

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Fourteenth Legislature

OF THE

State Of Maine

VOLUME I

FIRST REGULAR SESSION

December 7, 1988 to May 10, 1989

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

Off Record Remarks

The ADJOURNMENT ORDER having been returned from the House READ and PASSED, in concurrence, on motion by Senator BUSTIN of Kennebec, ADJOURNED until Thursday, January 5, 1989 at 3:30 in the afternoon.

ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
3rd Legislative Day
Thursday, January 5, 1989

The House was called to order by the Speaker pro tem.

Prayer by Father Arthur St. Pierre, Immaculate Heart of Mary Church, Fairfield.

The Journal of Tuesday, January 3, 1989, was read and approved.

Quorum call was held.

COMMUNICATIONS

The following Communication: (S.P. 19)

STATE OF MAINE
OFFICE OF POLICY AND LEGAL ANALYSIS
STATE HOUSE STATION 13
AUGUSTA, MAINE 04333

December 13, 1988

Senator Charles P. Pray, Chairman

Legislative Council

State House

Augusta, Me 04333

Dear Senator Pray:

The Ad Hoc Committee to Study the Necessity and Feasibility of Establishing a Health Information Recording System is pleased to submit the attached report pursuant to the order of the Legislative Council and Chapter 138 of the Private and Special Laws of 1987. We hope you find this report useful.

Sincerely,
S/Rep Charlene B. Rydell
Chair

Came from the Senate, read and with accompanying report ordered placed on file.

Was read and with accompanying report ordered placed on file in concurrence.

The following Communication: (S.P. 20)

MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333
COMMISSION ON MARINE RESEARCH

December 15, 1988

Senator Charles P. Pray

Legislative Council

State House

Augusta, Maine 04333

Dear Senator Pray:

The Commission on Marine Research is pleased to submit the attached report of our study pursuant to the order of the Legislative Council and Resolves 1987, chapter 112. We hope you find this report useful.

Sincerely,
S/Rep. James Reed Coles
Chair

Came from the Senate, read and with accompanying report ordered placed on file.

Was read and with accompanying report ordered placed on file in concurrence.

The following Communication: (S.P. 21)

MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333
COMMITTEE ON BANKING AND INSURANCE

December 19, 1988

Senator Charles P. Pray, Chairman

Legislative Council

State House

Augusta, ME 04333

Dear Senator Pray:

The Joint Standing Committee on Banking and Insurance is pleased to submit the attached report of our Study of Laws Regulating Antitrust Activities of the Insurance Industry pursuant to the order of Chapter 122 of the Private & Special Laws of 1987. We hope you find this report useful.

Sincerely,

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

Came from the Senate, read and with accompanying report ordered placed on file.

Was read.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Brunswick, Representative Rydell.

Representative RYDELL: Mr. Speaker, Men and Women of the House: For purposes of clarification, I wish to state the major findings from this study of the laws regulating Antitrust Activities of the Insurance Industry.

One of the tasks for the Joint Standing Committee on Banking and Insurance was to determine whether any amendments were necessary to state antitrust laws to ensure these laws apply to the insurance industry. The committee has concluded, following intensive study, that no such amendments are necessary because state antitrust laws as enforced by the Attorney General currently apply to the business of insurance.

Subsequently, with accompanying report was placed on file in concurrence.

The following Communication: (S.P. 22)

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

December 7, 1988

Honorable Charles P. Pray
President of the Senate
State House Station 3
Augusta, Maine 04333
RE: Quarterly Report for the Third Quarter of
Calendar 1988
39 M.R.S.A. §92(3).

Dear President Pray:

This letter and statistical attachments are the quarterly report of Commissioner caseload and progress mandated by 39 M.R.S.A. §92(3).

During the third quarter of 1988 the Commission received an estimated 2,563 petitions and disposed of 3,000 by decision or dismissal.

Commissioner Dawn Lieb was sworn in September 26, 1988. This brings the number of new Commissioners appointed during 1988 to 5. Commissioners Cote, Cox, Livingston, and Pelletier assumed their posts earlier this year. This is a net gain of three Commissioners over previous years.

The Commission has been holding its own in terms of the backlog of undecided petitions. So far, dispositions in 1987 have slightly exceeded filings. Although there will be a start up period, these new Commissioners will eventually enable the Commission to resolve disputed claims more quickly than ever before. Already, we are seeing a decrease in the number of petitions not scheduled for a formal hearing.

There have been no complaints or filings in connection with the 30 day decision rule of M.R.S.A. §99-B as implemented by Commission Rule 22.11.

A summary of caseload and dispositions is presented in the attached tables. I would be happy to discuss this report further if you wish.

Sincerely,
S/Ralph L. Tucker

Chairman

Came from the Senate, read and with accompanying papers ordered placed on file.

Was read and with accompanying papers ordered placed on file in concurrence.

The following Communication: (S.P. 23)

STATE OF MAINE
SENATE CHAMBER
AUGUSTA, MAINE 04333

December 23, 1988

The Honorable Charles P. Pray
President of the Senate
The Honorable John L. Martin
Speaker, House of Representatives
114th Maine Legislature
Augusta, Maine 04333

Dear President Pray and Speaker Martin:

The Weatherization Services Study Committee met pursuant to the authority granted in Resolve Chapter 71 and Resolve Chapter 74, and submitted its report, as charged, to the Joint Standing Committee on Audit and Program Review and to the Division of Community Services on April 1, 1988.

As recommended by the Committee, the Division of Community Services hired a consultant to study key components of the Weatherization Program. The consultant's report was completed on October 15, 1988. At this time, a group consisting of representatives from the Weatherization Study Committee, the Community Action Agencies and the Division is meeting to propose a strategy for implementing program improvements.

The Weatherization Study Committee is seeking authority to meet once during the first six months of 1989 to review proposed changes and issue final recommendations.

Thank you for your consideration.

Sincerely,
S/Jerome A. Emerson
Chairman

Came from the Senate, read and with accompanying report ordered placed on file.

Was read and with accompanying report ordered placed on file in concurrence.

The following Communication: (H.P. 11)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333

October 5, 1988

Hon. Stanley R. Tupper
102 Townsend Avenue
Boothbay Harbor, Maine 04569
Dear Mr. Tupper:

We are pleased to appoint you as Chair of the Blue Ribbon Commission to Examine Ethics in State Government. We appreciate your willingness to serve in this capacity, and are grateful to have you lend your considerable experience and prestige to this endeavor.

As you know, we are also appointing former Governor Kenneth M. Curtis and Professor Eugene Mawhinney to serve with you on the Commission. Thank you for your contribution to solving this very difficult public policy issue.

Sincerely,
S/Charles P. Pray S/John L. Martin
President of the Senate Speaker of the House

Was read and ordered placed on file and sent up for concurrence.

The following Communication: (H.P. 12)
December 30, 1988

TO: The Honorable John L. Martin
Speaker of the House
The Honorable Charles P. Pray
President of the Senate
FROM: Commission to Examine Ethics in
State Government

SUBJECT: Report, including recommendations
The undersigned, after examining existing standards pertaining to ethics in State government, respectfully submit our recommendations as to ways to tighten these standards.

Because of time constraints, we necessarily had to focus on certain areas that we considered the most important.

We believe that the Legislature should constantly seek ways to increase public confidence in state government, and offer these recommendations only as a beginning of such an ongoing effort.

We wish to express our appreciation for assistance rendered to us by attorneys John D. Gleason, Esq., Gerald Petruccelli, Esq. and William Stokes, Esq.

S/Stanley R. Tupper, Chairman
S/Kenneth M. Curtis
S/Eugene Mawhinney

Was read and with accompanying papers ordered placed on file and sent up for concurrence.

The following Communication:
BUREAU OF TAXATION
STATE OFFICE BUILDING
AUGUSTA, MAINE 04333
January 3, 1989

The Honorable John L. Martin
Speaker of the House
114th Legislature
Augusta, Maine 04333
Dear Speaker Martin:

Enclosed please find the annual report evaluating the loss due to the tax exemption on ethanol-blended fuel. This report is required by 36 MRSA §2915.

For the 1988 calendar year, the tax rate on ethanol-blended fuel was 13 cents per gallon through April 30, 1988 and 15 cents per gallon for the remainder of the year. This rate reflects a 1 cent exemption from the 14 cents per gallon gasoline tax rate in effect through April 30, 1988 and the 16 cent rate in effect for the remainder of the year.

There were no reported sales of ethanol-blended fuel in Maine for this period. Therefore, there was no loss of highway fund revenue attributable to this exemption.

This report was prepared with the assistance of the Office of Energy Resources.

Respectfully submitted,
S/John D. LaFaver
State Tax Assessor
Bureau of Taxation

Was read and with accompanying report ordered placed on file.

The following Communication:
MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333
JOINT SELECT COMMITTEE ON CORRECTIONS
December 30, 1988

President Pray
Speaker Martin

State House
Augusta, Maine 04333

Dear President Pray and Speaker Martin:

The Joint Select Committee on Corrections is pleased to submit the attached report of our study of Maine's Corrections System pursuant to the joint order of the Legislature SP016. We hope you find this report useful.

Sincerely,
S/Sen. Beverly Miner Bustin S/Rep. Harlan R. Baker
Senate Chair House Chair

Was read and with accompanying report ordered placed on file.

PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE

The following Bill and Resolve were received and, upon the recommendation of the Committee on Reference of Bills, were referred to the following Committees, Ordered Printed and Sent up for Concurrence:

Bill "An Act Regarding the Lease-Purchase of Computer Equipment" (Emergency) (H.P. 13) (L.D. 5) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsor: President PRAY of Penobscot)

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

On motion of Representative Carter of Winslow, tabled pending reference and specially assigned for Tuesday, January 10, 1989.

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Allow the Governor to Veto Items Contained in Bills Appropriating Money and Retaining the Power in the Legislature to Override those Line Item Vetoes (H.P. 10) (L.D. 4) (Presented by Representative McCORMICK of Rockport)

(The Committee on Reference of Bills had suggested the Committee on State and Local Government.)

On motion of Representative Carter of Winslow, tabled pending reference and specially assigned for Tuesday, January 10, 1989.

ORDERS

On motion of Representative JOSEPH of Waterville, the following Joint Order: (H.P. 9)

Ordered, the Senate concurring, that the Joint Standing Committee on State and Local Government report out to the House such legislation as it sees fit to revise the salaries of county officers and lay the county taxes for the year 1989.

Was read and passed and sent up for concurrence.

The following item appearing on Supplement No. 1 was taken up out of order by unanimous consent:

PAPER FROM THE SENATE

The following Joint Order: (S.P. 26)
ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, January 10, 1989, at 10 o'clock in the morning.

Came from the Senate, read and passed.
Was read and passed in concurrence.

(Off Record Remarks)

On motion of Representative Lord of Waterboro,

Adjourned until Tuesday, January 10, 1989, at ten o'clock in the morning pursuant to Joint Order (S.P. 26).

STATE OF MAINE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
FIRST REGULAR SESSION
JOURNAL OF THE SENATE

In Senate Chamber
Thursday
January 5, 1989

Senate called to Order by the President.

Prayer by Reverend David Bell of the United Methodist Church in Waldoboro.

REVEREND BELL: I invite you to be in the spirit of prayer. Oh almighty God, author of all wisdom, look upon these, Your children, as they begin their tasks for this year. Hear the fears of those who are new to this Chamber. May the counsel of those more experience members prove stability and sound guidance for this Body. May freshness and experience be mingled to the profit of all deliberations. Give listening ears to these Senators so that they can hear the many voices on what to do with education, taxes, health issues and garbage. Give strength of resolve to these Senators so that they may deal with these and other issues to the benefit of all the citizens of our State. As the world began in Your mind, love began in Your heart; so let our laws begin in Your will. Amen.

Reading of the Journal of Tuesday, January 3, 1989.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by Senator DUTREMBLE of York, the following Joint Order:

S.P. 26

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, January 10, 1989, at 10 o'clock in the morning.

Which was READ and PASSED.

Under suspension of the Rules, ordered sent down forthwith for concurrence.

COMMUNICATIONS

The Following Communication:

H.P. 7

DEPARTMENT OF
EDUCATIONAL AND CULTURAL SERVICES
STATE HOUSE STATION 23
AUGUSTA, MAINE 04333

To: Edwin H. Pert, Clerk of the House

From: S/Eve M. Bither, Commissioner

Date: December 2, 1988

Re: Report on habitual truants for the 1987-88 school year.

In accordance with 20-A MRSA Section 5051, I am pleased to submit our annual report on the number of habitual truants identified by school superintendents during the 1987-88 school year. A summary of findings for previous school years regarding habitual truant cases has been included with this year's report for your information. Departmental recommendations for resolving truancy and enforcement of compulsory education are embodied in a separate legislative document which is designed to strengthen school actions for prevention of truancy and which increases disposition options available to judges in prosecution of habitual truancy cases brought before the District Courts.