

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

Pines, Plourde, Reed, Richards, Rolde, Seavey, Sheltra, Sherburne, Small, Smith, Stevens, A.; Stevenson, Strout, D.; Tamaro, Tracy, Tupper, Webster, M.; Wentworth.

ABSENT - Aikman, Allen, Boutilier, Cashman, Dellert, Jackson, LaPointe, Marsh, McKeen, Mills, Paradis, E.; Paul, Ridley, Stevens, P.; Strout, B..

PAIRED - Cathcart, Clark, M.
Yes, 72; No, 62; Absent, 15; Paired, 2; Excused, 0.

72 having voted in the affirmative and 62 in the negative with 15 being absent and 2 paired, the motion did prevail. Sent up for concurrence.

CONSENT CALENDAR

First Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the First Day:

(H.P. 17) (L.D. 10) Bill "An Act to Clarify the Automatic Public Intervenor Provisions of the Solid Waste Management Laws" (EMERGENCY) Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-4)

(H.P. 14) (L.D. 6) Resolve, to Provide for a Commemorative Motor Vehicle License Plate to Celebrate the Sesquicentennial of Aroostook County (Emergency) Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-5)

There being no objections, the above items were ordered to appear on the Consent Calendar of Monday, February 27, 1989, under the listing of Second Day.

(Off Record Remarks)

On motion of Representative Dutremble of Biddeford,

Adjourned until Monday, February 27, 1989, at two o'clock in the afternoon pursuant to Joint Order (S.P. 192).

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

In Senate Chamber
Thursday
February 23, 1989

Senate called to Order by the President.

Prayer by Reverend Russell Peppe of the United Methodist Church in Auburn.

REVEREND PEPPE: Let us pray. Merciful Spirit, these are those who have been chosen to lead, therefore, we would pray that they would be lead by a vision of all things good, true, and excellent. And, these are those who have been elected to serve and, therefore, we would pray that they would in turn be served by Your spirit directing their designs. As we know, none of us can do everything that we would wish, then let us do what is possible and as all things possible are yet not desirable, then teach us what is right. This prayer we make for Your name sake, that Your people may be blessed and Your creation glorified. Amen.

Reading of the Journal of Yesterday.

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. 192

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Monday, February 27, 1989, at 2 o'clock in the afternoon.

Which was READ and PASSED.

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

PAPERS FROM THE HOUSE
Non-concurrent Matter

Bill "An Act to Provide for Continued Group Health Insurance Coverage to Certain Injured Employees"

S.P. 142 L.D. 262

In Senate, February 21, 1989, referred to the Committee on BANKING AND INSURANCE and ORDERED PRINTED.

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

The Senate RECEDED and CONCURRED.

House Papers

Bill "An Act to Assist Municipalities with Respect to Harbor Improvements"

H.P. 234 L.D. 318

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 Relating to Confidentiality of Investigative Records of Boards and Commissions"

H.P. 232 L.D. 316

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.

Sincerely,
S/Dale F. Thistle, Chair
Which was READ and with Accompanying Papers ORDERED PLACED ON FILE.

Off Record Remarks

Off Record Remarks

Bill "An Act to Clarify the Traffic Movement Standards under the Site Location of Development Law"
H.P. 230 L.D. 314
Comes from the House referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED.
Which was referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED, in concurrence.

SENATE PAPERS
Bill "An Act Concerning Health Care Insurance"
S.P. 194 L.D. 431
Presented by Senator MATTHEWS of Kennebec
Cosponsored by President PRAY of Penobscot,
Speaker MARTIN of Eagle Lake and Representative GWADOSKY of Fairfield
Which was referred to the Committee on BANKING AND INSURANCE and ORDERED PRINTED.
Sent down for concurrence.

Bill "An Act to Expand the Types of Medication Included in the Elderly Low-cost Drug Program"
H.P. 229 L.D. 313
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 Amend Laws Related to the Bureau of Mental Retardation's Role in In-state Residential Treatment Centers"
S.P. 191 L.D. 418
Presented by Senator GILL of Cumberland
Cosponsored by Representative CARTER of Winslow, Senator BERUBE of Androscoggin and Representative PINES of Limestone
Submitted by the Department of Mental Health and Mental Retardation pursuant to Joint Rule 24.
Which was referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED.
Sent down for concurrence.

Bill "An Act to Establish Consistent Daily Hours for the Sale of Alcoholic Beverages"
H.P. 228 L.D. 312
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.

Bill "An Act to Amend the Medical Health Security Act to Include Podiatrists"
S.P. 190 L.D. 417
Presented by Senator HOBBS of York
Cosponsored by Senator BRANNIGAN of Cumberland
Which was referred to the Committee on JUDICIARY and ORDERED PRINTED.
Sent down for concurrence.

Bill "An Act to Amend the Composition of House District 48 and House District 49"
H.P. 226 L.D. 310
Bill "An Act to Adjust the Metes and Bounds Between the Towns of Osborn, Mariaville and Waltham in Hancock County"
H.P. 227 L.D. 311
Bill "An Act to Deorganize the Town of New Portland"
H.P. 231 L.D. 315
RESOLUTION, Proposing an Amendment to the Constitution of Maine Requiring Successful Gubernatorial Candidates to Receive More than 50 Percent of the Votes Duly Cast
H.P. 233 L.D. 317
(See Action Later Today)

Bill "An Act to Require the Reporting of Burn Injuries Requiring Medical Attention to the Office of the State Fire Marshal"
S.P. 193 L.D. 430
Presented by Senator BUSTIN of Kennebec
Cosponsored by Senator HOLLOWAY of Lincoln, Representative MITCHELL of Freeport and Representative AULT of Wayne
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.

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.

COMMUNICATIONS

The Following Communication:
MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333
COMMISSION ON CHILDREN IN NEED OF SUPERVISION AND TREATMENT
February 22, 1989

Honorable Charles P. Pray
President of the Senate
114th Maine Legislature
Augusta, Maine 04333
Dear President Pray:

The Commission on Children in Need of Supervision and Treatment is pleased to submit the attached report of our study pursuant to Resolves 1987, chapter 69. We hope you find this report useful.

COMMITTEE REPORTS

House
Ought Not to Pass
The following Ought Not to Pass Report shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:
The Committee on TAXATION on Bill "An Act to Create a Veterans' Property Tax Exemption Based on Disability"
H.P. 40 L.D. 51

Ought to Pass

The Committee on MARINE RESOURCES on Bill "An Act to Amend the Membership of the Advisory Council to the Department of Marine Resources" (Emergency)

H.P. 105 L.D. 142

Reported that the same Ought to Pass.

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

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

Senate
Ought Not to Pass

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

Senator KANY for the Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Discontinue the State Park Campsite Reservation System"

S.P. 92 L.D. 97

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

Senator BALDACCI: Thank you Mr. President. Mr. President, men and women of the Senate. I am going to take a little time today to explain a situation, which occurred yesterday in a Committee hearing, that disturbed me a little bit. I will go through it very quickly for you so that you don't read about it in the newspaper and wonder what happened. Instead, I would like to tell you firsthand. The Committee was the Legal Affairs Committee and we were hearing from the Department of Finance and Administration and the Bureau of Alcoholic Beverages about a marketing and procedural study that had been done and also a marketing study that had been done by the University in conjunction with the Bureau itself.

The Maine State Liquor Commission licenses agency stores to operate in communities where it isn't profitable or there isn't any state liquor store there presently. The state also has state liquor stores in other communities, approximately seventy-three or seventy-four state liquor stores and approximately eighty agency stores. So, the state licenses these agency stores. One of the studies that came and sat before me on Legal Affairs was a study that was done by L.L. Bean and Hannaford Brothers to review the operations of the Maine State Liquor Commission. At first blush it bothered me because we license stores that Hannaford Brothers runs and they are under the review of the Maine State Liquor Commission. So, I asked the person from the Department of Finance and Administration what was the procedure for doing this particular study. It was explained to me by a woman named Sandy Tuttle that the way they went about doing this was because money was tight, or that they could get this done for free. L.L. Bean and Hannaford had certain marketing skills that the state could utilize and it was being done for free by them, that we would tap this resource. I remember something that was told to me a long time ago and that was nothing is ever done for free and there is no such thing as a free lunch.

When I looked at the study more closely, what really bothered me was that one of the recommendations in the study was the state stores should be turned over to agency stores when agency stores can generate more profit to the state. It goes on to say that the process of conversion of those low volume, low profit state stores should be implemented as leases expire over the next few

years. To me, on the surface, it is very disturbing because not only are you having the fox guard the hen house, but you are opening the door and letting him stay in overnight. It really bothered me to think that the state of Maine would allow a firm that licenses and supervises, to conduct an internal review of the Director, of the Commission, and of the staff. Here are some of the things they did for free, just so you hear it from me and not in the newspaper and you can understand why I am miffed. Maybe I am not correct, but what bothered me a bit was it says that they visited state stores, agency stores and New Hampshire State liquor stores. They interviewed members throughout the Bureau's organization, including the Commissioner of Finance, Maine State Liquor Commissioners, the Director of the Bureau of Alcoholic Beverages, Bureau Buying Administrative staff, store supervisors, store managers and store employees. They interviewed vendors, their retail sales staff, and observed vendor presentations to the Commission and they performed an analysis on retail financial reports and comparative sales analysis.

Now, I would submit to you, members of the Senate, on the surface it appears to me that a lot of work was done. This was presented to us in the Legal Affairs Committee yesterday and the Chairman of the Committee, the good Senator from Kennebec, Senator Matthews, has called for a hearing on Monday at 10:00 in the morning to discuss the matter fully so that we will be able to hear from the Director of Finance and Administration and people from the Commission to give a more full explanation. The Committee has been searching for this kind of a study for a long time and then not only to have it tainted by vendors that are licensed and supervised and having them do the study, we are now thrown back a bit and at the same time they are recommending things that are in their own best interest. I don't know whether it was done intentionally or whether it was done to try to save money and tap those resources. I would like to believe it was just done to do it and that there wasn't anything intentionally evil in what was being done. I would hope that the Administration and the people involved would be able to explain it more fully. We are having a meeting on Monday with the Committee and I just wanted to inform the Senate of this particular action. Thank you Mr. President.

Senator DILLENBACK of Cumberland was granted unanimous consent to address the Senate on the Record.

Senator DILLENBACK: Thank you Mr. President. Mr. President, men and women of the Senate. Having served eight years on the Legal Affairs Committee I think we welcome the program that was presented to us. As stated priorly, we haven't had an opportunity to review it. However, I was brought up never to look a gift horse in the mouth. I find that you couldn't go out and secure more people, more qualified on doing anything on research in regard to sales than L.L. Bean and the Hannaford Corporation, one of the finest grocery concerns of the state of Maine. I think we are very fortunate to have this and I give credit to the Legislature and to the Legal Affairs Committee to certainly analyze and take the information that has been presented to us in the spirit in which it was given. Thank you.

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

Senator BALDACCI: Thank you Mr. President. Mr. President, men and women of the Senate. Nobody is

casting any aspersions upon anybody that had anything to do with this. We are just very interested in seeing what the intent was and what everybody was doing for the state that was suppose to be free of charge in all the work that was being done. Nobody is saying that anybody is doing it for any other interest than the states interest and we will certainly look at it, but I hope we can have a thorough analysis when we take it up in the Committee.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Delay the Effective Date of the Recodification of County and Municipal Laws" (Emergency)

H.P. 305 L.D. 419

Committee on STATE AND LOCAL GOVERNMENT suggested and ORDERED PRINTED.

Comes from the House, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, without reference to a Committee.

Which was, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, without reference to a Committee, and ORDERED PRINTED, in concurrence.

Under suspension of the Rules, ordered sent forthwith to the Engrossing Department.

ORDERS OF THE DAY

On motion by Senator CLARK of Cumberland, the Senate removed from the Unassigned Table the following:

Bill "An Act to Promote Marine Research"

S.P. 106 L.D. 140

Tabled - February 16, 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 further motion by same Senator, the Bill referred to the Committee on MARINE RESOURCES and ORDERED PRINTED.

Sent down for concurrence.

On motion by Senator CLARK of Cumberland, the Senate removed from the Unassigned Table the following:

Bill "An Act to Prohibit Certain Student Loan Fees"

S.P. 111 L.D. 166

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

Pending - REFERENCE

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

On further motion by same Senator, the Bill referred to the Committee on EDUCATION and ORDERED PRINTED.

Sent down for concurrence.

Off Record Remarks

Senate at Ease

Senate called to order by the President.

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

ENACTORS

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

Emergency

An Act to Delay the Effective Date of the Recodification of County and Municipal Laws

H.P. 305 L.D. 419

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with No Senators having voted in negative, and 28 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator CLARK of Cumberland, the Senate RECONSIDERED whereby it referred to the Committee on STATE AND LOCAL GOVERNMENT, in concurrence:

RESOLUTION, Proposing an Amendment to the Constitution of Maine Requiring Successful Gubernatorial Candidates to Receive More than 50 Percent of the Votes Duly Cast

H.P. 233 L.D. 317

(In House, February 22, 1989, referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED.)

On further motion by same Senator, Tabled 1 Legislative Day, pending REFERENCE.

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 TITCOMB of Cumberland, ADJOURNED until Monday, February 27, 1989, at 2:00 in the afternoon.