

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
Tuesday
March 14, 1989

Senate called to Order by the President.

Prayer by Reverend Philip Shearman of the First Parish Congregational Church in Gorham.

REVEREND SHEARMAN: Almighty God, source of power and purpose, we come before You not asking for the wisdom of Solomon, the confidence of Jeremiah nor the perfection of Jesus. Rather, we come before You asking to be reminded of our personal mortality, our responsibilities to the people of Maine and a faithfulness to our consciences. While we don't ask for miracles, we do ask that there be a meeting of minds and spirits that Your people might live in confidence, peace and harmony. And that may be a miracle, but thus we pray. Amen.

Reading of the Journal of Yesterday.

Off Record Remarks

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Improve the Cost-of-living Adjustment Under the Maine State Retirement System"
H.P. 538 L.D. 735

Comes from the House referred to the Committee on AGING, RETIREMENT AND VETERANS and ORDERED PRINTED.

Which was referred to the Committee on AGING, RETIREMENT AND VETERANS and ORDERED PRINTED, in concurrence.

Bill "An Act to Provide Funding for the Beals Island Regional Shellfish Hatchery"
H.P. 539 L.D. 736

Bill "An Act to Promote Access to, and Security for, Maine's Official Historical Documents"
H.P. 549 L.D. 746

Bill "An Act to Fund Asbestos Removal in State Facilities and Public Schools"
H.P. 551 L.D. 748

Comes 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 Repeal the Maine Health Security Act"
H.P. 535 L.D. 732

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 Teacher Contracts"
H.P. 536 L.D. 733

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 Clarify the Relationship Between Woodcutters and Landowners"
H.P. 541 L.D. 738

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.

Bill "An Act Pertaining to the Placing of Bear Bait"
H.P. 542 L.D. 739

Comes from the House referred to the Committee on FISHERIES AND WILDLIFE and ORDERED PRINTED.

Which was referred to the Committee on FISHERIES AND WILDLIFE and ORDERED PRINTED, in concurrence.

Bill "An Act to Amend the Northern Maine General Hospital Charter to Operate Programs for Disadvantaged Individuals"
H.P. 537 L.D. 734

Resolve, Establishing a Commission to Study the Level of Care of Maine's Elderly Citizens
H.P. 550 L.D. 747

Bill "An Act to Protect the Identity of Complainants Concerning Health Care Facilities and Providers and Certain Financial Information for the Maine Managed Care Insurance Plan Demonstration"
H.P. 552 L.D. 749

Comes 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 Make Public the Proceedings of the Board of Overseers of the Bar"
H.P. 545 L.D. 742

Bill "An Act to Clarify the Provisions of the Act to Protect Elderly, Infirm Persons from Improvident Transfers of Title to Property"
H.P. 548 L.D. 745

Comes from the House referred to the Committee on JUDICIARY and ORDERED PRINTED.

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

Bill "An Act to Amend the Definition of Employer to Include Governmental Entities"
H.P. 534 L.D. 731

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 Concerning Motor Vehicle Licenses for Certain Drug and Alcohol Offenders"
H.P. 543 L.D. 740

Bill "An Act to Remove the Limitations on Raffles Conducted by Nonprofit Entities"
H.P. 544 L.D. 741

Bill "An Act to Clarify the Landlord's Duty to Mitigate Damages"
H.P. 546 L.D. 743

Comes 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 Relating to the Taxable Status of Leased School Property" (Emergency)

H.P. 540 L.D. 737

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.

Resolve, to Study the Feasibility of an Interstate 95 Interchange to Access the Town of Sanford

H.P. 547 L.D. 744

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. 288
114TH MAINE LEGISLATURE
March 13, 1989

Senator Georgette B. Berube
Representative Ruth Joseph
Chairpersons
Joint Standing Committee on State and Local Government
114th Legislature
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Dennis P. Lemieux of Brunswick for reappointment and Waldemar G. Buschmann of Oakland and Franklin C. Leavitt, Jr. of Topsham for appointment to the Civil Services Appeals Board.

Pursuant to Title 5, M.R.S.A. Section 7081, these nominations will require review by the Joint Standing Committee on State and Local Government 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 STATE AND LOCAL GOVERNMENT.
Sent down for concurrence.

The Following Communication:
ALCOHOL AND DRUG ABUSE PLANNING COMMITTEE
STATE HOUSE STATION 11
AUGUSTA, MAINE 04333
March 5, 1989

The Honorable Charles P. Pray
Senate President
Office of the President
State House Station 3
Augusta, Maine 04333
Dear President Pray:

The enclosed FY'88 Progress Report of the Alcohol and Drug Abuse Planning Committee (ADPC) is presented according to P.L. 1983, c. 464. In compiling the required information, the ADPC relied on the coordination, interaction and communication among the ADPC State Departments. The accomplishments of each

department are noted in detail, accompanied with costs and FY'89 plans.
Ron Speckmann, Acting Director of the ADPC during Al Anderson's illness, will provide coordination for any questions concerning this report.

Sincerely,

S/John Atwood, Chairperson S/Donald Allen
Commissioner, Commissioner
Dept. of Public Safety Dept of Corrections
S/Eve Bither S/Rollin Ives
Commissioner Commissioner
Dept of Education and Cultural Services
S/Susan Parker
Commissioner
Dept of Mental Health
and Mental Retardation

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

SENATE PAPERS

Bill "An Act to Amend the Laws Relating to the Maine Insurance Guaranty Association and the Maine Self-insurance Guarantee Association" (Emergency)

S.P. 286 L.D. 750

Presented by Senator THERIAULT of Aroostook
Cosponsored by Representative WEBSTER of Cape Elizabeth, Senator COLLINS of Aroostook and Representative ALLEN of Washington
Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 24.
Which was referred to the Committee on BANKING AND INSURANCE and ORDERED PRINTED.
Sent down for concurrence.

Off Record Remarks

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 FISHERIES AND WILDLIFE on Bill "An Act to Prohibit the Use of Personal Watercraft"
H.P. 56 L.D. 77

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

Ought to Pass

The Committee on AGING, RETIREMENT AND VETERANS on Bill "An Act to Allow Additional Veterans to be Eligible for Veterans' Preference for State Positions"
H.P. 75 L.D. 106

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
Change of Reference

Senator ANDREWS for the Committee on HOUSING AND ECONOMIC DEVELOPMENT on Resolve, to Direct the Manufactured Housing Board to Provide Information to Purchasers of Manufactured Housing

S.P. 70 L.D. 59

Reported that the same be REFERRED to the Committee on LEGAL AFFAIRS.

Which Report was READ and ACCEPTED.

The Resolve REFERRED to the Committee on LEGAL AFFAIRS.

Sent down for concurrence.

Senator ANDREWS for the Committee on HOUSING AND ECONOMIC DEVELOPMENT on Bill "An Act to Implement the Interim Recommendations of the Manufactured Housing Commission"

S.P. 71 L.D. 60

Reported that the same be REFERRED to the Committee on LEGAL AFFAIRS.

Which Report was READ and ACCEPTED.

The Bill REFERRED to the Committee on LEGAL AFFAIRS.

Sent down for concurrence.

Ought to Pass

Senator BERUBE for the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Establish a Portion of the Boundary Between the Town of Lincoln and the Town of Enfield in the County of Penobscot from the Penobscot River to the Westerly Shore of Cold Stream Pond"

S.P. 102 L.D. 121

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

Off Record Remarks

SECOND READERS

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

Senate

Bill "An Act to Amend the Chapter Applicable to Medicare Supplement Insurance Policies"

S.P. 67 L.D. 50

Which was READ A SECOND TIME and PASSED TO BE ENGROSSED.

Sent down for concurrence.

Senate As Amended

Bill "An Act to Revise the Negotiable Checks and Money Orders Law"

S.P. 52 L.D. 27

(C"A" S-5)

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

Sent down for concurrence.

Off Record Remarks

ENACTORS

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

Emergency

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

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with No Senators having voted in negative, and 32 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.

Emergency Resolve

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)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with No Senators having voted in negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was FINALLY PASSED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, to Extend the Reporting Deadline for the Commission on Maine's Future

S.P. 40 L.D. 9

(C "A" S-2)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with No Senators having voted in negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was FINALLY PASSED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

SENATE PAPERS

Bill "An Act Concerning Retirement Benefits for Certain Law Enforcement Positions"

S.P. 290 L.D. 763

Presented by Senator BUSTIN of Kennebec
Cosponsored by Representative NORTON of Winthrop,
Representative PARADIS of Augusta and
Representative CARROLL of Gray
Which was referred to the Committee on AGING,
RETIREMENT AND VETERANS and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Meet the Increased Need for Crisis Intervention and Community Education Services Provided by Rape Crisis Centers in Maine"

S.P. 292 L.D. 765

Presented by Senator BRANNIGAN of Cumberland
Cosponsored by Senator CLARK of Cumberland,
Representative MCGOWAN of Canaan 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 Amend the Motor Vehicle Laws Relating to Dealers' Established Places of Business" S.P. 293 L.D. 766

Presented by Senator TWITCHELL of Oxford Cosponsored by Senator CLARK of Cumberland and Representative WALKER of Norway Which was referred to the Committee on BUSINESS LEGISLATION and ORDERED PRINTED. Sent down for concurrence.

Bill "An Act to Allow Postponed High School Athletic Events to be Held on Sundays" S.P. 291 L.D. 764

Presented by Senator DUTREMBLE of York Cosponsored by Senator GAUVREAU of Androscoggin and Representative MAYO of Thomaston Bill "An Act to Amend the School Finance Act to Include Transportation as a Supportive Service to Special Education for State Agency Clients" S.P. 294 L.D. 767

Presented by Senator GILL of Cumberland Cosponsored by Representative SMALL of Bath, Representative HANDY of Lewiston and Representative FOSS of Yarmouth 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 Establish the Maine Medical Malpractice Act" S.P. 289 L.D. 762

Presented by Senator GAUVREAU of Androscoggin Cosponsored by Representative MANNING of Portland, Representative BURKE of Vassalboro and Representative MacBRIDE of Presque Isle Which was referred to the Committee on JUDICIARY and ORDERED PRINTED. 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 GAUVREAU for the Committee on HUMAN RESOURCES on Bill "An Act to Amend the Law Regarding the Name of the Division of Eye Care" S.P. 95 L.D. 100

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 BOST for the Committee on UTILITIES on 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

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-6). Which Report was READ and ACCEPTED. The Bill READ ONCE. Committee Amendment "A" (S-6) READ and ADOPTED.

Under suspension of the Rules, READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended. Sent down 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:

Emergency

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

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

Pending - PASSAGE TO BE ENACTED (In House, March 8, 1989, PASSED TO BE ENACTED.) (In Senate, March 6, 1989, PASSED TO BE ENGROSSED, in concurrence.)

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

Off Record Remarks

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act Relating to Municipal Funding" (Emergency) H.P. 557 L.D. 755

Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS 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.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Pearson.

Senator PEARSON: Thank you Mr. President. Mr. President, men and women of the Senate. This Bill is not being referred to a Committee, could I have it explained as to what this Bill is?

Off Record Remarks

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Pearson.

Senator PEARSON: Thank you Mr. President. Mr. President, men and women of the Senate. If somebody would be kind enough to explain this to me. I would like to know if this still requires towns to vote to accept in one article on the warrant or if it simply does away with the provision altogether.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Thank you Mr. President. Mr. President, men and women of the Senate. In an attempt to clarify the questions as posed by the good Senator from Penobscot, Senator Pearson, this Bill simply delays the implementation date of the law that we passed towards the end of the last session, whereby the items had to be listed in the warrant. There are some municipalities in this State who did not meet that requirement, because they didn't know of it, and as a result are placed in a rather awkward

situation. This Bill simply moves the implementation date for the listing of those items in the warrant from 1989 to 1990 and does not nullify the action of the municipalities that complied with the law knowingly.

Which was 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.

Senate at Ease

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act Concerning the Effective Date of County and Municipal Laws" (Emergency)

H.P. 564 L.D. 768

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.

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 Concerning the Effective Date of County and Municipal Laws

H.P. 564 L.D. 768

This being an Emergency Measure and having received the affirmative vote of 26 Members of the Senate, with No Senators having voted in negative, and 26 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.

Under suspension of the Rules, ordered sent forthwith.

On motion by Senator DUTREMBLE of York, RECESSED until 11:15 this morning.

After Recess

Senate called to order by the President.

On motion by Senator BALDACCI of Penobscot, ADJOURNED until Wednesday, March 15, 1989, at 10:00 in the morning.

ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
27th Legislative Day
Wednesday, March 15, 1989

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

Prayer by Reverend Joseph Beardsley, United Methodist Church, Milo.

The Journal of Tuesday, March 14, 1989, was read and approved.

Quorum call was held.

PAPERS FROM THE SENATE

Bill "An Act Concerning Retirement Benefits for Certain Law Enforcement Positions" (S.P. 290) (L.D. 763)

Came from the Senate, referred to the Committee on Aging, Retirement and Veterans and Ordered Printed. Was referred to the Committee on Aging, Retirement and Veterans in concurrence.

Bill "An Act to Meet the Increased Need for Crisis Intervention and Community Education Services Provided by Rape Crisis Centers in Maine" (S.P. 292) (L.D. 765)

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 Amend the Laws Relating to the Maine Insurance Guaranty Association and the Maine Self-insurance Guarantee Association" (EMERGENCY) (S.P. 286) (L.D. 750)

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

Was referred to the Committee on Banking and Insurance in concurrence.

Bill "An Act to Amend the Motor Vehicle Laws Relating to Dealers' Established Places of Business" (S.P. 293) (L.D. 766)

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 Allow Postponed High School Athletic Events to be Held on Sundays" (S.P. 291) (L.D. 764)

Bill "An Act to Amend the School Finance Act to Include Transportation as a Supportive Service to Special Education for State Agency Clients" (S.P. 294) (L.D. 767)

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

Were referred to the Committee on Education in concurrence.

Bill "An Act to Establish the Maine Medical Malpractice Act" (S.P. 289) (L.D. 762)

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

Was referred to the Committee on Judiciary in concurrence.