

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
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SECOND REGULAR SESSION

January 6, 1988 to March 24, 1988

(Off Record Remarks)

On motion of Representative Carter of Winslow,
Adjourned until Friday, March 11, 1988, at twelve
o'clock noon.

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

In Senate Chamber
Thursday
March 10, 1988
Senate called to Order by the President.

Prayer by Reverend Edgar Jones of the Congregational
Church in Winthrop.

REVEREND JONES: Let us Pray. Oh God You are the
guide of those who turn to You. We look to You on
this day of activity in the Maine Senate for the
wisdom that You can give. We ask that You grant
understanding amid all our doubts and uncertainties
that the spirit of wisdom may save us from false
choice. That in Your light we may see light. Grant
oh God that the needs of Your people may be served by
those who meet in this place. Amen.

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Outlaw Pit Bull Dogs in the
State"

H.P. 1813 L.D. 2481

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.

Resolve, to Ensure Payment of Attorney Fees
Incurred by Maine State Police Trooper Michael T.
Edes (Emergency)

H.P. 1816 L.D. 2486

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 Require Audit Review of the
Bureau of Capitol Security in 1989"

H.P. 1811 L.D. 2479

Comes from the House referred to the Committee on
AUDIT AND PROGRAM REVIEW and ORDERED PRINTED.

Which was referred to the Committee on AUDIT AND
PROGRAM REVIEW and ORDERED PRINTED, in concurrence.

Bill "An Act to Establish Procedures for the
Testing and Control of AIDS"

H.P. 1815 L.D. 2483

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 Regulate the Hiring of School Bus
Drivers"

H.P. 1812 L.D. 2480

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.

Resolve, Reimbursing Certain Municipalities on Account of Taxes Lost Due to Lands being Classified under the Maine Tree Growth Tax Law (Emergency)
H.P. 1814 L.D. 2482

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.

COMMUNICATIONS

The Following Communication: S.P. 948

COMMITTEE ON BANKING AND INSURANCE
STATE HOUSE STATION 115
AUGUSTA, MAINE 04333

March 10, 1988

Senator Charles P. Pray, Chairman
Legislative Council
State House
Augusta, Maine 04333

Dear Senator Pray:

The Joint Standing Committee on Banking and Insurance is pleased to submit the attached report of our study of Nonprofit Service Agencies and other Hard-to-Obtain Lines of Liability Insurance pursuant to Chapter 65 and Chapter 79 of the Private and Special Laws of 1987. We hope you find this report a useful tool in our continuing efforts in the oversight of liability insurance for nonprofit service organizations.

Sincerely,

S/Sen. Raynold Theriault S/Rep. Charlene Rydell
Chair Chair

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

SENATE PAPERS

Bill "An Act to Clarify and Correct Errors and Omissions and to Improve the Laws Relating to Education"

S.P. 947 L.D. 2501

Presented by Senator ESTES of York
Cosponsored by: Representative SMALL of Bath,
Senator RANDALL of Washington, Representative BUST of Orono

Submitted by the Department of Educational and Cultural Services pursuant to Joint Rule 24

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

Sent down for concurrence.

COMMITTEE REPORTS

House

Ought Not to Pass

The following Ought Not to Pass Reports shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Bill "An Act to Abolish the Maine Turnpike Authority"

H.P. 1528 L.D. 2082

Bill "An Act to Assure Savings to the Public From the Maine Health Care Finance Commission"

H.P. 1617 L.D. 2210

Leave to Withdraw

The following Leave to Withdraw Reports shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Bill "An Act Relating to the Uniform Unclaimed Property Act"

H.P. 969 L.D. 1298

Bill "An Act to Increase State Aid for Education in Unrestricted Growth Municipalities"

H.P. 1532 L.D. 2086

Bill "An Act to Abolish Sales Tax on Labor Involved in Telecommunications"

H.P. 1546 L.D. 2106

Ought to Pass

The Committee on STATE AND LOCAL GOVERNMENT on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Piscataquis County for the Year 1988 (Emergency)

H.P. 1818 L.D. 2488

Reported that the same Ought to Pass, pursuant to Joint Order H.P. 1489.

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

Which Report was READ and ACCEPTED, in concurrence.

Under suspension of the Rules, the Resolve READ TWICE and PASSED TO BE ENGROSSED, in concurrence.

Ought to Pass As Amended

The Committee on BUSINESS LEGISLATION on Bill "An Act to Require Dealers in All-Terrain Vehicles to Provide Written Warranties"

H.P. 1517 L.D. 2070

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-466).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-466)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-466) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass in New Draft under New Title

The Committee on EDUCATION on Bill "An Act to Repeal the Commissioner of Educational and Cultural Services' Access to Employee Records for Certification of Educational Personnel"

H.P. 1455 L.D. 1966

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act to Clarify the Access of the Commissioner of Educational and Cultural Services to Employee Records for Certification of Educational Personnel"

H.P. 1809 L.D. 2475

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.

SECOND READERS

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

House

Bill "An Act to Clarify the Unemployment Compensation Appeals Process"

LEGISLATIVE HISTORY - SENATE, MARCH 10, 1988

H.P. 1795 L.D. 2459

Which was READ A SECOND TIME.

On motion by Senator DUTREMBLE of York, Senate Amendment "A" (S-327) READ and ADOPTED.

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

Sent down for concurrence.

House As Amended

Bill "An Act to Provide Increased Funding for the Civil Air Patrol"

H.P. 1526 L.D. 2080
(C "A" H-464)

Bill "An Act Relative to the Union of the Trustees of the Maine Annual Conference of the United Methodist Church and the Trustees of the New Hampshire Annual Conference of the United Methodist Church"

H.P. 1601 L.D. 2192
(C "A" H-465)

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

Senate

Bill "An Act to Expand the Medicaid Dental Program to Include Adults"

S.P. 945 L.D. 2492

Bill "An Act to Establish the Strategic Training for Accelerated Reemployment Program" (Emergency)

S.P. 946 L.D. 2494

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

Sent down for concurrence.

Bill "An Act Providing Conformity with the United States Revenue Code Under the Maine Income Tax Law for 1987" (Emergency)

S.P. 868 L.D. 2263

Which was READ A SECOND TIME.

On motion by Senator CLARK of Cumberland, Tabled Until Later in Today's Session, pending PASSAGE TO BE ENGROSSED.

Senate As Amended

Bill "An Act to Enforce 3rd-Party Liability Reimbursement for Medicaid Recipients as Required by Title XIX of the Social Security Act"

S.P. 759 L.D. 2022

(C "A" S-325)

Bill "An Act to Conserve Striped Bass" (Emergency)

S.P. 780 L.D. 2037

(C "A" S-326)

Bill "An Act to Study Alternative Dispute Resolution in the Superior Court"

S.P. 861 L.D. 2249

(C "A" S-324)

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

Sent down for concurrence.

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.

SECOND READERS

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

House

Resolve, Regarding the Study of Low-Level Radioactive Waste in the Town of Greenbush

H.P. 1794 L.D. 2458

Which was READ A SECOND TIME.

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending PASSAGE TO BE ENGROSSED, in concurrence.

Senate As Amended

Bill "An Act Concerning Investment of State Funds in Corporations Doing Business in Northern Ireland"

S.P. 757 L.D. 2008

(C "A" S-323)

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 Provide for a Record of the Facility Designated for Confinement in Criminal Cases

H.P. 1457 L.D. 1968

An Act to Amend the Law Concerning the Blaine House Scholars Program

S.P. 735 L.D. 1994

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 Resolve

Resolve, Authorizing a Working Capital Advance for the Seed Potato Board

H.P. 1705 L.D. 2342

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with No Senators having voted in negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was FINALLY PASSED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Somerset County for the Year 1988

H.P. 1765 L.D. 2418

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with No Senators having voted in negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was FINALLY PASSED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

Bill "An Act Providing Conformity with the United States Revenue Code under the Maine Income Tax Law for 1987" (Emergency)

S.P. 868 L.D. 2263

Tabled - March 10, 1988, by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENGROSSED

(In Senate March 10, 1988, READ A SECOND TIME.)

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending PASSAGE TO BE ENGROSSED.

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 just wanted to take a moment to first alert the Membership to a 1:00 tour of the mill at Jay and extend to any Member of this Body to join us in that tour.

The other reason I have gotten up this morning is that I am rather concerned by an article that is in the newspapers today from David Sait at the Department of Environmental Protection, reporting in this article or alleging in the article that somehow the situation at Jay may not have been quite as news worthy had it not been for a strike at the mill. I would just advise the Department of Environmental Protection and Mr. Sait to continue to do the job that they were charged to do and that is protect the environment and the citizens of this state. I think it is not becoming of Mr. Sait or other Department officials to engage in public debate. If Mr. Sait wants to run for the Legislature, then let him run for the Legislature.

I happen to talk to David Sait about this incident two weeks ago. It is ironic and I guess I am a little bit perturbed this morning that Mr. Sait told me in the conversation about the situation at Jay, "Senator please hold my remarks off the record". Now Mr. Sait has decided to go public about his feelings about collective bargaining and strikes and what happens when you have a situation like we have at Jay in trying to make some kind of comparison between those events. I find it offensive and in light of what Mr. Sait had mentioned to me about the incident and not making statements on the floor, I guess I am kind of concerned. I am not here to defend the press, but I will tell you I thank God for the press in this country. It is important for the press to report the facts and I hope they continue to do so if that happens to be the International Paper situation, then so be it. I would urge the Department of Environmental Protection to continue to do the job that they were charged to do and apparently they haven't been doing a very good job as of yet. Thank you Mr. President.

On motion by Senator BUSTIN of Kennebec, ADJOURNED until Friday, March 11, 1988, at 12:00 in the afternoon.

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE
SECOND REGULAR SESSION
42nd Legislative Day
Friday, March 11, 1988

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

Prayer by Reverend Harold S. Header, Four Square Gospel Church.

The Journal of Thursday, March 10, 1988, was read and approved.

Quorum call was held.

SENATE PAPERS

Later Today Assigned

Bill "An Act to Improve Services for Maine's Elderly" (S.P. 943) (L.D. 2490)

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

On motion of Representative Cashman of Old Town, tabled pending reference in concurrence and later today assigned.

Bill "An Act to Clarify and Correct Errors and Omissions and to Improve the Laws Relating to Education" (S.P. 947) (L.D. 2501)

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

Was referred to the Committee on Education in concurrence.

Ought to Pass in New Draft

Report of the Committee on Human Resources on Bill "An Act to Expand the Medicaid Dental Program to Include Adults" (S.P. 163) (L.D. 467) reporting "Ought to Pass" in New Draft (S.P. 945) (L.D. 2492)

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 Monday, March 14, 1988.

Divided Report

Majority Report of the Committee on Labor on Bill "An Act to Establish the Strategic Training for Accelerated Reemployment Program" (Emergency) (S.P. 782) (L.D. 2039) reporting "Ought to Pass" in New Draft (Emergency) (S.P. 946) (L.D. 2494)

Signed:

Senators:

DUTREMBLE of York
ANDREWS of Cumberland
COLLINS of Aroostook

Representatives:

RUHLIN of Brewer
TAMMARO of Baileyville
HALE of Sanford
JOSEPH of Waterville
RAND of Portland
McHENRY of Madawaska
HEPBURN of Skowhegan
ZIRNKILTON of Mount Desert

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Signed:

Representatives:

WILLEY of Hampden
BEGLEY of Waldoboro

Came from the Senate with the Majority "Ought to Pass" in New Draft report read and accepted and the New Draft passed to be engrossed.

Reports were read.

On motion of Representative McHenry of Madawaska, the Majority "Ought to Pass" Report was accepted, the