

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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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
Thursday
January 11, 1990

Senate called to Order by the President.

Prayer by Reverend Bruce Felt of the Augusta Baptist Church in Augusta.

REVEREND BRUCE FELT: Let us pray. Our Father in heaven, we give You thanks this day for the men and women gathered here to exercise important responsibilities. We believe their work is valuable in Your sight. Assist them to be gracious in speech, ethical in behavior, and wise in decision making. Guide their minds, but also their hearts, to know that all human work will, one day, be reviewed before Your throne. May each one be mindful of the need to faithfully represent our Savior, not only in private, but also in public life. We pray in the name of the one who sacrificed Himself for our sins, and is the true sovereign of all earthly powers, Jesus Christ, our Lord. Amen.

Reading of the Journal of Tuesday, January 9, 1990.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by Senator DUTREMBLE of York, the following Joint Order:

S.P. 854

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, January 16, 1990, at 12 o'clock in the afternoon.

Which was READ and PASSED.

Under suspension of the Rules, ordered sent down forthwith for concurrence.

PAPERS FROM THE HOUSE

House Papers

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

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 Wildlife Management Area in the Town of Bradley"

H.P. 1553 L.D. 2153

Comes from the House referred to the Committee on FISHERIES AND WILDLIFE and ORDERED PRINTED.

Which was referred to the Committee on FISHERIES AND WILDLIFE and ORDERED PRINTED, in concurrence.

Bill "An Act Relating to the ASPIRE Program"

H.P. 1555 L.D. 2155

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 Discourage Negative Campaign Practices"

H.P. 1558 L.D. 2158

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 Make Corrections in the Governmental Ethics Law" (Emergency)

H.P. 1481 L.D. 2061

Bill "An Act Shifting Financial Responsibility for County District Attorney Offices to the State"

H.P. 1554 L.D. 2154

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 Pertaining to Cable Television Systems"

H.P. 1557 L.D. 2157

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 Private and Special Laws
COMMISSION ON MANUFACTURED HOUSING

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 Mobile Home Park Tenants' Use of the Defense of Breach of the Warranty of Habitability"

H.P. 1559 L.D. 2165

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

Comes from the House with the Report READ and ACCEPTED and the Bill referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED, pursuant to Joint Rule 18.

Which Report was READ and ACCEPTED, in concurrence.

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

Pursuant to Private and Special Laws
COMMISSION ON MANUFACTURED HOUSING

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 to Ensure that Mobile Home Park Operators are Informed of Habitability Problems"

H.P. 1560 L.D. 2166

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

Comes from the House with the Report READ and ACCEPTED and the Bill referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED, pursuant to Joint Rule 18.

Which Report was READ and ACCEPTED, in concurrence.

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

Pursuant to Private and Special Laws
COMMISSION ON MANUFACTURED HOUSING

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 Mobile Home Safety Standards"

H.P. 1562 L.D. 2168

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

Comes from the House with the Report READ and ACCEPTED and the Bill referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED, pursuant to Joint Rule 18.

Which Report was READ and ACCEPTED, in concurrence.

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

Pursuant to Private and Special Laws
COMMISSION ON MANUFACTURED HOUSING

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 Homeowners' Rights When Mobile Home Parks are Sold"

H.P. 1563 L.D. 2169

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

Comes from the House with the Report READ and ACCEPTED and the Bill referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED, pursuant to Joint Rule 18.

Which Report was READ and ACCEPTED, in concurrence.

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

Study Report
Committee on BANKING AND INSURANCE

Report of the Committee on BANKING AND INSURANCE to which was referred by the Legislative Council the Study Relative to Feasibility of a State Fund to Provide Workers' Compensation Insurance Coverage to Employers have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Amend the Workers' Compensation Insurance Laws"

H.P. 1565 L.D. 2171

Be referred to the Joint Standing Committee on BANKING AND INSURANCE for Public Hearing and printed pursuant to Joint Rule 19.

Comes from the House with the Report READ and ACCEPTED and the Bill referred to the Committee on BANKING AND INSURANCE and ORDERED PRINTED, pursuant to Joint Rule 19.

Which Report was READ and ACCEPTED, in concurrence.

The Bill referred to the Committee on BANKING AND INSURANCE and ORDERED PRINTED, pursuant to Joint Rule 19, in concurrence.

Study Report

Committee on HOUSING AND ECONOMIC DEVELOPMENT
Report of the Committee on HOUSING AND ECONOMIC DEVELOPMENT to which was referred by the Legislative Council the Study Relative to Affordable Housing have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Continue the Effort to Preserve and Promote Affordable Housing and Economic Opportunities for Maine People"

H.P. 1564 L.D. 2170

Be referred to the Joint Standing Committee on HOUSING AND ECONOMIC DEVELOPMENT for Public Hearing and printed pursuant to Joint Rule 19.

Comes from the House with the Report READ and ACCEPTED and the Bill referred to the Committee on HOUSING AND ECONOMIC DEVELOPMENT and ORDERED PRINTED, pursuant to Joint Rule 19.

Which Report was READ and ACCEPTED, in concurrence.

The Bill referred to the Committee on HOUSING AND ECONOMIC DEVELOPMENT and ORDERED PRINTED, pursuant to Joint Rule 19, in concurrence.

COMMUNICATIONS

The Following Communication: H.P. 1566

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. Reynold Theriault S/Rep. Charlene Rydell
Senate Chair House Chair

Comes from the House READ and with Accompanying Papers ORDERED PLACED ON FILE.

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

The Following Communication: S.P. 851
114th MAINE LEGISLATURE

January 9, 1990

Senator Barry J. Hobbins
Rep. Patrick E. Paradis
Chairpersons
Joint Standing Committee on Judiciary
114th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Edward W. Rogers of Portland for appointment as Active Retired Judge of the Administrative Court.

Please be advised that Governor John R. McKernan, Jr. has nominated Dana A. Cleaves of South Portland for appointment as Chief Judge of the Administrative Court.

Pursuant to Title 4, MRSA Section 1151, these nominations will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,
S/Charles P. Pray
President of the Senate
S/John L. Martin
Speaker of the House

Which was READ and REFERRED To the Committee on JUDICIARY.

Sent down for concurrence.

The Following Communication:

THE SENATE OF MAINE
January 9, 1990

Joy J. O'Brien
Secretary of the Senate
State House
Augusta, Maine 04333

Dear Madam Secretary:

Pursuant to my authority under 1 M.R.S.A. Section 1002, I have reappointed Richard H. Pierce of Waterville to serve as a member of the Commission on Governmental Ethics and Election Practices.

If you have any questions, please don't hesitate to contact me.

Sincerely,
S/Charles M. Webster
Senate Minority 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. 28 Senators having voted in the affirmative and No Senators having voted in the negative, and 28 being more than two-thirds of the members present and voting, the Senate concurred with the appointment.

SENATE PAPERS

Bill "An Act to Require Prior Notice of the Sale of Gas Stations"

S.P. 846 L.D. 2176

Presented by Senator CLARK of Cumberland
Cosponsored by Representative GURNEY of Portland
Submitted by the Department of the Attorney
General pursuant to Joint Rule 24.

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

Sent down for concurrence.

Bill "An Act to Create Equity in the State Revenue Sharing and Education Subsidy Programs"

S.P. 853 L.D. 2187

Presented by Senator CLARK of Cumberland
Cosponsored by Senator BRANNIGAN of Cumberland
and Representative CROWLEY of Stockton Springs
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 26.

Which was referred to the Committee on TAXATION and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act Relating to Seat Belts and Child Safety Seats for Children under 4 Years of Age"

S.P. 852 L.D. 2186

Presented by Senator RANDALL of Washington
Cosponsored by Representative MILLS of Bethel and
Senator GOULD of Waldo

Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 26.
Which was referred to the Committee on
TRANSPORTATION and ORDERED PRINTED.

Sent down for concurrence.

Study Report

Committee on BANKING AND INSURANCE

Senator THERIAULT for the Committee on BANKING AND INSURANCE to which was referred by the Legislative Council the Study Relative to the Study of Uninsured Motorists have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Amend the Financial Responsibility Law Pertaining to Motor Vehicles"

S.P. 849 L.D. 2178

Be referred to the Joint Standing Committee on BANKING AND INSURANCE for Public Hearing and printed pursuant to Joint Rule 19.

Which Report was READ and ACCEPTED.

The Bill referred to the Committee on BANKING AND INSURANCE and ORDERED PRINTED, pursuant to Joint Rule 19.

Sent down for concurrence.

Study Report

Committee on STATE AND LOCAL GOVERNMENT

Senator BERUBE for the Committee on STATE AND LOCAL GOVERNMENT to which was referred by the Legislative Council the Study Relative to Redistribution of County Functions have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Help Fund County Government"

S.P. 850 L.D. 2179

Be referred to the Joint Standing Committee on STATE AND LOCAL GOVERNMENT for Public Hearing and printed pursuant to Joint Rule 19.

Which Report was READ and ACCEPTED.

The Bill referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED, pursuant to Joint Rule 19.

Sent down for concurrence.

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 ENERGY AND NATURAL RESOURCES on Bill "An Act to Abate Nonpoint Source Pollution from Road Runoff"

H.P. 1387 L.D. 1917

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 HUMAN RESOURCES on Bill "An Act to Strengthen the Maine Radiation Control Program"

H.P. 756 L.D. 1060

The Committee on HUMAN RESOURCES on Bill "An Act to Amend the Family Planning Services Act"

H.P. 846 L.D. 1178

The Committee on LABOR on Bill "An Act to Create a Workers' Compensation Logging Industry Fund"
H.P. 666 L.D. 908

Ought to Pass

The Committee on AGRICULTURE on Bill "An Act to Amend the Potato Branding Laws" (Emergency)
H.P. 1330 L.D. 1847

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.

Senate
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:
Senator TWITCHELL for the Committee on TRANSPORTATION on Bill "An Act to Require Certain Crew Standards for Railroad Safety"
S.P. 721 L.D. 1896

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 GAUVREAU for the Committee on HUMAN RESOURCES on Resolve, Directing the Department of Mental Health and Mental Retardation to Study Mental Health Needs
S.P. 444 L.D. 1197
Senator GAUVREAU for the Committee on HUMAN RESOURCES on Bill "An Act to Improve Services for Maine's Mentally Ill" (Emergency)
S.P. 586 L.D. 1648

Change of Reference

Senator GAUVREAU for the Committee on HUMAN RESOURCES on Bill "An Act Regulating the Exportation of Water"
S.P. 800 L.D. 2048
Reported that the same be REFERRED to the Committee on ENERGY AND NATURAL RESOURCES.
Which Report was READ and ACCEPTED.
The Bill REFERRED to the Committee on ENERGY AND NATURAL RESOURCES.
Sent down for concurrence.

Off Record Remarks

ORDERS OF THE DAY

The Chair laid before the Senate the Tabled and Today Assigned matter:
Bill "An Act Regarding Preliminary Protection Orders in Child Protective Cases"
H.P. 1530 L.D. 2115
Tabled - January 9, 1990, by Senator HOBBS of York.
Pending - REFERENCE
(Committee on HUMAN RESOURCES suggested and ORDERED PRINTED.)
(In House, January 5, 1990, referred to the Committee on JUDICIARY.)

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

Senator HOBBS: Thank you. Mr. President, Men and Women of the Senate, the good Senator from Androscoggin, Senator Gauvreau, is not here in his seat and I did not have an opportunity to discuss this with him. I would appreciate it if someone would table this one legislative day.

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

Out of order and under suspension of the Rules, the Senate considered the following:

COMMUNICATIONS

The Following Communication: S.P. 855
114th MAINE LEGISLATURE
January 10, 1990

Senator Barry J. Hobbins
Rep. Patrick E. Paradis
Chairpersons
Joint Standing Committee on Judiciary
114th Legislature
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated William E. McKinley of Portland for appointment as Active Retired Justice of the Superior Court.

Pursuant to Title 7, MRSA Section 1, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,
S/Charles P. Pray
President of the Senate
S/John L. Martin
Speaker of the House

Which was READ and REFERRED to the Committee on JUDICIARY.
Sent down for concurrence.

COMMITTEE REPORTS

Senate

Ought to Pass

Senator LUDWIG for the Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Ensure That Unwilling Sellers Are Provided Fair Treatment in the Land for Maine's Future Process"
S.P. 739 L.D. 1943

Reports that the same Ought to Pass.
Which Report was READ and ACCEPTED.
The Bill READ ONCE.
The Bill TOMORROW ASSIGNED FOR SECOND READING.

Off Record Remarks

Senate at Ease

Senate called to order by the President.

Out of order and under suspension of the Rules, the Senate considered the following:

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Provide Emergency Fuel Assistance to Elderly and Low-income Residents" (Emergency)
H.P. 1579 L.D. 2188

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

LEGISLATIVE RECORD - HOUSE, JANUARY 16, 1990

Which was referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED, in concurrence.

Off Record Remarks

The ADJOURNMENT ORDER having been returned from the House READ and PASSED, in concurrence, on motion by Senator TWITCHELL of Oxford, ADJOURNED until Tuesday, January 16, 1990, at 12:00 in the afternoon.

ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE
SECOND REGULAR SESSION
7th Legislative Day
Tuesday, January 16, 1990

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

Prayer by Reverend James Chandler, Green Memorial A.M.E. Zion Church, Portland.

Pledge of Allegiance.

The Journal of Thursday, January 11, 1990, was read and approved.

Quorum call was held.

PAPERS FROM THE SENATE

Bill "An Act to Require Prior Notice of the Sale of Gas Stations" (S.P. 846) (L.D. 2176)

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

Was referred to the Committee on Business Legislation in concurrence.

Bill "An Act to Create Equity in the State Revenue Sharing and Education Subsidy Programs" (S.P. 853) (L.D. 2187)

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

Was referred to the Committee on Taxation in concurrence.

Bill "An Act Relating to Seat Belts and Child Safety Seats for Children under 4 Years of Age" (S.P. 852) (L.D. 2186)

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

Was referred to the Committee on Transportation in concurrence.

Study Report - Committee on Banking and Insurance

Report of the Committee on Banking and Insurance to which was referred by the Legislative Council the Study Relative to the Study of Uninsured Motorists have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Amend the Financial Responsibility Law Pertaining to Motor Vehicles" (S.P. 849) (L.D. 2178) be referred to this Committee for public hearing and printed pursuant to Joint Rule 19.

Came from the Senate with the report read and accepted and the bill referred to the Committee on Banking and Insurance and ordered printed.

Report was read and accepted and the bill referred to the Committee on Banking and Insurance and ordered printed in concurrence.

Study Report -
Committee on State and Local Government

Report of the Committee on State and Local Government to which was referred by the Legislative Council the Study Relative to Redistribution of County Functions have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Help Fund County Government" (S.P. 850) (L.D. 2179) be referred to this Committee for public hearing and printed pursuant to Joint Rule 19.

Came from the Senate with the report read and accepted and the bill referred to the Committee on State and Local Government and ordered printed.