

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

Yes, 74; No, 53; Absent, 9; Vacant, 1; Paired, 14; Excused, 0.

74 having voted in the affirmative and 53 in the negative with 9 being absent, 1 vacant and 14 paired, the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-127) Report was accepted, the Bill read once.

Committee Amendment "A" (H-127) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Winslow, Representative Carter.

Representative CARTER: Mr. Speaker, if I am in order, pursuant to House Rule 31, I would request the Chair's ruling on germaneness.

The SPEAKER: The Chair would like to advise members that in the course of debate on this item in committee, the Chair was made aware that a request would be made. When a request is made for a ruling from the Chair, it is usually without notice. In this instance, I was aware that it was going to be made and I learned a long time ago (in this legislative body) that if you want to keep it quiet, you don't tell anyone. No one knows -- even though many have counseled as to what my decision ought to be, there is not a single person in this legislative body or outside this body that knows what my decision will be.

The Chair has determined after reviewing the amendment that, since Committee Amendment "B", the original Bill, and Committee Amendment "A" contains the provision of requiring parental consent and that Committee Amendment "A" keeps the intent of the Bill, in terms of a bypass from the parents, (in the first instance in the bill that is judicial) the committee extended the number of bypasses. Therefore, the Chair will rule that Committee Amendment "A" is germane with the purpose of the Bill and of the Amendment.

Subsequently, Committee Amendment "A" was adopted.

Under suspension of the rules, the Bill was read a second time, passed to be engrossed as amended by Committee Amendment "A" and sent up for concurrence.

By unanimous consent, was ordered sent forthwith to the Senate.

(Off Record Remarks)

On motion of Representative Nadeau of Saco, Adjourned until Monday, May 8, 1989, at nine o'clock in the morning.

STATE OF MAINE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
FIRST REGULAR SESSION
JOURNAL OF THE SENATE

In Senate Chamber
Friday
May 5, 1989

Senate called to Order by the President.

Prayer by the Honorable Margaret G. Ludwig of Aroostook.

SENATOR LUDWIG: Let us pray. Lord, as we are once again reminded of the brevity of human existence and as we grieve for the loss of one of our fellow legislators, let us remember the advice offered in the Book of Micah, where it is written: "He hath showed Thee what is good and what doth the Lord require of Thee? But to do justly and to love mercy and to walk humbly with Thy God." Amen.

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Fund the Maine State Retirement System for Certain Employees Previously Covered by the County Retirement System"

H.P. 1062 L.D. 1484

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.

Resolve, Concerning Africanized Bees

H.P. 1055 L.D. 1477

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 Amend the Real Estate Brokerage License Laws" (Emergency)

H.P. 1068 L.D. 1490

Resolve, to Establish the Commission to Study Real Estate Appraiser Certification and Licensing

H.P. 1069 L.D. 1491

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

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

Bill "An Act to Alter Cost-sharing Agreements Among Municipalities in School Administrative Districts"

H.P. 1066 L.D. 1488

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 Exempt Shooting Ranges from Noise Control Standards"

H.P. 1058 L.D. 1480

Bill "An Act to Prohibit Dumping Waste on Sebago Lake"

H.P. 1060 L.D. 1482

Bill "An Act to Regulate the Storage, Treatment, Disposal and Transportation of Medical Waste"

H.P. 1071 L.D. 1493

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 Promote Landowner Relations"

H.P. 1057 L.D. 1479

Bill "An Act Relating to Maine Hunting Licenses"

H.P. 1065 L.D. 1487

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 Make General Assistance More Available to Homeless People and Clarify the Definition of Need"

H.P. 1061 L.D. 1483

Bill "An Act to Extend Medical Assistance under and Clarify Certain Provisions of the Additional Support for People in Retraining and Education Program"

H.P. 1072 L.D. 1494

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 Clarify the Law Relating to Sexual Harassment" (Emergency)

H.P. 1067 L.D. 1489

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 Require the Permanent Recording of the Location of Stone Walls"

H.P. 1063 L.D. 1485

Bill "An Act Concerning the Public Advocate"

H.P. 1070 L.D. 1492

Come from the House referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED.

Which were referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED, in concurrence.

Bill "An Act to Correct an Inequity in the Sales Tax Law of the State"

H.P. 1056 L.D. 1478

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 Regarding the Transportation of Students"

H.P. 1054 L.D. 1476

Bill "An Act to Continue Recodification of the Railroad Laws"

H.P. 1073 L.D. 1495

Resolve, to Mandate a Comprehensive Planning Process for Rail Transportation

H.P. 1059 L.D. 1481

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

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

Bill "An Act Increasing Indebtedness of Berwick Sewer District" (Emergency)

H.P. 1064 L.D. 1486

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.

Pursuant to Resolves COMMISSION TO STUDY

THE STATUS OF NURSING PROFESSIONS IN MAINE

The COMMISSION TO STUDY THE STATUS OF NURSING PROFESSIONS IN MAINE, pursuant to Resolves 1987, Chapter 106, ask leave to submit its findings and to report that the accompanying Resolve, to Request that the Board of Trustees of the University of Maine System Determine the Cost of Establishing a Training Program for Nurse Practitioners in Northern Maine and a Nursing Research Center

H.P. 1053 L.D. 1464

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

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

Which Report was READ and ACCEPTED, in concurrence.

The Resolve referred to the Committee on EDUCATION and ORDERED PRINTED, pursuant to Joint Rule 18, in concurrence.

Off Record Remarks

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 ENERGY AND NATURAL RESOURCES on Bill "An Act to Clarify the Definition of Solid Waste Disposal Facility" (Emergency)

H.P. 861 L.D. 1200

The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act Providing for Changes in the Reports Required from Forest Landowners"

H.P. 906 L.D. 1263

The Committee on TAXATION on Bill "An Act to Clarify the Taxation of Retirement Benefits"

H.P. 141 L.D. 193

The Committee on TAXATION on Bill "An Act to Ensure Medicare Affordability"

H.P. 291 L.D. 403

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 JUDICIARY on Bill "An Act to Provide Guidelines for Conducting Operating-under-the-influence Roadblocks on Public Ways within the State"

H.P. 759 L.D. 1063
The Committee on TAXATION on Bill "An Act to Facilitate the Payment of Taxes by Persons Eligible under the Household Tax and Rent Refund Act"
H.P. 28 L.D. 26

Ought to Pass

The Committee on LEGAL AFFAIRS on Bill "An Act to Change the Number of Rooms Required for Hotel Liquor Licenses"

H.P. 388 L.D. 519

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 APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Provide Funds for the Montpelier Museum in Thomaston"

H.P. 148 L.D. 200

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-129).
Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-129).
Which Report was READ and ACCEPTED, in concurrence.
The Bill READ ONCE.
Committee Amendment "A" (H-129) 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 Additional Allocations from the Public Utilities Commission Regulatory Fund for the Fiscal Year Ending June 30, 1990"

H.P. 244 L.D. 356

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-131).
Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-131).
Which Report was READ and ACCEPTED, in concurrence.
The Bill READ ONCE.
Committee Amendment "A" (H-131) 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 Assist the Environmental Health Unit of the Maine Bureau of Health"

H.P. 359 L.D. 475

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-130).
Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-130).
Which Report was READ and ACCEPTED, in concurrence.
The Bill READ ONCE.
Committee Amendment "A" (H-130) 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 Clarify Laws Pertaining to the Enforcement of Forestry Fire Control Laws"

H.P. 88 L.D. 123

Reported that the same Ought to Pass as Amended by Committee Amendment "B" (H-135).
Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-135).
Which Report was READ and ACCEPTED, in concurrence.
The Bill READ ONCE.
Committee Amendment "B" (H-135) 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 Concerning The Siting of Solid Waste Transfer Stations"

H.P. 107 L.D. 144

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-134).
Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-134).
Which Report was READ and ACCEPTED, in concurrence.
The Bill READ ONCE.
Committee Amendment "A" (H-134) READ and ADOPTED, in concurrence.
The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on LABOR on Bill "An Act to Provide for Constructive Notice of Injury for Workers' Compensation Purposes"

H.P. 236 L.D. 348

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-133).
Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-133).
Which Report was READ and ACCEPTED, in concurrence.
The Bill READ ONCE.
Committee Amendment "A" (H-133) 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 MATTHEWS for the Committee on LEGAL AFFAIRS on Bill "An Act to Equalize Liquor Prices"
S.P. 91 L.D. 96

Change of Reference

Senator PEARSON for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Provide for Alternative Site Programs for Operating-under-the-influence Offenders"
S.P. 212 L.D. 490

Reported that the same be REFERRED to the Committee on JUDICIARY.

Which Report was READ and ACCEPTED.
The Bill REFERRED to the Committee on JUDICIARY.
Sent down for concurrence.

Ought to Pass As Amended

Senator ERWIN for the Committee on FISHERIES AND WILDLIFE on Bill "An Act to Establish Free Fishing Days in Maine"

S.P. 329 L.D. 866

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-87).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-87) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

SECOND READERS

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

House

Bill "An Act to Authorize the Department of Corrections to Establish a Solid Waste Recycling Program"

H.P. 603 L.D. 827

Which was READ A SECOND TIME.

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

House As Amended

Bill "An Act Making Appropriations for Temporary Additional Staff to the Maine Arts Commission for the Percent for Art Program"

H.P. 343 L.D. 462

(C "A" H-125)

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

Bill "An Act to Make Allocations from the Maine Nuclear Emergency Planning Fund for the Fiscal Years Ending June 30, 1990, and June 30, 1991" (Emergency)

H.P. 365 L.D. 496

(C "A" H-126)

Which was READ A SECOND TIME.

On motion by Senator ESTES of York, Senate Amendment "A" (S-88) READ and ADOPTED.

Which was PASSED TO BE ENGROSSED, as Amended in NON-CONCURRENCE.

Sent down for concurrence.

Senate

Bill "An Act to Amend Certain Provisions of the Maine Bail Code"

S.P. 426 L.D. 1137

Bill "An Act to Clarify Terminology Used in Laws Related to Historic Sites under the Jurisdiction of the Bureau of Parks and Recreation"

S.P. 476 L.D. 1274

Bill "An Act to Fund 2 Legislative Studies and to Extend the State Compensation Commission's Interim Reporting Date" (Emergency)

S.P. 529 L.D. 1463

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

Sent down for concurrence.

Senate As Amended

Bill "An Act to Make Changes to the Human Resource Development Council in Order to Conform with the United States Economic Dislocation and Worker Adjustment Assistance Act of 1988" (Emergency)

S.P. 101 L.D. 120

(C "A" S-84)

Bill "An Act Concerning Bear Hunting with Dogs"

S.P. 211 L.D. 489

(C "A" S-82)

Bill "An Act to Provide Complimentary Muzzle-loading Hunting Licenses to Resident Disabled War Veterans"

S.P. 231 L.D. 561

(C "A" S-81)

Bill "An Act to Provide for the 1989 Allocations of the State Ceiling on Private Activity Bonds" (Emergency)

S.P. 336 L.D. 897

(C "A" S-83)

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 Require a Tax Map Reference on a Declaration of Value

H.P. 404 L.D. 547

An Act Concerning Subpermitting of Moose Hunting Licenses

H.P. 677 L.D. 928

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 Relating to Ordinary Death Benefits Under the Maine State Retirement System

H.P. 625 L.D. 848

(C "A" H-103)

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

Off Record Remarks

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

Senator ANDREWS of Cumberland was granted unanimous consent to address the Senate off the Record.

On motion by Senator CLARK of Cumberland, ADJOURNED until Monday, May 8, 1989, at 9:00 in the morning.