

# 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  
Wednesday  
March 29, 1989

Senate called to Order by the President.

Prayer by Reverend Cynthia Lepley of the Congregational Church in Winslow.

REVEREND LEPLEY: Let us pray. Most gracious and loving God, we are thankful for Your steadfast loving presence with us. We give thanks for the abundant blessings of Your creation and especially for the heritage, resources, and people of this beautiful State. Help us to be wise and faithful stewards of all You have given us.

Guide these, Your servants, by Your wisdom. Develop within them carefully discerning minds and compassionate spirits that are open to hearing one another and the needs of all Your people. Help them to always consider the protection of the environment and the needs of the people they were elected to serve before any personal or political ambition.

Bless each one of them, that they may find joy and meaning in their work, nurturing support within their families, moments of refreshing peace, and strength to sustain them. Help all of us to work together in a spirit of love and to live according to Your vision of a world where sharing by all will bring an end to hunger and poverty. Empower us to take down the walls that divide us and to build bridges of compassion and understanding among all Your people. Amen.

Reading of the Journal of Yesterday.

Off Record Remarks

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Clarify the Farmland Adjacency Law"

H.P. 697 L.D. 949

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.

Bill "An Act to Provide a Cost-of-living Adjustment for Residential Treatment of Emotionally Disturbed Children"

H.P. 687 L.D. 939

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 to Provide for the Licensing of Counseling Professionals and to Create a Board of Counseling Professionals Licensure"

H.P. 684 L.D. 936

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 to Improve the Management of Solid Waste in Maine" (Emergency)

H.P. 681 L.D. 932

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 to Provide Free Hunting and Fishing Licenses to Persons 65 Years of Age or Older"

H.P. 689 L.D. 941

Bill "An Act to Amend the Hunting Laws"

H.P. 696 L.D. 948

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.

Bill "An Act to Increase Protection for Clients of the Department of Mental Health and Mental Retardation"

H.P. 692 L.D. 944

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 Provide Funds for the Establishment of the Community Service Center for the Deaf and Hearing-Impaired"

H.P. 688 L.D. 940

Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS suggested and ORDERED PRINTED.

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

On motion by Senator PEARSON of Penobscot, Tabled 1 Legislative Day, pending REFERENCE.

Bill "An Act to Provide Needed Services Identified by the Task Force on Incapacitated and Dependent Adults, and Required by the United States Omnibus Budget Reconciliation Act of 1988"

H.P. 691 L.D. 943

Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS suggested and ORDERED PRINTED.

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

On motion by Senator PEARSON of Penobscot, Tabled 1 Legislative Day, pending REFERENCE.

Bill "An Act to Establish a Demonstration Project in York County to Provide a System of Resources for Children in Need"

H.P. 695 L.D. 947

Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS suggested and ORDERED PRINTED.

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

On motion by Senator PEARSON of Penobscot, Tabled 1 Legislative Day, pending REFERENCE.

Bill "An Act to Promote the Best Interests of the Child in Divorce Proceedings"

H.P. 683 L.D. 935

Comes from the House referred to the Committee on JUDICIARY and ORDERED PRINTED.  
Which was referred to the Committee on JUDICIARY and ORDERED PRINTED, in concurrence.

Bill "An Act to Change the Date for Statewide Primary Elections"

H.P. 690 L.D. 942

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 Making It Illegal to Possess Lobsters Caught Illegally"

H.P. 693 L.D. 945

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.

Bill "An Act to Amend the Boundary Line Between the Towns of Albion and Benton"

H.P. 699 L.D. 951

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.

Resolve, Exempting the Meduxnekeag Ramblers Snowmobile Club, Inc. from Paying Sales Tax on the Purchase of Snow Grooming Equipment

H.P. 685 L.D. 937

Bill "An Act to Change the Premium on Alcoholic Beverages"

H.P. 686 L.D. 938

Bill "An Act to Amend the Excise Tax Law for Motorboats"

H.P. 694 L.D. 946

Bill "An Act Concerning Tax Deductions on the Purchase of a Motor Vehicle"

H.P. 698 L.D. 950

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 to Make Allocations from the Transportation Safety Fund for the Fiscal Years Ending June 30, 1990, and June 30, 1991" (Emergency)

H.P. 700 L.D. 952

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.

Bill "An Act to Protect the Water Quality of Hobbs' Pond and Fish's Pond"

H.P. 682 L.D. 934

Comes from the House referred to the Committee on UTILITIES and ORDERED PRINTED.  
Which was referred to the Committee on UTILITIES and ORDERED PRINTED, in concurrence.

Off Record Remarks

SENATE PAPERS

Bill "An Act Regarding Retirement Benefits for Confidential State Employees"

S.P. 363 L.D. 980

Presented by Senator WEYMOUTH of Kennebec  
Cosponsored by Representative DELLERT of Gardiner, Representative MARSH of West Gardiner and Representative HICKEY of Augusta  
Which was referred to the Committee on AGING, RETIREMENT AND VETERANS and ORDERED PRINTED.  
Sent down for concurrence.

Bill "An Act to Fund Rural Outreach Programs, Community Response Programs and Minimum Standard Requirements for Providers of Family Crisis Services Statewide"

S.P. 362 L.D. 979

Presented by Senator CLARK of Cumberland  
Cosponsored by Representative McGOWAN of Canaan, Senator BRANNIGAN of Cumberland and Representative FOSTER of Ellsworth  
Which was referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.  
Sent down for concurrence.

Bill "An Act to Amend the Provisions for Exclusion from Motor Vehicle Insurance"

S.P. 365 L.D. 982

Presented by Senator WHITMORE of Androscoggin  
Cosponsored by Senator COLLINS of Aroostook and Senator THERIAULT of Aroostook  
Bill "An Act Related to Improving Access to Long-term Health Care Insurance"

S.P. 367 L.D. 984

Presented by President PRAY of Penobscot  
Cosponsored by Senator CLARK of Cumberland, Speaker MARTIN of Eagle Lake and Representative GWADOSKY of Fairfield  
Which were referred to the Committee on BANKING AND INSURANCE and ORDERED PRINTED.  
Sent down for concurrence.

Bill "An Act to Implement the Ignition Interlock Program"

S.P. 366 L.D. 983

Presented by Senator KANY of Kennebec  
Cosponsored by Representative DEXTER of Kingfield and Representative FOSS of Yarmouth  
Which was referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED.  
Sent down for concurrence.

Bill "An Act to Clarify the Law Governing the Transfer of County Jail Prisoners"

S.P. 364 L.D. 981

Presented by Senator CAHILL of Sagadahoc  
Cosponsored by Senator BUSTIN of Kennebec and Representative BAILEY of Farmington  
Committee on LEGAL AFFAIRS suggested and ORDERED PRINTED.  
On motion by Senator CLARK of Cumberland, referred to the Committee on JUDICIARY and ORDERED PRINTED.  
Sent down for concurrence.

Off Record Remarks

Bill "An Act Concerning Property Tax Relief for the Elderly"

S.P. 368 L.D. 985

Presented by Senator TWITCHELL of Oxford  
Cosponsored by Senator TITCOMB of Cumberland,  
Representative WALKER of Norway and  
Representative JACKSON of Harrison  
Which was referred to the Committee on TAXATION  
and ORDERED PRINTED.  
Sent down for concurrence.

Bill "An Act to Amend the Charter of the Sewer District of the Town of Kennebunk"

S.P. 361 L.D. 978

Presented by Senator DUTREMBLE of York  
Cosponsored by Representative LIBBY of Kennebunk

Senate at Ease

Senate called to order by the President.

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

Sent down for concurrence.

Off Record Remarks

COMMITTEE REPORTS

House

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 HUMAN RESOURCES on Bill "An Act to Reestablish the Requirement that Couples Receive a Blood Test before Obtaining a Marriage License"

H.P. 285 L.D. 397

Ought to Pass

The Committee on STATE AND LOCAL GOVERNMENT on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Oxford County for the Year 1989 (Emergency)

H.P. 679 L.D. 930

Reported that the same Ought to Pass, pursuant to Joint Order H.P. 9.

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

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

The Resolve TOMORROW ASSIGNED FOR SECOND READING.

The Committee on STATE AND LOCAL GOVERNMENT on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Hancock County for the Year 1989 (Emergency)

H.P. 680 L.D. 931

Reported that the same Ought to Pass, pursuant to Joint Order H.P. 9.

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

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

The Resolve TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass As Amended

The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Establish the Maine Greenbelt Commission"

H.P. 182 L.D. 247

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

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-18).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-18) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Eliminate the Registration Fee on Municipal Dams"

H.P. 185 L.D. 250

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-15).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-15).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-15) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Ban the Use of Chlorofluorocarbons in All Plastic Foam Boards"

H.P. 349 L.D. 468

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

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-19).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-19) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senate

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:

Senator TWITCHELL for the Committee on TRANSPORTATION on Bill "An Act to Regulate Motor Vehicle Speed in Bad Weather"

S.P. 177 L.D. 334

SECOND READERS

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

House

Bill "An Act to Amend the Laws Relating to Licensed Maine Guides"

H.P. 20 L.D. 15

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

House As Amended

Bill "An Act to Amend the Real Estate Lien Discharge Law"

H.P. 76 L.D. 107  
(C "A" H-13)

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

Senate

Bill "An Act to Amend the Interpreter Service for the Hearing Impaired"

S.P. 144 L.D. 264

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

Sent down for 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

Which was READ A SECOND TIME.

Senator GAUVREAU of Androscoggin was granted unanimous consent to address the Senate off the Record.

On motion by Senator GAUVREAU of Androscoggin, Senate Amendment "A" (S-22) READ and ADOPTED.

Which was PASSED TO BE ENGROSSED, as Amended.  
Sent down for concurrence.

Senate As Amended

Bill "An Act to Save Medicaid Funds by Expanding the Ability of the Department of Human Services to Recover Funds from Prior Owners of Boarding and Nursing Homes"

S.P. 87 L.D. 89  
(C "A" S-21)

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

Sent down for concurrence.

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. 921?

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 APPROPRIATIONS AND FINANCIAL AFFAIRS:

Bill "An Act to Provide Funds for Start-up of School-based Health Centers and Creation of the Position of Educational Specialist II"

H.P. 672 L.D. 921

(In Senate, March 28, 1989, referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED, in concurrence.)

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

Senate at Ease

Senate called to order by the President.

Off Record Remarks

On motion by Senator BALDACCI of Penobscot, 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 to Validate and Approve the Town of China's Town Meeting and School Construction Referendum and Related Proceedings

S.P. 109 L.D. 164

(C "A" S-9; H "A" H-16)

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with No Senators having voted in negative, and 30 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.

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 do not wish to take too much of the Senate's time, but something has been bothering me for quite a period of time as I have watched through the summer, fall, winter and now spring, the consternation over the University and the budgeting and the discretionary account. Just as one individual Senator, among all of you, and just as one individual Legislator, among all of you, I would just like to be on Record as saying that I don't agree with what has been said or discussed in that particular Committee. I am in favor of what was done by the President and by the Board of Trustees and the Chancellor's Office. I think what they did was something that I agree with as an individual Legislator and I would hope that as we are doing this and reviewing these things that we would keep in mind that if we are going to continually insert ourselves in the University, what it is doing and its Board of Trustees who are confirmed by us, that we are going to need a lot more than the present number of Legislators then we now have. I support them, we have confirmed them and I would just like to say as an individual Senator that I agree with the actions that they have taken. I think that the Chancellor and the President and the Board are doing a good job and if I have any problems I can work with them and try to resolve them.

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

Senator TWITCHELL of Oxford was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

On motion by Senator TWITCHELL of Oxford,  
ADJOURNED until Thursday, March 30, 1989, at 10:00 in  
the morning.

ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE  
FIRST REGULAR SESSION  
36th Legislative Day  
Thursday, March 30, 1989

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

Prayer by Reverend W. Lyman Phillips, South  
Penobscot Baptist Church.

The Journal of Wednesday, March 29, 1989, was  
read and approved.

Quorum call was held.

PAPERS FROM THE SENATE

Bill "An Act Regarding Retirement Benefits for  
Confidential State Employees" (S.P. 363) (L.D. 980)

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 Fund Rural Outreach Programs,  
Community Response Programs and Minimum Standard  
Requirements for Providers of Family Crisis Services  
Statewide" (S.P. 362) (L.D. 979)

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 Provisions for  
Exclusion from Motor Vehicle Insurance" (S.P. 365)  
(L.D. 982)

Bill "An Act Related to Improving Access to  
Long-term Health Care Insurance" (S.P. 367) (L.D. 984)

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

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

Bill "An Act to Clarify the Law Governing the  
Transfer of County Jail Prisoners" (S.P. 364) (L.D.  
981)

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

(The Committee on Reference of Bills had  
suggested reference to the Committee on Legal  
Affairs.)

On motion of Representative Paradis of Augusta,  
was referred to the Joint Select Committee on  
Corrections in non-concurrence and sent up for  
concurrence.

Bill "An Act to Implement the Ignition Interlock  
Program" (S.P. 366) (L.D. 983)

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

Was referred to the Committee on Legal Affairs in  
concurrence.

Bill "An Act Concerning Property Tax Relief for  
the Elderly" (S.P. 368) (L.D. 985)

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

Was referred to the Committee on Taxation in  
concurrence.