2059
(C "A" H-451)

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

Emergency

An Act to Incorporate the Pembroke Utilities District
H.P. 1675 L.D. 2294

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with No Senators having voted in negative, and 29 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.

Off Record Remarks

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

Senator PEARSON of Penobscot was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

ORDERS OF THE DAY
Unfinished Business

The following matters in the consideration of which the Senate was engaged at the time of Adjournment, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Senate Rule 29.

The Chair laid before the Senate the Tabled and Later Assigned matter: (2/25/88)

HOUSE REPORTS - from the Committee on EDUCATION on Bill "An Act Relating to Geographic Isolation Grants"

H.P. 1422 L.D. 1933

Majority - Ought to Pass as Amended by Committee Amendment "A" (H-454)

Minority - Ought Not to Pass

Tabled - February 25, 1988, by Senator CLARK of Cumberland.

Pending - ACCEPTANCE OF EITHER REPORT

(In Senate, February 25, 1988, Reports READ.)

(In House, February 23, 1988, Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED. The Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-454).)

On motion by Senator CLARK of Cumberland, the Majority OUGHT TO PASS AS AMENDED Report was ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-454) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Chair laid before the Senate the Tabled and Specially Assigned matter: (2/25/88)

An Act Pertaining to Fire Permit Enforcement

S.P. 865 L.D. 2254

Tabled - February 23, 1988, by Senator CLARK of Cumberland.

Pending - ENACTMENT

(In Senate, February 16, 1988, PASSED TO BE ENGROSSED.)

(In House, February 22, 1988, PASSED TO BE ENACTED.)

On motion by Senator KANY of Kennebec, the Senate SUSPENDED THE RULES.

On further motion by same Senator, the Senate RECONSIDERED whereby the Bill was PASSED TO BE ENGROSSED.

On further motion by same Senator, Senate Amendment "A" (S-319) READ and ADOPTED.

Which was PASSED TO BE ENGROSSED, as Amended in NON-CONCURRENCE.

Sent down for concurrence.

The Chair laid before the Senate the Tabled and Specially Assigned matter: (2/25/88)

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

S.P. 733 L.D. 1992

(C "A" S-315)

Tabled - February 24, 1988, by Senator CLARK of Cumberland.

Pending - ENACTMENT

(In Senate, February 16, 1988, PASSED TO BE ENGROSSED, AS AMENDED BY COMMITTEE AMENDMENT "A" (S-315).)

(In House, February 22, 1988, PASSED TO BE ENACTED.)

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

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

Off Record Remarks

On motion by Senator GILL of Cumberland, ADJOURNED until Monday, February 29, 1988, at 9:00 in the morning.