

# 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  
April 18, 1989

Senate called to Order by the President.

Prayer by the Honorable Beverly Miner Bustin of Kennebec.

SENATOR BUSTIN: Shall we pray. Thou, with whom one day is as a thousand years and a thousand years as one day, grant us, by faith, to link our fleeting seasons with eternity, and to stay our human frailty on Thy divine strength.

So, among the changes and trials of life we may remain unshaken in hope and purpose, and reach the close of our journey; through Thy grace, with honor and peace. Amen.

Reading of the Journal of Thursday, April 13, 1989.

Off Record Remarks

PAPERS FROM THE HOUSE  
Non-concurrent Matter

Bill "An Act to Require the Use of Carry-out Bags that Can Be Recycled"

H.P. 790 L.D. 1102

In House, April 11, 1989, referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED.

In Senate, April 12, 1989, referred to the Committee on BUSINESS LEGISLATION and ORDERED PRINTED in NON-CONCURRENCE.

Comes from the House, that Body INSISTED.

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending FURTHER CONSIDERATION.

House Papers

Bill "An Act to Amend the Laws Concerning Certain Fund Raising Events"

H.P. 839 L.D. 1171

Bill "An Act to Provide Final Price Disclosure to Potato Growers"

H.P. 841 L.D. 1173

Bill "An Act to Adapt the Maine Milk Pool Law to Potential Changes in Milk Pricing"

H.P. 844 L.D. 1176

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 Ensure Payment of Reasonable Costs of Operating Community-based Facilities for the Mentally Retarded" (Emergency)

H.P. 840 L.D. 1172

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$6,000,000 for the Development and Implementation of Solid Waste Site Acquisition"

H.P. 854 L.D. 1186

Resolve, to Create a Demonstration Project to Provide for a Transitional Housing Program for Pregnant Teenagers and Teenaged Parents

H.P. 852 L.D. 1184

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 to Amend the Law Relating to Property Insurance"

H.P. 858 L.D. 1190

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 to Authorize the Detention in County Jails of Adults for Offenses Committed as Juveniles"

H.P. 817 L.D. 1145

Committee on JUDICIARY suggested and ORDERED PRINTED.

Comes from the House referred to the Joint Select Committee on CORRECTIONS and ORDERED PRINTED.

Which was referred to the Joint Select Committee on CORRECTIONS and ORDERED PRINTED, in concurrence.

Bill "An Act to Transfer Jurisdiction over County Jails from County Government to the Department of Corrections"

H.P. 857 L.D. 1189

Comes from the House referred to the Joint Select Committee on CORRECTIONS and ORDERED PRINTED.

Which was referred to the Joint Select Committee on CORRECTIONS and ORDERED PRINTED, in concurrence.

Bill "An Act to Improve the Delivery of Higher Education Finances in Maine" (Emergency)

H.P. 837 L.D. 1169

Bill "An Act to Create a Coalition Drug Education Program"

H.P. 856 L.D. 1188

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 Reinstate Certain Preexisting Development Applications"

H.P. 850 L.D. 1182

Bill "An Act to Amend the Overboard Discharge Laws"

H.P. 855 L.D. 1187

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 Amend the Family Planning Services Act"

H.P. 846 L.D. 1178

Bill "An Act to Promote Clean Air in Beano Halls"

H.P. 848 L.D. 1180

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 Describe the Division of Southern Cumberland of the 9th Maine District Court"

H.P. 843 L.D. 1175

Bill "An Act Concerning the Rights of a Father to Bring a Paternity Action"

H.P. 847 L.D. 1179

Bill "An Act to Increase the Number of Superior Court Justices and District Court Judges"

H.P. 849 L.D. 1181

Come 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 Facilitate State Income Tax Withholding from Ordered Civil Service Annuities"

H.P. 838 L.D. 1170

Bill "An Act to Amend the Assessing Procedure"

H.P. 845 L.D. 1177

Bill "An Act to Stabilize Property Taxes of People 65 Years of Age or Older"

H.P. 853 L.D. 1185

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 Provide Disabled Veterans with Free Drivers' Licenses"

H.P. 842 L.D. 1174

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.

SENATE PAPERS

Bill "An Act to Maintain Legal Services for Low-income Citizens" (Emergency)

S.P. 449 L.D. 1211

Presented by Senator CLARK of Cumberland

Cosponsored by Senator PERKINS of Hancock,

Representative CHONKO of Topsham 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 Increase Educational Opportunities for Economically and Educationally Disadvantaged Residents"

S.P. 450 L.D. 1212

Presented by Senator BOST of Penobscot

Cosponsored by Senator ESTES of York,

Representative CROWLEY of Stockton Springs and

Representative SMALL of Bath

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

Sent down for concurrence.

Bill "An Act to Inform Taxpayers about State Aid to Municipalities"

S.P. 447 L.D. 1209

Presented by Senator PEARSON of Penobscot

Cosponsored by Representative HICHBORN of LaGrange

Bill "An Act to Alleviate the Tax Burden when Property is Destroyed by Fire"

S.P. 448 L.D. 1210

Presented by Senator LUDWIG of Aroostook

Which were referred to the Committee on TAXATION and ORDERED PRINTED.

Sent down for concurrence.

ORDERS

Joint Resolution

On motion by Senator COLLINS of Aroostook (Cosponsored by: Senator THERIAULT of Aroostook, Senator LUDWIG of Aroostook, Representative SMITH of Island Falls, Representative GRAHAM of Houlton, Representative MACBRIDE of Presque Isle, Representative LISNIK of Presque Isle, Representative MAHANY of Easton, Representative PINES of Limestone, Representative BELL of Caribou, Representative ANDERSON of Woodland, Representative MARTIN of Van Buren, Representative MCHENRY of Madawaska, Representative PARADIS of Frenchville, Speaker MARTIN of Eagle Lake) the following Joint Resolution:

S.P. 451

JOINT RESOLUTION COMMEMORATING

THE 150TH ANNIVERSARY OF AROOSTOOK COUNTY

WHEREAS, Maine's northernmost county, the County of Aroostook, has long been nationally recognized for its unique character and for the perseverance and fortitude of its citizens; and

WHEREAS, this largest county of the eastern United States, incorporated by an Act of the Legislature on March 16, 1839, covering an area of 6,450 square miles, has become known as the "Crown of Maine" because of its location, size and its prominence in the history and affairs of our State; and

WHEREAS, "The County" is the ancestral home of the Maliseet and Micmac Indians, was first explored by French and English traders and frontiersmen in the 1600's; was permanently settled in the north by 200 Acadian pioneers at Madawaska in 1785 and in the south by Joseph Houlton, Aaron Putnam and Oliver Taylor at Houlton in 1804; and ever since those first colonizations, has required a special spirit of independence from those who have come to live within its bounds, including other settlers from southern Maine, New Brunswick and the Kingdom of Sweden, and has in return given generously of its spectacular natural beauty and abundant natural resources; and

WHEREAS, this vast expanse of woodlands, farms and communities not only serves the material needs of New England for lumber, paper, wood products and potatoes, but also refreshes the spirits of countless hunters, hikers, anglers and outdoor sports enthusiasts who come to Aroostook each year for a respite from crowded urban lives; and

WHEREAS, the "Last Frontier" is an important part of Maine's heritage and mystique which epitomizes the self-reliance and self-sufficiency of the people of Maine; 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 occasion to recognize the Sesquicentennial Anniversary of Aroostook County, and to commend the inhabitants and officials of this area for the success which they have achieved together for 150 years, and to extend to each our sincere hopes and best wishes for continued achievement over the next century and a half; 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 county in honor of the occasion.

Which was, under suspension of the Rules, READ.

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

Senator COLLINS: Thank you Mr. President. Mr. President, men and women of the Senate. I am very pleased today to offer this Joint Resolution on behalf of the entire Aroostook Delegation. We celebrate in "The County" our 150th year of existence. Those of you who live in the southern part of Maine may consider this a relatively short time, but we think that we have done well to arrive at this happy celebration time.

I am particularly pleased that we have with us today a guest from Presque Isle High School, who is here to observe the process today and to report back to the city of Presque Isle that we have Adopted this Joint Resolution.

I would particularly like to commend the Revisor of Statutes, Mr. Kennedy, for crafting, as he did so well, the Resolution. Thank you Mr. President.

Which was ADOPTED.

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 FISHERIES AND WILDLIFE on Bill "An Act to Allow Holders of Maine Hunting Licenses to Hunt on Sunday during Hunting Season"

H.P. 218 L.D. 298

The Committee on FISHERIES AND WILDLIFE on Bill "An Act to Require that Residents Have at Least the Same Chances of Receiving Doe Permits as Nonresidents"

H.P. 331 L.D. 450

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 FISHERIES AND WILDLIFE on Bill "An Act to Amend the Muzzle-loading Hunting Season"

H.P. 516 L.D. 701

The Committee on FISHERIES AND WILDLIFE on Bill "An Act to Provide that Money Collected from Snowmobile Registration Fees be Returned to Registered Snowmobile Clubs"

H.P. 147 L.D. 199

The Committee on LABOR on Bill "An Act to Establish Preapprenticeship Programs"

H.P. 479 L.D. 659

The Committee on LABOR on Bill "An Act to Prevent Apprenticeship Instructors from Being Disqualified for Unemployment Compensation"

H.P. 447 L.D. 612

Ought to Pass

The Committee on JUDICIARY on Bill "An Act Relating to Civil Penal Damages to be Awarded in Cases of Unlawful Discrimination"

H.P. 373 L.D. 504

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.

The Committee on UTILITIES on Bill "An Act Concerning the Regulatory Treatment of Consumer-owned Electric Utilities"

H.P. 384 L.D. 515

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.

Ought to Pass As Amended

The Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act Converting Baring Plantation into the Town of Baring"

H.P. 278 L.D. 390

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-62).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-62).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-62) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on TAXATION on Bill "An Act to Protect Confidentiality of Private Business Transactions"

H.P. 235 L.D. 347

Reported that the same Ought Not to Pass.

Signed:

Senators:

ANDREWS of Cumberland

BALDACCI of Penobscot

EMERSON of Penobscot

Representatives:

CASHMAN of Old Town

NADEAU of Saco

DIPIETRO of South Portland

SWAZEY of Bucksport

JACKSON of Harrison

DORE of Auburn

SEAVEY of Kennebunkport

DUFFY of Bangor

TARDY of Palmyra

The Minority of the same Committee on the same subject reported that the same Ought to Pass.

Signed:

Representative:

WHITCOMB of Waldo

Comes from the House the Majority OUGHT NOT TO PASS Report READ and ACCEPTED.

Which Reports were READ.

On motion by Senator ANDREWS of Cumberland, the Majority OUGHT NOT TO PASS Report was ACCEPTED, in concurrence.

ENACTORS

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

An Act to Provide Credit for Braille Courses

H.P. 104 L.D. 141

(C "A" H-44)

An Act to Provide that Medical Information in the Files of the Maine State Retirement System is not Public Information

H.P. 263 L.D. 375  
(C "A" H-42)

An Act to Amend the Medical Health Security Act to Include Podiatrists

S.P. 190 L.D. 417  
(C "A" S-26)

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

Emergency

An Act to Make Changes in the Motor Vehicle Laws

S.P. 75 L.D. 65  
(S "A" S-29 & H "A"  
H-53 to C "A" S-23)

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.

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

SENATE PAPERS

Resolve, to Ensure Accessible Mental Health Services To Deaf Children and Adults

S.P. 452 L.D. 1224

Presented by Senator PERKINS of Hancock  
Cosponsored by Representative LISNIK of Presque Isle, Senator GAUVREAU of Androscoggin and Senator GOULD of Waldo

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

Sent down for concurrence.

Bill "An Act to Amend Laws Regulating the Sardine Industry"

S.P. 453 L.D. 1225

Presented by Senator PERKINS of Hancock  
Cosponsored by Representative LOOK of Jonesboro, Representative HUTCHINS of Penobscot and Representative TOWNSEND of Eastport  
Which was referred to the Committee on MARINE RESOURCES 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 As Amended

Senator WHITMORE for the Committee on BUSINESS LEGISLATION on Bill "An Act to Define and Clarify the Authority of the Board of Dental Examiners to Promulgate Rules"

S.P. 132 L.D. 217

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-44).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-44) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator WHITMORE for the Committee on BUSINESS LEGISLATION on Bill "An Act to Increase the Compensation of the Board of Dental Examiners and Secretary-Treasurer of the Board"

S.P. 168 L.D. 325

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-45).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-45) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senate at Ease

Senate called to order by the President.

ORDERS OF THE DAY

The Chair laid before the Senate the Tabled and Later Today Assigned matter:

Bill "An Act to Require the Use of Carry-out Bags that Can Be Recycled"

H.P. 790 L.D. 1102

Tabled - April 18, 1989, by Senator CLARK of Cumberland.

Pending - FURTHER CONSIDERATION

(In House, April 11, 1989, referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED.)

(In Senate, April 12, 1989, referred to the Committee on BUSINESS LEGISLATION and ORDERED PRINTED in NON-CONCURRENCE.)

(In House, April 13, 1989, that Body INSISTED.)

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

Off Record Remarks

On motion by Senator ESTY of Cumberland, ADJOURNED until Tuesday, April 19, 1989, at 12:00 in the afternoon.