

# 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

**ERRATA:**

**The pagination of this  
volume skips from  
page 350 to page 355.**

**There is no missing text.**

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

In Senate Chamber  
Wednesday  
March 22, 1989

Senate called to Order by the President.

Prayer by Reverend Eric Burnard of the First Congregational Church in Waterville.

REVEREND BURNARD: Let us pray. Teach us Your ways, God of wisdom, for You are righteous and just. Plant Your word in our hearts, watering it from the streams of Your ever-flowing mercy, that it may blossom and produce in us the fruit which is a blessing to You and pleasing in Your sight. In Your compassion You hear the cry of the poor, the needy and the lonely ones, gracious God. May we hear the cries of our brothers and sisters responding in love to them. In humility, may we serve You, O God, our rock and our redeemer. Amen.

Reading of the Journal of Yesterday.

Off Record Remarks

PAPERS FROM THE HOUSE

House Papers

Bill "An Act Relating to Ordinary Death Benefits Under the Maine State Retirement System"  
H.P. 625 L.D. 848

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 Create a Northeast Interstate Dairy Compact"  
H.P. 614 L.D. 837

Bill "An Act Regarding Dangerous Dogs"  
H.P. 630 L.D. 853

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 Appropriate Funds for Advocacy Activities for Severe and Prolonged Mentally Ill Persons"  
H.P. 616 L.D. 839

Bill "An Act to Provide the Division of Eye Care With Computer Technology"  
H.P. 619 L.D. 842

Bill "An Act to Fund Community-based AIDS Programs and Services"  
H.P. 622 L.D. 845

Bill "An Act to Provide Computer Technology to the Division of Eye Care"  
H.P. 628 L.D. 851

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 Concerning Automobile Insurance"  
H.P. 621 L.D. 844

Bill "An Act to Harmonize the Adjustable Rate Transaction Requirements of the Maine Consumer Credit Code with the Federal Truth-in-Lending Act and to Repeal Sunrise Provisions"  
H.P. 626 L.D. 849

Come from the House referred to the Committee on BANKING AND INSURANCE and ORDERED PRINTED.

Which were referred to the Committee on BANKING AND INSURANCE and ORDERED PRINTED, in concurrence.

Bill "An Act to Amend the Budget Procedures of Community School Districts"  
H.P. 612 L.D. 835

Bill "An Act to Include Certain Proprietary Schools in Eligibility Requirements of the Maine Educational Loan Authority's Supplemental Loan Program" (Emergency)  
H.P. 618 L.D. 841

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

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

Bill "An Act to Protect Naturally Occurring Landmarks"  
H.P. 617 L.D. 840

Bill "An Act To Amend the Growth Management Laws" (Emergency)  
H.P. 631 L.D. 854

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 Strengthen and Improve Enforcement of Environmental Laws"  
H.P. 629 L.D. 852

Committee on ENERGY AND NATURAL RESOURCES suggested and ORDERED PRINTED.

Comes from the House Bill and Accompanying Papers INDEFINITELY POSTPONED.

On motion by Senator CLARK of Cumberland, referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED in NON-CONCURRENCE.

Sent down for concurrence.

Bill "An Act to Amend the Child and Family Services and Child Protection Act"  
H.P. 623 L.D. 846

Come 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 the Nonresident Clam Digging Laws"  
H.P. 620 L.D. 843

Come 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 to Remove the Jurisdiction of the County Commissioners over Municipal Roads"

H.P. 613 L.D. 836  
 Resolve, to Establish the Commission to Study the Preservation of Volunteer Ambulance Crews and Volunteer Fire Departments

H.P. 624 L.D. 847  
 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 to Correct Inequities in the Veterans Tax Exemptions"

H.P. 627 L.D. 850  
 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 Provide for a Commemorative Motor Vehicle License Plate to Celebrate the Bicentennial of Hancock County (Emergency)

H.P. 611 L.D. 834  
 Bill "An Act to Provide Motor Vehicle Registration Consistency"

H.P. 615 L.D. 838  
 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.

Joint Resolution

The Following Joint Resolution: H.P. 632  
 JOINT RESOLUTION COMMEMORATING THE ONE HUNDRETH ANNIVERSARY OF THE TOWN OF BOOTHBAY HARBOR

WHEREAS, one of the series of picturesque towns located along the coast of Maine is Boothbay Harbor, which is known throughout the nation for its charm and beauty;

WHEREAS, the first recorded landing within the Boothbay Harbor area was made in 1623 by Captain Christopher Levett at Cape Newagen; and

WHEREAS, Boothbay Harbor was first permanently settled in 1730 by Colonel David Dunbar as Townsend and was subsequently incorporated as Boothbay on November 3, 1764 by an Act of Incorporation from King George III; and

WHEREAS, the Town of Boothbay Harbor was set off from Boothbay and incorporated by an act of the Legislature on February 16, 1889; and

WHEREAS, Boothbay Harbor has long been recognized for the excellence of its fishing industry and for the skills of its shipwrights; and

WHEREAS, Boothbay Harbor and its citizens have long demonstrated Maine hospitality to the many persons who visit Maine's second largest harbor each year and continue to extend a gracious welcome to their visitors; now, therefore, be it:

RESOLVED: That We, the Members of the One Hundred and Fourteenth Legislature of the State of Maine now assembled in the First Regular Session, take this special opportunity during the centennial anniversary year of the Town of Boothbay Harbor to commend the officials and citizens of this town for the success which they have achieved together for the past century and to extend each our sincere hopes and best wishes for continued achievement over the next hundred years; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the citizens and officials of this proud community in honor of the occasion.

Comes from the House READ and ADOPTED.  
 Which was READ and ADOPTED, in concurrence.

Senate at Ease  
 Senate called to order by the President.

COMMUNICATIONS

The Following Communication:  
 COMMITTEE ON EDUCATION  
 ONE HUNDRED AND FOURTEENTH LEGISLATURE  
 March 20, 1989

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 114th Maine Legislature, the Joint Standing Committee on Education has had under consideration the nomination of Ronald J. Baril of Portland, for appointment to the Board of Trustees, Maine Vocational Technical Institutes.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS: Senators 3  
 Representatives 5  
 NAYS: 2  
 ABSENT: 3 Rep. Oliver of Portland,  
 Rep. O'Gara of Westbrook,  
 Rep. Kilkelly of Wiscasset

Eight members of the Committee having voted in the affirmative and two in the negative, it was the vote of the Committee that the nomination of Ronald J. Baril of Portland, for appointment to the Board of Trustees, Maine Vocational Technical Institutes be confirmed.

Sincerely,

S/Stephen C. Estes Senate Chair  
 S/Nathaniel Crowley, Sr. House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on EDUCATION has recommended the nomination of Ronald J. Baril of Portland, for appointment to the Board of Trustees, Maine Vocational Technical Institutes, be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on EDUCATION be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 114th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None  
 NAYS: Senators ANDREWS, BALDACCI, BERUBE, BOST, BRANNIGAN, BRAWN, BUSTIN, CAHILL, CARPENTER, CLARK, COLLINS, DILLENBACK, DUTREMBLE, EMERSON, ERWIN, ESTES, ESTY, GAUVREAU, GILL, GOULD, HOBBS, HOLLOWAY, LUDWIG, MATTHEWS, PEARSON, PERKINS, RANDALL, THERIAULT, TITCOMB, TWITCHELL,

WEYMOUTH, WHITMORE, THE PRESIDENT -  
CHARLES P. PRAY

ABSENT: Senators KANY, WEBSTER

No Senators having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being absent, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Ronald J. Baril, for appointment to the Board of Trustees, Maine Vocational Technical Institutes, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

SENATE PAPERS

Bill "An Act to Amend the Provisions in the Maine State Retirement System Laws Relating to Restoration to Service"

S.P. 335 L.D. 896

Presented by Senator GAUVREAU of Androscoggin  
Cosponsored by Senator CLARK of Cumberland,  
Representative JALBERT of Lisbon and  
Representative DELLERT of Gardiner

Bill "An Act to Extend the Eligibility of Retired Teachers for Group Health Insurance"

S.P. 337 L.D. 898

Presented by Senator EMERSON of Penobscot  
Cosponsored by Representative RICHARDS of  
Hampden, Representative JALBERT of Lisbon and  
Representative HICKEY of Augusta  
Which were referred to the Committee on AGING,  
RETIREMENT AND VETERANS and ORDERED PRINTED.  
Sent down for concurrence.

Bill "An Act to Amend the Animal Welfare Laws"

S.P. 333 L.D. 894

Presented by Senator CLARK of Cumberland  
Cosponsored by Senator TWITCHELL of Oxford,  
Representative PINES of Limestone and  
Representative PARENT of Benton  
Which was referred to the Committee on  
AGRICULTURE and ORDERED PRINTED.  
Sent down for concurrence.

Bill "An Act to Provide for the 1989 Allocations of the State Ceiling on Private Activity Bonds" (Emergency)

S.P. 336 L.D. 897

Presented by President PRAY of Penobscot  
Cosponsored by Senator CLARK of Cumberland,  
Senator DILLENBACK of Cumberland and  
Representative NADEAU of Lewiston  
Committee on BANKING AND INSURANCE suggested and  
ORDERED PRINTED.  
On motion by Senator CLARK of Cumberland, Tabled  
1 Legislative Day, pending REFERENCE.

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

S.P. 338 L.D. 899

Presented by Senator TWITCHELL of Oxford  
Cosponsored by Representative WALKER of Norway  
and Representative JACKSON of Harrison  
Bill "An Act to Require Labeling of Produce Treated with Post-harvest Treatments"

S.P. 340 L.D. 901

Presented by Senator CLARK of Cumberland  
Cosponsored by Senator RANDALL of Washington,  
Representative PENDLETON of Scarborough and  
Representative HEESCHEN of Wilton

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

Bill "An Act to Ensure Proper Payment of Fringe Benefit Contributions for Construction Workers"

S.P. 334 L.D. 895

Presented by Senator BUSTIN of Kennebec  
Cosponsored by Representative PRIEST of Brunswick  
and Representative RAND of Portland  
Bill "An Act Relating to the Reemployment of Injured Workers Under the Workers' Compensation Act"

S.P. 339 L.D. 900

Presented by Senator HOBBS of York  
Cosponsored by Representative JOSEPH of Waterville and Representative CONLEY of Portland  
Which were referred to the Committee on LABOR and ORDERED PRINTED.  
Sent down for concurrence.

Bill "An Act to Improve the Definition of Legal Residence for Elected Officials"

S.P. 332 L.D. 893

Presented by Senator DUTREMBLE of York  
Cosponsored by Senator WHITMORE of Androscoggin,  
Representative JACQUES of Waterville and  
Representative PARADIS of Old Town  
Which was referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED.  
Sent down for concurrence.

Off Record Remarks

COMMITTEE REPORTS

House

Ought Not to Pass

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

The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Declare Materials Considered Hazardous in Other States to be Hazardous Waste in Maine"

H.P. 198 L.D. 278

The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Provide Free Noncommercial Use of Public Reserved Lands and Lands for Maine's Future"

H.P. 310 L.D. 424

The Committee on TAXATION on Bill "An Act Concerning the Tree Growth Tax Law"

H.P. 97 L.D. 132

The Committee on TAXATION on Bill "An Act to Amend the Tree Growth Tax Law to Ensure a Steady Supply of Wood for Maine's Forest Products Industry"

H.P. 136 L.D. 180

The Committee on TAXATION on Bill "An Act to Provide a Sales Tax Exemption for Residential Customers of Electricity"

H.P. 160 L.D. 225

The Committee on TAXATION on Bill "An Act to Provide a Property Tax Exemption to Former Members of the Merchant Marine with War-time Service"

H.P. 273 L.D. 385

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 BANKING AND INSURANCE on Bill "An Act to Require Dependency Information in Credit Card Applications by Students"

H.P. 139 L.D. 191

Ought to Pass As Amended

The Committee on TAXATION on Bill "An Act to Clarify the Blueberry Tax Laws"

H.P. 79 L.D. 110

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-10).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-10).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-10) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on TRANSPORTATION on Bill "An Act to Make Additional Allocations from the Highway Fund for the Fiscal Year Ending June 30, 1989" (Emergency)

H.P. 81 L.D. 112

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-12).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-12).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-12) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on UTILITIES on Bill "An Act to Increase the Membership of the Emergency Enhanced 9-1-1 Telephone Advisory Committee" (Emergency)

H.P. 122 L.D. 159

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-11).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-11).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-11) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senate

Leave to Withdraw

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

Senator BERUBE for the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Amend the Composition of Senate District 8 and Senate District 15"

S.P. 188 L.D. 345

Senator TWITCHELL for the Committee on TRANSPORTATION on Bill "An Act to Prohibit Motor Vehicles on Beaches"

S.P. 139 L.D. 259

SECOND READERS

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

House

Bill "An Act to Amend Certain Dates Relating to the County Budget Procedure"

H.P. 125 L.D. 169

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

ORDERS OF THE DAY

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

Emergency

An Act Relating to Municipal Funding

H.P. 557 L.D. 755

Tabled - March 20, 1989, by President PRAY of Penobscot.

Pending - ENACTMENT

(In Senate, March 20, 1989, RECONSIDERED ENACTMENT.)

(In House, March 15 1989, PASSED TO BE ENACTED.)

(In Senate, March 14, 1989, PASSED TO BE ENGROSSED, in concurrence.)

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

Off Record Remarks

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

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

S.P. 67 L.D. 50

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

Pending - ENACTMENT

(In House, March 20, 1989, PASSED TO BE ENACTED.) (In Senate, March 14, 1989, PASSED TO BE ENGROSSED.)

On motion by Senator COLLINS of Aroostook, the Senate SUSPENDED THE RULES.

On further motion by same Senator, the Senate RECONSIDERED whereby the Bill was PASSED TO BE ENGROSSED.

On further motion by same Senator, Senate Amendment "A" (S-17) READ.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Theriault.

Senator THERIAULT: Thank you Mr. President. Mr. President, men and women of the Senate. The Committee reviewed this proposed amendment yesterday and agreed that it is acceptable to the Committee. Consequently, I urge you to support the amendment. Thank you.

On motion by Senator COLLINS of Aroostook, Senate Amendment "A" (S-17) ADOPTED.

Which was PASSED TO BE ENGROSSED, as Amended in NON-CONCURRENCE.

Sent down for concurrence.

Off Record Remarks

Senator CAHILL of Sagadahoc was granted unanimous consent to address the Senate off the Record.

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

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Off Record Remarks

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On motion by Senator CAHILL of Sagadahoc, ADJOURNED until Thursday, March 23, 1989, at 9:00 in the morning.