

MAINE STATE LEGISLATURE

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

VOLUME IV

FIRST SPECIAL SESSION
August 21, 1989 to August 22, 1989
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FIRST CONFIRMATION SESSION
October 30, 1989
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SECOND CONFIRMATION SESSION
December 12, 1989
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SECOND REGULAR SESSION
January 3, 1990 to March 19, 1990

ORDERS OF THE DAY

BILL RECALLED FROM LEGISLATIVE FILES

(Pursuant to Joint Order - House Paper 1482)

Bill "An Act to Provide Needed Services Identified by the Task Force on Incapacitated and Dependent Adults, and Required by the United States Omnibus Budget Reconciliation Act of 1988" (H.P. 691) (L.D. 943)

On motion of Representative Gwadosky of Fairfield, was recommitted to the Committee on Human Resources in non-concurrence and sent up for concurrence.

(Off Record Remarks)

On motion of Representative Rydell of Brunswick, Adjourned until Friday, January 5, 1990, at twelve o'clock noon in memory of Vivian Powell.

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

In Senate Chamber

Thursday

January 4, 1990

Senate called to Order by the President.

Prayer by Gridley Barrows, Second Reader of the First Church of Christ, Scientist in Auburn.

GRIDLEY BARROWS: Good morning. It is good to be here and to support your recognition of what is good. The voice of the people impelled by the divine law that good is all and for all has been heard. The historic events of the past year must certainly inspire and sustain all of us in our commitment to recognize and maintain a government of the people, by the people, for the people. Each of us here can promote good government and the universal cause of freedom. We can do this by our recognition and obedience to the divine law, the law of love. We do this in our affirmation of human rights, regardless of race, religion, sex or nationality. We pray that you are chosen legislators will not be overwhelmed by the huge task confronting you. We know that when you stop and listen for that guidance, which requires each of us to be meek, honest, charitable, and to love his neighbor as himself, that you will be guided rightly in the days ahead. And now let us have a moment of silent prayer. Amen.

Reading of the Journal of Yesterday.

COMMUNICATIONS

The Following Communication:

MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333

December 28, 1989

The Honorable Charles P. Pray
President, Maine Senate
State House
Augusta, ME 04333

Dear President Pray:

The Student Financial Aid Transition Advisory Committee has submitted its study report to the Joint Standing Committee on Education, the Governor, and the Finance Authority of Maine as required by Chapter 559 of the Public Laws of 1989. For the information of the Legislature, the Advisory Committee is providing copies of the report to each representative and senator. We hope the Legislature finds this information useful.

Sincerely,
S/Sen. Stephen M. Bost
Chair
Student Financial Aid
Transition Advisory
Committee

Which was READ and referred to the Committee on EDUCATION.

The Following Communication:

DEPARTMENT OF
EDUCATIONAL AND CULTURAL SERVICES
STATE HOUSE STATION 23
AUGUSTA, MAINE 04333

To: Joy J. O'Brien, Secretary of the Senate
From: S/Eve M. Bither, Commissioner
Date: January 4, 1990
Re: Report on habitual truants for the 1988-89

school year.
 In accordance with 20-A MRSA Section 5051, I am pleased to submit our annual report of the number of habitual truants identified by school superintendents during the 1988-89 school year. A summary of findings for previous school years has been included for your information. The figures contained on this summary do not reflect the impact of new statutes enacted by the 112th Legislature under Chapter 415. These new statutes simplify the definition of habitual truancy, prohibit the employment of habitual truants and require professional qualifications for attendance coordinators. Additional information regarding this report and statistics contained therein can be obtained by contacting the Office of Truancy, Dropout & Alternative Education, 289-5110.
 Which was READ and with Accompanying Papers ORDERED PLACED ON FILE.

The Following Communication:
 SENATE OF MAINE
 AUGUSTA, MAINE 04333
 January 2, 1990

The Honorable Joy J. O'Brien
 Secretary of the Senate
 State House Station 3
 Augusta, Maine 04333
 Dear Madam Secretary:
 Pursuant to my authority under 1 M.R.S.A., Section 1002, I am today appointing Richard L. Trafton, of Auburn, to the Commission on Governmental Ethics and Election Practices.
 I would welcome an opportunity to be of service should you require further assistance regarding this appointment.
 With all good wishes for a Happy New Year!
 Yours sincerely,
 S/Sen. Nancy Randall Clark
 Majority Leader

Which was READ and ORDERED PLACED ON FILE.
 Pursuant to 1 M.R.S.A., Section 1002, this nomination requires the affirmative vote of two-thirds of the members present and voting for concurrence. 29 Senators having voted in the affirmative and no Senators having voted in the negative, and 29 being more than two-thirds of the members present and voting, the Senate concurred with the appointment.

SENATE PAPERS

Bill "An Act to Appropriate Funds for Alternatives to Juvenile Detention"
 S.P. 817 L.D. 2093
 Presented by Senator BOST of Penobscot
 Cosponsored by Senator BRANNIGAN of Cumberland and Representative CATHCART of Orono
 Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.
 Which was referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.
 Sent down for concurrence.

Bill "An Act to Amend the Definition of Actual Cash Value for Insurance Purposes"
 S.P. 820 L.D. 2096
 Presented by Senator PEARSON of Penobscot
 Cosponsored by Representative CAHILL of Mattawamkeag
 Approved for introduction by a majority of the

Legislative Council pursuant to Joint Rule 26.
 Which was referred to the Committee on BANKING AND INSURANCE and ORDERED PRINTED.
 Sent down for concurrence.

Bill "An Act to Amend Vital Statistics Provisions Pertaining to Adoptions"
 S.P. 818 L.D. 2094
 Presented by Senator CAHILL of Sagadahoc
 Cosponsored by Senator BRANNIGAN of Cumberland, Representative WEBSTER of Cape Elizabeth and Representative ANTHONY of South Portland
 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 Increase Eligibility for Imprisonment with Intensive Supervision"
 S.P. 822 L.D. 2098
 Presented by Senator HOLLOWAY of Lincoln
 Cosponsored by Representative NORTON of Winthrop
 Submitted by the Department of Corrections pursuant to Joint Rule 24.
 Bill "An Act to Clarify the Maine Juvenile Code"
 S.P. 823 L.D. 2099
 Presented by Senator HOLLOWAY of Lincoln
 Cosponsored by Representative ANTHONY of South Portland, Representative NORTON of Winthrop and Representative MANNING of Portland
 Submitted by the Department of Corrections pursuant to Joint Rule 24.
 Which were referred to the Committee on JUDICIARY and ORDERED PRINTED.
 Sent down for concurrence.

Resolve, to Allow Tyron Gray to Sue the State
 S.P. 819 L.D. 2095
 Presented by Senator HOLLOWAY of Lincoln
 Cosponsored by Representative KILKELLY of Wiscasset, Representative BREWER of Boothbay Harbor and Senator CAHILL of Sagadahoc
 Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.
 Which was referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED.
 Sent down for concurrence.

Bill "An Act to Clarify Definitions and Provisions of Marine Resources Laws"
 S.P. 821 L.D. 2097
 Presented by Senator BRAWN of Knox
 Cosponsored by Representative MARSH of West Gardiner, Representative MITCHELL of Freeport and Senator BRANNIGAN of Cumberland
 Submitted by the Department of Marine Resources pursuant to Joint Rule 24.
 Which was referred to the Committee on MARINE RESOURCES and ORDERED PRINTED.
 Sent down for concurrence.

Pursuant to Private and Special Laws
 Commission on Manufactured Housing
 Senator ESTES for the Commission on Manufactured Housing, pursuant to P&S 1987, Chapter 139, ask leave to submit its findings and to report that the accompanying Bill "An Act to Prevent Retaliatory Evictions of Mobile Park Tenants"

S.P. 814 L.D. 2078

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

Which Report was READ and ACCEPTED.

The Bill referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED, pursuant to Joint Rule 18.

Sent down for concurrence.

Pursuant to Private and Special Laws
Commission on Manufactured Housing

Senator BALDACCI for the Commission on Manufactured Housing, pursuant to P&SL 1987, Chapter 139, ask leave to submit its findings and to report that the accompanying Bill "An Act Regarding Evictions from Mobile Home Parks"

S.P. 815 L.D. 2079

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

Which Report was READ and ACCEPTED.

The Bill referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED, pursuant to Joint Rule 18.

Sent down for concurrence.

Study Report

Committee on BUSINESS LEGISLATION

Senator BALDACCI for the Committee on BUSINESS LEGISLATION to which was referred by the Legislative Council the Study Relative to Third-Party Prescription Programs have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Require That Certain 3rd-party Prescription Drug Programs Be Subject to the Provisions of the Appropriate Preferred Provider Arrangement Act"

S.P. 816 L.D. 2080

Be referred to the Joint Standing Committee on BUSINESS LEGISLATION for Public Hearing and printed pursuant to Joint Rule 19.

Which Report was READ and ACCEPTED.

The Bill referred to the Committee on BUSINESS LEGISLATION and ORDERED PRINTED, pursuant to Joint Rule 19.

Sent down for concurrence.

COMMITTEE REPORTS

Senate

Change of Reference

Senator TITCOMB for the Committee on AGING, RETIREMENT AND VETERANS on Bill "An Act to Amend the Laws Implementing, Administering and Enforcing the United States Emergency Planning and Community Right-to-Know Act of 1986" (Emergency)

S.P. 780 L.D. 2021

Which Report was READ and ACCEPTED.

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

Sent down for concurrence.

Ought to Pass As Amended

Senator TWITCHELL for the Committee on TRANSPORTATION on Bill "An Act to Encourage Air Transportation to Designated Locations in Maine"

S.P. 665 L.D. 1778

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-467).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-467) READ and ADOPTED. The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

RECALLED FROM THE GOVERNOR'S DESK

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

Senator ESTES: Mr. President, is the Senate in position of L.D. 365?

THE PRESIDENT: The Chair would answer in the affirmative the Bill having been recalled from the Governor's Desk.

On motion by Senator ESTES of York, the Senate SUSPENDED THE RULES.

On further motion by same Senator, The Senate RECONSIDERED whereby it PASSED TO BE ENACTED:

An Act to Allow a Student an Option in Biological Dissection

H.P. 253 L.D. 365

(H "A" H-383 to C "A"

H-334)

(In Senate, July 1, 1989, PASSED TO BE ENACTED, in concurrence.)

(RECALLED from the Governor's Desk, pursuant to Joint Order S.P. 810, in concurrence.)

On further motion by same Senator, Bill and Accompanying Papers RECOMMITTED to the Committee on EDUCATION in NON-CONCURRENCE.

Sent down for concurrence.

Off Record Remarks

HELD BILL

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator THERIAULT.

Senator THERIAULT: Mr. President, is the Senate in possession of L.D. 2069?

MR. PRESIDENT: The Chair would answer in the affirmative, the Bill having been held at the Senators request.

On motion by Senator THERIAULT of Aroostook, the Senate RECONSIDERED whereby it INSISTED on:

Bill "An Act to Allow the Maine State Employees Health Insurance Program to Self-insure Health or Dental Insurance"

S.P. 806 L.D. 2069

(In Senate, January 3, 1990, REFERRED to the Committee on STATE AND LOCAL GOVERNMENT.)

(In House, January 3, 1990, REFERRED to the Committee on BANKING AND INSURANCE in NON-CONCURRENCE.)

(In Senate, January 3, 1990, INSISTED.)

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

Off Record Remarks

On motion by Senator PEARSON of Penobscot, ADJOURNED until Friday, January 5, 1990, at 12:00 in the afternoon.