

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

Farren, Foss, Gould, R. A.; Greenlaw, Hichborn, Hickey, Higgins, Hussey, Hutchins, Jackson, Jacques, Jalbert, LaPointe, Lebowitz, Look, Lord, Luther, Martin, H.; McCormick, McGowan, McHenry, Merrill, Michaud, Moholland, Murphy, Nutting, O'Gara, Paradis, E.; Paradis, J.; Paradis, P.; Parent, Paul, Pendleton, Pineau, Pines, Plourde, Pouliot, Reed, Richard, Ridley, Rotondi, Seavey, Sheltra, Sherburne, Stevens, A.; Strout, B.; Strout, D.; Tamaro, Telow, Walker, Wentworth, The Speaker.

ABSENT - Duffy, Graham, Gurney, Marsano, Ruhlin, Townsend, Whitcomb.

PAIRED - Kilkelly, Tardy.

Yes, 74; No, 67; Absent, 7; Vacant, 1; Paired, 2; Excused, 0.

74 having voted in the affirmative and 67 in the negative with 7 being absent and 1 vacant, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The Chair laid before the House the following matter: 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) (passed to be enacted in the House on May 11, 1989) which was tabled earlier in the day and later today assigned pending further consideration.

On motion of the Representative from Madawaska, Representative McHenry, the House voted to recede from passage to be enacted.

The same Representative offered House Amendment "A" (H-187) and moved its adoption.

House Amendment "A" (H-187) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (S-84) and House Amendment "A" (H-187) in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter: 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 was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Gwadosky of Fairfield, retabled pending passage to be enacted and specially assigned for Tuesday, May 16, 1989.

(Off Record Remarks)

On motion of Representative Manning of Portland, Adjourned until Tuesday, May 16, 1989, at twelve o'clock noon.

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

In Senate Chamber
Monday
May 15, 1989

Senate called to Order by the President.

Prayer by Pastor Nolan Leavitt of the Advent Christian Church in Auburn.

PASTOR LEAVITT: Let us pray. Heavenly Father, I come to You this morning as Your child, one You have redeemed to Yourself at great cost. And again, I give You thanksgiving and praise for a beautiful day. I thank You for life, Lord, and a hope and a promise of a much greater life to come. I praise You for your mercy extended, mercy undeserved and unexpected.

Father, I ask that You wash us clean this day as we stand before You. You have said, "come let us reason together, though your sins be as scarlet they shall be as white as snow." Wash our thoughts, our hearts, our hands this day with water that reaches the very depths of our soul.

Father, I would intercede this day for these men and women gathered. I ask for wisdom on their behalf, knowing that the beginning of wisdom begins with You. I would ask that Your hand would guide them this day. Protect them, Lord, from harm's way and lead them beside still waters and guide them in paths of righteousness. Lord, quiet their hearts and bear their burden with them and for them. Some here perhaps are pressed down by the weight of life and the weight of strife. Bless their families, Lord, and their loved ones and keep them safe and ease the heartache and headache alike. Make them a blessing, Lord, first to You and to themselves and their loved ones, then, Lord, make them a blessing to this land and all who look to them this day. In Jesus' name. Amen.

Reading of the Journal of Friday, May 12, 1989.

PAPERS FROM THE HOUSE
Non-concurrent Matter

Bill "An Act to Clarify Laws Pertaining to the Enforcement of Forestry Fire Control Laws"

H.P. 88 L.D. 123
(C "B" H-135)

In Senate, May 8, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-135), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-135) AS AMENDED BY HOUSE AMENDMENT "B" (H-180), thereto in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

Bill "An Act Relating to Confidentiality of Investigative Records of Boards and Commissions"

H.P. 232 L.D. 316
(S "A" S-51 to C "A" H-51)

In House, April 18, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-51).

In Senate, April 24, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-51) AS

AMENDED BY SENATE AMENDMENT "A" (S-51) thereto in NON-CONCURRENCE.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-51) AS AMENDED BY HOUSE AMENDMENT "A" (H-181), thereto in NON-CONCURRENCE.

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

House Papers

Bill "An Act to Appropriate Funds to the Department of Environmental Protection to Provide Technical Assistance to Community Waste Water Treatment Facilities"

H.P. 1187 L.D. 1654

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 Establish a Program of Health, Education and Treatment for Persons Convicted of Drug and Sex-related Offenses"

H.P. 1190 L.D. 1657

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

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

Bill "An Act to Amend the Antitrust Laws to Permit Suits by Indirect Purchasers"

H.P. 1186 L.D. 1653

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 Allowing Full-time Deputies to Hold Nonpartisan Office"

H.P. 1188 L.D. 1655

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.

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 AGRICULTURE on Bill "An Act to Amend the Issuance of Harness Racing Licenses and Assignment of Racing Weeks"

H.P. 467 L.D. 632

The Committee on AGRICULTURE on Bill "An Act to Amend the Laws Concerning Certain Fund Raising Events"

H.P. 839 L.D. 1171

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Protect Lakes and to Develop Educational Programs on Boating Safety"

H.P. 592 L.D. 810

The Committee on EDUCATION on Bill "An Act to Assure an Appropriate Education for Blind Students"

H.P. 495 L.D. 675

The Committee on FISHERIES AND WILDLIFE on Bill "An Act to Provide for Public Input and Comment Prior to the Adoption of Fishery Restoration and Management Plans"

H.P. 962 L.D. 1340

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 APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Provide the Division of Eye Care With Computer Technology"

H.P. 619 L.D. 842

The Committee on LEGAL AFFAIRS on Bill "An Act Regarding Absentee Ballots"

H.P. 504 L.D. 684

The Committee on LEGAL AFFAIRS on Bill "An Act to Encourage Higher Voter Participation in All Elections by Allowing Absentee Balloting With or Without Cause"

H.P. 810 L.D. 1122

Change of Reference

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Create a Hazardous Highway Spills Fund"

H.P. 809 L.D. 1121

Reported that the same be REFERRED to the Committee on ENERGY AND NATURAL RESOURCES.

Comes from the House with the Report READ and ACCEPTED and the Bill REFERRED to the Committee on ENERGY AND NATURAL RESOURCES.

Which Report was READ and ACCEPTED, in concurrence.

The Bill REFERRED to the Committee on ENERGY AND NATURAL RESOURCES, in concurrence.

Ought to Pass

The Committee on STATE AND LOCAL GOVERNMENT on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Piscataquis County for the Year 1989 (Emergency)

H.P. 1191 L.D. 1658

Reported that the same Ought to Pass, pursuant to Joint Order H.P. 9.

Comes from the House with the Report READ and ACCEPTED and the Resolve PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

The Resolve TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass As Amended

The Committee on HUMAN RESOURCES on Bill "An Act to Protect the Identity of Complainants Concerning Health Care Facilities and Providers and Certain Financial Information for the Maine Managed Care Insurance Plan Demonstration"

H.P. 552 L.D. 749

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-172).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-172).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-172) READ and ADOPTED, in concurrence.
The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on JUDICIARY on Bill "An Act to Describe the Division of Southern Cumberland of the 9th Maine District Court"

H.P. 843 L.D. 1175

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-171).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-171).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-171) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Eliminate the Requirement that Counties Provide Facilities and Equipment to State Courts"

H.P. 289 L.D. 401

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-174).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-174).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-174) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Allow 2 or More Municipalities to Form a Regional Planning Commission"

H.P. 290 L.D. 402

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-173).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-173).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-173) 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 GILL for the Committee on EDUCATION on Bill "An Act to Prohibit Certain Student Loan Fees"

S.P. 111 L.D. 166

Senator ESTY for the Committee on LABOR on Bill "An Act to Define the Compensation Period for Injuries Resulting in Partial Incapacity under the Workers' Compensation Act"

S.P. 313 L.D. 818

Leave to Withdraw

The following Leave to Withdraw Reports shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Senator WHITMORE for the Committee on BUSINESS LEGISLATION on Bill "An Act to Extend the Scope of the Returnable Container Law"

S.P. 197 L.D. 445

Senator WHITMORE for the Committee on BUSINESS LEGISLATION on Bill "An Act to Clarify the Obligations of Distributors of Beverage Containers"

S.P. 215 L.D. 531

Senator ESTY for the Committee on LABOR on Bill "An Act Relating to Partial Disability under the Workers' Compensation Act"

S.P. 320 L.D. 857

Senator BOST for the Committee on UTILITIES on Resolve, to Create a Commission to Study Public Acquisition of Recreation Rights on Water Company Lands

S.P. 445 L.D. 1198

Ought to Pass As Amended

Senator MATTHEWS for the Committee on LABOR on Bill "An Act to Provide for the Merger of Bargaining Units Represented by a Single Bargaining Agent under the Municipal Employees Labor Relations Law"

S.P. 260 L.D. 650

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-112).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-112) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator BERUBE for the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Amend the Records Management Laws"

S.P. 245 L.D. 575

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-113).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-113) 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 Eliminate the Barrel as the Unit Measure of Buyers and Sellers of Potatoes"

H.P. 323 L.D. 439

Bill "An Act to Clarify the Common Boundary of the Town of Cape Elizabeth and the Town of Scarborough"

H.P. 572 L.D. 776

Bill "An Act to Amend the Boundary Line Between the Towns of Albion and Benton"

H.P. 699 L.D. 951

Bill "An Act to Create a Full-time Motor Vehicle Office in the Town of Sanford"

H.P. 898 L.D. 1255

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

House As Amended
 Bill "An Act to Establish Utility Rights in Certain Easements"

H.P. 24 L.D. 19
 (C "A" H-157)

Resolve, Establishing the Commission to Study the Regulation of Welders

H.P. 78 L.D. 109
 (C "A" H-166)

Bill "An Act to Establish a Process for the Deorganization of Municipalities and Plantations" (Emergency)

H.P. 223 L.D. 303
 (C "A" H-167)

Bill "An Act to Make Allocations for the Administrative Expenses of the Bureau of Lottery, Department of Finance, for the Fiscal Years Ending June 30, 1990, and June 30, 1991" (Emergency)

H.P. 419 L.D. 584
 (C "A" H-158)

Bill "An Act Concerning Teacher Employment"

H.P. 486 L.D. 666
 (C "A" H-163)

Bill "An Act to Establish the Boundary Line between the Town of Falmouth and the City of Westbrook"

H.P. 594 L.D. 812
 (C "A" H-168)

Bill "An Act to Provide Computer Technology to the Division of Eye Care"

H.P. 628 L.D. 851
 (C "A" H-159)

Bill "An Act to Clarify the Laws Relating to Marriage"

H.P. 676 L.D. 925
 (C "A" H-162)

Bill "An Act to Ensure Representation on the Committee to Advise the Department of Human Services on AIDS"

H.P. 721 L.D. 990
 (C "A" H-160)

Bill "An Act Relating to the Disclosure of Information Concerning Used Motor Vehicles at the Time of Sale or Transfer"

H.P. 903 L.D. 1260
 (C "A" H-165)

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

Senate

Bill "An Act to Amend the Home Construction Contracts Law"

S.P. 113 L.D. 168

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

Sent down for concurrence.

Senate As Amended

Bill "An Act To Provide Respite Care for Care Givers of Diagnosed Victims of Alzheimer's Disease"

S.P. 248 L.D. 578
 (C "A" S-108)

Bill "An Act to Provide Increased Funding for the Family Planning Association's Basic Clinical and Educational Services"

S.P. 255 L.D. 645
 (C "A" S-106)

Bill "An Act to Amend the Animal Welfare Laws"

S.P. 333 L.D. 894

(C "A" S-110)

Bill "An Act to Fund and Implement Changes in Health Insurance Benefits in Collective Bargaining Agreements with Maine Maritime Academy Employees Represented by the Maine State Employees Association" (Emergency)

S.P. 371 L.D. 995
 (C "A" S-107)

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

Sent down for concurrence.

Bill "An Act to Establish a Temporary Water Management Resources Board"

S.P. 265 L.D. 655
 (C "A" S-96)

Which was READ A SECOND TIME.

On motion by Senator KANY of Kennebec, Senate Amendment "A" (S-109) READ.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator KANY: Thank you Mr. President. Mr. President, men and women of the Senate. An issue which came before the Committee on Energy and Natural Resources had to do with the fact that many water utilities are allowed to draw down completely on ponds. We were informed that the Appropriations Committee had a Bill which would allow a study of water management resources and subsequently, instead of reporting out another Bill from our Committee to evaluate this complicated topic, we seek, as a Committee, to amend the Bill that was reported out of the Appropriations Committee.

Senate at Ease

Senate called to order by the President.

On motion by Senator BOST of Penobscot, Tabled 1 Legislative Day, pending ADOPTION of Senate Amendment "A" (S-109).

ENACTORS

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

An Act to Allow Raffling of Livestock by Charitable Organizations for Charitable Purposes

H.P. 200 L.D. 280
 (C "A" H-78; H "A" H-150)

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

S.P. 196 L.D. 444
 (H "A" H-161 to C "A" S-66)

An Act to Establish Free Fishing Days in Maine

S.P. 329 L.D. 866
 (C "A" S-87)

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 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

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

An Act to Improve Personnel Supervision in the Bureau of Intergovernmental Drug Enforcement
H.P. 472 L.D. 637
(C "A" H-147)

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

An Act to Fund Repairs for Damage to the Hartland Dam
H.P. 498 L.D. 678
(C "A" H-142)

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

An Act to Amend the Definition of Employer to Include Governmental Entities
H.P. 534 L.D. 731
(C "A" H-143)

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

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

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

ORDERS OF THE DAY

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

Emergency

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

H.P. 365 L.D. 496
(C "A" H-126; S "A" S-88)

Tabled - May 12, 1989, by Senator CLARK of Cumberland.

Pending - ENACTMENT

(In House, May 11, 1989, PASSED TO BE ENACTED.)

(In Senate, May 5, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-126) AND SENATE AMENDMENT "A" (S-88).)

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

On motion by Senator CLARK of Cumberland, the Senate removed from the Tabled and Later Today Assigned matter the following:

Bill "An Act Relating to Confidentiality of Investigative Records of Boards and Commissions"

H.P. 232 L.D. 316
(S "A" S-51 to C "A" H-51)

Tabled - May 15, 1989, by Senator CLARK of Cumberland.

Pending - FURTHER CONSIDERATION

(In House, April 18, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-51).)

(In Senate, April 24, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-51) AS AMENDED BY SENATE AMENDMENT "A" (S-51) thereto in NON-CONCURRENCE.)

(In House, May 12, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-51) AS AMENDED BY HOUSE AMENDMENT "A" (H-181), thereto in NON-CONCURRENCE.)

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

On motion by Senator TWITCHELL of Oxford, ADJOURNED until Tuesday, May 16, 1989, at 12:00 in the afternoon.