

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred And Fourteenth Legislature
OF THE
State Of Maine

VOLUME II

FIRST REGULAR SESSION

May 10, 1989 to June 14, 1989

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

In Senate Chamber
 Wednesday
 May 10, 1989

Senate called to Order by the President.

Prayer by Reverend Ronald Fast of the First Assembly of God in Fryeburg.

REVEREND FAST: As late as yesterday, I wasn't certain I was going to be able to be here because of laryngitis so I hope you can hear me all right. It is almost as bad for a preacher to lose his voice as it is for a politician. There are those among our admirers, yours and mine, that would consider such an event a blessing from God. Before I do pray today, I would like to tell you that I do pray for you and I pray for you often and I thank you for the privilege to be here to pray with you personally.

In the word of God we read from the Book of James, Chapter One, "If any of you lacks wisdom, let him ask of God who gives to all men generously and without reproach and it will be given to him."

Let us look to the Lord in prayer. Heavenly Father, I thank You for the opportunity to be here today. We thank You that You are here as well. You know, Father, that I have prayed for the members of this Senate many times and I pray again for them today. I pray that You would grant them wisdom, Your wisdom, to make decisions that will bring glory to Your name. Wisdom that is not merely human wisdom, but wisdom that is divine. Wisdom that will enable them to discern between right and wrong, good and evil.

Father, Your word tells us that there is no authority except from God and those which exist are established by God. I pray, Father, to give them wisdom to fulfill the divine purpose for which they have brought to this place on this day and at this hour.

Father, give them wisdom to make decisions here today that they will not be ashamed of tomorrow, nor when they stand before You to give an account for them. Father, give them wisdom to know that You are here, that You hear their prayers and will answer them according to Your will.

Finally, Father, I ask that somehow You speak to each of their hearts today and reassure them that You love them, that You are with them. Because You love them, You sent Your son, Jesus Christ, into this world to pay for their sins and my sins and purchased a place for us in heaven which we receive by faith and trust in Him.

For God so loved the world that He gave his only begotten Son, that whoever believes in Him shall not perish, but have eternal life. In Jesus' name we pray. Amen.

Reading of the Journal of Yesterday.

Off Record Remarks

PAPERS FROM THE HOUSE
 Non-concurrent Matter

Bill "An Act to Allow Raffling of Livestock by Charitable Organizations for Charitable Purposes"
 H.P. 200 L.D. 280
 (C "A" H-78)

RECALLED from the Governor's Desk pursuant to Joint Order H.P. 1118, in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-78) AND HOUSE AMENDMENT "A" (H-150) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

Bill "An Act to Prohibit Discrimination Against Persons with the Human Immunodeficiency Virus for Purposes of Insurance Coverage"

S.P. 196 L.D. 444
 (C "A" S-66)

In Senate, May 2, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-66).

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-66) AS AMENDED BY HOUSE AMENDMENT "A" (H-161), thereto in NON-CONCURRENCE.

The Senate ADHERED.

(See Action Later Today)

House Papers

Bill "An Act to Provide an Opportunity to Claim Medical Benefits for Persons Previously Covered under a Spouse's Policy"

H.P. 1128 L.D. 1571

Comes from the House referred to the Committee on AGING, RETIREMENT AND VETERANS and ORDERED PRINTED.

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

Bill "An Act to Provide a Clothing Allowance for Recipients of Aid to Families with Dependent Children" (Emergency)

H.P. 1140 L.D. 1583

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 Prohibit Cemetery Corporations and Associations from Soliciting Prearranged Burials and Burial Business"

H.P. 1127 L.D. 1570

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

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

Bill "An Act Concerning the Teaching of Cosmetology"

H.P. 1126 L.D. 1569

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 Regulate Development Along Certain Water Bodies"

H.P. 1125 L.D. 1568

Bill "An Act to Protect the People of Maine from Exposure to Radioactive Waste"

H.P. 1141 L.D. 1584

Bill "An Act to Establish a Municipal Growth Management and Capital Investment Fund"

H.P. 1142 L.D. 1585

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 Fish and Wildlife Laws"

H.P. 1143 L.D. 1586

Bill "An Act Concerning Wardens of the Department of Inland Fisheries and Wildlife"

H.P. 1145 L.D. 1588

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 Increase the Department of Human Services Reimbursement Beds for the Sanford Area"

H.P. 1131 L.D. 1574

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.

(See Action Later Today)

Bill "An Act Regulating the Procedure in Small Claims Actions"

H.P. 1129 L.D. 1572

Bill "An Act to Allow Corporations to Appear without Legal Counsel for Minor Civil Infractions"

H.P. 1130 L.D. 1573

Bill "An Act Concerning School Social Workers"

H.P. 1135 L.D. 1578

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 Concerning Unemployment Benefit Eligibility"

H.P. 1134 L.D. 1577

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 Regarding the Training Costs of Police Officers"

H.P. 1136 L.D. 1579

Bill "An Act Regarding Qualifications of Sheriffs"

H.P. 1139 L.D. 1582

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

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

Bill "An Act to Change the Listing Procedure on Town Warrants"

H.P. 1132 L.D. 1575

Bill "An Act to Limit Municipalities' Responsibility to Reopen an Abandoned Road"

H.P. 1138 L.D. 1581

Bill "An Act to Establish Greater Communication in the Rule-making Process and to Provide Better Standards for the Adoption of Rules" (Emergency)

H.P. 1144 L.D. 1587

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 Apply a Portion of Dedicated Funds from the Premium Tax on Alcohol towards Grants for Recreational Activities for Children"

H.P. 1124 L.D. 1567

Bill "An Act to Allow Municipalities to Charge User Fees"

H.P. 1137 L.D. 1580

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 Complimentary Maine Drivers' Licenses to Veterans with 100% Combat Service Connected Disability"

H.P. 1133 L.D. 1576

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.

COMMUNICATIONS

The Following Communication:

MAINE COMMISSION ON MENTAL HEALTH

STATE HOUSE STATION 153

AUGUSTA, MAINE 04333

May 5, 1989

Honorable Charles P. Pray

President of the Senate

State House Station 3

Augusta, ME 04333

Dear President Pray:

Enclosed please find the initial report of the Subcommittee on Institutes of the Maine Commission on Mental Health regarding the Augusta Mental Health Institute.

The subcommittee views the recommendations as providing guidelines to govern the process of making decisions regarding substantive and long term corrective actions at AMHI as well as providing some initial steps to be taken to protect patients in the short term. Of particular importance are ensuring that specific staff members are assigned to patients to monitor their treatment and needs.

If you have any questions or wish to discuss this report we would be glad to meet with you.

Sincerely,

S/Reid S. Scher

Executive Director

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

The Following Communication:

WORKERS' COMPENSATION COMMISSION

STATE HOUSE STATION 27

AUGUSTA, MAINE 04333

May 5, 1989

Honorable Charles P. Pray

President of the Senate

State House Station 3

Augusta, Maine 04333

RE: Quarterly Report for the First Quarter of Calendar 1989 39 M.R.S.A. Section 92(3)

Dear President Pray:

This letter and statistical attachments are the quarterly report of Commissioner caseload and progress mandated by 39 M.R.S.A. Section 92(3).

The vacancy created by former Commissioner Ellen Gorman's appointment as a Judge in District Court has been filled by Gail Ogilvie of Richmond. Commissioner Ogilvie has already begun to hold hearings in the Bath/Brunswick area.

During the first quarter of 1989 the Commission received an estimated 3,383 petitions and disposed of 3,176 by decision or dismissal. Backlog remained in the area of 7,500 undecided petitions.

Although delay in adjudicating disputed claims remains an area of concern, we are continuing to see gradual improvement in the scope of this problem. For example, the number of petitions undecided more than two years is, at 257, the lowest on record. By way of comparison, this was 467 in March 1987, 350 in March 1988.

There have been no complaints or filings in connection with the 30 day decision rule of 39 M.R.S.A. Section 99-B as implemented by Commission Rule 22.11.

A summary of caseload and dispositions is presented in the attached tables. I would be happy to discuss this report further if you wish.

Sincerely,
S/Ralph L. Tucker
Chairman

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

The Following Communication:
COMMITTEE ON AGRICULTURE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
May 9, 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 Agriculture has had under consideration the nomination of Dwight L. Tripp, Jr. of Auburn, for appointment to the Animal Welfare Board.

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	9
NAYS:		0
ABSENT:	2	Sen. Emerson of Penobscot, Rep. Whitcomb of Waldo

Eleven 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 Dwight L. Tripp, Jr. of Auburn, for appointment to the Animal Welfare Board be confirmed.

Sincerely,
S/R. Donald Twitchell
Senate Chair

S/Robert J. Tardy
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on AGRICULTURE has recommended the nomination of Dwight L. Tripp, Jr. of Auburn, for appointment to the Animal Welfare Board, be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on AGRICULTURE 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, CAHILL, CARPENTER, CLARK, COLLINS, DILLENBACK, DUTREMBLE, EMERSON, ERWIN, ESTES, ESTY, GAUVREAU, GILL, GOULD, HOBBS, HOLLOWAY, KANY, LUDWIG, MATTHEWS, PEARSON, RANDALL, THERIAULT, TITCOMB, TWITCHELL, WEBSTER, WEYMOUTH, WHITMORE, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators BRAWN, BUSTIN, PERKINS
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 Dwight L. Tripp, Jr., for appointment to the Animal Welfare Board, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:
COMMITTEE ON AGRICULTURE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
May 9, 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 Agriculture has had under consideration the nomination of Cheryl Kelley of St. Francis, for reappointment to the Animal Welfare Board.

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	9
NAYS:		0
ABSENT:	2	Sen. Emerson of Penobscot, Rep. Whitcomb of Waldo

Eleven 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 Cheryl Kelley of St. Francis, for reappointment to the Animal Welfare Board be confirmed.

Sincerely,
S/R. Donald Twitchell
Senate Chair

S/Robert J. Tardy
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on AGRICULTURE has recommended the nomination of Cheryl

Kelley of St. Francis, for reappointment to the Animal Welfare Board, be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on AGRICULTURE 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, CAHILL, CARPENTER, CLARK, COLLINS, DILLENBACK, DUTREMBLE, EMERSON, ERWIN, ESTES, ESTY, GAUVREAU, GILL, GOULD, HOBBS, HOLLOWAY, KANY, LUDWIG, MATTHEWS, PEARSON, RANDALL, THERIAULT, TITCOMB, TWITCHELL, WEBSTER, WEYMOUTH, WHITMORE, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators BRAWN, BUSTIN, PERKINS
 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 Cheryl Kelley, for reappointment to the Animal Welfare Board, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:
 COMMITTEE ON AGRICULTURE
 ONE HUNDRED AND FOURTEENTH LEGISLATURE
 May 9, 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 Agriculture has had under consideration the nomination of Dr. Russel N. Pinfold of Brunswick, for reappointment to the Animal Welfare Board.

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 9
 NAYS: 0
 ABSENT: 2 Sen. Emerson of Penobscot,
 Rep. Whitcomb of Waldo

Eleven 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 Dr. Russel N. Pinfold of Brunswick, for reappointment to the Animal Welfare Board be confirmed.

Sincerely,

S/R. Donald Twitchell Senate Chair
 S/Robert J. Tardy House Chair
 Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on AGRICULTURE has recommended the nomination of Dr. Russel N. Pinfold of Brunswick, for reappointment to the Animal Welfare Board, be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on AGRICULTURE 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, CAHILL, CARPENTER, CLARK, COLLINS, DILLENBACK, DUTREMBLE, EMERSON, ERWIN, ESTES, ESTY, GAUVREAU, GILL, GOULD, HOBBS, HOLLOWAY, KANY, LUDWIG, MATTHEWS, PEARSON, RANDALL, THERIAULT, TITCOMB, TWITCHELL, WEBSTER, WEYMOUTH, WHITMORE, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators BRAWN, BUSTIN, PERKINS
 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 Dr. Russel N. Pinfold, for reappointment to the Animal Welfare Board, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

Off Record Remarks

SENATE PAPERS

Resolve, to Establish Dental Health Resource Referral Network Projects in Underserved Communities
 S.P. 568 L.D. 1596

Presented by Senator GAUVREAU of Androscoggin
 Cosponsored by Senator BUSTIN of Kennebec, Senator GILL of Cumberland and Representative CARROLL of Southwest Harbor
 Bill "An Act to Make Interim Adjustments and Establish a Prospective Reimbursement System for Boarding Care Facilities Serving Persons with Mental Retardation"

S.P. 570 L.D. 1598

Presented by President PRAY of Penobscot
 Cosponsored by Senator CAHILL of Sagadahoc, Representative ROLDE of York and Representative RIDLEY of Shapleigh
 Bill "An Act to Establish and Maintain a Comprehensive School Health Education Demonstration Program"

S.P. 571 L.D. 1599

Presented by Senator ESTES of York
 Cosponsored by Representative AULT of Wayne and Representative FOSS of Yarmouth
 Which were referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.
 Sent down for concurrence.

Bill "An Act to Amend the Snowmobile Registration Laws"

S.P. 564 L.D. 1592

Presented by Senator WEBSTER of Franklin
Cosponsored by Representative ROTONDI of Athens
and Representative FARREN of Cherryfield
Which was referred to the Committee on FISHERIES
AND WILDLIFE and ORDERED PRINTED.
Sent down for concurrence.

Resolve, Creating a Commission to Study Employee
and Family Health Care

S.P. 567 L.D. 1595

Presented by Senator BUSTIN of Kennebec
Cosponsored by Senator GAUVREAU of Androscoggin,
Representative RYDELL of Brunswick and
Representative ROLDE of York
Bill "An Act to Initiate Therapeutic Group Homes"
(Emergency)

S.P. 573 L.D. 1601

Presented by Senator GILL of Cumberland
Cosponsored by Representative MANNING of
Portland, Senator BUSTIN of Kennebec and
Representative PENDLETON of Scarborough
Which were referred to the Committee on HUMAN
RESOURCES and ORDERED PRINTED.
Sent down for concurrence.

Bill "An Act to Ban the Use of Tape Recorders for
Reporting Work Delinquency"

S.P. 565 L.D. 1593

Presented by Senator BUSTIN of Kennebec
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 Forming the Maine Society on Science
and Technology"

S.P. 572 L.D. 1600

Presented by Senator BUSTIN of Kennebec
Bill "An Act to Promote the Image of Nursing in
Maine"

S.P. 574 L.D. 1602

Presented by Senator GILL of Cumberland
Cosponsored by Representative MANNING of
Portland, Representative CLARK of Brunswick and
Representative PINES of Limestone
Which were referred to the Committee on STATE AND
LOCAL GOVERNMENT and ORDERED PRINTED.
Sent down for concurrence.

Resolve, to Study Sidewalk Repair and Maintenance

S.P. 566 L.D. 1594

Presented by Senator KANY of Kennebec
Cosponsored by Senator TWITCHELL of Oxford,
Senator GOULD of Waldo and Senator THERIAULT of
Aroostook
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 27.
Resolve, that the Deadline for the Revision of
the State's Motor Vehicle Laws be Extended
(Emergency)

S.P. 569 L.D. 1597

Presented by Senator TWITCHELL of Oxford
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 27.

Which were referred to the Committee on
TRANSPORTATION and ORDERED PRINTED.
Sent down for concurrence.

On motion by Senator CLARK of Cumberland, the
Senate RECONSIDERED whereby it ADHERED on:

Bill "An Act to Prohibit Discrimination Against
Persons with the Human Immunodeficiency Virus for
Purposes of Insurance Coverage"

S.P. 196 L.D. 444

(C "A" S-66)

(In Senate, May 2, 1989, PASSED TO BE ENGROSSED
AS AMENDED BY COMMITTEE AMENDMENT "A" (S-66).)

(In House, May 9, 1989, PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "A" (S-66) AS AMENDED
BY HOUSE AMENDMENT "A" (H-161), thereto in
NON-CONCURRENCE.)

On further motion by same Senator, the Senate
RECEDED and CONCURRED.

On motion by Senator CLARK of Cumberland, the
Senate RECONSIDERED whereby it referred to the
Committee on HUMAN RESOURCES:

Bill "An Act to Increase the Department of Human
Services Reimbursement Beds for the Sanford Area"

H.P. 1131 L.D. 1574

(In House, May 9, 1989, referred to the Committee
on HUMAN RESOURCES and ORDERED PRINTED.)

On further motion by same Senator, referred to
the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS
and ORDERED PRINTED in NON-CONCURRENCE.

Sent down for concurrence.

Off Record Remarks

ORDERS

Joint Resolution

On motion by President PRAY of Penobscot
(Cosponsored by: Speaker MARTIN of Eagle Lake,
Senator WEBSTER of Franklin, Representative WEBSTER
of Cape Elizabeth) the following Joint Resolution:

S.P. 575

JOINT RESOLUTION COMMEMORATING THE BICENTENNIAL
OF THE FRENCH REVOLUTION

WHEREAS, the citizens of Maine recognize and
value the State's historical and cultural ties with
France and distinguished French citizens, from Samuel
de Champlain to Marguerite Yourcenar; and

WHEREAS, the descendants of France, who came to
the State via Quebec and Acadia, constitute an
important part of Maine's unique identity; and

WHEREAS, the government of France served as
midwife at the birth of American democracy; and

WHEREAS, the Universal Declaration of the Rights
of Man together with the Bill of Rights continue to
shine as twin beacons of liberty, 2 centuries after
they were written; and

WHEREAS, the Republic of France is celebrating
the bicentennial of the French Revolution in 1989 and
Maine is being honored by a historic visit from the
Honorable President of France, Francois Mitterand;
now, therefore, be it

RESOLVED: That We, the Members of the One Hundred
and Fourteenth Legislature now assembled in the First
Regular Session, join with President Mitterand and
the citizens of France in celebrating the ideals of
"Liberte, Egalite et Fraternite" and encourage the
people of Maine to commemorate the bicentennial of
the French Revolution, and the democratic traditions
which it fostered; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted forthwith to President Mitterand, with the warmest regards from our people.

Which was READ and ADOPTED.
Sent down for concurrence.

Senator BERUBE of Androscoggin was granted unanimous consent to address the Senate on the Record.

Senator BERUBE: Thank you Mr. President. Mr. President, men and women of the Senate. I would like to mention that President-Francois Mitterand's visit to Maine is indeed an historic one. As you know, he will be in Maine on May 20, 1989. It is indeed an honor to have him come to our state this month, as historic as was the visit in the early 1800's of the Marquis de Lafayette, who had come then to Portland, Maine. There are many ties that link us with the french, starting with Samuel de Champlain's visit to Mt. Desert in 1603, to the several Maine communities which still retain some aspects of french culture, albeit by way of french Canada.

It is interesting to point out that the phone books of communities, such as Lewiston, Augusta, Biddeford, and Waterville, contain long lists of names whose ancestry came from pre-revolutionary times in France in the days of Louis the XIV and the Moliere. So, when someone says that someone speaks the language of Moliere, it is the only language in the world referred to like that. That is, of course, the french language. I just wanted to point that out to you. Also, these historic ties are cultural assets that we can use to strengthen our relations to France to the mutual advantage of both of our countries. Thank you.

Off Record Remarks

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 LEGAL AFFAIRS on Bill "An Act Concerning Candidate Deadlines"

H.P. 766 L.D. 1070

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 LEGAL AFFAIRS on Bill "An Act Requiring Positive Identification for Liquor Sales"

H.P. 319 L.D. 435

The Committee on LEGAL AFFAIRS on Bill "An Act to Amend the Election Laws"

H.P. 351 L.D. 470

Ought to Pass

The Committee on HUMAN RESOURCES on Bill "An Act to Amend the Laws Relating to AIDS and Communicable Diseases to Remove the Sunset Provision for Health Care Facility Employees and Applicants for Employment"

H.P. 718 L.D. 987

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 JUDICIARY on Bill "An Act to Increase Fees for Bail Commissioners"

H.P. 579 L.D. 783

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 HUMAN RESOURCES on Bill "An Act to Increase Protection for Clients of the Department of Mental Health and Mental Retardation"

H.P. 692 L.D. 944

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-148).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-148).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-148) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on LEGAL AFFAIRS on Bill "An Act to Amend the Special Warehouse Storage Facilities Provision"

H.P. 257 L.D. 369

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-146).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-146) AS AMENDED BY HOUSE AMENDMENT "A" (H-151) thereto.

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-146) READ.

House Amendment "A" (H-151) to Committee Amendment "A" (H-146) READ and ADOPTED, in concurrence.

Committee Amendment "A" (H-146) as Amended by House Amendment "A" (H-151) thereto, ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass in New Draft under New Title

The Committee on LABOR on Bill "An Act to Allow Minors Under 16 to Work in Hotels"

H.P. 259 L.D. 371

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act to Study the Employment of Minors" (Emergency)

H.P. 1117 L.D. 1550

Comes from the House, with the Report READ and ACCEPTED and the Bill in NEW DRAFT under NEW TITLE, PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT under NEW TITLE READ ONCE.
The Bill in NEW DRAFT under NEW TITLE TOMORROW
ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on UTILITIES on
Bill "An Act to Give Deaf, Hearing Impaired and
Speech Impaired Persons the Same Rights of
Communication by Telephone as Those Given to Persons
Without Such Impairments"

H.P. 640 L.D. 874

Reported that the same Ought to Pass as Amended
by Committee Amendment "A" (H-144).

Signed:

Senators:

BOST of Penobscot
PRAY of Penobscot
CARPENTER of York

Representatives:

CLARK of Millinocket
RICHARD of Madison
HOLT of Bath
HANDY of Lewiston
PAUL of Sanford
ADAMS of Portland
MARSH of West Gardiner

The Minority of the same Committee on the same
subject reported that the same Ought to Pass as
Amended by Committee Amendment "B" (H-145).

Signed:

Representatives:

PARADIS of Old Town
STROUT of Windham
AIKMAN of Poland

Comes from the House the Majority OUGHT TO PASS
AS AMENDED Report READ and ACCEPTED and the Bill
PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE
AMENDMENT "A" (H-144).

Which Reports were READ.

On motion by Senator BOST of Penobscot, the
Majority OUGHT TO PASS AS AMENDED BY COMMITTEE
AMENDMENT "A" (H-144) Report was ACCEPTED, in
concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-144) READ and ADOPTED,
in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND
READING.

Senate

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:

Senator KANY for the Committee on ENERGY AND
NATURAL RESOURCES on Bill "An Act to Establish a
Seabrook Station Nuclear Emergency Planning Fund"
(Emergency)

S.P. 127 L.D. 212

Senator ERWIN for the Committee on ENERGY AND
NATURAL RESOURCES on Bill "An Act to Regulate
Incineration Plants"

S.P. 182 L.D. 339

Senator ERWIN for the Committee on ENERGY AND
NATURAL RESOURCES on Resolve, Authorizing the
Director of Parks and Recreation to Convey the
Interest of the State in Certain Parcels of Real
Property in the Town of Lincolnville and the County
of Penobscot

S.P. 386 L.D. 1031

Senator MATTHEWS for the Committee on LEGAL
AFFAIRS on Bill "An Act Concerning Removal and
Replacement of Candidates on Election Ballots"
S.P. 207 L.D. 485

Ought to Pass

Senator PEARSON for the Committee on
APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act
to Fund and Implement Reclassifications and
Collective Agreements with Maine Maritime Academy
Employees Represented by the Maine State Employees
Association"

S.P. 394 L.D. 1039

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass As Amended

Senator BRANNIGAN for the Committee on
APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act
to Extend the Reporting Deadline of the Commission to
Implement the Computerization of Criminal History
Record Information" (Emergency)

S.P. 179 L.D. 336

Reported that the same Ought to Pass as Amended
by Committee Amendment "A" (S-101).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-101) 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
to Establish a Temporary Water Management Resources
Board"

S.P. 265 L.D. 655

Reported that the same Ought to Pass as Amended
by Committee Amendment "A" (S-96).

Which Report was READ.

On motion by Senator CLARK of Cumberland, Tabled
1 Legislative Day, pending ACCEPTANCE OF THE
COMMITTEE REPORT.

Senator PERKINS for the Committee on
APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act
to Meet the Increased Need for Crisis Intervention
and Community Education Services Provided by Rape
Crisis Centers in Maine"

S.P. 292 L.D. 765

Reported that the same Ought to Pass as Amended
by Committee Amendment "A" (S-97).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-97) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND
READING.

Senator GILL for the Committee on EDUCATION on
Bill "An Act Relating to Historic and Archaeological
Preservation"

S.P. 440 L.D. 1193

Reported that the same Ought to Pass as Amended
by Committee Amendment "A" (S-102).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-102) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator GAUVREAU for the Committee on HUMAN RESOURCES on Bill "An Act to Facilitate the Disclosure of Information in Medical Support Recoupment and Child Support Cases"

S.P. 330 L.D. 867

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-103).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-103) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator CARPENTER for the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act Relating to State Personnel Administration"

S.P. 100 L.D. 119

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-104).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-104) 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 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

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

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

House As Amended

Bill "An Act to Improve Personnel Supervision in the Bureau of Intergovernmental Drug Enforcement"

H.P. 472 L.D. 637

(C "A" H-147)

Bill "An Act to Fund Repairs for Damage to the Hartland Dam"

H.P. 498 L.D. 678

(C "A" H-142)

Bill "An Act to Amend the Definition of Employer to Include Governmental Entities"

H.P. 534 L.D. 731

(C "A" H-143)

Bill "An Act to Improve the Cost-of-living Adjustment Under the Maine State Retirement System"

H.P. 538 L.D. 735

(C "A" H-140)

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

Senate As Amended

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

(C "A" S-95)

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

(C "A" S-93)

Bill "An Act Providing for Amendments to the Adaptive Equipment Loan Program" (Emergency)

S.P. 390 L.D. 1035

(C "A" S-94)

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 Relating to the Licensing of Insurance Agents, Brokers and Adjusters

S.P. 53 L.D. 28

(C "A" S-74)

An Act to Revise the Particulate Matter Air Quality Standard

S.P. 136 L.D. 221

(C "A" S-76)

An Act to Make Changes to the Public Utilities Commission Laws

S.P. 161 L.D. 309

(C "A" S-78)

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; S "A" S-80)

An Act Regarding Alcohol Credit Sales

S.P. 218 L.D. 534

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 Enhance the Integrated Pest Management Capabilities of Agriculture in Maine

S.P. 357 L.D. 958

(S "A" S-79)

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

Emergency

An Act to Correct Liquor License Fees

S.P. 68 L.D. 56

(C "A" S-73)

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.

Emergency

An Act to Require the Department of Human Services to Investigate Zero Discharge Systems

S.P. 88 L.D. 90

(C "A" S-77)

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

Emergency
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)

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

Off Record Remarks

ORDERS OF THE DAY

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

Emergency
An Act Relating to Tax Exemptions

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

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

Pending - ENACTMENT

(In Senate, May 2, 1989, PASSED TO BE ENGROSSED
AS AMENDED BY COMMITTEE AMENDMENT "A" (S-67), in
concurrence.)

(In House, May 8, 1989, PASSED TO BE ENACTED.)

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

Off Record Remarks

On motion by Senator GAUVREAU of Androscoggin,
ADJOURNED until Thursday, May 11, 1989, at 9:00 in
the morning.

ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
60th Legislative Day
Thursday, May 11, 1989

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

Prayer by Reverend James O'Brien, South Parish
Congregational Church, Augusta.

The Journal of Wednesday, May 10, 1989, was read
and approved.

Quorum call was held.

PAPERS FROM THE SENATE

The following Communication:

Maine State Senate
Augusta, Maine 04333

May 10, 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
Agriculture, the Governor's nominations of Dwight L.
Tripp, Jr. of Auburn for appointment, Cheryl Kelley
of St. Francis and Dr. Russell Pinfold of Brunswick
for reappointment to the Animal Welfare Board.

Dwight L. Tripp, Jr. is replacing Jesse Harriman.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

Was read and ordered placed on file.

The following Joint Resolution: (S.P. 575)
JOINT RESOLUTION COMMEMORATING THE BICENTENNIAL
OF THE FRENCH REVOLUTION

WHEREAS, the citizens of Maine recognize and
value the State's historical and cultural ties with
France and distinguished French citizens, from Samuel
de Champlain to Marguerite Yourcenar; and

WHEREAS, the descendants of France, who came to
the State via Quebec and Acadia, constitute an
important part of Maine's unique identity; and

WHEREAS, the government of France served as
midwife at the birth of American democracy; and

WHEREAS, the Universal Declaration of the Rights
of Man together with the Bill of Rights continue to
shine as twin beacons of liberty, 2 centuries after
they were written; and

WHEREAS, the Republic of France is celebrating
the bicentennial of the French Revolution in 1989 and
Maine is being honored by a historic visit from the
Honorable President of France, Francois Mitterand;
now, therefore, be it

RESOLVED: That We, the Members of the One Hundred
and Fourteenth Legislature now assembled in the First
Regular Session, join with President Mitterand and
the citizens of France in celebrating the ideals of
"Liberte, Egalite et Fraternite" and encourage the
people of Maine to commemorate the bicentennial of
the French Revolution, and the democratic traditions
which it fostered; and be it further

RESOLVED: That suitable copies of this
resolution, duly authenticated by the Secretary of
State, be transmitted forthwith to President
Mitterand, with the warmest regards from our people.

Came from the Senate, read and adopted.

Was read.