

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
May 9, 1989

Senate called to Order by the President.

Prayer by the Honorable Nancy Randall Clark of Cumberland.

SENATOR CLARK: Let us pray. Almighty God, You have commanded us to do what is right. Help us not only to hear You, but to live as You require, declaring Your wonderful love in and through the world. Amen.

Reading of the Journal of Yesterday.

Off Record Remarks

PAPERS FROM THE HOUSE
Non-concurrent Matter

Bill "An Act to Implement the Aroostook Band of Micmacs Settlement Act"

S.P. 152 L.D. 272
(C "A" S-53)

In Senate, April 25, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-53).

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-53) AS AMENDED BY HOUSE AMENDMENT "A" (H-154), thereto in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

Bill "An Act to Provide for Division of Omitted Marital Property"

H.P. 312 L.D. 426
(H "A" H-119)

In Senate, May 2, 1989, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-119), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-119) AS AMENDED BY HOUSE AMENDMENT "A" (H-152) thereto in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

SENATE REPORTS - from the Committee on FISHERIES AND WILDLIFE on Bill "An Act Concerning Bear Hunting with Dogs"

S.P. 211 L.D. 489
(C "A" S-82)

Majority - Ought to Pass as Amended by Committee Amendment "A" (S-82).

Minority - Ought Not to Pass.

In Senate, May 5, 1989, the Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-82).

Comes from the House the Minority OUGHT NOT TO PASS Report READ and ACCEPTED in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

SENATE REPORT - from 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

Report - Change of Reference.

In Senate, May 5, 1989, the CHANGE OF REFERENCE Report READ and ACCEPTED and the Bill and Accompanying Papers REFERRED to the Committee on JUDICIARY.

Comes from the House with the Report READ and Bill and Accompanying Papers RECOMMITTED to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

Resolve, Authorizing the Transfer of State Interest in a Parcel of Real Estate to Arthur A. Tukey and Louise H. Tukey

H.P. 589 L.D. 803
(C "A" H-97)

In Senate, April 27, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-97), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-97) AND HOUSE AMENDMENT "A" (H-155) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

House Papers

Bill "An Act Concerning Teacher Retirement Laws"

H.P. 1093 L.D. 1526

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, to Create a Pilot Program to Provide the Driver Education and Evaluation Program to Persons Incarcerated for Driving under the Influence of Drugs or Alcohol

H.P. 1090 L.D. 1523

Bill "An Act to Improve Staff Support for the Land for Maine's Future Board"

H.P. 1102 L.D. 1535

Bill "An Act to Establish a Commission on State Finance" (Emergency)

H.P. 1113 L.D. 1546

Bill "An Act to Establish a Line Item Budget for the Maine Agricultural Experiment Station and the Cooperative Extension Service"

H.P. 1119 L.D. 1551

Bill "An Act to Utilize French Heritage in Maine and to Create the Francophone Center"

H.P. 1120 L.D. 1552

Bill "An Act to Respond to the Shortage of Family Nurse Practitioners and Physician Assistants by Making Funds Available for a Loan Forgiveness Program"

H.P. 1121 L.D. 1553

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 Require Preadmission and Post-Graduation Assessment Exams for University of Maine System Students"

H.P. 1099 L.D. 1532

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 Concerning Emergency Disposal of Animal Carcasses at Commercial Landfills"

H.P. 1098 L.D. 1531

Bill "An Act Concerning Commercial Landfill Facilities"

H.P. 1107 L.D. 1540

Bill "An Act to Mandate Source Separation and Recycling of Solid Waste"

H.P. 1114 L.D. 1547

Bill "An Act to Create the Maine Solid Waste Authority"

H.P. 1115 L.D. 1548

Bill "An Act to Establish Regional State-owned Waste Disposal Facilities"

H.P. 1116 L.D. 1549

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 Open Space Laws"

H.P. 1110 L.D. 1543

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 TAXATION and ORDERED PRINTED in NON-CONCURRENCE.

Sent down for concurrence.

Bill "An Act to Impose a 90-day Residency Requirement for Receipt of General Assistance"

H.P. 1105 L.D. 1538

Bill "An Act to Revise the Communicable Disease Law"

H.P. 1122 L.D. 1554

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 Regarding Resisting Arrest or Detention"

H.P. 1091 L.D. 1524

Bill "An Act Relating to HIV Test Results of Foster Children"

H.P. 1096 L.D. 1529

Bill "An Act to Prohibit the Use of State Funds to Subsidize the Implementation of Alternative Sentencing Options"

H.P. 1104 L.D. 1537

Bill "An Act to Amend the Law Relating to Court Security"

H.P. 1106 L.D. 1539

Bill "An Act Concerning Offenses Against Public Order"

H.P. 1109 L.D. 1542

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 Increase the Penalty for Destruction of Law Enforcement Canines"

H.P. 1092 L.D. 1525

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.

Bill "An Act Regulating Disclosure Procedures in Small Claims Actions"

H.P. 1094 L.D. 1527

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.

Bill "An Act to Allow Employers to Collect a Service Charge for Debt Collection from Employees"

H.P. 1103 L.D. 1536

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

Which was referred to the Committee on LABOR and ORDERED PRINTED, in concurrence.

Bill "An Act to Clarify the Maine Municipal Bond Bank's and the Maine Public Utility Financing Bank's Ability to Hold, Own and Sell Real and Personal Property" (Emergency)

H.P. 1097 L.D. 1530

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 Concerning Employment Status Relating to Income Tax and Unemployment Compensation Laws"

H.P. 1100 L.D. 1533

Bill "An Act Concerning an Occupancy Fee"

H.P. 1111 L.D. 1544

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 Establish Municipal Cost Components for Services to be Rendered in Fiscal Year 1989-90" (Emergency)

H.P. 1112 L.D. 1545

Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS suggested and ORDERED PRINTED.

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.

Resolve, to Establish as a Demonstration Project Recreational Vehicle Dumping Stations

H.P. 1095 L.D. 1528

Bill "An Act to Require Foreign Recreational Vehicles to Purchase a Fuel Use Decal"

H.P. 1108 L.D. 1541

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 to Amend the Law Incorporating the Milo Water District"

H.P. 1101 L.D. 1534

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 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 Dealing with Coastal Search and Rescue"

H.P. 35 L.D. 35

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 and Accompanying Papers INDEFINITELY POSTPONED.

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 NON-CONCURRENCE.
Sent down for concurrence.

COMMUNICATIONS

The Following Communication:
DEPARTMENT OF TRANSPORTATION
STATE HOUSE STATION 16
AUGUSTA, MAINE 04333
May 8, 1989

The Honorable Charles Pray
Senate President and
Members of the Senate
State House Station 3
Augusta, Maine 04333

Dear Senator Pray and Members of the Senate:

I am pleased to submit Maine's Transportation Investment Program for fiscal years 1990-1991.

This Program is submitted in support of funding requests in the areas of the Federally supported Highways and Bridges, Supplemental Program Corridors, Collector Roads, Highway Maintenance Resurfacing, Air Transportation, Highway Mass Transportation, Ports & Marine, and Rail Improvements.

The Federally supported Highway and Bridge portion of this Program requires \$41.2 Million in State funds which would generate \$97.4 Million in Federal Highway matching funds and an additional \$5.7 Million in local matching funds for a total federally supported program of \$144.3 Million. Of the \$41.2 Million State funds necessary to match federal funds, \$24.2 Million would be taken from current revenues and the remaining \$17.0 Million we would suggest be included in a proposed Transportation Bond Issue.

In addition, the program shows \$22.0 Million in State funds to match \$63.0 Million of Federal Bridge Discretionary funds. The Federal Bridge Discretionary funds are not part of the normal Federal allocations and can only be used for the "Million Dollar Bridge" replacement between Portland and South Portland.

The non-federal funded Highway and Bridge portion of this program requires \$78.0 Million in State only funds. This represents a significant increase in State only funded projects over the 1988-89 TIP and reflects the increase in State Highway funds provided by the 113th Legislature for use on the Primary Highways of Statewide Significance.

The \$11.6 Million requested for the Air, Rail, Ports and Marine, and Highway Mass Transportation elements in the Program would generate \$15.3 Million in Federal matching funds and an additional \$3.9 Million in local matching monies providing a total Program of approximately \$30.8 Million for these four Program elements. We propose that \$1.2 Million of the State's share of these elements be taken from the General fund, \$1.9 Million from the Highway Fund to support our rail grade crossing maintenance sharing obligations and the remaining \$8.5 Million we would suggest be included in a Transportation Bond Issue.

In summary, with \$162.4 Million in State and Local funds, \$175.7 Million in Federal funding is generated making a total investment program of \$338.1 Million for capital improvements associated with highway, air, marine, and rail transportation.

In examining the Program, we trust you will find it to represent a realistic and balanced effort to maintain and improved transportation service within Maine in a manner keeping with today's economic climate.

Sincerely,
S/Dana F. Connors
Commissioner

Which was READ and with Accompanying Papers ORDERED PLACED ON FILE.

The Following Communication:
COMMITTEE ON JUDICIARY
ONE HUNDRED AND FOURTEENTH LEGISLATURE
May 8, 1989

The Honorable Charles P. Pray
President of the Senate of Maine
State House
Augusta, Maine 04333
Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 114th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Ronald D. Russell of Bangor, for reappointment as Judge-at-Large of the Maine District Court.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS: Senators 2
 Representatives 6
NAYS: 0

ABSENT: 5 Sen. Gauvreau of Androscoggin,
 Rep. Conley of Portland,
 Rep. Anthony of South Portland,
 Rep. Hanley of Paris,
 Rep. Hastings of Fryeburg

Eight members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Ronald D. Russell of Bangor, for reappointment as Judge-at-Large of the Maine District Court be confirmed.

Sincerely,
S/Barry J. Hobbins S/Patrick E. Paradis
Senate Chair House Chair

Which was READ and ORDERED PLACED ON FILE.

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

SENATE PAPERS

Bill "An Act to Improve the Sardine Inspection and Grading Programs"

S.P. 562 L.D. 1565

Presented by Senator BRAWN of Knox
Cosponsored by Senator PERKINS of Hancock,
Representative TOWNSEND of Eastport and
Representative TARDY of Palmyra
Which was referred to the Committee on
AGRICULTURE and ORDERED PRINTED.
Sent down for concurrence.

Bill "An Act to Undedicate Revenue Received by the Bureau of Public Lands"

S.P. 556 L.D. 1559

Presented by Senator PEARSON of Penobscot
Cosponsored by Representative JACQUES of
Waterville
Bill "An Act to Create the Position of Liquor
Enforcement Officer in Washington County"

S.P. 557 L.D. 1560

Presented by Senator RANDALL of Washington
Cosponsored by Representative TAMMARO of
Baileyville, Representative LOOK of Jonesboro and
Representative MOHOLLAND of Princeton
Which were referred to the Committee on
APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED
PRINTED.
Sent down for concurrence.

Resolve, Creating the Special Commission to Study and Evaluate the Status of Education Reform in Maine (Emergency)

S.P. 561 L.D. 1564

Presented by Senator BOST of Penobscot
Cosponsored by Senator ESTES of York,
Representative CROWLEY of Stockton Springs and
Representative NORTON of Winthrop
Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS
suggested and ORDERED PRINTED.

On motion by Senator CLARK of Cumberland,
referred to the Committee on EDUCATION and ORDERED
PRINTED.

Sent down for concurrence.

Bill "An Act to Reform the Workers' Compensation Insurance Rate-making Process"

S.P. 560 L.D. 1563

Presented by Senator BUSTIN of Kennebec
Which was referred to the Committee on BANKING
AND INSURANCE and ORDERED PRINTED.
Sent down for concurrence.

Bill "An Act to Clarify the Provisional Payments Provision of the Workers' Compensation Law Regarding Disability and Medical Payments"

S.P. 555 L.D. 1558

Presented by Senator BUSTIN of Kennebec
Committee on BANKING AND INSURANCE suggested and
ORDERED PRINTED.

On motion by Senator CLARK of Cumberland,
referred to the Committee on LABOR and ORDERED
PRINTED.

Sent down for concurrence.

Bill "An Act to Save Medicaid Funds by Expanding the Ability of the Department of Human Services to Recover Funds from Other Payors"

S.P. 552 L.D. 1555

Presented by Senator PERKINS of Hancock
Cosponsored by Representative PENDLETON of
Scarborough and Representative BURKE of Vassalboro
Submitted by the Department of Human Services
pursuant to Joint Rule 24.
Which was referred to the Committee on HUMAN
RESOURCES and ORDERED PRINTED.
Sent down for concurrence.

Bill "An Act to Provide Additional Protection in Cases of Domestic Abuse"

S.P. 553 L.D. 1556

Presented by Senator BALDACCI of Penobscot
Cosponsored by Speaker MARTIN of Eagle Lake and
Representative DUFFY of Bangor
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 27.
Which was referred to the Committee on JUDICIARY
and ORDERED PRINTED.
Sent down for concurrence.

Bill "An Act to Create the Lineworker's Safety Act"

S.P. 558 L.D. 1561

Presented by Senator BUSTIN of Kennebec
Cosponsored by Representative DORE of Auburn
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 27.
Which was referred to the Committee on LABOR and
ORDERED PRINTED.
Sent down for concurrence.

Bill "An Act Concerning the Acquisition of Data Processing Equipment and Services by State Agencies"

S.P. 559 L.D. 1562

Presented by Senator BUSTIN of Kennebec
Bill "An Act to Establish the Office of Substance
Abuse Services within the Executive Department"

S.P. 563 L.D. 1566

Presented by Senator BUSTIN of Kennebec
Cosponsored by Speaker MARTIN of Eagle Lake,
Representative ROLDE of York and Senator MATTHEWS
of Kennebec
Which were referred to the Committee on STATE AND
LOCAL GOVERNMENT and ORDERED PRINTED.
Sent down for concurrence.

Bill "An Act to Increase the Household Income Limits Used in Determining Eligibility for the Household Tax and Rent Refund Program and for the Low Cost Drug Program"

S.P. 554 L.D. 1557

Presented by Senator BALDACCI of Penobscot
Committee on TAXATION suggested and ORDERED
PRINTED.

Senator BALDACCI of Penobscot moved the
INDEFINITE POSTPONEMENT of the Bill and Accompanying
Papers.

THE PRESIDENT: The Chair recognizes the same
Senator.

Senator BALDACCI: Thank you Mr. President. Mr.
President, men and women of the Senate. The Taxation
Committee will include this particular item in its
overall program and there is no need for this
separate legislation.

The Bill and Accompanying Papers INDEFINITELY POSTPONED.

Sent down for concurrence.

COMMITTEE REPORTS

House

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 BANKING AND INSURANCE on Bill "An Act to Encourage the Continuation of Obstetrical Services in the Medicaid Program"

H.P. 769 L.D. 1073

The Committee on JUDICIARY on Bill "An Act to Criminalize Sexual Abuse of Patients by Psychiatrists and Psychologists"

H.P. 818 L.D. 1146

The Committee on BANKING AND INSURANCE on Bill "An Act to Amend the Standard Fire Insurance Policy"

H.P. 901 L.D. 1258

The Committee on UTILITIES on Bill "An Act to Govern the Formation of Water Districts"

H.P. 955 L.D. 1323

Ought to Pass

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Increase Displaced Homemakers Program Funding to Continue Rural Outreach, Employment and Training and Support Services for Maine Displaced Homemakers"

H.P. 280 L.D. 392

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 APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Increase Family Support Services to Maine Families Who Choose to Care for Their Developmentally Disabled Children at Home"

H.P. 805 L.D. 1117

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 AGING, RETIREMENT AND VETERANS on Bill "An Act to Improve the Cost-of-living Adjustment Under the Maine State Retirement System"

H.P. 538 L.D. 735

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-140).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-140).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-140) 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 Repairs for Damage to the Hartland Dam"

H.P. 498 L.D. 678

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-142).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-142).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-142) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on LABOR on Bill "An Act to Amend the Definition of Employer to Include Governmental Entities"

H.P. 534 L.D. 731

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-143).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-143).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-143) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on LEGAL AFFAIRS on Bill "An Act to Improve Personnel Supervision in the Bureau of Intergovernmental Drug Enforcement"

H.P. 472 L.D. 637

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-147).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-147).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-147) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senate

Ought to Pass As Amended

Senator PEARSON for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on 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

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-93).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-93) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator PEARSON for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act Providing for Amendments to the Adaptive Equipment Loan Program" (Emergency)

S.P. 390 L.D. 1035

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-94).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-94) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator MATTHEWS for the Committee on LEGAL AFFAIRS on Bill "An Act to Remove the Present Dollar Limit on Funeral, Cremation and Burial Expenses Relative to Restitution by Criminal Offenders"

S.P. 298 L.D. 796

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-95).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-95) 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 As Amended

Bill "An Act to Increase the Age Limit for Child Support"

H.P. 119 L.D. 156
(C "A" H-139)

Bill "An Act Regulating the Use of Fish and Game Roadblocks and Check Stations"

H.P. 433 L.D. 598
(C "A" H-137)

Bill "An Act to Facilitate Treatment of Abused and Neglected Children"

H.P. 745 L.D. 1028
(C "A" H-138)

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

Bill "An Act to Require Parental Consent to a Minor's Abortion"

H.P. 457 L.D. 622
(C "A" H-127)

Which was READ A SECOND TIME.

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending PASSAGE TO BE ENGROSSED AS AMENDED, in concurrence.

Senate As Amended

Bill "An Act to Amend the Law Concerning Insurance Cancellation Control"

S.P. 99 L.D. 118
(C "A" S-92)

Bill "An Act Concerning Amendments to the Community Industrial Buildings Programs"

S.P. 175 L.D. 332
(C "A" S-89)

Resolve, to Study the Development of a System of Ecological Reserves in the State

S.P. 456 L.D. 1241
(C "A" S-91)

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

Sent down for concurrence.

Bill "An Act Relating to Driver Education Courses" (Emergency)

S.P. 214 L.D. 530
(C "A" S-90)

Which was READ A SECOND TIME.

On motion by Senator ESTES of York, Senate Amendment "A" (S-100) READ and ADOPTED.

Which was 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 Establish Rules for the Use of Dynamite and Explosives

H.P. 134 L.D. 178
(C "A" H-123)

An Act to Improve the Accountability and Allocation of Funds for Community-purchased Services

H.P. 316 L.D. 432
(C "A" H-120)

An Act to Clarify Election Law Procedures

H.P. 401 L.D. 545
(C "A" H-122)

An Act Relating to Contracts Administered by the Department of Transportation

S.P. 247 L.D. 577
(C "A" S-68)

An Act to Provide Coverage for Chiropractic Services Under Hospital Service Plans, Medical Service Plans and Insurance Policies

S.P. 254 L.D. 644

An Act to Strengthen the Licensing Requirements for Foresters

H.P. 584 L.D. 788
(C "A" H-114)

An Act Regulating Activities Adjacent to Great Ponds

S.P. 304 L.D. 802
(C "A" S-72)

An Act Regarding Freelance Cosmetologists and Barbers

H.P. 639 L.D. 873
(C "A" H-115)

An Act Concerning The Passamaquoddy Tribal Court

H.P. 651 L.D. 885
(C "A" H-118)

An Act to Clarify the Establishment of Air Quality Standards and Emission Standards

H.P. 665 L.D. 907
(C "A" H-124)

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 Fund the Maine Hospice Council

H.P. 646 L.D. 880
(C "A" H-121)

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

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

H.P. 708 L.D. 969
(C "A" H-117)

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

Emergency

An Act to Prohibit Persons Who have Violated the Animal Cruelty Laws from Participating in Pulling Events

S.P. 167 L.D. 324
(C "A" S-35; H "B" H-136)

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.

Senate at Ease

Senate called to order by the President.

Emergency

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

H.P. 366 L.D. 497
(C "A" H-116)

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.

Emergency

An Act Relating to Tax Exemptions

S.P. 236 L.D. 566
(C "A" S-67)

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

Emergency

An Act Concerning the Inspection of Dams

S.P. 331 L.D. 868
(C "A" S-70)

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

Emergency Resolve

Resolve, to Redesign the Structure of the Board of Environmental Protection

S.P. 276 L.D. 722
(C "A" S-71)

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

Off Record Remarks

ORDERS OF THE DAY

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

NOMINATION - of Ronald D. Russell of Bangor, Judge-at-Large of the Maine District Court.

Tabled - May 9, 1989, by Senator CLARK of Cumberland.

Pending - CONSIDERATION

(In Senate, May 9, 1989, Communication from the Committee on JUDICIARY READ and ORDERED PLACED ON FILE.)

THE PRESIDENT: The Joint Standing Committee on JUDICIARY has recommended the nomination of Ronald D. Russell of Bangor, for reappointment as Judge-at-Large of the Maine District Court, be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on JUDICIARY be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 114th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None
NAYS: Senators ANDREWS, BALDACCI, BERUBE, BOST, BRANNIGAN, BRAWN, BUSTIN, CAHILL, CARPENTER, CLARK, DILLENBACK, DUTREMBLE, EMERSON, ERWIN, ESTES, ESTY, GILL, GOULD, HOBBS, HOLLOWAY, KANY, LUDWIG, MATTHEWS, PEARSON, PERKINS, RANDALL, THERIAULT, TWITCHELL, WEBSTER, WEYMOUTH, WHITMORE, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators COLLINS, GAUVREAU, TITCOMB

No Senators having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being absent, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Ronald D. Russell, for reappointment as Judge-at-Large of the Maine District Court, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

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

Bill "An Act to Require Parental Consent to a Minor's Abortion"

H.P. 457 L.D. 622
(C "A" H-127)

Tabled - May 9, 1989, by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENGROSSED AS AMENDED, in concurrence

(In Senate, May 9, 1989, READ A SECOND TIME.)

(In House, May 5, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-127).)

Senator DUTREMBLE of York, moved that the Senate RECONSIDER whereby it ADOPTED Committee Amendment "A" (H-127), in concurrence.

Senator HOBBS of York requested a Division.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Dutremble.

Senator DUTREMBLE: Thank you Mr. President. Mr. President, men and women of the Senate. I just want

to explain to you why I want to Reconsider this Amendment that we passed yesterday. It is not for the purpose of killing the Bill that was passed. As I stated yesterday, I have accepted that, the votes were clearly there and so those of us who are on the other side have to live with that. The purpose of my motion to Reconsider is simply to introduce an amendment to try to clarify a couple of points for those of us who had problems with the Bill and hopefully we would want try to address and correct these points. One of them is the problem with the churches involved in this part of the Bill. The amendment would eliminate having state law to require the churches to talk about abortion. For those of us who felt that was clearly unconstitutional, the amendment would take the church out of that. I don't see any problem with taking that part out, as long as the other provisions stay in.

The second part that I want to address was to make sure the counselors instruct these young girls where they can go for counseling after an abortion, or after delivery. There was nothing in the original Bill that stated that. So, if we are clearly and really truly concerned about the minor with this Bill, then I would think that we would Reconsider and allow me to introduce this amendment so that, first of all, we address the Constitutionality of the Bill and second, we help these girls after they have gone through the experience of an abortion or a delivery. It is not my intention to kill this Bill, not one bit. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Hobbins.

Senator HOBBS: Thank you Mr. President. Mr. President, men and women of the Senate. I have the utmost respect for the Senator from York, Senator Dutremble, in his dedication and his sincerity. However, we have been dealing with this issue for the past five months. The proponents of the original Bill have had six work sessions to consider making constructive comments regarding a possible compromise, they have been given ample opportunity. Please know that I contacted the Diocese of Portland, somewhat at the request of one of the members of this Body, to extend an olive branch in order to see whether or not common ground could be laid on this issue. Unfortunately, those in support of the original Bill, as drafted, did not want to take any prisoners, there was no compromises talked about. I asked at the work session if the cosponsor of the legislation and the individual involved with the Maine Right to Life Committee, would you work with us for a compromise. The answer was that they wanted it their way or no way.

Ladies and gentlemen of the Senate, the Judiciary Committee, the twelve members that worked diligently at this effort, are pledged, after we crafted the Committee Report that was accepted by this Body, not to amend it. We don't want this to end up similar to four years ago where the matter was considered in non-concurrence. As I mentioned to you yesterday, the proponents of the original Bill argue that the amendment intrudes on the separation of church and state. Please know that the counseling provision that we have crafted in this amendment is not mandated. The clergy are free to counsel girls as he or she pleases. We are not mandating it, it is only for the purpose of the informed consent, that document which is part of the practice of which a physician determines whether or not that young woman, pregnant teen, has gone through that conscientious process in order to determine whether or not the consent that she is given to that abortion is an informed one.

The problem with additional language, that is proposed in this particular amendment, potentially could be consider directive. There are no standards that are set up. The Committee does not want to amend this proposal now, because we are afraid that if it is not the good Senator from York, Senator Dutremble's, intention, I can bet you I know it is someone else's intention. Please vote with me on this matter.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Matthews.

Senator MATTHEWS: Thank you Mr. President. Mr. President, men and women of the Senate. Just to set the Record straight, I think the good Senator from York, Senator Hobbins, is referring to me. As a cosponsor of the original parental consent Bill, all that I ever asked for, and I believe the people that supported this Bill ever asked for, was an up or down vote on the Bill as we drafted it. No one ever prevented other Bills from being entertained by this Body.

The other issue that has been mentioned by the good Senator from York, about the statement from the Diocese of Portland and that statement is very clear. I would like to read it into the Record so that we have no uncertainty or cloud around the statement from the Diocese of Portland. "While the Diocese of Portland is pleased to note the recognition of the Judiciary Committee that abortion should not be performed on minors without assurance of informed consent, the amended Bill is seriously flawed. Among its flaws, the amended Bill allows the physician performing the abortion to be the agent of the informed consent. It provides the physician designee to be the agent of the informed consent without stipulation for the qualifications of the designee. It intrudes on the separation of church and state and several of the provisions for information and counseling. It violates the rights of physicians, health care personnel, and counselors, who by statute are not required to participate in any phase of the abortion. Provisions for physician immunity are questionable and it further erodes the responsibility of parents." That was the statement, ladies and gentlemen, from the Diocese of Portland. So, I just rise to set the Record straight. Thank you.

Off Record Remarks

On motion by President PRAY of Penobscot, RECESSED until 4:30 this afternoon.

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

Unfinished Business

The following matters in the consideration of which the Senate was engaged at the time of Recess, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Senate Rule 29.

The Chair laid before the Senate:

Bill "An Act to Require Parental Consent to a Minor's Abortion"

H.P. 457 L.D. 622
(C "A" H-127)

(In Senate, May 9, 1989, READ A SECOND TIME. Subsequently, Senator DUTREMBLE of York moved to RECONSIDER ADOPTION OF COMMITTEE AMENDMENT "A" (H-127). (Division Requested).)

(In House, May 5, 1989, the PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-127).)

THE PRESIDENT: The pending question before the Senate is the motion of Senator DUTREMBLE of York, to RECONSIDER ADOPTION of Committee Amendment "A" (H-127), in concurrence.

A Division has been requested.

Will all those Senators in favor of the motion of Senator DUTREMBLE of York, to RECONSIDER ADOPTION of Committee Amendment "A" (H-127), please rise in their places and remain standing until counted.

Will all those opposed please rise in their places and remain standing until counted.

9 Senators having voted in the affirmative and 19 Senators having voted in the negative, the motion of Senator DUTREMBLE of York, to RECONSIDER ADOPTION of Committee Amendment "A" (H-127), FAILED.

Senator MATTHEWS of Kennebec moved the INDEFINITE POSTPONEMENT of the Bill and Accompanying Papers.

Senator CLARK of Cumberland requested a Division.

THE PRESIDENT: The pending question before the Senate is the motion of Senator MATTHEWS of Kennebec, to INDEFINITELY POSTPONE the Bill and Accompanying Papers.

A Division has been requested.

Will all those Senators in favor of the motion of Senator MATTHEWS of Kennebec, to INDEFINITELY POSTPONE the Bill and Accompanying Papers, please rise in their places and remain standing until counted.

Will all those Senators opposed please rise in their places and remain standing until counted.

8 Senators having voted in the affirmative and 19 Senators having voted in the negative, the motion of Senator MATTHEWS of Kennebec, to INDEFINITELY POSTPONE the Bill and Accompanying Papers, FAILED.

Which was PASSED TO BE ENGROSSED, as Amended, in concurrence.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Thank you Mr. President. Having voted on the prevailing side, I now move reconsideration and I would urge you to vote against my motion.

THE PRESIDENT: The pending question before the Senate is the motion of Senator CLARK of Cumberland, to RECONSIDER whereby the Bill was PASSED TO BE ENGROSSED AS AMENDED.

The Chair will order a Division.

Will all those Senators in favor of the motion of Senator CLARK of Cumberland, to RECONSIDER whereby the Bill was PASSED TO BE ENGROSSED AS AMENDED, please rise in their places and remain standing until counted.

Will all those Senators opposed please rise in their places and remain standing until counted.

4 Senators having voted in the affirmative and 23 Senators having voted in the negative, the motion of Senator CLARK of Cumberland, to RECONSIDER whereby the Bill was PASSED TO BE ENGROSSED AS AMENDED, FAILED.

Senator WEBSTER of Franklin was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

On motion by Senator BOST of Penobscot, ADJOURNED until Wednesday, May 10, 1989, at 12:00 in the afternoon.

ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
59th Legislative Day
Wednesday, May 10, 1989

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

Prayer by Father Andre Houle, Saint Mary's Catholic Church, Lincoln.

The Journal of, Tuesday, May 9, 1989, was read and approved.

Quorum call was held.

PAPERS FROM THE SENATE

The following Communication:

Maine State Senate
Augusta, Maine 04333

May 9, 1989

The Honorable John L. Martin
Speaker of the House
114th Legislature
Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Judiciary, the Governor's nomination of Ronald D. Russell of Bangor for reappointment as Judge-at-Large for the Maine District Court.

Sincerely,
S/Joy J. O'Brien
Secretary of the Senate

Was read and ordered placed on file.

Bill "An Act to Improve the Sardine Inspection and Grading Programs" (S.P. 562) (L.D. 1565)
Came from the Senate, referred to the Committee on Agriculture and Ordered Printed.

Was referred to the Committee on Agriculture in concurrence.

Bill "An Act to Undedicate Revenue Received by the Bureau of Public Lands" (S.P. 556) (L.D. 1559)
Bill "An Act to Create the Position of Liquor Enforcement Officer in Washington County" (S.P. 557) (L.D. 1560)

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

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

Bill "An Act to Reform the Workers' Compensation Insurance Rate-making Process" (S.P. 560) (L.D. 1563)
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, Creating the Special Commission to Study and Evaluate the Status of Education Reform in Maine (EMERGENCY) (S.P. 561) (L.D. 1564)

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

(The Committee on Reference of Bills had suggested reference to the Committee on Appropriations and Financial Affairs.)

Was referred to the Committee on Education in concurrence.