

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

CONSENT CALENDAR

First Day

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

(S.P. 125) (L.D. 210) Bill "An Act Concerning the Use of Deadly Force by Correctional Officers and Law Enforcement Officers" (EMERGENCY) Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-19)

Under suspension of the rules, Second Day Consent Calendar notification was given, the Senate Paper was passed to be engrossed as amended in concurrence.

By unanimous consent was ordered sent forthwith to the Senate.

The following appearing on Supplement No. 3 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED

Emergency Measure

An Act Concerning the Use of Deadly Force by Correctional Officers and Law Enforcement Officers (S.P. 125) (L.D. 210) (C. "A" S-19)

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. 107 voted in favor of the same and 5 against and accordingly the Bill was passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

On motion of Representative Cahill of Mattawamkeag,

Adjourned until Tuesday, March 28, 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 27, 1989

Senate called to Order by the President.

Prayer by Mr. Ralph Barnes of the First Church of Christ, Scientist in Camden.

MR. BARNES: Our Father - Mother God, as we begin our duties we humbly seek to know what is right, honest, and just for today. We are ever mindful that we act on behalf of those thousands in our loved state who have put their trust in our judgement and that our decisions reach far beyond the immediate questions which call them forth. Give us the wisdom to heed that advice so simply expressed in proverbs. Trust in the Lord with all Thine heart and lean not on Thine own understanding. In all Thy ways, acknowledge Him and He shall direct Thy paths. Amen.

Reading of the Journal of Thursday, March 23, 1989.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Require Labeling of Produce Treated with Post-harvest Treatments"

S.P. 340 L.D. 901

In Senate, March 22, 1989, referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED.

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

The Senate RECEDED and CONCURRED.

House Papers

Bill "An Act to Provide Services to Children with Autism in Central and Northern Maine"

H.P. 661 L.D. 903

Bill "An Act to Improve the Dental Care of Maine Citizens"

H.P. 662 L.D. 904

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 Regarding the Maine Vocational-Technical Institute System"

H.P. 660 L.D. 902

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 Remove Legislative Review from Certain Air Quality Standards"

H.P. 665 L.D. 907

Bill "An Act to Amend the Underground Oil and Hazardous Substance Storage Tank Installer Laws"

H.P. 667 L.D. 909

Bill "An Act to Amend the Law Relating to Submerged Land"

H.P. 668 L.D. 910

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 Require a 90-day Delay in the Hiring of Replacement Workers during a Labor Dispute"

H.P. 663 L.D. 905

Bill "An Act to Create a Workers' Compensation Logging Industry Fund"

H.P. 666 L.D. 908

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

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

Bill "An Act to Require Detailed Legislator Finance Reports"

H.P. 664 L.D. 906

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.

Pursuant to Public Law

STUDY COMMISSION ON COASTAL SEARCH AND RESCUE
The STUDY COMMISSION ON COASTAL SEARCH AND RESCUE, pursuant to Public Law 1987, Chapter 814, ask leave to submit its findings and to report that the accompanying Bill "An Act to Require Periodic Reports on the Percentage of the Gasoline Tax That Is Due to Boating Use"

H.P. 669 L.D. 917

Be referred to the Joint Standing Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS for Public Hearing and printed pursuant to Joint Rule 18.

Comes from the House with the Report READ and ACCEPTED and the Bill referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED, pursuant to Joint Rule 18.

Which Report was READ and ACCEPTED, in concurrence.

The Bill referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED, pursuant to Joint Rule 18, in concurrence.

Pursuant to Public Law

STUDY COMMISSION ON COASTAL SEARCH AND RESCUE
The STUDY COMMISSION ON COASTAL SEARCH AND RESCUE, pursuant to Public Law 1987, Chapter 814, ask leave to submit its findings and to report that the accompanying Bill "An Act to Make the Department of Marine Resources Responsible for Coastal Search and Rescue"

H.P. 670 L.D. 918

Be referred to the Joint Standing Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS for Public Hearing and printed pursuant to Joint Rule 18.

Comes from the House with the Report READ and ACCEPTED and the Bill referred to the Committee on MARINE RESOURCES and ORDERED PRINTED, pursuant to Joint Rule 18.

Which Report was READ and ACCEPTED, in concurrence.

The Bill referred to the Committee on MARINE RESOURCES and ORDERED PRINTED, pursuant to Joint Rule 18, in concurrence.

SENATE PAPERS

Pursuant to Public Law
COMMISSION TO STUDY

THE REGULATION OF HEALTH CARE EXPENDITURES

Senator GAUVREAU for the COMMISSION TO STUDY THE REGULATION OF HEALTH CARE EXPENDITURES, pursuant to Public Law 1987, Chapter 440, section 5 ask leave to submit its findings and to report that the accompanying Bill "An Act to Implement Recommendations Proposed by the Blue Ribbon Commission on the Regulation of Health Care Expenditures"

S.P. 348 L.D. 920

Be referred to the Joint Standing Committee on HUMAN RESOURCES for Public Hearing and printed pursuant to Joint Rule 18.

Which Report was READ and ACCEPTED.

The Bill referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED, pursuant to Joint Rule 18.

Sent down for concurrence.

ORDERS

Joint Order

An Expression of Legislative Sentiment recognizing:

The following members of the Coney High School Girls Basketball Team, winners of the Class A State Championship: Meaghan Lane, Marcie Lane, Lisa Sampson, Holly Washburn, Amy Parent, Becky Demos, Kari Goraj, Lisa Morang, Chrisanne Burns, Christine Tschamler, Donna Gilbert, Coach Paul Vachon and manager Rusty Hopkins. This is the teams second championship in three years;

SLS 95

Presented by Senator BUSTIN of Kennebec
Cosponsored by: Representative PARADIS of Augusta, Representative HICKEY of Augusta, Representative DAGGETT of Augusta
Which was READ.

On motion by Senator BUSTIN of Kennebec, Tabled until Later in Today's Session, pending PASSAGE.

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 Pertaining to Electronic Fishing Devices"

H.P. 118 L.D. 155

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 AGING, RETIREMENT AND VETERANS on Bill "An Act to Provide Continuity in the Retirement Laws"

H.P. 245 L.D. 357

Senate

Ought to Pass
Senator ESTES for the Committee on EDUCATION on
Bill "An Act to Grant Rulemaking Authority to the
Maine Arts Commission"

S.P. 108 L.D. 163
Reported that the same Ought to Pass.
Which Report was READ and ACCEPTED.
The Bill READ ONCE.
The Bill TOMORROW ASSIGNED FOR SECOND READING.

ENACTORS

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

An Act to Clarify the Law Concerning the
Inclusion of Nursing Home Benefits in Life Insurance
Policies

S.P. 42 L.D. 12
(C "A" S-10)

An Act to Require Insurance Agents, Brokers and
Consultants to Participate in Continuing Professional
Education

H.P. 217 L.D. 297

Which were PASSED TO BE ENACTED and having been
signed by the President, were presented by the
Secretary to the Governor for his approval.

An Act to Promote Thorough Consideration of
Gubernatorial Appointments

H.P. 173 L.D. 238

Pursuant to Article V, Part 1, Section 8 of the
Constitution of the State of Maine, this Bill
requires the affirmative vote of two-thirds of the
members present and voting.

30 Senators having voted in the affirmative and
No Senators having voted in the negative, and 30
being more than two-thirds of the members present and
voting, the Bill was PASSED TO BE ENACTED and having
been signed by the President, was presented by the
Secretary to the Governor for his approval.

Resolve

Resolve, Authorizing the Director of Parks and
Recreation to Convey by Deed the Interests of the
State in Certain Unlocated Rights-of-way

S.P. 77 L.D. 67
(C "A" S-7)

Which was FINALLY PASSED and having been signed
by the President, was presented by the Secretary to
the Governor for his approval.

Emergency

An Act to Amend the Local Road Assistance
Distribution Formula

S.P. 50 L.D. 23
(C "A" S-8)

On motion by Senator TWITCHELL of Oxford, placed
on the SPECIAL HIGHWAY TABLE, pending ENACTMENT.

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator HOBBS for the Committee on JUDICIARY on
Bill "An Act Concerning the Use of Deadly Force by
Correctional Officers and Law Enforcement Officers"
(Emergency)

S.P. 125 L.D. 210

Reported that the same Ought to Pass as Amended
by Committee Amendment "A" (S-19).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-19) READ and ADOPTED.

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

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

Senator ESTY for the Committee on STATE AND LOCAL
GOVERNMENT on Bill "An Act to Designate April 9 as
Former Prisoner of War Recognition Day"

S.P. 146 L.D. 266

Reported that the same Ought to Pass as Amended
by Committee Amendment "A" (S-18).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-18) 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:

Joint Order regarding the Cony High School Girls
Basketball Team, winners of the Class A State
Championship.

SLS 95

Tabled - March 27, 1989, by Senator BUSTIN of
Kennebec.

Pending - PASSAGE

(In Senate, March 27, 1989, READ.)

THE PRESIDENT: The Chair recognizes the Senator
from Kennebec, Senator Bustin.

Senator BUSTIN: Thank you Mr. President. Mr.
President, men and women of the Senate. I don't
often speak on Sentiments, but I did arrange for the
Cony High School Basketball Girls Team to be here
today because I wanted to rub it in a bit. I didn't
bet on the team at all with our good President from
Penobscot, President Pray, but I probably should have
because he is constantly betting about how good his
teams are. Well, I just want everybody to know how
good our team is and how well they have done in the
State Championships. This is the second time in
three years that they have won. I think everybody
has seen them in the paper. They are all here, along
with their manager Rusty and their coach, Mr.
Vachon. So, I would like the Senate to give them a
warm welcome.

Which was PASSED.

Sent down for concurrence.

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

SENATE PAPERS

Bill "An Act to Establish a Comprehensive Service
Delivery System for Persons with Head Injuries"

S.P. 350 L.D. 927

Presented by Senator ANDREWS of Cumberland
Cosponsored by Representative CARROLL of Gray,
Representative RUHLIN of Brewer and President
PRAY of Penobscot

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

Sent down for concurrence.

Bill "An Act Concerning Political Activities by Retiring State Employees"

S.P. 349 L.D. 926

Presented by Senator GOULD of Waldo
Cosponsored by Representative JOSEPH of Waterville, Representative MARSANO of Belfast and Representative HICKEY of Augusta
Which was referred to the Committee on STATE AND LOCAL GOVERNMENT 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 ESTY for the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Amend the General Relocation Assistance Provisions to Achieve Compliance with Certain Federal Laws" (Emergency)
S.P. 229 L.D. 559

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 PEARSON for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Resolve, Allocating the Proceeds of the \$3,000,000 Bond Issue for Land Acquisition, Construction, Repair and Renovation of Public Safety Facilities (Emergency)
S.P. 216 L.D. 532

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-20).

Which Report was READ and ACCEPTED.

The Resolve READ ONCE.

Committee Amendment "A" (S-20) READ and ADOPTED.

The Resolve as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senate at Ease

Senate called to order by the President.

HELD BILL

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

Senator CLARK: Thank you Mr. President. Is the Senate in possession of L.D. 870?

THE PRESIDENT: The Chair would answer in the affirmative, the Bill having been held at the Senators request.

On motion by Senator CLARK of Cumberland, the Senate RECONSIDERED whereby it referred to the Committee on EDUCATION:

Bill "An Act Regarding Voluntary Return to Service by Teachers"

H.P. 636 L.D. 870

(In Senate, March 23, 1989, referred to the Committee on EDUCATION, in concurrence.)

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

Off Record Remarks

On motion by Senator DILLENBACK of Cumberland, RECESSED until the sound of the bell.

After Recess

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 Use of Deadly Force by Correctional Officers and Law Enforcement Officers
S.P. 125 L.D. 210

(C "A" S-19)

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.

Off Record Remarks

On motion by Senator TWITCHELL of Oxford, ADJOURNED until Tuesday, March 28, 1989, at 10:00 in the morning.