

# 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 22, 1989

Senate called to Order by the President.

Prayer by Reverend Robert E. Sammons of the People's United Methodist Church in Union.

REVEREND SAMMONS: Let us join in prayer. Almighty God, we give You thanks for the covenant which binds this Senate of the State of Maine, with the people it represents and with You, O God. We thank You for the political process which allows democracy to flourish not only in this state, but throughout all levels of government in this nation. We rejoice in this Body of dedicated men and women whose talent of mind and gifts of spirit serve the people of this state.

We pray, gracious God, that all Members of this Body may be endowed with a right understanding, a pure purpose, and sound speech. We pray that You will enable them to rise above narrow purpose and seek to do that which best serves the public good. We pray that Your peace will come into the hearts of these Senators, that they may deliberate with calmness, compassion and wisdom. And may God be merciful unto them, and bless them, and cause His face to shine upon them, that His way may be known upon earth, His saving health among all nations. Amen.

Reading of the Journal of Yesterday.

Off Record Remarks

PAPERS FROM THE HOUSE  
Non-concurrent Matter

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

S.P. 125 L.D. 210

In Senate, February 16, 1989, referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED.

Comes from the House referred to the Committee on JUDICIARY and ORDERED PRINTED in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

House Papers

Bill "An Act to Repeal the Law Concerning Agricultural Land and Adjacent Development"

H.P. 194 L.D. 257

Bill "An Act to Allow Ruffling of Livestock by Charitable Organizations for Charitable Purposes"

H.P. 200 L.D. 280

Bill "An Act to Establish Harness Racing and Fair Dates for Multiple Years"

H.P. 212 L.D. 292

Bill "An Act to Change the Penalty Structure of the Potato Branding Law"

H.P. 221 L.D. 301

Resolve, to Study the Development of a Farmland Preservation Program for Maine (Emergency)

H.P. 206 L.D. 286

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

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

Bill "An Act to Provide Increases in Funding to the Hearing Aid Lender Program for the Elderly"

H.P. 203 L.D. 283

Bill "An Act to Enhance the Natural Fish Die-off Clean-up Program"

H.P. 207 L.D. 287

Bill "An Act to Amend the Elderly Low-cost Drug Program"

H.P. 210 L.D. 290

Bill "An Act Relating to Agricultural Awareness"

H.P. 213 L.D. 293

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 Improve Regulatory Oversight of Health Maintenance Organizations"

H.P. 205 L.D. 285

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 Insurance Agents, Brokers and Consultants to Participate in Continuing Professional Education"

H.P. 217 L.D. 297

Bill "An Act to Clarify the Maine Used Car Information Laws"

H.P. 220 L.D. 300

Bill "An Act Amending Various Licensure Laws of Boards and Commissions within the Department of Professional and Financial Regulation"

H.P. 225 L.D. 305

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 Declare Materials Considered Hazardous in Other States to be Hazardous Waste in Maine"

H.P. 198 L.D. 278

Resolve, to Extend the Reporting Deadline for the Study of Low-level Radioactive Waste in the Town of Greenbush (Emergency)

H.P. 195 L.D. 258

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 Increase the Number of Moose Permits Issued to Residents"

H.P. 197 L.D. 277

Bill "An Act to Allow Holders of Maine Hunting Licenses to Hunt on Sunday during Hunting Season"

H.P. 218 L.D. 298

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 a Demonstration Project at the York Hospital" (Emergency)

H.P. 196 L.D. 276

Bill "An Act Pertaining to Breast Cancer Treatment"

H.P. 219 L.D. 299

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

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

Bill "An Act to Eliminate the Statute of Limitations in Child Molestation or Incest Cases"

H.P. 202 L.D. 282

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 Clarify the Position and Authority of Inspectors and Fire Investigators in the Office of State Fire Marshal"

H.P. 211 L.D. 291

Resolve, to Allow Rickie Harvath of Blaine to Bring Civil Action Against the State of Maine

H.P. 204 L.D. 284

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 Certain Provisions of the Marine Resources Laws"

H.P. 201 L.D. 281

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 Relating to the Knox County Budget Process" (Emergency)

H.P. 214 L.D. 294

Bill "An Act to Establish a Process for the Deorganization of Municipalities and Plantations" (Emergency)

H.P. 223 L.D. 303

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 Relating to Conflict of Interest and Financial Disclosure for Government Officials and Employees"

H.P. 222 L.D. 302

Committee on LEGAL AFFAIRS suggested and ORDERED PRINTED.

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 Provide a Sales Tax Exemption for Centers for Innovation"

H.P. 208 L.D. 288

Bill "An Act to Clarify the Sales Tax Exemption for Vehicles Used in Interstate or Foreign Commerce"

H.P. 209 L.D. 289

Bill "An Act to Change the Taxation of Annuities"

H.P. 215 L.D. 295

Resolve, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Real Estate in the Unorganized Territory

H.P. 224 L.D. 304

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 for Rate Adjustments of Consumer-Owned Water Utilities to Reflect Anticipated Construction Costs"

H.P. 199 L.D. 279

Bill "An Act to Clarify the Jurisdiction of the Public Utilities Commission over the Construction of Transmission Lines by Electric Utilities"

H.P. 216 L.D. 296

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

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

COMMUNICATIONS

The Following Communication:

MAINE STATE HOUSING AUTHORITY  
295 WATER STREET, P.O. BOX 2669  
AUGUSTA, MAINE 04330

February 15, 1989

The Honorable Charles P. Pray

President of the Senate

State House Station 3

Augusta, Maine 04333

Dear Senator Pray:

I am pleased to submit to you, "Residential Mortgage Delinquencies and Foreclosures in Maine: A Study by the Maine State Housing Authority" pursuant to Private and Special Laws 1987, Chapter 49. This document summarizes the results of data collected by Maine State Housing Authority and is intended to profile residential mortgage foreclosures in the State and to examine the magnitude of foreclosures in Maine and the extent to which economic dislocation is the cause of residential mortgage foreclosure.

I would be pleased to meet with you to discuss the results if you have any questions concerning this study.

Sincerely,  
S/Elizabeth H. Mitchell  
Director

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

SENATE PAPERS

Bill "An Act to Provide for the State Administration and Operation of the Androscoggin County Jail"

S.P. 160 L.D. 308

Presented by Senator BERUBE of Androscoggin  
Cosponsored by Representative DORE of Auburn  
Which was referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED.  
Sent down for concurrence.

Bill "An Act to Provide a Sales Tax Exemption to Athletic Organizations for Children"

S.P. 159 L.D. 307

Presented by Senator GOULD of Waldo  
Cosponsored by Senator COLLINS of Aroostook and  
Representative TAMMARO of Baileyville  
Which was referred to the Committee on TAXATION  
and ORDERED PRINTED.  
Sent down for concurrence.

Bill "An Act to Promote Conservation Purchases by  
Electric Utilities"

S.P. 158 L.D. 306

Presented by Senator BOST of Penobscot  
Cosponsored by Representative HANDY of Lewiston  
and Representative PAUL of Sanford  
Bill "An Act to Make Changes to the Public  
Utilities Commission Laws"

S.P. 161 L.D. 309

Presented by Senator BOST of Penobscot  
Cosponsored by Representative PAUL of Sanford,  
Representative PARADIS of Old Town and  
Representative AIKMAN of Poland  
Submitted by the Public Utilities Commission  
pursuant to Joint Rule 24.  
Which were referred to the Committee on UTILITIES  
and ORDERED PRINTED.  
Sent down for concurrence.

Out of order and under suspension of the Rules,  
the Senate considered the following:

SENATE PAPERS

Bill "An Act to Prohibit Persons Who have  
Violated the Animal Cruelty Laws from Participating  
in Pulling Events"

S.P. 167 L.D. 324

Presented by Senator TWITCHELL of Oxford  
Cosponsored by Representative SHERBURNE of  
Dexter, Representative HUSSEY of Milo and  
Representative PARENT of Benton  
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 Fund a Special Projects  
Coordinator for the Beginning Alcohol and Addictions  
Basic Education Studies Program"

S.P. 189 L.D. 346

Presented by Senator MATTHEWS of Kennebec  
Cosponsored by Senator PERKINS of Hancock and  
Representative FOSTER of Ellsworth  
Which was referred to the Committee on  
APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED  
PRINTED.  
Sent down for concurrence.

Bill "An Act to Insure Maintenance of Financial  
Responsibility by All Motorists"

S.P. 172 L.D. 329

Presented by Senator BRANNIGAN of Cumberland  
Cosponsored by Representative ALLEN of  
Washington, Representative CURRAN of Westbrook  
and Representative POULIOT of Lewiston  
Bill "An Act to Curtail Any Expansion or New  
Mandated Health Insurance Programs Until an  
Assessment Has Been Made of Current Situation"

S.P. 184 L.D. 341

Presented by Senator GILL of Cumberland

Cosponsored by Representative RYDELL of  
Brunswick, Senator BERUBE of Androscoggin and  
Representative HIGGINS of Scarborough  
Which were referred to the Committee on BANKING  
AND INSURANCE and ORDERED PRINTED.  
Sent down for concurrence.

Bill "An Act to Increase the Compensation of the  
Board of Dental Examiners and Secretary-Treasurer of  
the Board"

S.P. 168 L.D. 325

Presented by Senator COLLINS of Aroostook  
Cosponsored by Senator THERIAULT of Aroostook and  
Representative RUHLIN of Brewer  
Bill "An Act to Establish a Maine Self-service  
Storage Act"

S.P. 174 L.D. 331

Presented by Senator HOBBS of York  
Cosponsored by Representative HICKEY of Augusta  
and Representative SEAVEY of Kennebunkport  
Which were referred to the Committee on BUSINESS  
LEGISLATION and ORDERED PRINTED.  
Sent down for concurrence.

Bill "An Act to Increase the State Share of  
Education Funding and to Increase the Minimum State  
Allocation"

S.P. 169 L.D. 326

Presented by Senator BOST of Penobscot  
Cosponsored by Senator ESTES of York, Speaker  
MARTIN of Eagle Lake and President PRAY of  
Penobscot

Bill "An Act to Clarify Costs Associated with the  
Purchase of Land by School Administrative Units"

S.P. 181 L.D. 338

Presented by Senator ESTES of York  
Cosponsored by Representative NORTON of Winthrop,  
Representative CROWLEY of Stockton Springs and  
Representative PARADIS of Frenchville  
Which were referred to the Committee on EDUCATION  
and ORDERED PRINTED.  
Sent down for concurrence.

Bill "An Act to Manage Commercial and Industrial  
Growth on Significant Ground Water Aquifers"

S.P. 162 L.D. 319

Presented by Senator BOST of Penobscot  
Cosponsored by Senator KANY of Kennebec,  
Representative MICHAUD of East Millinocket and  
Representative MITCHELL of Freeport  
Bill "An Act to Certify and Register  
Municipalities under the Site Location of Development  
Act"

S.P. 164 L.D. 321

Presented by Senator LUDWIG of Aroostook  
Cosponsored by Representative NADEAU of Lewiston,  
Representative POULIOT of Lewiston and  
Representative FOSS of Yarmouth  
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 Amendments to the  
Community Industrial Buildings Programs"

S.P. 175 L.D. 332

Presented by Senator THERIAULT of Aroostook  
Cosponsored by Representative PINES of Limestone

Which was referred to the Committee on HOUSING AND ECONOMIC DEVELOPMENT and ORDERED PRINTED.  
Sent down for concurrence.

Bill "An Act to Increase the License Fees for Hospitals and Long-term Care Facilities"

S.P. 163 L.D. 320

Presented by Senator PERKINS of Hancock  
Cosponsored by Representative DiPIETRO of South Portland and Representative PINES of Limestone  
Submitted by the Department of Human Services pursuant to Joint Rule 24.

Bill "An Act to Revise the Eligibility Requirements for Elderly Low-cost Drug Recipients" (Emergency)

S.P. 183 L.D. 340

Presented by Senator BERUBE of Androscoggin  
Cosponsored by Senator GILL of Cumberland, Representative CHONKO of Topsham and Senator PERKINS of Hancock

Which were referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED.  
Sent down for concurrence.

Bill "An Act Concerning the Suspension of Driver's Licenses"

S.P. 165 L.D. 322

Presented by Senator WEBSTER of Franklin  
Cosponsored by Representative CARROLL of Southwest Harbor, Representative HUTCHINS of Penobscot and Representative HANLEY of Paris

Bill "An Act to Clarify the Applicability of the Maine Tort Claims Act to the Consumer Advisory Board"

S.P. 171 L.D. 328

Presented by Senator GILL of Cumberland  
Cosponsored by Representative CARROLL of Gray, Senator BERUBE of Androscoggin and Representative PENDLETON of Scarborough

Submitted by the Department of Mental Health and Mental Retardation pursuant to Joint Rule 24.

Bill "An Act to Authorize the Supreme Judicial Court to Provide a Record of Court Proceedings"

S.P. 180 L.D. 337

Presented by Senator HOBBS of York

Bill "An Act to Amend the Uniform Partnership Act with Regard to Partnership Title in Real Estate"

S.P. 185 L.D. 342

Presented by Senator HOBBS of York

Cosponsored by Representative PARADIS of Augusta  
Bill "An Act to Include Sheriffs' Deputies in the Maine Tort Claims Act"

S.P. 186 L.D. 343

Presented by Senator GAUVREAU of Androscoggin  
Cosponsored by Representative SMALL of Bath, Representative CONLEY of Portland and Representative HANLEY of Paris

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

Bill "An Act to Amend the Liquor Laws of Maine"

S.P. 173 L.D. 330

Presented by Senator CAHILL of Sagadahoc  
Cosponsored by Senator DILLENBACK of Cumberland, Representative STEVENS of Sabattus and Representative JALBERT of Lisbon

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

Bill "An Act to Amend the Legislative Disclosure Laws"

S.P. 170 L.D. 327

Presented by Senator BOST of Penobscot  
Cosponsored by Representative CARROLL of Gray, Senator BERUBE of Androscoggin and Representative JOSEPH of Waterville

Bill "An Act to Strengthen the Social Worker Training and Education Requirements"

S.P. 178 L.D. 335

Presented by Senator KANY of Kennebec  
Cosponsored by Representative GWADOSKY of Fairfield, Representative HUSSEY of Milo and Representative MARSTON of Oakland

Bill "An Act to Extend the Reporting Deadline of the Commission to Implement the Computerization of Criminal History Record Information" (Emergency)

S.P. 179 L.D. 336

Presented by Senator BRANNIGAN of Cumberland  
Bill "An Act to Provide More Legislative Oversight of Agency Rulemaking"

S.P. 187 L.D. 344

Presented by Senator BALDACCI of Penobscot  
Cosponsored by Representative DUFFY of Bangor, Representative TARDY of Palmyra and Representative RUHLIN of Brewer

Bill "An Act to Amend the Composition of Senate District 8 and Senate District 15"

S.P. 188 L.D. 345

Presented by Senator ERWIN of Oxford  
Cosponsored by Senator TWITCHELL of Oxford and Representative MILLS of Bethel

Which were referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED.  
Sent down for concurrence.

Bill "An Act to Improve Ferry Service to Matinicus Isle"

S.P. 166 L.D. 323

Presented by Senator BRAUN of Knox  
Cosponsored by Representative McGOWAN of Canaan and Representative SKOGLUND of St George  
Bill "An Act Regarding Abandoned Vehicles"

S.P. 176 L.D. 333

Presented by Senator CARPENTER of York  
Cosponsored by Representative PAUL of Sanford  
Bill "An Act to Regulate Motor Vehicle Speed in Bad Weather"

S.P. 177 L.D. 334

Presented by Senator ERWIN of Oxford  
Cosponsored by Senator THERIAULT of Aroostook, Representative MILLS of Bethel and Representative McGOWAN of Canaan

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

Bill "An Act to Regulate Incineration Plants"

S.P. 182 L.D. 339

Presented by Senator DUTREMBLE of York  
Cosponsored by Senator HOBBS of York, Representative DUTREMBLE of Biddeford and Representative LIBBY of Kennebunk

Which was 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 Require Liquor Sellers' Permits"

S.P. 151 L.D. 271

Tabled - February 21, 1989 by Senator CLARK of Cumberland.

Pending REFERENCE

(Committee on LEGAL AFFAIRS suggested and ORDERED PRINTED.)

On motion by Senator CLARK of Cumberland, the Bill referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED.

Sent down for concurrence.

[It is with enormous pleasure that we welcome you, Mr. Consul General, to the State of Maine and more precisely to this Senate Chamber. In the name of my colleagues and in my name, we wish you a happy stay with us and a cordial and warm welcome.]

On motion by Senator THERIAULT of Aroostook, ADJOURNED until Thursday, February 23, 1989, at 10:00 in the morning.

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

Bill "An Act to Allow Municipalities to Assess Impact Fees for Activities that Create or Intensify Problems for Municipalities with Respect to the Availability of Affordable Housing"

S.P. 153 L.D. 273

Tabled - February 21, 1989 by Senator CLARK of Cumberland.

Pending - REFERENCE

(Committee on HOUSING AND ECONOMIC DEVELOPMENT suggested and ORDERED PRINTED.)

(In Senate, February 21, 1989, referred to the Committee on HOUSING AND ECONOMIC DEVELOPMENT. Subsequently, RECONSIDERED reference.)

On motion by Senator CLARK of Cumberland, the Bill referred to the Committee on HOUSING AND ECONOMIC DEVELOPMENT and ORDERED PRINTED.

Sent down for concurrence.

Off Record Remarks

Senate at Ease

Senate called to order by the President.

Off Record Remarks

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

Senate at Ease

Senate called to order by the President.

Off Record Remarks

Senator BERUBE of Androscoggin was granted unanimous consent to address the Senate on the Record.

Senator BERUBE: Thank you Mr. President. Mr. President, men and women of the Senate. I'd simply like to mention, as you know, France is presently celebrating the Bicentennial of their Revolution, which occurred in 1789. I would like to add that the french were instrumental in helping us achieve our own independence and throughout the years their call to 'Liberte' - 'Equalite' - 'Fraternite' have rung across the world. I and the people of the Senate send our warm wishes to the people of France and with the permission of my english speaking colleagues, I'd like to extend our welcome in the language of Moliere.

C'est avec un enorme plaisir que nous vous accueillons, M.le Consul General au Maine and plus precisement a cette Chambre. Au nom de tous mes collegues, et en mon nom, nous vous souhaitons un bon sejour parmi nous et une cordiale et chaleureuse bienvenue.