

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
Thursday
March 30, 1989

Senate called to Order by the President.

Prayer by Father Louis Berube of the Holy Family Catholic Church in Sanford.

FATHER BERUBE: Let us acknowledge the presence of our God among us. Heavenly Father, I offer You praise and thanks for the beauty of Your creation that You have prepared for us. Thank You for the gift of life and all the freedoms of our beautiful country, gifts that we take too much for granted.

In this Easter time, spring time of the year, all nature reminds us that new life and new opportunities are constantly offered us.

On this day, O God, I ask Your blessing on our State government, particularly on all State Senators and their families. United in mutual respect, open collaboration, and generous forgiveness, may we reflect Your daily love and protection for Your family. I offer this prayer in the name of Jesus Christ, Your son, our risen Lord. Amen.

Reading of the Journal of Yesterday.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by Senator DUTREMBLE of York, the following Joint Order:

S.P. 376

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Monday, April 3, 1989, at 9 o'clock in the morning.

Which was READ and PASSED.

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

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

Bill "An Act Authorizing Washington County to Refinance Certain Bonds Issued to the United States of America Acting through the Farmers Home Administration" (Emergency)

S.P. 377 L.D. 1000

Presented by Senator RANDALL of Washington
Cosponsored by Representative TAMMARO of
Baileyville, Representative MOHOLLAND of
Princeton and Representative LOOK of Jonesboro
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 27.
Committee on STATE AND LOCAL GOVERNMENT suggested
and ORDERED PRINTED.

Which was, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, without reference to a Committee, and ORDERED PRINTED.

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

PAPERS FROM THE HOUSE
House Papers

Bill "An Act to Establish Disability Retirement Benefits for Members of the Maine State Retirement System" (Emergency)

H.P. 716 L.D. 977

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 Expand Statewide Services to Individuals with Autism and Their Families"

H.P. 703 L.D. 964

Committee on HUMAN RESOURCES suggested and ORDERED PRINTED.

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 Undedicate the Alcohol Premium Tax Fund"

H.P. 710 L.D. 971

Committee on TAXATION suggested and ORDERED PRINTED.

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 Appropriate Funds for Telecommunications Services Provided to Deaf and Hearing-impaired Persons"

H.P. 711 L.D. 972

Committee on HUMAN RESOURCES suggested and ORDERED PRINTED.

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 Clarify Motor Vehicle Dealership Insurance Coverage Laws"

H.P. 702 L.D. 963

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 Require Recycling and Provide State Assistance to Municipalities"

H.P. 715 L.D. 976

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 Require Government Agencies to Notify the Public and Local Officials of Potential Public Land Purchases"

H.P. 701 L.D. 962

Comes from the House referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED.
 On motion by Senator CLARK of Cumberland, referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED in NON-CONCURRENCE.
 Sent down for concurrence.

Bill "An Act to Clarify Municipal Responsibility for the Provision of Services and the Payment of Rental Assistance Vouchers"

H.P. 705 L.D. 966

Bill "An Act to Establish a Statewide Program of Community-based Heart Attack and Stroke Prevention Programs"

H.P. 708 L.D. 969

Come 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 Establish State Guidelines for Child Support Awards"

H.P. 706 L.D. 967

Committee on HUMAN RESOURCES suggested and ORDERED PRINTED.
 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 Regarding Access to Places of Employment or Public Accommodation"

H.P. 714 L.D. 975

Committee on LEGAL AFFAIRS suggested and ORDERED PRINTED.
 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.

Resolve, Authorizing Brian Dreher of North Whitefield to Bring a Civil Action against the State of Maine

H.P. 704 L.D. 965

Bill "An Act Regarding Political Party Enrollment"

H.P. 709 L.D. 970

Come 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.

Resolve, Directing the Bureau of Human Resources to Study Certain State Employee Classifications

H.P. 712 L.D. 973

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 Increase the Property Tax Exemption for Veterans"

H.P. 713 L.D. 974

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.

Bill "An Act to Mandate the Use of Headlights during Inclement Weather"

H.P. 707 L.D. 968

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.

Pursuant to Public Law COMMISSION ON COASTAL SEARCH AND RESCUE

The 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 Fund the Law Enforcement and Search and Rescue Activities of the Department of Marine Resources"

H.P. 717 L.D. 986

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.

COMMUNICATIONS

The Following Communication: S.P. 378
 114TH MAINE LEGISLATURE
 March 29, 1989

Senator Barry J. Hobbins
 Representative Patrick E. Paradis
 Chairpersons
 Joint Standing Committee on Judiciary
 114th Legislature
 Augusta, Maine 04333
 Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Gail Ogilvie of Richmond for appointment as a member of the Workers' Compensation Commission.

Pursuant to Title 39, M.R.S.A. Section 91, this nomination will require review by the Joint Standing Committee on Judiciary 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 JUDICIARY.
 Sent down for concurrence.

SENATE PAPERS

Bill "An Act to Increase and Enhance Access to Home Care"

S.P. 373 L.D. 997

Presented by Senator GAUVREAU of Androscoggin
 Cosponsored by Representative LISNIK of Presque Isle, Representative FOSTER of Ellsworth and Speaker MARTIN of Eagle Lake
 Which was referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.
 Sent down for concurrence.

Bill "An Act to Register 3rd-party Medical Reimbursement Review Entities"

S.P. 374 L.D. 998

Presented by Senator MATTHEWS of Kennebec
Cosponsored by Representative BURKE of Vassalboro, Representative PINES of Limestone and Senator RANDALL of Washington
Which was referred to the Committee on BANKING AND INSURANCE and ORDERED PRINTED.
Sent down for concurrence.

Resolve, Directing Various Agencies of State Government to Assess their Policies Regarding Learning Disabilities

S.P. 369 L.D. 993

Presented by Senator ANDREWS of Cumberland
Cosponsored by Representative CROWLEY of Stockton Springs, Senator GILL of Cumberland and Representative O'GARA of Westbrook
Which was referred to the Committee on EDUCATION and ORDERED PRINTED.
Sent down for concurrence.

Bill "An Act to Limit the Granting of Injunctions in Labor Disputes"

S.P. 372 L.D. 996

Presented by Senator BUSTIN of Kennebec
Cosponsored by Representative PRIEST of Brunswick and Representative PINEAU of Jay
Which was referred to the Committee on LABOR and ORDERED PRINTED.
Sent down for concurrence.

Bill "An Act to Fund and Implement Changes in Health Insurance Benefits in Collective Bargaining Agreements with Maine Maritime Academy Employees Represented by the Maine State Employees Association" (Emergency)

S.P. 371 L.D. 995

Presented by Senator PEARSON of Penobscot
Cosponsored by Representative CARTER of Winslow, Senator GOULD of Waldo and Representative FOSTER of Ellsworth
Committee on LABOR suggested and ORDERED PRINTED.
On motion by Senator CLARK of Cumberland, referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.
Sent down for concurrence.

Bill "An Act Related to State Preemption of Firearms Regulation"

S.P. 370 L.D. 994

Presented by President PRAY of Penobscot
Cosponsored by Speaker MARTIN of Eagle Lake, Representative ROTONDI of Athens and Senator DILLENBACK of Cumberland

Senate at Ease

Senate called to order by the President.

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

Sent down for concurrence.

Bill "An Act to Amend Department of Transportation Statutory Provisions Pursuant to the

Surface Transportation and Uniform Relocation Assistance Act of 1987 Enacted by the Congress of the United States" (Emergency)

S.P. 375 L.D. 999

Presented by Senator TWITCHELL of Oxford
Cosponsored by Representative MOHOLLAND of Princeton, Senator GOULD of Waldo and Representative HICHBORN of LaGrange
Submitted by the Department of Transportation pursuant to Joint Rule 24.
Which was referred to the Committee on TRANSPORTATION and ORDERED PRINTED.
Sent down for concurrence.

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 APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Establish a Matching Grant Program for Removal of Hazardous Chemicals from Schools" (Emergency)

H.P. 71 L.D. 102

The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Study the Use of Pesticides in the State's Forests"

H.P. 347 L.D. 466

The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Require Installation of Garbage Disposal Units in Multifamily Dwellings and Other Residences"

H.P. 425 L.D. 590

The Committee on TRANSPORTATION on Bill "An Act to Extend Maine Turnpike Commuter Passes"

H.P. 170 L.D. 235

The Committee on TRANSPORTATION on Bill "An Act to Mandate Driver Training and the Use of Safety Belts by Police Officers"

H.P. 297 L.D. 409

The Committee on TRANSPORTATION on Bill "An Act to Adjust the Municipal Salt and Sand Storage Facility Cost-sharing Formula"

H.P. 299 L.D. 411

The Committee on TRANSPORTATION on Bill "An Act to Exempt Interstate 95 between Exits 19 and 21 from Truck Weight Restrictions"

H.P. 352 L.D. 471

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:

The Committee on TRANSPORTATION on Bill "An Act to Require Motor Vehicle Registration for Island Automobiles"

H.P. 85 L.D. 114

The Committee on TRANSPORTATION on Bill "An Act to Clarify the Penalty for Violations of Pedestrian Right-of-Way in Crosswalks"

H.P. 262 L.D. 374

The Committee on TRANSPORTATION on Bill "An Act Concerning the Maintenance of Cattle Fences on State Land"

H.P. 374 L.D. 505

Ought to Pass As Amended

The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Prohibit the Use of Plastic Beverage Stirrers in State Facilities"

H.P. 239 L.D. 351

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-17).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-17) AND HOUSE AMENDMENT "A" (H-22).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-17) READ and ADOPTED, in concurrence.

House Amendment "A" (H-22) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on FISHERIES AND WILDLIFE on Bill "An Act to Authorize Issuance of Complimentary Hunting, Trapping and Fishing Licenses for Residents 70 Years of Age at Any Time During the Calendar Year in Which They Attain the Age of 70"

H.P. 288 L.D. 400

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

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-20).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-20) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senate

Ought to Pass As Amended

Senator TWITCHELL for the Committee on TRANSPORTATION on Bill "An Act to Make Minor Changes in the Motor Vehicle Laws"

S.P. 75 L.D. 65

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-23).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-23) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator TWITCHELL for the Committee on TRANSPORTATION on Bill "An Act to Provide Lifetime License Plates to Margaret Chase Smith"

S.P. 128 L.D. 213

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-25).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-25) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator GOULD for the Committee on TRANSPORTATION on Bill "An Act to Improve Ferry Service to Matinicus Isle"

S.P. 166 L.D. 323

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-24).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-24) READ and ADOPTED. The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Off Record Remarks

SECOND READERS

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

House

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Oxford County for the Year 1989 (Emergency)

H.P. 679 L.D. 930

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Hancock County for the Year 1989 (Emergency)

H.P. 680 L.D. 931

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

House As Amended

Bill "An Act to Establish the Maine Greenbelt Commission"

H.P. 182 L.D. 247

(C "A" H-18)

Bill "An Act to Eliminate the Registration Fee on Municipal Dams"

H.P. 185 L.D. 250

(C "A" H-15)

Bill "An Act to Ban the Use of Chlorofluorocarbons in All Plastic Foam Boards"

H.P. 349 L.D. 468

(C "A" H-19)

Which were 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:

ENACTORS

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

Emergency

An Act Concerning Certain Municipal Boundaries

S.P. 359 L.D. 960

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with No Senators having voted in negative, and 31 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.

Senate at Ease

Senate called to order by the President.

Off Record Remarks

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 Authorizing Washington County to Refinance Certain Bonds Issued to the United States of America Acting through the Farmers Home Administration

S.P. 377 L.D. 1000

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.

Senate at Ease

Senate called to order by the President.

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

The ADJOURNMENT ORDER having been returned from the House READ and PASSED, in concurrence, on motion by Senator BOST of Penobscot, ADJOURNED until Monday, April 3, 1989, at 9:00 in the morning.

ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
37th Legislative Day
Monday, April 3, 1989

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

Prayer by Pastor Rick Nesbitt, Victory Baptist Church, Winthrop.

National Anthem by Foxcroft Academy Band, Dover-Foxcroft.

The Journal of Thursday, March 30, 1989, was read and approved.

Quorum call was held.

PAPERS FROM THE SENATE

Bill "An Act to Increase and Enhance Access to Home Care" (S.P. 373) (L.D. 997)

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 Fund and Implement Changes in Health Insurance Benefits in Collective Bargaining Agreements with Maine Maritime Academy Employees Represented by the Maine State Employees Association" (EMERGENCY) (S.P. 371) (L.D. 995)

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

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

Was referred to the Committee on Appropriations and Financial Affairs in concurrence.

Bill "An Act to Register 3rd-party Medical Reimbursement Review Entities" (S.P. 374) (L.D. 998)

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.

Resolve, Directing Various Agencies of State Government to Assess their Policies Regarding Learning Disabilities (S.P. 369) (L.D. 993)

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

Was referred to the Committee on Education in concurrence.

Bill "An Act to Limit the Granting of Injunctions in Labor Disputes" (S.P. 372) (L.D. 996)

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

Was referred to the Committee on Labor in concurrence.

Bill "An Act Related to State Preemption of Firearms Regulation" (S.P. 370) (L.D. 994)

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 to Amend Department of Transportation Statutory Provisions Pursuant to the