

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**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  
Index

**FIRST CONFIRMATION SESSION**  
October 30, 1989  
Index

**SECOND CONFIRMATION SESSION**  
December 12, 1989  
Index

**SECOND REGULAR SESSION**  
January 3, 1990 to March 19, 1990

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

In Senate Chamber  
Monday  
January 8, 1990

Senate called to Order by the President.

Prayer by Pastor Harold Carpenter of the Winter Street Baptist Church in Gardiner.

REVEREND CARPENTER: We enter into Your presence, the name of Your son, Jesus Christ, and in the power of Your spirit, we thank You for this day which You have given us, to serve and to live. We thank You for the beauty of our state and the sunshine streaming through the windows. As we come into these chambers, we're reminded that assembled here are men and women, from across the length and breadth of this state, elected to serve people. And Lord, as we begin another week of deliberations in this house, in this chamber, in this Senate, we would pray that You would give wisdom and direction and discretion to these who serve. May they be reminded that they are here not for their personal interests, necessarily and alone, but that they represent a great host of people who have put trust in their integrity to serve. So Lord, give them wisdom and guidance in all things and we would ask this in Your name. Amen.

Reading of the Journal of Friday, January 5, 1990.

Off Record Remarks

PAPERS FROM THE HOUSE  
Non-concurrent Matter

Bill "An Act to Increase Eligibility for Imprisonment with Intensive Supervision"  
S.P. 822 L.D. 2098

In Senate, January 4, 1990, referred to the Committee on JUDICIARY and ORDERED PRINTED.

Comes from the House referred to the Joint Select Committee on CORRECTIONS and ORDERED PRINTED in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

House Papers

Bill "An Act to Require the State to Pay a Portion of the Health Insurance Premiums for Dependents of Retired State Employees"  
H.P. 1534 L.D. 2119

Bill "An Act to Amend the Laws Relating to the Maine Committee on Aging"  
H.P. 1546 L.D. 2131

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

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

Bill "An Act Prohibiting Membership in a Trade or Similar Association from Being a Condition for Licensing or Certifying a Producer's Food as Natural or Organic"  
H.P. 1522 L.D. 2107

Bill "An Act to Regulate Food Salvage Operations"  
H.P. 1536 L.D. 2121

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

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

Bill "An Act to Purchase the Development Rights to Farmland"  
H.P. 1545 L.D. 2130

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

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

Bill "An Act to Address the Crisis Confronting Clients of the Training Programs Administered by the Bureau of Vocational Rehabilitation" (Emergency)  
H.P. 1526 L.D. 2111

Come from the House referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

On motion by Senator DUTREMBLE of York, Tabled 1 Legislative Day, pending REFERENCE.

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$15,000,000 to Finance the Acquisition of Farmland to Preserve the Land for its Natural, Open Space, Ecological and Aesthetic Value"  
H.P. 1544 L.D. 2129

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 Concerning the Application of Licensure Requirements for Counseling Professionals"  
H.P. 1520 L.D. 2105

Bill "An Act to Allow the Issuance of a Temporary License in Case of the Death of a Real Estate Broker"  
H.P. 1529 L.D. 2114

Bill "An Act to Require Home Radon Testing Prior to Sale"  
H.P. 1531 L.D. 2116

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

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

Bill "An Act to Ensure Adequate Closure of the Landfill Operated by Downeast Disposal, Incorporated in Steuben"  
H.P. 1515 L.D. 2100

Bill "An Act to Modify the Solid Waste Law as it Applies to Aseptic Packaging"  
H.P. 1525 L.D. 2110

Bill "An Act Concerning Special Waste"  
H.P. 1532 L.D. 2117

Bill "An Act to Replace the Large Lot Exceptions under the Site Location of Development Law with a Low-density Exemption"  
H.P. 1543 L.D. 2128

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.

LEGISLATIVE RECORD - SENATE, JANUARY 8, 1990

Bill "An Act to Amend the Moose Hunting Laws"  
H.P. 1518 L.D. 2103

Bill "An Act Concerning Operation of All-terrain  
Vehicles"

H.P. 1519 L.D. 2104

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 Amend the Laws Concerning the  
Department of Human Services to Increase the Maximum  
Allowable Fine to \$50,000"

H.P. 1521 L.D. 2106

Bill "An Act to Expand Estate Recovery from  
Certain Medicaid Recipients"

H.P. 1524 L.D. 2109

Bill "An Act to Establish the Protection and  
Advocacy Agency for Persons with Disabilities"  
(Emergency)

H.P. 1527 L.D. 2112

Bill "An Act to Establish the Advisory Board on  
Rights of Children in Need of Treatment"

H.P. 1537 L.D. 2122

Bill "An Act to Clarify the Laws Regarding  
Recovery of Medicaid Payments from Liable Third  
Parties"

H.P. 1540 L.D. 2125

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

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

Bill "An Act to Provide for Outpatient  
Commitment"

H.P. 1506 L.D. 2086

Committee on JUDICIARY suggested and ORDERED  
PRINTED.

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 Statute of Limitations  
with Respect to Medical Malpractice Prelitigation  
Screening Panels"

H.P. 1516 L.D. 2101

Come 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 Regarding Preliminary Protection  
Orders in Child Protective Cases"

H.P. 1530 L.D. 2115

Committee on HUMAN RESOURCES suggested and  
ORDERED PRINTED.

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

On motion by Senator GAUVREAU of Androscoggin,  
Tabled 1 Legislative Day, pending REFERENCE.

Off Record Remarks

Bill "An Act to Prohibit the Breaking of Glass  
Products in Games of Skill"

H.P. 1517 L.D. 2102

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

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

Bill "An Act to Amend the  
Operating-under-the-influence Laws"

H.P. 1535 L.D. 2120

Committee on JUDICIARY suggested and ORDERED  
PRINTED.

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

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

Bill "An Act Regarding the Testing of Closed Clam  
Flats"

H.P. 1528 L.D. 2113

Bill "An Act Regarding Municipal Shellfish  
Regulations"

H.P. 1533 L.D. 2118

Bill "An Act to Establish Licensing Requirements  
and a Cooperative Monitoring Program for Mahogany  
Quahogs"

H.P. 1541 L.D. 2126

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

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

Resolve, to Study the Effect of Maine's  
Antifouling Paint Laws (Emergency)

H.P. 1539 L.D. 2124

Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS  
suggested and ORDERED PRINTED.

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

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

Bill "An Act to Prevent Pollution in Penobscot  
Bay"

H.P. 1523 L.D. 2108

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.

SENATE PAPERS

Resolve, to Promote Community-based Volunteerism  
in Defense of the Environment

S.P. 839 L.D. 2152

Presented by Senator TITCOMB of Cumberland  
Cosponsored by Representative SIMPSON of Casco  
and Representative ADAMS of Portland

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 Laws for the Licensing  
of Counseling Professionals"

S.P. 838 L.D. 2151

Presented by Senator COLLINS of Aroostook

Cosponsored by Senator THERIAULT of Aroostook, Representative GARLAND of Bangor and Representative BOUTILIER of Lewiston Submitted by the Department of Human Services pursuant to Joint Rule 24. Which was referred to the Committee on BUSINESS LEGISLATION and ORDERED PRINTED. Sent down for concurrence.

Senate at Ease  
Senate called to order by the President.

SECOND READERS

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

Senate  
Bill "An Act to Amend the Implementation Date of the Drug Testing Laws" (Emergency)  
S.P. 837 L.D. 2145  
Which was READ A SECOND TIME.  
On motion by Senator DUTREMBLE of York, Tabled 1 Legislative Day, pending PASSAGE TO BE ENGROSSED.

ORDERS OF THE DAY

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

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 1987"  
H.P. 691 L.D. 943  
(C "A" H-199)

Tabled - January 5, 1990, by Senator GAUVREAU of Androscoggin.

Pending - FURTHER CONSIDERATION

(In House, July 1, 1989, Bill and Accompanying Papers INDEFINITELY POSTPONED, in concurrence.)

(In House, January 3, 1990, RECALLED from the Legislative Files pursuant to Joint Order H.P. 1482.)

(In House, January 4, 1990, Bill and Accompanying Papers RECOMMITTED to the Committee on HUMAN RESOURCES in NON-CONCURRENCE.)

On motion by Senator GAUVREAU of Androscoggin, the Senate RECEDED and CONCURRED.

On motion by Senator GAUVREAU of Androscoggin, ADJOURNED until Tuesday, January 9, 1990, at 4:00 in the afternoon.

ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE  
SECOND REGULAR SESSION  
5th Legislative Day  
Tuesday, January 9, 1990

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

Prayer by Father John Shorty, Saint Mary's Catholic Church, Augusta.

The Journal of Monday, January 8, 1990, was read and approved.

Quorum call was held.

PAPERS FROM THE SENATE

Resolve, to Promote Community-based Volunteerism in Defense of the Environment (S.P. 839) (L.D. 2152)

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

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

COMMUNICATIONS

The following Communication: (H.P. 1566)

STATE OF MAINE

ONE HUNDRED AND FOURTEENTH LEGISLATURE

COMMITTEE ON BANKING AND INSURANCE

January 5, 1990

The Honorable John L. Martin, Chair  
Legislative Council

Maine Legislature

State House

Augusta, ME 04333

Dear Mr. Chair:

The Joint Standing Committee on Banking & Insurance has received the attached staff report, "Survey of Victims of Uninsured Motorist Accidents", from the Office of Policy and Legal Analysis in accordance with Title 29, section 790, subsection 3 of the Revised Statutes.

This survey provided the basis for the study of Uninsured Motorist Accidents submitted by this committee to the Legislature earlier this week. For the information of the Legislature, the Committee is providing copies of the staff report of the survey itself to each representative and senator. We hope the Legislature finds this information useful in considering the financial problems faced by victims of accidents caused by uninsured motorists.

Sincerely,

s/Sen. Raynold Theriault s/Rep. Charlene B. Rydell

Senate Chair House Chair

Was read and with accompanying report ordered placed on file and sent up for concurrence.

PETITIONS, BILLS AND RESOLVES

REQUIRING REFERENCE

The following Bills were received and, upon the recommendation of the Committee on Reference of Bills, were referred to the following Committees, Ordered Printed and Sent up for Concurrence:

Appropriations and Financial Affairs

Bill "An Act to Provide Emergency Supplemental Funding to Maintain the Current Level of AIDS-related Community-based Services Provided through the AIDS Project" (EMERGENCY) (H.P. 1556) (L.D. 2156) (Presented by Representative CONLEY of Portland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Ordered Printed.

Sent up for Concurrence.