

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

Representative CARTER: Mr. Speaker, Ladies and Gentlemen of the House: It is not very often that you see my on my feet to try to make points but, as you all know, we are faced with several problems in this session, one of them is our fiscal constraints and the other one is an issue of solid wastes. Something came across my desk yesterday that fell into both categories. We in the legislature are trying to deal with both issues but apparently there are some departments in the state that haven't received the word yet about these problems. I am referring specifically to a report from the Department of Education which I received, an 8 by 11 sheet in an envelope that is nine and a half by thirteen. It's not only an excessive expenditure of state funds but it contributes to the solid waste problem. I think we should call this to the attention of the department involved and I can think of no better way to do this (and if you will join with me) than by returning your envelopes to me and I will see to it that they are returned to the appropriate department and we shall inform them that these are problems that should be dealt with and it should start in their own backyard.

(Off Record Remarks)

On motion of Representative Dexter of Kingfield, A djourned until Monday, January 22, 1990, at twelve o'clock noon.

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

In Senate Chamber
Friday
January 19, 1990

Senate called to Order by the President.

Prayer by Reverend David Simpson of the Mount Blue Assembly of God in Farmington.

REVEREND SIMPSON: Let us pray. Lord, we praise You today, that You are a mighty God that we serve, a God that has been with us throughout history, through whose power we have liberty, and by whose justice we have beheld a vision of a righteous nation. Help us not to be unmindful of the heritage which is ours, not of our deserving, but by Your providence, and bought with diligence, scholarship, and sacrifice. Help us to be worthy to stand in this place in the time allotted to us, and with steadfast courage and unwavering hope to fulfill the tasks which Thy will demands be done. In Jesus' name, Amen.

Reading of the Journal of Tuesday, January 16, 1990.

PAPERS FROM THE HOUSE

Non-concurrent Matter

HOUSE REPORTS - from the Committee on TRANSPORTATION on Bill "An Act to Provide Access to Camps"

H.P. 876 L.D. 1219

Report A - Ought to Pass as Amended by Committee Amendment "A" (H-728).

Report B - Ought Not to Pass.

In House, January 8, 1990, the Reports READ and Bill and Accompanying Papers RECOMMENDED to the Committee on TRANSPORTATION.

In Senate, January 9, 1990, the OUGHT NOT TO PASS Report READ and ACCEPTED in NON-CONCURRENCE.

Comes from the House, that Body ADHERED.

The Senate ADHERED.

The Secretary has so informed the Speaker of the House.

COMMUNICATIONS

The Following Communication: S.P. 863

114TH MAINE LEGISLATURE

January 16, 1990

Senator Georgette B. Berube

Rep. Ruth Joseph

Chairpersons

Joint Standing Committee on State & Local Government

114th Legislature

Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Franklin C. Leavitt, Jr. of Topsham for reappointment as a member of the Civil Service Appeals Board.

Pursuant to Title 5 M.R.S.A., Section 7081, this nomination will require review by the Joint Standing Committee on State & Local Government 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 STATE & LOCAL GOVERNMENT.
Sent down for concurrence.

The Following Communication: S.P. 864
114TH MAINE LEGISLATURE
January 18, 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 Reginald E. Burleigh of Caribou for appointment as a member of the Workers' Compensation Commission.

Pursuant to Title 39, MRSA Section 91, 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.

The Following Communication:
MAINE STATE LEGISLATURE
STATE COMPENSATION COMMISSION
AUGUSTA, MAINE 04333
January 11, 1990

The Honorable Charles P. Pray
President of the Senate
Maine Legislature
State House
Augusta, Maine 04333

Dear President Pray:

The State Compensation Commission is pleased to submit its second interim report to the Legislature pursuant to Title 3, Section 2-A of the Revised Statutes. We have submitted legislation to implement our statutory recommendations to the Revisor of Statutes.

We would be pleased to answer any questions you may have regarding our recommendations.

Respectfully submitted,
S/Stephen R. Crockett
Chairman

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

The Following Communication:
DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION
BUREAU OF BANKING
STATE HOUSE STATION 36
AUGUSTA, MAINE 04333
January 16, 1990

The Honorable Charles P. Pray
President of the Senate
State House Station 3
Augusta, Maine 04333

Dear President Pray:

In accordance with Title 9-B Maine Revised Statutes Annotated section 217, as amended, I am submitting "The Status of Maine's Financial Institutions."

This report contains information on the number, type and legal structure of all regulated financial institutions in the State of Maine, as well as the location of offices and total deposits held by these institutions. An analysis of the programs offered by Maine financial institutions with out-of-state ownership, to meet the credit needs of Maine consumers and businesses, is also included.

Copies of this report have been distributed to the Office of the Secretary of the Senate in order to provide one copy for each member of the Senate.

Very truly yours,
S/H. Donald DeMatteis
Superintendent

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

The Following Communication:
DEPARTMENT OF
ECONOMIC AND COMMUNITY DEVELOPMENT
OFFICE OF COMPREHENSIVE PLANNING
January 18, 1990

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

Dear President Pray:

The Office of Comprehensive Planning is pleased to submit to the Legislature two reports that were required by Maine's Growth Management Act of 1988. Copies of these reports have been directly forwarded to the Committees on Energy and Natural Resources and Appropriations and Financial Affairs, as required by the Act.

The Annual Report of the Planning Advisory Council contains several recommendations that the Council believes are minimally necessary to fulfill the Program's legislated obligations. The Biennial Progress Report of the Office addresses the status of growth management activities at the state, regional and local level.

We'd be pleased to respond to any questions or concerns on the part of any legislator with regard to either or both of these reports.

Sincerely,
S/Kathryn J. Rand
Deputy Commissioner

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

SENATE PAPERS
Bill "An Act to Ensure the Proper Delivery of Insurance Benefits"

S.P. 859 L.D. 2195

Presented by Senator CAHILL of Sagadahoc
Cosponsored by Representative WHITCOMB of Waldo and Representative COTE of Auburn

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.

Resolve, to Establish a Maximum Water Level for Sebago Lake

S.P. 860 L.D. 2204

Presented by Senator TITCOMB of Cumberland
Cosponsored by Representative SIMPSON of Casco, Representative LORD of Waterboro and Representative GREENLAW of Standish

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26. Which was referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED. Sent down for concurrence.

Study Report

Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS
Senator PEARSON for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS to which was referred by the Legislative Council the Study Relative to Public Advocate have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Provide Additional Funds for the Public Advocate and Continue the Public Advocate Utility Assessment" (Emergency)

S.P. 862 L.D. 2211

Which Report was READ and ACCEPTED.

The Bill referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED, pursuant to Joint Rule 19. Sent down for concurrence.

Study Report

Committee on HUMAN RESOURCES
Senator GAUVREAU for the Committee on HUMAN RESOURCES to which was referred by the Legislative Council the Study Relative to Review of State Mental Health Services have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Increase the Capacity of the State to Provide Mental Health Services"

S.P. 861 L.D. 2210

Which Report was READ and ACCEPTED.

The Bill referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED, pursuant to Joint Rule 19. Sent down for concurrence.

Under suspension of the Rules, all matters thus acted upon were ordered sent down forthwith for concurrence.

Off Record Remarks

COMMITTEE REPORTS

House

Ought to Pass

The Committee on UTILITIES on Bill "An Act to Amend the Charter of the Hallowell Water District" (Emergency)

H.P. 1348 L.D. 1865

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 ERWIN for the Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Amend Certain Provisions of the Maine Low-level Radioactive Waste Authority Act" (Emergency)

S.P. 737 L.D. 1941

SECOND READERS

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

House

Bill "An Act to Create a Standard for Respiratory Rescue Personnel Who Are State Employees"

H.P. 645 L.D. 879

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

ENACTORS

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

An Act to Encourage Air Transportation to Designated Locations in Maine

S.P. 665 L.D. 1778

(C "A" S-467)

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 Today Assigned matter:

JOINT RESOLUTION - memorializing the President and the Congress of the United States to take action to prevent the closing of the Department of Veterans Affairs regional office at Togus, Maine

S.P. 847

Tabled - January 16, 1990, by Senator DUTREMBLE of York.

Pending - FURTHER CONSIDERATION

(In Senate, January 9, 1990, READ and ADOPTED.)

(In House, January 11, 1990, READ and INDEFINITELY POSTPONED in NON-CONCURRENCE.)

On motion by Senator CLARK of Cumberland, the Senate RECEDED from ADOPTION of the Joint Resolution.

On further motion by the same Senator, Senate Amendment "A" (S-469) READ.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Thank you. Mr. President, Men and Women of the Senate. This amendment simply reflects the most current situation with reference to the issue of Togus Hospital, and adds the words "and services" which our intent is to refer to a loan service for veterans.

You may be interested in knowing that I have been recently apprised as short ago as ten minutes, that this is the first resolution of its kind or of its nature to be introduced into any legislative body across the country, and it is our hope that not only this focuses on the issue of consolidation of veterans' hospitals and services and programs that are designed to promote the quality of life of veterans of our country, their wives, widows, and dependents, and to discourage any further effort to consolidate, and remove from ready access the genesis or the organizations that provides these programs and services.

I would hope that we would adopt this amendment and positively pass this resolution as quickly as possible so that those service officers who are with us in the chamber this afternoon can begin the campaign to make this a nationwide movement. It is

an effort to apprise our Congressional delegation and to make us ever vigilant, as well we should be, that programs and services that are supportive of the quality of life of those who have served our country should be maintained as conveniently as is possible. Thank you Mr. President.

Senate Amendment "A" (S-469) ADOPTED.
Which was ADOPTED as AMENDED in NON-CONCURRENCE.
Sent down for concurrence.

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 16, 1990, by Senator DUTREMBLE of York.

Pending - REFERENCE
(Committee on HUMAN RESOURCES suggested and ORDERED PRINTED.)

(In House, January 5, 1990, referred to the Committee on JUDICIARY.)

On motion by Senator GAUVREAU of Androscoggin, referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED in NON-CONCURRENCE.

Sent down for concurrence.

Off Record Remarks

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

PAPERS FROM THE HOUSE
House Papers

Bill "An Act to Create the Maine Coast Environmental Trust Fund"

H.P. 1589 L.D. 2201

Comes from the House referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED.

Which was referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED, in concurrence.

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

PAPERS FROM THE HOUSE
House Papers

Resolve, to Establish the State Comprehensive Energy Plan Commission (Emergency)

H.P. 1585 L.D. 2197

Comes from the House referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED.

Which was referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED, in concurrence.

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

PAPERS FROM THE HOUSE
House Papers

Bill "An Act to Implement the Training and Work Incentive Provisions of the Federal Family Support Act of 1988" (Emergency)

H.P. 1586 L.D. 2198

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.

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

PAPERS FROM THE HOUSE
House Papers

Bill "An Act to Expand Family Reunification Requirements in Child Protective Cases"

H.P. 1587 L.D. 2199

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.

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

PAPERS FROM THE HOUSE
House Papers

Bill "An Act to Implement Certain Provisions of the Federal Family Support Act of 1988 and Improve Access to Services in the Additional Support for People in Retraining and Education Program" (Emergency)

H.P. 1590 L.D. 2202

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.

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

PAPERS FROM THE HOUSE
House Papers

Bill "An Act to Facilitate Policies and Procedures of the Driver Education Evaluation Program"

H.P. 1596 L.D. 2208

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.

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

PAPERS FROM THE HOUSE
House Papers

Bill "An Act to Remove Barriers to the Location of Family Day Care Homes in Areas Zoned for Residential Use"

H.P. 1597 L.D. 2209

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.

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

PAPERS FROM THE HOUSE
House Papers

Bill "An Act Regarding Investment of State Funds in Corporations Doing Business in Northern Ireland"

H.P. 1588 L.D. 2200

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.

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

PAPERS FROM THE HOUSE
House Papers

Bill "An Act to Encourage Farming in Maine" (Emergency)

H.P. 1593 L.D. 2206

Comes 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.

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

PAPERS FROM THE HOUSE
House Papers

Bill "An Act to Authorize the Issuance of a Bond Not Exceeding \$25,000,000 for the Financing of the Maine Inland Fisheries and Wildlife Acquisition Fund"

H.P. 1594 L.D. 2207

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.

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

PAPERS FROM THE HOUSE
House Papers

Bill "An Act to Allow Towns to Lay Pipes Under Railroad Tracks"

H.P. 1592 L.D. 2205

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.

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

PAPERS FROM THE HOUSE
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 Create a State Insurance Fund"

H.P. 1591 L.D. 2203

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.

Off Record Remarks

Senator CAHILL of Sagadahoc was granted unanimous consent to address the Senate off the Record.

On motion by Senator KANY of Kennebec ADJOURNED until Monday, January 22, 1990, at 12:00 in the afternoon.

ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE
SECOND REGULAR SESSION
9th Legislative Day

Monday, January 22, 1990

The Speaker resumed the Chair.

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

Prayer by Reverend Ronald Chaffee, United Methodist Church of Milo and Brownville Junction.
National Anthem by Piscataquis Community High School Band.

The Journal of Friday, January 19, 1990, was read and approved.

Quorum call was held.

PAPERS FROM THE SENATE

The following Communication:

Maine State Senate
Augusta, Maine 04333

January 19, 1990

Honorable Edwin H. Pert

Clerk of the House

State House Station 2

Augusta, Maine 04333

Dear Clerk Pert:

Please be advised that the Senate today Adhered to its former action whereby it Accepted the Ought Not to Pass report of the Committee on Transportation on Bill "An Act to Provide Access to Camps" (H.P. 876) (L.D. 1219).

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

Was read and ordered placed on file.

Unanimous Ought Not To Pass

Report of the Committee on Energy and Natural Resources reporting "Ought Not to Pass" on Bill "An Act to Amend Certain Provisions of the Maine Low-level Radioactive Waste Authority Act" (EMERGENCY) (S.P. 737) (L.D. 1941)

Was placed in the Legislative Files without further action pursuant to Joint Rule 15 in concurrence.

Non-Concurrent Matter

JOINT RESOLUTION (S.P. 847) RELATIVE TO MEMORIALIZING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO TAKE ACTION TO PREVENT THE CLOSING OF THE DEPARTMENT OF VETERANS AFFAIRS REGIONAL OFFICE AT TOGUS, MAINE which was Read and Indefinitely Postponed in the House on January 11, 1990.

Came from the Senate Adopted as amended by Senate Amendment "A" (S-469) in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act Regarding Preliminary Protection Orders in Child Protective Cases" (H.P. 1530) (L.D. 2115) which was referred to the Committee on Judiciary in the House on January 5, 1990.

Came from the Senate referred to the Committee on Human Resources in non-concurrence.

On motion of Representative Gwadosky of Fairfield, tabled pending further consideration and later today assigned.

(At Ease)