

# 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  
Thursday  
February 16, 1989

Senate called to Order by the President.

Prayer by Reverend Michael Lawry of the Old South Congregational Church in Hallowell.

REVEREND LAWRY: Let us pray together. Most gracious, ever-loving, ever-giving and redeeming God, on this new day that You have genuinely entrusted to us for work and service, we lift up our prayers to You. We ask, in particular, this day for Your blessing upon this gathering of the Maine State Senate. May the men and women gathered here be moved to do more than just the nuts and bolts work of government. Lead them, O God, to be true to their task and their calling of representing and serving all of the men, women and children of the State of Maine. Inspire them, gracious God, this day and always to seek in Maine a just and equitable society in every decision they make, to create and maintain and rejuvenate institutions that are wrapped up in the tenants of compassion, love and peace. Lead them to speak out clearly and often on what is right and more often lead them to listen carefully and closely to the different voices of concern in Maine. Lead them and lead us all, O God, in being the people You continually call us to be; people of good news, people who feed the hungry, people who clothe the naked and heal the sick, following most completely in the way of our Lord and Saviour, Jesus Christ, in Whose name we are privileged and we are empowered to pray. Amen.

Reading of the Journal of Yesterday.

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

S.P. 137

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, February 21, 1989, at 10 o'clock in the morning.

Which was READ and PASSED.

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

Off Record Remarks

HOUSE PAPERS

Non-concurrent Matter

Resolve, to Require the Manufactured Housing Board to Develop a Manufactured Housing Installation Standard (Emergency)

H.P. 48 L.D. 62

Committee on HOUSING AND ECONOMIC DEVELOPMENT suggested and ORDERED PRINTED.

In House, February 9, 1989, Report of the COMMISSION ON MANUFACTURED HOUSING READ and ACCEPTED and the Resolve referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED.

In Senate, February 14, 1989, the Report of the COMMISSION ON MANUFACTURED HOUSING READ and ACCEPTED and the Resolve referred to the Committee on HOUSING

AND ECONOMIC DEVELOPMENT and ORDERED PRINTED in NON-CONCURRENCE.

Comes from the House, that Body INSISTED. The Senate RECEDED and CONCURRED.

House Papers

Bill "An Act to Prohibit and Provide a Penalty for Trespass by Animals"

H.P. 153 L.D. 205

Committee on LEGAL AFFAIRS suggested and ORDERED PRINTED.

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 Provide Funds for the Montpelier Museum in Thomaston"

H.P. 148 L.D. 200

Bill "An Act Making Allocations for the Expenditure of Funds Received by the State as a Result of Federal Court Orders in the Stripper Well Overcharge Case Involving the Shell Oil Company" (Emergency)

H.P. 152 L.D. 204

Bill "An Act to Increase Funding of the Bureau of Maine's Elderly"

H.P. 155 L.D. 207

Come from the House referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

Which were referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED, in concurrence.

Bill "An Act to Require Dependency Information in Credit Card Applications by Students"

H.P. 139 L.D. 191

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 the Retail Sale of Nonoriginal Paintings" (Emergency)

H.P. 145 L.D. 197

Bill "An Act Relating to Collision Damage Waivers for Rented Motor Vehicles"

H.P. 149 L.D. 201

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

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

Bill "An Act to Promote Coyote Control"

H.P. 146 L.D. 198

Bill "An Act to Provide that Money Collected from Snowmobile Registration Fees be Returned to Registered Snowmobile Clubs"

H.P. 147 L.D. 199

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 Establish the Maine Elderly Tax Assistance Program"

H.P. 144 L.D. 196

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

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

Bill "An Act to Prohibit the Establishment of Maximum Limit Reimbursement for Adjustments to the Prospective Rate for Nursing Staff Wages"

H.P. 154 L.D. 206

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 More Effectively Recover Money Fraudulently Obtained from Public Assistance"

H.P. 98 L.D. 133

Committee on JUDICIARY suggested and ORDERED PRINTED.

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 Increase the Age Limit for Child Support"

H.P. 119 L.D. 156

Committee on HUMAN RESOURCES suggested and ORDERED PRINTED.

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 Concerning Trade-in Equipment"

H.P. 138 L.D. 190

Bill "An Act to Clarify the Taxation of Retirement Benefits"

H.P. 141 L.D. 193

Bill "An Act to Permit Municipalities to Have the Option of a Local Sales Tax"

H.P. 143 L.D. 195

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 Concerning Motor Vehicle Registration Plate Design"

H.P. 140 L.D. 192

Bill "An Act to Regulate the Use of Speed Traps and Prevent the Use of Radar Detectors"

H.P. 150 L.D. 202

Bill "An Act to Extend the Season in Which Studded Snow Tires Are Permitted"

H.P. 151 L.D. 203

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 Amend the Charter of the Waldoboro Sewer District" (Emergency)

H.P. 142 L.D. 194

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.

Pursuant to Public Law  
SPECIAL COMMISSION TO STUDY  
SCHOOL FUNDING AND STATE TAX LAW

The SPECIAL COMMISSION TO STUDY SCHOOL FUNDING AND STATE TAX LAW, pursuant to Public Law 1987, Chapter 848, ask leave to submit its findings and to report that the accompanying Bill "An Act to Provide for State Payment of Excessive Costs of Out-of-district Special Education Placements" (Emergency)

H.P. 86 L.D. 115

Be referred to the Joint Standing Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS 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 EDUCATION and ORDERED PRINTED, pursuant to Joint Rule 18.

Which Report was READ and ACCEPTED, in concurrence.

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

COMMUNICATIONS

The Following Communication:

MAINE STATE LEGISLATURE  
AUGUSTA, MAINE 04333  
SPECIAL COMMISSION TO STUDY  
SCHOOL FUNDING AND STATE TAX LAW

February 16, 1989

President Pray

Speaker Martin

State House

Augusta, ME 04333

Dear President Pray and Speaker Martin:

The Special Commission to Study School Funding and State Tax Law is pleased to submit its report to the Legislature pursuant to P.L. 1988 c. 8488, section 11.

Sincerely,

S/Sen. Stephen M. Bost  
Chair

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

SENATE PAPERS

Bill "An Act to Establish a Seabrook Station Nuclear Emergency Planning Fund" (Emergency)

S.P. 127 L.D. 212

Presented by Senator WEYMOUTH of Kennebec  
Cosponsored by Senator DUTREMBLE of York,  
Representative HALE of Sanford and Representative  
LORD of Waterboro

Submitted by the Department of Defense and  
Veterans' Services pursuant to Joint Rule 24.

Committee on AGING, RETIREMENT AND VETERANS  
suggested and ORDERED PRINTED.

Senate at Ease

Senate called to order by the President.

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending REFERENCE.

Bill "An Act to Exempt from the Laws Pertaining to Agricultural Land and Adjacent Development Residential Buildings which were Planned at the Time of the Passage of the Legislation"

S.P. 130 L.D. 215

Presented by Senator BRAWN of Knox  
Cosponsored by Representative BEGLEY of  
Waldoboro, Representative MARSANO of Belfast and  
Senator MATTHEWS of Kennebec  
Which was referred to the Committee on  
AGRICULTURE and ORDERED PRINTED.  
Sent down for concurrence.

Bill "An Act to Provide Adequate Salaries for Workers in Residential Treatment Facilities for Emotionally Disturbed Children"

S.P. 126 L.D. 211

Presented by Senator PERKINS of Hancock  
Cosponsored by Representative CARROLL of Gray,  
Representative WENTWORTH of Wells and  
Representative GWADOSKY of Fairfield  
Which was referred to the Committee on  
APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED  
PRINTED.  
Sent down for concurrence.

Bill "An Act to Define and Clarify the Authority of the Board of Dental Examiners to Promulgate Rules"

S.P. 132 L.D. 217

Presented by Senator GAUVREAU of Androscoggin  
Cosponsored by Senator RANDALL of Washington,  
Representative PEDERSON of Bangor and  
Representative HEPBURN of Skowhegan  
Which was referred to the Committee on BUSINESS  
LEGISLATION and ORDERED PRINTED.  
Sent down for concurrence.

Bill "An Act to Create a Review Board for Appeals of Denials of Sewage Disposal Licenses"

S.P. 134 L.D. 219

Presented by Senator HOLLOWAY of Lincoln  
Cosponsored by Representative WEBSTER of Cape  
Elizabeth and Senator PERKINS of Hancock  
Bill "An Act to Revise the Particulate Matter Air  
Quality Standard"

S.P. 136 L.D. 221

Presented by Senator LUDWIG of Aroostook  
Cosponsored by Senator COLLINS of Aroostook and  
Representative ANDERSON of Woodland  
Submitted by the Department of Environmental  
Protection pursuant to Joint Rule 24.  
Which were referred to the Committee on ENERGY  
AND NATURAL RESOURCES and ORDERED PRINTED.  
Sent down for concurrence.

Bill "An Act Concerning the Use of Deadly Force by Correctional Officers and Law Enforcement Officers" (Emergency)

S.P. 125 L.D. 210

Presented by Senator PERKINS of Hancock  
Cosponsored by Senator BUSTIN of Kennebec,  
Representative MAYO of Thomaston and  
Representative MARSH of West Gardiner  
Bill "An Act to Amend the Law Concerning the  
Provision of Equipment and Clothing for Firefighters"

S.P. 129 L.D. 214

Presented by Senator HOLLOWAY of Lincoln  
Cosponsored by Representative HUTCHINS of  
Penobscot, Representative LIBBY of Kennebunk and  
Representative BEGLEY of Waldoboro

Which were referred to the Committee on LEGAL  
AFFAIRS and ORDERED PRINTED.  
Sent down for concurrence.

Bill "An Act Concerning Technical Changes to the Tax Law"

S.P. 124 L.D. 209

Presented by Senator EMERSON of Penobscot  
Cosponsored by Representative SEAVEY of  
Kennebunkport, Representative TARDY of Palmyra  
and Representative NADEAU of Saco  
Submitted by the Department of Finance pursuant  
to Joint Rule 24.  
Which was referred to the Committee on TAXATION  
and ORDERED PRINTED.  
Sent down for concurrence.

Bill "An Act to Raise the Alcohol Premium"

S.P. 133 L.D. 218

Presented by Senator BUSTIN of Kennebec  
Cosponsored by Senator MATTHEWS of Kennebec and  
Representative NORTON of Winthrop  
Committee on TAXATION suggested and ORDERED  
PRINTED.  
On motion by Senator CLARK of Cumberland, Tabled  
1 Legislative Day, pending REFERENCE.

Bill "An Act to Provide Lifetime License Plates to Margaret Chase Smith"

S.P. 128 L.D. 213

Presented by Senator BRAWN of Knox  
Cosponsored by Representative RICHARD of Madison,  
Senator WEBSTER of Franklin and Representative  
HEPBURN of Skowhegan  
Which was referred to the Committee on  
TRANSPORTATION and ORDERED PRINTED.  
Sent down for concurrence.

Bill "An Act to Change the Composition of the E-9-1-1 Advisory Committee and the State Emergency Response Commission"

S.P. 131 L.D. 216

Presented by Senator CARPENTER of York  
Cosponsored by Senator THERIAULT of Aroostook,  
Representative GREENLAW of Standish and  
Representative KILKELLY of Wiscasset  
Submitted by the Department of Human Services  
pursuant to Joint Rule 24.  
Bill "An Act to Increase the Total Authorized  
Indebtedness of the Kennebunk Sewer District from  
\$3,000,000 to \$8,000,000" (Emergency)

S.P. 135 L.D. 220

Presented by Senator DUTREMBLE of York  
Cosponsored by Representative LIBBY of Kennebunk  
and Representative SEAVEY of Kennebunkport  
Which were referred to the Committee on UTILITIES  
and ORDERED PRINTED.  
Sent down for concurrence.

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 15, 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 15, 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 Unassigned, pending REFERENCE.

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

#### Off Record Remarks

Senator MATTHEWS of Kennebec was granted unanimous consent to address the Senate on the Record.

Senator MATTHEWS: Thank you Mr. President. Mr. President, men and women of the Senate. The Committee on Legal Affairs, which I Chair, just the other day heard a Bill, "An Act to Amend the Liquor License Fees". I want to basically extend an invitation to each and every member of the Senate our thanks to the Director, Mr. Marcotte, who graciously extended an invitation to the Legal Affairs Committee and the Legislature for those who have questions, about equal prices and problems with other states and other kinds of issues, to come over to his office at any time to sit down and chat about those issues or to tour the Bureau. I thought that invitation was well taken and his presentation was well taken. So, I extend that invitation to all of the members of the Senate. Thank you.

#### ORDERS OF THE DAY

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

Bill "An Act to Establish a Seabrook Station Nuclear Emergency Planning Fund" (Emergency)  
S.P. 127 L.D. 212

Tabled - February 16, 1989, by Senator CLARK of Cumberland.

Pending - REFERENCE

(Committee on AGING, RETIREMENT AND VETERANS suggested and ORDERED PRINTED.)

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

The ADJOURNMENT ORDER having been returned from the House READ and PASSED, in concurrence, on motion by Senator ESTY of Cumberland, ADJOURNED until Tuesday, February 21, 1989, at 10:00 in the morning.

#### ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE FIRST REGULAR SESSION 17th Legislative Day

Tuesday, February 21, 1989

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

Prayer by Father James Nadeau, St. Louis Catholic Church, Fort Kent.

National Anthem by Maine Maritime Academy Band, Castine.

The Journal of Thursday, February 16, 1989 was read and approved.

Quorum call was held.

#### SENATE PAPERS

Bill "An Act to Exempt from the Laws Pertaining to Agricultural Land and Adjacent Development Residential Buildings which were Planned at the Time of the Passage of the Legislation" (S.P. 130) (L.D. 215)

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

Was referred to the Committee on Agriculture in concurrence.

Bill "An Act to Provide Adequate Salaries for Workers in Residential Treatment Facilities for Emotionally Disturbed Children" (S.P. 126) (L.D. 211)

Came from the Senate, referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Was referred to the Committee on Appropriations and Financial Affairs in concurrence.

Bill "An Act to Define and Clarify the Authority of the Board of Dental Examiners to Promulgate Rules" (S.P. 132) (L.D. 217)

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

Was referred to the Committee on Business Legislation in concurrence.

Bill "An Act to Create a Review Board for Appeals of Denials of Sewage Disposal Licenses" (S.P. 134) (L.D. 219)

Bill "An Act to Revise the Particulate Matter Air Quality Standard" (S.P. 136) (L.D. 221)

Came from the Senate, referred to the Committee on Energy and Natural Resources and Ordered Printed.

Was referred to the Committee on Energy and Natural Resources in concurrence.

Bill "An Act Concerning the Use of Deadly Force by Correctional Officers and Law Enforcement Officers" (EMERGENCY) (S.P. 125) (L.D. 210)

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

On motion of Representative Priest of Brunswick, was referred the the Committee on Judiciary in non-concurrence and sent up for concurrence.

Bill "An Act to Amend the Law Concerning the Provision of Equipment and Clothing for Firefighters" (S.P. 129) (L.D. 214)

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

Was referred to the Committee on Legal Affairs in concurrence.