

# 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

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

In Senate Chamber  
Wednesday  
February 15, 1989

Senate called to Order by the President.

Prayer by Reverend David G. Corbett of the Emmanuel Baptist Church in Sanford.

REVEREND CORBETT: Physical, material and spiritual blessings that You have blessed mankind with and especially the citizens of this great State. During the days when we celebrate Valentine's Day, help us not to forget the great love of almighty God that is demonstrated towards us. For the bible teaches us that God demonstrated his love towards us and that while we are yet sinners Christ died for us. We are thankful Father that through his death, through his love, we have the opportunity of knowing God in a personal way and having the opportunity of going to be with You in glory. Likewise, we have a tremendous demonstration of love and I would ask that we would demonstrate that love here within this State. May this Body demonstrate this love through the laws that it passes. We pray Father that You would give them ears to hear, voices to speak, and wisdom and understanding. And, Father we pray that this great State will move forward in a way that would bring honor and glory to Yourself. In Jesus' name we pray. Amen.

Reading of the Journal of Yesterday.

Off Record Remarks

PAPERS FROM THE HOUSE  
House Papers

Bill "An Act Concerning the Regulation of General Use Pesticides"

H.P. 135 L.D. 179

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.

Bill "An Act to Implement Certain Recommendations of the State Compensation Commission" (Emergency)

H.P. 102 L.D. 138

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 Expand the Types of Mental Health Care Providers Eligible for Insurance Reimbursement"

H.P. 99 L.D. 134

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 Concerning Pilferage of Shopping Carts and Bakery and Milk Product Containers"

H.P. 106 L.D. 143

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 Regulating Plastic Connectors for Containers"

H.P. 137 L.D. 181

Committee on ENERGY AND NATURAL RESOURCES suggested and ORDERED PRINTED.

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 Provide Credit for Braille Courses"

H.P. 104 L.D. 141

Bill "An Act Relating to the Approval of School Administrative District Budgets"

H.P. 133 L.D. 177

Resolve, Creating the Special Commission to Study Instructional Time in Schools (Emergency)

H.P. 131 L.D. 175

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

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

Bill "An Act to Expand the Eligibility for Participation in the Maine Conservation Corps to Include More Low-income Maine People" (Emergency)

H.P. 100 L.D. 135

Bill "An Act Concerning The Siting of Solid Waste Transfer Stations"

H.P. 107 L.D. 144

Bill "An Act to Encourage Recycling of Lead-acid Batteries"

H.P. 108 L.D. 145

Bill "An Act to Require the Maine Land Use Regulation Commission to Return in a Timely Fashion Applications for the Approval of Permanent or Seasonal Structures That Have Been Destroyed by an Act of God"

H.P. 111 L.D. 148

Bill "An Act to Amend the Definition of Freshwater Wetlands in the Natural Resources Protection Act"

H.P. 129 L.D. 173

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 Make Supplemental Allocations to the Department of Inland Fisheries and Wildlife for the Fiscal Years Ending June 30, 1990 and June 30, 1991" (Emergency)

H.P. 115 L.D. 152

Bill "An Act to Require a Permit to Hunt for Bear Prior to the Firearm Season on Deer"

H.P. 116 L.D. 153

Bill "An Act Pertaining to Electronic Fishing Devices"

H.P. 118 L.D. 155

Bill "An Act Concerning the Trapping of Beaver"

H.P. 120 L.D. 157

Come from the House referred to the Committee on FISHERIES AND WILDLIFE and ORDERED PRINTED.  
Which were referred to the Committee on FISHERIES AND WILDLIFE and ORDERED PRINTED, in concurrence.

Bill "An Act to Provide Greater Power to the Maine District Court in Emancipation Proceedings"  
H.P. 109 L.D. 146

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 Further Competition with New Hampshire in the Liquor Trade"  
H.P. 112 L.D. 149

Bill "An Act to Promote Community Involvement in Law Enforcement Activities"  
H.P. 117 L.D. 154

Bill "An Act to Clarify the Absentee Ballot Application Procedure"  
H.P. 127 L.D. 171

Bill "An Act to Extend Seasonal Liquor Licenses Under Certain Circumstances"  
H.P. 130 L.D. 174

Bill "An Act to Restrict the Withdrawal of Candidates from General Elections"  
H.P. 132 L.D. 176

Bill "An Act to Establish Rules for the Use of Dynamite and Explosives"  
H.P. 134 L.D. 178

Come from the House referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED.  
Which were referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED, in concurrence.

Bill "An Act to Amend the Membership of the Advisory Council to the Department of Marine Resources" (Emergency)  
H.P. 105 L.D. 142

Comes from the House referred to the Committee on MARINE RESOURCES and ORDERED PRINTED.  
Which was referred to the Committee on MARINE RESOURCES and ORDERED PRINTED, in concurrence.

Bill "An Act to Amend Certain Dates Relating to the County Budget Procedure"  
H.P. 125 L.D. 169

Resolve, to Establish an Independent Task Force to Study the Legislative Process, the Legislative Council, Term of Office and the Feasibility of a Full-time Legislature  
H.P. 110 L.D. 147

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 to Amend the Maine Income Tax Laws"  
H.P. 124 L.D. 161

Bill "An Act to Amend the Tree Growth Tax Law to Ensure a Steady Supply of Wood for Maine's Forest Products Industry"  
H.P. 136 L.D. 180

Come from the House referred to the Committee on TAXATION and ORDERED PRINTED.  
Which were referred to the Committee on TAXATION and ORDERED PRINTED, in concurrence.

Bill "An Act to Provide Reimbursement to Municipalities with State-owned Properties"  
H.P. 94 L.D. 129

Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS suggested and ORDERED PRINTED.

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 Clarify Just Value as it Relates to Property Assessment"  
H.P. 101 L.D. 136

Committee on ENERGY AND NATURAL RESOURCES suggested and ORDERED PRINTED.

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 Authorizing Local Control of the Posting of Speed Limits"  
H.P. 113 L.D. 150

Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government and Highway Funds Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1990 and June 30, 1991"  
H.P. 114 L.D. 151

Bill "An Act Concerning the Use of Farm Vehicles"  
H.P. 121 L.D. 158

Bill "An Act to Make Supplemental Allocations from the Highway Fund for the Fiscal Years Ending June 30, 1990 and June 30, 1991" (Emergency)  
H.P. 123 L.D. 160

Bill "An Act to Amend the Registration Process for Trailers"  
H.P. 126 L.D. 170

Bill "An Act to Require Driver's License Examinations for Persons 80 Years or Older"  
H.P. 128 L.D. 172

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

Which were referred to the Committee on TRANSPORTATION and ORDERED PRINTED, in concurrence.

Bill "An Act to Increase the Membership of the Emergency Enhanced 9-1-1 Telephone Advisory Committee" (Emergency)  
H.P. 122 L.D. 159

Committee on STATE AND LOCAL GOVERNMENT suggested and ORDERED PRINTED.

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.

Study Report  
COMMISSION TO STUDY MUNICIPAL SOLID WASTE MANAGEMENT  
Report of the COMMISSION TO STUDY MUNICIPAL SOLID WASTE MANAGEMENT to which was referred by the Legislative Council the Study Relative to Municipal Solid Waste Management have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Promote Recycling and Improved Solid Waste Management"  
H.P. 103 L.D. 139

Be referred to the Joint Standing Committee on ENERGY AND NATURAL RESOURCES for Public Hearing and printed pursuant to Joint Rule 19.

Comes from the House with the Report READ and ACCEPTED and the Bill referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED, pursuant to Joint Rule 19.

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 19, in concurrence.

COMMUNICATIONS

The Following Communication:

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
AUGUSTA 04333

February 14, 1989

Honorable Joy J. O'Brien  
Secretary of the Senate  
114th Legislature  
Augusta, Maine 04333

Dear Madam Secretary:

The House voted today to Insist on Resolve, Authorizing the Director of Parks and Recreation to Convey by Deed the Interest of the State in Certain Parcels of Real Property (S.P. 78) (L.D. 68).

Sincerely,  
S/Edwin H. Pert  
Clerk of the House

Which was READ and ORDERED PLACED ON FILE.

SENATE PAPERS

Bill "An Act to Amend the Continuing Care Retirement Law"

S.P. 120 L.D. 186

Presented by Senator COLLINS of Aroostook  
Cosponsored by Senator THERIAULT of Aroostook,  
Representative ALLEN of Washington and  
Representative MARSANO of Belfast  
Submitted by the Department of Professional and  
Financial Regulation pursuant to Joint Rule 24.

Bill "An Act Relating to Workers' Compensation Insurance"

S.P. 122 L.D. 188

Presented by Senator COLLINS of Aroostook  
Cosponsored by Senator THERIAULT of Aroostook  
Submitted by the Department of Professional and  
Financial Regulation pursuant to Joint Rule 24.

Which were referred to the Committee on BANKING AND INSURANCE and ORDERED PRINTED.  
Sent down for concurrence.

Bill "An Act to Ensure Coordinated Investigations of Complaints Regarding Special Education"

S.P. 117 L.D. 183

Presented by Senator ESTES of York  
Cosponsored by Representative NORTON of Winthrop and Representative SMALL of Bath  
Submitted by the Department of Educational and Cultural Services pursuant to Joint Rule 24.

Bill "An Act to Promote Greater Equity in the Loans of the Maine Educational Loan Authority"

S.P. 119 L.D. 185

Presented by Senator BOST of Penobscot  
Cosponsored by Senator ESTES of York, Senator CLARK of Cumberland and Representative CROWLEY of Stockton Springs

Bill "An Act to Amend the Laws Relating to Truants, Dropouts and Alternative Programs"

S.P. 121 L.D. 187

Presented by Senator GILL of Cumberland  
Cosponsored by Representative FOSTER of Ellsworth, Representative O'GARA of Westbrook and Representative NORTON of Winthrop  
Submitted by the Department of Educational and Cultural Services pursuant to Joint Rule 24.  
Which were referred to the Committee on EDUCATION and ORDERED PRINTED.  
Sent down for concurrence.

Bill "An Act to Exempt Speech and Hearing Centers from Home Health Care Licensure"

S.P. 123 L.D. 189

Presented by Senator WHITMORE of Androscoggin  
Cosponsored by Senator HOBBS of York, Representative STEVENS of Sabattus and Representative NADEAU of Saco  
Submitted by the Department of Human Services pursuant to Joint Rule 24.  
Which was referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED.  
Sent down for concurrence.

Bill "An Act Clarifying Intoxication Under the Workers' Compensation Law"

S.P. 118 L.D. 184

Presented by Senator WHITMORE of Androscoggin  
Cosponsored by Senator ESTES of York, Representative MCHENRY of Madawaska and Representative REED of Falmouth  
Which was referred to the Committee on LABOR and ORDERED PRINTED.  
Sent down for concurrence.

Bill "An Act to Amend the Schedule of Fees for Permits, Licenses and Certificates Issued by the State Fire Marshal"

S.P. 116 L.D. 182

Presented by Senator CAHILL of Sagadahoc  
Cosponsored by Representative BEGLEY of Waldoboro, Representative MARTIN of Van Buren and Representative MARSH of West Gardiner  
Submitted by the Department of Public Safety pursuant to Joint Rule 24.  
Which was referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED.  
Sent down for concurrence.

ORDERS

Joint Resolution

Senator CLARK of Cumberland, requested that the RULES BE SUSPENDED BY UNANIMOUS CONSENT to present a Joint Resolution on behalf of Senator HOBBS of York, (Cosponsored by: Representative NADEAU of Saco, President PRAY of Penobscot, Speaker MARTIN of Eagle Lake, Senator DUTREMBLE of York) the following Joint Resolution:

S.P. 96

JOINT RESOLUTION HONORING DEPUTY SECRETARY OF STATE PETER W. DANTON UPON HIS RETIREMENT  
WHEREAS, Peter W. Danton has contributed his enormous talents and energy as a public servant of the State of Maine; and  
WHEREAS, among his accomplishments he has served as Deputy Secretary of State, advisor to the Governor and Senator from York County for 7 terms, including 3 as Assistant Minority Leader; and  
WHEREAS, he has served in each capacity faithfully, honorably and with sincere dedication; and

WHEREAS, despite his retirement on February 15, 1989, he will continue to serve the people of Maine as a member of the Board of Trustees of the Maine Turnpike Authority; now, therefore, be it

RESOLVED: That We, the Members of the Senate and House of Representatives of the One Hundred and Fourteenth Legislature of the State of Maine, take this opportunity to recognize the Honorable Peter W. Danton and extend to him the best wishes of both Houses of the Legislature for his continued success, prosperity and happiness for future years in retirement and to offer him our sincerest gratitude; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to Peter W. Danton on behalf of the Maine Legislature in token of our esteem.

Which was READ and ADOPTED.

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

Senate at Ease

Senate called to order by the President.

ORDERS OF THE DAY

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

Bill "An Act to Prohibit Certain Student Loan Fees"

S.P. 111 L.D. 166

Tabled - February 14, 1989, by Senator CLARK of Cumberland.

Pending - REFERENCE

(Committee on APPROPRIATION AND FINANCIAL AFFAIRS suggested and ORDERED PRINTED.)

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

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

Bill "An Act to Promote Marine Research"

S.P. 106 L.D. 140

Tabled - February 14, 1989, by Senator CLARK of Cumberland.

Pending - REFERENCE

(Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS suggested and ORDERED PRINTED.)

(In Senate, February 14, 1989, Report of the COMMISSION ON MARINE RESEARCH READ and ACCEPTED.)

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

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

Senator PEARSON: Thank you Mr. President. Mr. President, men and women of the Senate. In Enfield, where I live, some time ago there was a very tragic murder of a little girl. She was in the third grade and there has been an ongoing investigation. As you have probably read in the paper, they have arrested somebody who allegedly perpetrated the crime. Of course, that particular case is of considerable interest in the town. Last night I was watching the news coverage of the case on television. They went to arraign the alleged perpetrator in court in the town of Lincoln, and when they came out the television crew, it seems to me, shoved a microphone into the face of a little eight year old girl and proceeded to interview her about the case. This was just something that bothered me a great deal. If you

can imagine what it would be like to have a child in a little rural town like that and have to go through all the explanations to the children that were in the grade with the victim and then to have a television station just for "news sake" stick a microphone in front of her and ask her about the case. It was just something that screwed up my stomach a little bit, because it didn't need to be done. The child put her hand up because the light was coming in her face and she was very shy. You can imagine all of the things that her parents have had to explain. They had to, apparently, take the child into the court in order to arraign this person for some reason or another, but I don't think there was any need of what the television crew did. Thank you.

Off Record Remarks

Senator WEBSTER of Franklin was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

On motion by Senator PERKINS of Hancock, ADJOURNED until Thursday, February 16, 1989, at 10:00 in the morning.