

# 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  
May 3, 1989

Senate called to Order by the President.

Prayer by Reverend Mark Davenport of the First Baptist Church in Waldoboro.

REVEREND DAVENPORT: Shall we pray. Father, we thank You so much for this beautiful day and the opportunity to be here serving this country, this state, and You. We thank You for every man and each woman that is here today and the awesome responsibility that they have. We pray that You would give them wisdom, courage of conviction, strength, and Father, insight. We know that You have told us that the gain of wisdom is the fear of God, so give us holy fear today of who we are and the fact that we are serving someone greater than just ourselves. Make us aware of that responsibility. Thank You for the opportunity to serve in a free country. We ask these things in Jesus' name. Amen.

Reading of the Journal of Yesterday.

Off Record Remarks

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$5,000,000 for Municipal Service Piers"

H.P. 1020 L.D. 1421

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 Local School District Support for Vocational Centers"

H.P. 1015 L.D. 1416

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.

Resolve, to Establish a Study Commission Regarding Incentives for Recycling of Solid Waste by Commercial Facilities

H.P. 1016 L.D. 1417

Bill "An Act to Establish a Technical Services Program in the Local Soil and Water Conservation Districts"

H.P. 1018 L.D. 1419

Bill "An Act to Require that the Department of Environmental Protection Be Responsible for the Location, Construction and Operation of Regional Solid Waste Disposal Facilities" (Emergency)

H.P. 1021 L.D. 1422

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 Establish the Child Welfare Advisory Committee and to Redesignate the Bureau of Social Services as the Bureau of Child and Family Services"

H.P. 1024 L.D. 1425

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 Compensation to Victims of Illegal Acts"

H.P. 1023 L.D. 1424

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 Clarify that Municipal Police Officers Need Not Be Residents of the State" (Emergency)

H.P. 1019 L.D. 1420

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 to Prevent Double Taxation on Motor Vehicles"

H.P. 1017 L.D. 1418

Bill "An Act to Establish Homestead Credits"

H.P. 1022 L.D. 1423

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.

Off Record Remarks

SENATE PAPERS

Bill "An Act to Expand the Maine State Retirement System for Reemployed Individuals"

S.P. 527 L.D. 1444

Presented by Senator GILL of Cumberland  
Cosponsored by Representative MACOMBER of South Portland

Which was referred to the Committee on AGING, RETIREMENT AND VETERANS and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Provide Greater Legislative Oversight of Teacher and Administrative Certification"

S.P. 524 L.D. 1441

Presented by Senator BOST of Penobscot  
Cosponsored by Senator ESTES of York,  
Representative CROWLEY of Stockton Springs and  
Representative NORTON of Winthrop

Resolve, to Establish a Commission to Study the Provision of Services by Schools for Students Leaving Substance Abuse Treatment Centers (Emergency)

S.P. 525 L.D. 1442

Presented by Senator MATTHEWS of Kennebec

Cosponsored by Senator ESTES of York, Representative CROWLEY of Stockton Springs and Senator BOST of Penobscot  
 Resolve, Funding a Bachelors of Science in Nursing Program at the University of Maine at Augusta  
 S.P. 526 L.D. 1443  
 Presented by Senator MATTHEWS of Kennebec  
 Which were referred to the Committee on EDUCATION and ORDERED PRINTED.  
 Sent down for concurrence.

Bill "An Act to Amend the Charter of the Rangeley Water District"  
 S.P. 528 L.D. 1445  
 Presented by Senator ERWIN of Oxford  
 Cosponsored by Representative MILLS of Bethel  
 Which was referred to the Committee on UTILITIES and ORDERED PRINTED.  
 Sent down for concurrence.

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 HOUSING AND ECONOMIC DEVELOPMENT on Bill "An Act Concerning the Purchase of Real Estate by the State or Local Housing Authorities"  
 H.P. 238 L.D. 350

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 UTILITIES on Bill "An Act Concerning the Regulatory Treatment of Consumer-owned Electric Utilities" (Emergency)  
 H.P. 774 L.D. 1086

Ought to Pass As Amended

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Improve the Accountability and Allocation of Funds for Community-purchased Services"  
 H.P. 316 L.D. 432

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-120).  
 Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-120).  
 Which Report was READ and ACCEPTED, in concurrence.  
 The Bill READ ONCE.  
 Committee Amendment "A" (H-120) READ and ADOPTED, in concurrence.  
 The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Make Allocations from the Public Utilities Commission Regulatory Fund and the Public Utilities Reimbursement Fund for the Fiscal Years Ending June 30, 1990, and June 30, 1991" (Emergency)  
 H.P. 366 L.D. 497

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-116).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-116).  
 Which Report was READ and ACCEPTED, in concurrence.  
 The Bill READ ONCE.  
 Committee Amendment "A" (H-116) READ and ADOPTED, in concurrence.  
 The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Fund the Maine Hospice Council"  
 H.P. 646 L.D. 880

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-121).  
 Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-121).  
 Which Report was READ and ACCEPTED, in concurrence.  
 The Bill READ ONCE.  
 Committee Amendment "A" (H-121) READ and ADOPTED, in concurrence.  
 The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on BUSINESS LEGISLATION on Bill "An Act to Strengthen the Licensing Requirements for Foresters"  
 H.P. 584 L.D. 788

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-114).  
 Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-114).  
 Which Report was READ and ACCEPTED, in concurrence.  
 The Bill READ ONCE.  
 Committee Amendment "A" (H-114) READ and ADOPTED, in concurrence.  
 The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on BUSINESS LEGISLATION on Bill "An Act Regarding Traveling Barbers"  
 H.P. 639 L.D. 873

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-115).  
 Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-115).  
 Which Report was READ and ACCEPTED, in concurrence.  
 The Bill READ ONCE.  
 Committee Amendment "A" (H-115) 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 Remove Legislative Review from Certain Air Quality Standards"  
 H.P. 665 L.D. 907

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-124).  
 Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-124).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-124) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on HUMAN RESOURCES on Bill "An Act to Establish a Statewide Program of Community-based Heart Attack and Stroke Prevention Programs"

H.P. 708 L.D. 969

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-117).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-117).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-117) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on JUDICIARY on Bill "An Act Concerning The Passamaquoddy Tribal Court"

H.P. 651 L.D. 885

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-118).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-118).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-118) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on LEGAL AFFAIRS on Bill "An Act to Establish Rules for the Use of Dynamite and Explosives"

H.P. 134 L.D. 178

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-123).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-123).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-123) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on LEGAL AFFAIRS on Bill "An Act to Clarify Election Law Procedures"

H.P. 401 L.D. 545

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-122).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-122).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-122) 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 HOBBS for the Committee on JUDICIARY on Bill "An Act to Amend the State Antitrust Laws" S.P. 308 L.D. 807

Senator HOBBS for the Committee on JUDICIARY on Bill "An Act Regarding Negotiation of a Worthless Instrument" S.P. 319 L.D. 856

Change of Reference

Senator HOBBS for the Committee on JUDICIARY on Bill "An Act to Regulate Child Support Enforcement by the Department of Human Services"

S.P. 503 L.D. 1377

Reported that the same be REFERRED to the Committee on STATE AND LOCAL GOVERNMENT.

Which Report was READ and ACCEPTED.

The Bill REFERRED to the Committee on STATE AND LOCAL GOVERNMENT.

Sent down for concurrence.

Ought to Pass

Senator HOBBS for the Committee on JUDICIARY on Bill "An Act to Amend the Protection From Harassment Laws"

S.P. 275 L.D. 721

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

Senator HOBBS for the Committee on JUDICIARY on Bill "An Act to Require a County Jailer to Return List of Prisoners"

S.P. 422 L.D. 1133

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

Senate at Ease

Senate called to order by the President.

SECOND READERS

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

House

Bill "An Act Relating to Theft of Services"

H.P. 362 L.D. 493

Bill "An Act to Provide Funding for the Beals Island Regional Shellfish Hatchery"

H.P. 539 L.D. 736

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

House As Amended

Bill "An Act to Improve the Air Quality by Limiting the Sulfur Content of Fuel Oils"

H.P. 528 L.D. 713  
(C "A" H-112)

Bill "An Act to Improve Indoor Air Quality Through Accurate Testing and Effective Reduction of Radon Levels in Buildings"

H.P. 655 L.D. 889  
(C "A" H-111)

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

Senate

Bill "An Act Regarding Alcohol Credit Sales"  
S.P. 218 L.D. 534

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

Sent down for concurrence.

Senate As Amended

Bill "An Act Relating to the Licensing of Insurance Agents, Brokers and Adjusters"

S.P. 53 L.D. 28  
(C "A" S-74)

Bill "An Act to Correct Liquor License Fees" (Emergency)

S.P. 68 L.D. 56  
(C "A" S-73)

Bill "An Act to Require the Department of Human Services to Investigate Zero Discharge Systems" (Emergency)

S.P. 88 L.D. 90  
(C "A" S-77)

Bill "An Act to Revise the Particulate Matter Air Quality Standard"

S.P. 136 L.D. 221  
(C "A" S-76)

Bill "An Act to Make Changes to the Public Utilities Commission Laws"

S.P. 161 L.D. 309  
(C "A" S-78)

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

Sent down for concurrence.

ENACTORS

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

An Act to Provide Greater Power to the Maine District Court in Emancipation Proceedings

H.P. 109 L.D. 146  
(C "A" H-71)

An Act to Clarify and Make Changes to the Statute Governing the Operation of the Department of Corrections

S.P. 145 L.D. 265  
(S "A" S-55 to C "A" S-50)

An Act to Amend the Law to Provide for Appeal of Civil Contempt Orders

H.P. 281 L.D. 393

An Act Regarding the Consignment or Rental of Diseased Horses

H.P. 350 L.D. 469

An Act to Provide a Sales Tax Exemption for Sales to Providers of Certain Support Systems for Single-parent Families

H.P. 363 L.D. 494  
(C "A" H-95)

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 Improve the Early Childhood Educational Plans Grants Program

S.P. 63 L.D. 46  
(C "A" S-54)

On motion by Senator PEARSON of Penobscot, placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

An Act to Encourage Recycling of Lead-acid Batteries

H.P. 108 L.D. 145  
(H "A" H-107 to C "A" H-56)

Senator PEARSON of Penobscot moved that this Bill be placed on the SPECIAL APPROPRIATIONS TABLE.

Senate at Ease

Senate called to order by the President.

Subsequently, the same Senator requested and received Leave of the Senate to withdraw his motion.

THE PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Webster.

Senator WEBSTER: Thank you Mr. President. I would like to pose a question through the Chair to any Senator who may care to respond. This is a Bill which puts a ten dollar deposit on batteries, which sounds like a good idea to me, to make sure that batteries are being recycled. There is an appropriation on this Bill of a part-time state employee that I am not sure we need. I would like to know what is in this Bill that requires hiring more people. It seems to me that little requirement on time would be needed for the store owner to keep track of these records. I would hope that we would not have state employees driving all over the state. I am not sure I understand what the reason is for hiring anybody.

The other thing is, is there a use for these batteries now? I know years ago they used to recycle these items. I am in the heating business and I recycle copper and brass, but I can't dispose of the batteries that I have now because nobody buys them. As a matter of fact, I took three or four of them to the dump last week and put them in a special pile they have. I appreciate the Senate's indulgence. Thank you.

THE PRESIDENT: The Senator from Franklin, Senator Webster, has posed a question through the Chair to any Senator who may care to respond.

The Chair recognizes the Senator from Kennebec, Senator Kany.

Senator KANY: Thank you Mr. President. Mr. President, men and women of the Senate. I would like to point out that this is the second Bill that we have had come out of the Energy and Natural Resources Committee dealing with solid waste. The first one was a very minor one, plastic stirrers, and this is really the first major Bill that has come out of the Committee on this topic. We do have a half of a position in the Bill because we wanted to be able to give technical advise to the municipalities throughout the state. The principle and idea of recycling lead batteries and there will be many questions about this, because as you all are probably aware, many of the batteries do have PCB's in them, a very toxic substance.

There is some recycling of batteries now. In fact, I know Industrial Metal Recycling in Oakland is taking them and is taking them near Montreal for

recycling. We don't have any recycling of batteries in Maine, in which they use the metal again and make new batteries. There will be a lot of assistance needed to those involved in recycling facilities and to the municipalities throughout the state, as we become involved in this. We thought that a half of person, half time, devoted to this was not too much at all and would be needed.

THE PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Webster.

Senator WEBSTER: Thank you Mr. President. Mr. President, men and women of the Senate. I appreciate the explanation from the good Senator from Kennebec, Senator Kany. Obviously, this Bill will go on the Table and compete with all the other items to be discussed by the Appropriations Committee. My concern is only that I don't see the need for this position and it is unfortunate that a good Bill would perhaps have a chance of not being funded because of hiring an additional employee that we may or may not need. The concept is good, it is a good idea and I think we need to deal with solid waste, it is a major concern to all of us. I have some reservations about hiring someone that we don't need. Thank you.

On motion by Senator PEARSON of Penobscot, placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

Emergency

An Act to Make Technical Changes to Provisions Related to the Probation and Parole and Intensive Supervision Program Functions

S.P. 223 L.D. 539  
(C "A" S-37; H "A"  
H-109)

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.

Emergency

An Act to Correct Errors in the County and Municipal Law Recodification

H.P. 859 L.D. 1199  
(S "A" S-60)

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.

Off Record Remarks

ORDERS OF THE DAY

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

Bill "An Act to Enhance the Integrated Pest Management Capabilities of Agriculture in Maine"

S.P. 357 L.D. 958

Tabled - May 2, 1989, by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENGROSSED

(In Senate, May 1, 1989, RECONSIDERED PASSAGE TO BE ENGROSSED.)

On motion by Senator TWITCHELL of Oxford, Senate Amendment "A" (S-79) READ and ADOPTED.

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

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

An Act to Increase the Compensation of the Board of Dental Examiners and Secretary-Treasurer of the Board

S.P. 168 L.D. 325  
(C "A" S-45)

Tabled - May 2, 1989, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

(In Senate, May 2, 1989, RECONSIDERED PASSAGE TO BE ENACTED.)

(In House, April 27, 1989, PASSED TO BE ENACTED.)

On motion by Senator BALDACCI of Penobscot, the Senate SUSPENDED THE RULES.

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

THE PRESIDENT: The Chair recognizes the same Senator.

Senator BALDACCI: I would like to have someone Table this Bill for 1 Legislative Day, there is a fiscal note that needs to be attached to this Bill. Thank you.

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending PASSAGE TO BE ENGROSSED AS AMENDED.

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

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on HOUSING AND ECONOMIC DEVELOPMENT on Bill "An Act to Enhance the Economic Corridor Action Grant Program" (Emergency)

H.P. 758 L.D. 1062

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-132).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-132).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-132) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

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

On motion by Senator KANY of Kennebec, ADJOURNED until Thursday, May 4, 1989, at 9:00 in the morning.