

# 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

There being no objections, the above items were ordered to appear on the Consent Calendar of Tuesday, March 14, 1989, under the listing of Second Day.

**FINALLY PASSED  
Emergency Measure**

Resolve, to Extend the Reporting Deadline for the Commission on Maine's Future (S.P. 40) (L.D. 9) (C. "A" S-2)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 102 voted in favor of the same and none against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

The Chair laid before the House the following matter: An Act to Expand the Eligibility for Participation in the Maine Conservation Corps to Include More Low-income Maine People (H.P. 100) (L.D. 135) which was tabled earlier in the day and later today assigned pending passage to be enacted.

This being an emergency measure, a two-thirds vote of all the members elected to be House being necessary, a total was taken. 104 having voted in favor of same and 1 against, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The Chair laid before the House the following matter: Resolve, to Provide for a Commemorative Motor Vehicle License Plate to Celebrate the Sesquicentennial of Aroostook County (H.P. 14) (L.D. 6) (S. "A" S-3 to C. "A" H-5) which was tabled earlier in the day and later today assigned pending final passage.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 101 having voted in favor of same and 2 against, the Resolve was finally passed, signed by the Speaker and sent to the Senate.

(Off Record Remarks)

On motion of Representative Jalbert of Lisbon,  
Adjourned until Tuesday, March 14, 1989, at ten o'clock in the morning.

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

In Senate Chamber  
Monday  
March 13, 1989

Senate called to Order by the President.

Prayer by Reverend Doctor Peter Misner of the Veterans Administration Center, Togus.

REVEREND MISNER: Let us pray. Almighty God, Whose power is evident in the vastness of the universe and in the most intimate detail of our life, we pause at the opening of this session to acknowledge Your presence and to seek Your guidance in the work which comes today before this Senate. We recognize before You that we have received the gifts of life and the responsibilities of high office that through them we may serve the common good. Yet we hold these treasures in earthen vessels, and need a sense of vision beyond our own, and a strength beyond that which, by our own power, we can bring to bear. Therefore, we ask Your guidance in the deliberation of the issues before this body today. Grant that each issue may receive that level of concern and care we would have for the agenda of our personal lives, or those of our closest companions. You have given to us a great heritage, and a setting for life which is as beautiful as it is diverse. May we so work today, that the tomorrows in the State of Maine may be better for our having walked this way. This we ask through the faith of our Fathers. Amen.

Reading of the Journal of Wednesday, March 8, 1989.

**PAPERS FROM THE HOUSE  
Non-concurrent Matter**

Bill "An Act to Authorize Designation of Department of Mental Health and Mental Retardation Employees to Appear in Probate Court on Behalf of the Department of Mental Health and Mental Retardation"

S.P. 220 L.D. 536

Committee on JUDICIARY suggested and ORDERED PRINTED.

In Senate, March 3, 1989, referred to the Committee on HUMAN RESOURCES 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 Regarding Oxen, Ponies and Draft Horses in Competitions"

H.P. 524 L.D. 709

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.

Off Record Remarks

Bill "An Act to Provide Grants to School Administrative Units"

H.P. 518 L.D. 703

Bill "An Act to Ensure Community-based Maternal and Child Health Nursing Services Commensurate with Increasing Costs and Community Needs"

H.P. 519 L.D. 704  
Bill "An Act to Make Allocations for the Administrative Expenses of the Bureau of Alcoholic Beverages, Department of Finance, for the Fiscal Years Ending June 30, 1990 and June 30, 1991" (Emergency)

H.P. 522 L.D. 707  
Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$10,000,000 to Develop a Statewide Enhanced 9-1-1 Emergency Telephone System"

H.P. 527 L.D. 712  
Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government Necessary to the Proper Operations of State of Maine's Workers' Compensation Commission for the Fiscal Years Ending June 30, 1990, and June 30, 1991" (Emergency)

H.P. 529 L.D. 714  
Bill "An Act to Make Allocations for the Operating Expenditures of the Intergovernmental Telecommunications Fund, Department of Administration, for the Fiscal Years Ending June 30, 1990, and June 30, 1991" (Emergency)

H.P. 531 L.D. 716  
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 Reform the Maine Board of Professional Surveyors Law"

H.P. 513 L.D. 693  
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 Concerning Voting Procedures for School District Budgets"

H.P. 532 L.D. 717  
Comes from the House referred to the Committee on EDUCATION and ORDERED PRINTED.

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

Bill "An Act to Improve the Air Quality by Limiting the Sulfur Content of Fuel Oils"

H.P. 528 L.D. 713  
Bill "An Act to Implement the Governor's Study to Regain Full Use of Maine's Class C Rivers"

H.P. 533 L.D. 718  
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 Making Unified Appropriations and Allocations for the Expenditures of State Government, Inland Fisheries and Wildlife Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1990 and June 30, 1991" (Emergency)

H.P. 514 L.D. 694  
Bill "An Act to Amend the Muzzle-loading Hunting Season"

H.P. 516 L.D. 701

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.

Resolve, to Establish the Commission to Study the Use of Professional Strikebreakers (Emergency)

H.P. 530 L.D. 715  
Comes from the House referred to the Committee on LABOR and ORDERED PRINTED.

Which was referred to the Committee on LABOR and ORDERED PRINTED, in concurrence.

Bill "An Act to Promote Affordable Housing"

H.P. 521 L.D. 706  
Comes from the House referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED.

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

Bill "An Act Concerning Special Marine Resources Permits"

H.P. 520 L.D. 705  
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.

RESOLUTION, Proposing Amendments to the Constitution of Maine to Provide for the Popular Election of the Attorney General and the Secretary of State

H.P. 525 L.D. 710  
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 Expand the Sales Tax Refund for Agricultural and Other Equipment"

H.P. 517 L.D. 702  
Bill "An Act Concerning Taxation of Certain Business Enterprises"

H.P. 523 L.D. 708  
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 Relating to the Expiration of a Valid Certificate of Inspection on a New or Used Motor Vehicle"

H.P. 526 L.D. 711  
Comes from the House referred to the Committee on TRANSPORTATION and ORDERED PRINTED.

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

Off Record Remarks

COMMUNICATIONS

The Following Communication: S.P. 285  
114TH MAINE LEGISLATURE

March 8, 1989

Senator Joseph C. Brannigan  
Representative James Mitchell

Chairpersons  
 Joint Standing Committee on Marine Resources  
 114th Legislature  
 Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Brian P. Tarbox of Cumberland Center for reappointment to the Marine Resources Advisory Council.

Pursuant to P.L. 1989, Chapter 8, this nomination will require review by the Joint Standing Committee on Marine Resources and confirmation by the Senate.

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

Which was READ and referred to the Committee on MARINE RESOURCES.  
 Sent down for concurrence.

SENATE PAPERS

Bill "An Act Making Allocations Related to the Alcoholism Prevention, Education, Treatment and Research Fund for the Expenditures of State Government for the Fiscal Years Ending June 30, 1990, and June 30, 1991" (Emergency)

S.P. 279 L.D. 725

Presented by Senator BUSTIN of Kennebec  
 Cosponsored by Senator TITCOMB of Cumberland, Representative ROLDE of York and Representative MELENDY of Rockland

Bill "An Act Making Appropriations from the General Fund for the Expenditures of State Government for the Fiscal Years Ending June 30, 1990, and June 30, 1991" (Emergency)

S.P. 284 L.D. 730

Presented by Senator BUSTIN of Kennebec  
 Cosponsored by Representative MELENDY of Rockland, Senator TITCOMB of Cumberland and Representative ROLDE of York

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

Sent down for concurrence.

Bill "An Act to Require Counties to Accept Prisoners with Sentences up to One Year in Length and to Provide Assistance to Counties in Developing Community Corrections Programs"

S.P. 277 L.D. 723

Presented by Senator GAUVREAU of Androscoggin  
 Cosponsored by Representative DORE of Auburn and Representative GREENLAW of Standish

Which was referred to the Joint Select Committee on CORRECTIONS and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act Regarding Reimbursement for Out-of-district Special Education Placements" (Emergency)

S.P. 283 L.D. 729

Presented by Senator BOST of Penobscot  
 Cosponsored by Senator ESTES of York, Representative SMALL of Bath and Senator PERKINS of Hancock

Which was referred to the Committee on EDUCATION and ORDERED PRINTED.

Sent down for concurrence.

Resolve, to Redesign the Structure of the Board of Environmental Protection (Emergency)

S.P. 276 L.D. 722

Presented by Senator KANY of Kennebec  
 Cosponsored by Speaker MARTIN of Eagle Lake, President PRAY of Penobscot and Representative MICHAUD of East Millinocket

Which was referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED.  
 Sent down for concurrence.

Bill "An Act Relating to the Admission of Federal Administrative Law Judges to the Maine Bar"

S.P. 273 L.D. 719

Presented by Senator GAUVREAU of Androscoggin  
 Cosponsored by Representative HASTINGS of Fryeburg, Senator HOBBS of York and Representative PARADIS of Augusta

Bill "An Act to Clarify the Immunity Provisions for Nonprofit Corporations"

S.P. 274 L.D. 720

Presented by Senator BRANNIGAN of Cumberland  
 Cosponsored by Senator ERWIN of Oxford, Representative CLARK of Millinocket and Representative PARADIS of Augusta

Bill "An Act to Amend the Protection From Harassment Laws"

S.P. 275 L.D. 721

Presented by Senator GAUVREAU of Androscoggin  
 Cosponsored by Representative MARSANO of Belfast, Representative CONLEY of Portland and Representative HASTINGS of Fryeburg

Bill "An Act to Improve the Availability of Emergency Obstetrical Services"

S.P. 281 L.D. 727

Presented by Senator TWITCHELL of Oxford  
 Cosponsored by Representative MacBRIDE of Presque Isle

Which were referred to the Committee on JUDICIARY and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Clarify the Reporting Requirements for Workers' Compensation Insurers"

S.P. 280 L.D. 726

Presented by Senator COLLINS of Aroostook  
 Cosponsored by Representative GARLAND of Bangor and Representative RAND of Portland

Which was referred to the Committee on LABOR and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Increase the Daily Allowance of Members of the Manufactured Housing Board"

S.P. 278 L.D. 724

Presented by Senator WEYMOUTH of Kennebec  
 Cosponsored by Representative NUTTING of Leeds and Representative AULT of Wayne

Bill "An Act to Clarify the Voting Requirements for a Board Containing 3 or More Members"

S.P. 282 L.D. 728

Presented by Senator GAUVREAU of Androscoggin  
 Cosponsored by Senator HOLLOWAY of Lincoln, Representative ANTHONY of South Portland and Representative WENTWORTH of Wells

Which were referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED.

Sent down for concurrence.

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

Leave to Withdraw

The following Leave to Withdraw Report shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

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

SECOND READERS

The Committee on Bills in the Second Reading reported the following:

House As Amended

Resolve, to Name the Bridge over the Carrabassett River in North Anson the "Robert Garland Bridge"  
H.P. 80 L.D. 111  
(C "A" H-6)

Which was READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended, in concurrence.

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

COMMUNICATIONS

The Following Communication: S.P. 287  
114TH MAINE LEGISLATURE  
March 13, 1989

Senator Judy C. Kany  
Representative Michael H. Michaud  
Chairpersons  
Joint Standing Committee on Energy and Natural Resources  
114th Legislature  
Augusta, Maine 04333  
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Owen R. Stevens of South Berwick for appointment to the Board of Environmental Protection.

Pursuant to Title 38, M.R.S.A. Section 361, this nomination will require review by the Joint Standing Committee on Energy and Natural Resources and confirmation by the Senate.

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

Which was READ and referred to the Committee on ENERGY AND NATURAL RESOURCES.  
Sent down for concurrence.

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

COMMITTEE REPORTS

Senate

Ought to Pass

Senator THERIAULT for the Committee on BANKING AND INSURANCE on Bill "An Act to Amend the Chapter Applicable to Medicare Supplement Insurance Policies"  
S.P. 67 L.D. 50

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.  
The Bill READ ONCE.  
The Bill TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass As Amended

Senator THERIAULT for the Committee on BANKING AND INSURANCE on Bill "An Act to Revise the Negotiable Checks and Money Orders Law"  
S.P. 52 L.D. 27

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-5).

Which Report was READ and ACCEPTED.  
The Bill READ ONCE.

Committee Amendment "A" (S-5) READ and ADOPTED.  
The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

ORDERS OF THE DAY

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

Bill "An Act to Promote Affordable Housing"  
H.P. 521 L.D. 706

Tabled - March 13, 1989, by Senator CLARK of Cumberland.

Pending - REFERENCE

(In House, March 8, 1989, referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED.)

Which was referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED, in concurrence.

ENACTORS

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

Emergency

An Act to Clarify the Automatic Public Intervenor Provisions of the Solid Waste Management Laws  
H.P. 17 L.D. 10  
(C "A" H-4)

Off Record Remarks

This being an Emergency Measure and having received the affirmative vote of 24 Members of the Senate, with No Senators having voted in negative, and 24 being 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.

Emergency

An Act to Extend the Reporting Deadline on the Casco Bay Ferry Service Study  
H.P. 51 L.D. 72

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

Senator PERKINS of Hancock was granted unanimous consent to address the Senate off the Record.

On motion by Senator BUSTIN of Kennebec, ADJOURNED until Tuesday, March 14, 1989, at 10:00 in the morning.