

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

SPECIAL SENTIMENT CALENDAR

In accordance with House Rule 56 and Joint Rule 34, the following item:

In Memory of:

Francis "Mac" McKenzie, a Newport volunteer fireman for 31 years, who on January 19, 1990, lost his life in a tragic accident while answering a call for the emergency rescue vehicle; (HLS 1030) by Representative TARDY of Palmyra. (Cosponsor: Senator EMERSON of Penobscot)

On motion of Representative Tardy of Palmyra, was removed from the Special Sentiment Calendar.

Was read and adopted and sent up for concurrence.

On motion of Representative Tardy of Palmyra, Adjourned until Thursday, January 25, 1990, at six o'clock in the evening pursuant to Joint Order (S.P. 866) and in memory of Francis "Mac" McKenzie.

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

In Senate Chamber

Monday

January 22, 1990

Senate called to Order by the President.

Prayer by Reverend Ronald Fast of the First Assembly of God in Fryeburg.

REVEREND RONALD FAST: Looking at the scriptures this afternoon, the psalmist wrote, "Enter into His gates with thanksgiving, and into His courts with praise. Give thanks to Him, bless His name, for He is good. The Lord whose kindness endures forever, and His faithfulness to all generations."

The new testament writer tells us that we are to dismiss all anxiety from our minds, present our needs to God in every form of prayer in a petition full of gratitude.

In reading from our own Constitution and by-laws in our Preamble, it tells us that being grateful hearts to the Sovereign Ruler of the universe, affords us the opportunities favorable to the design in imploring His aid and direction in accomplishment, and to agree to form ourselves into a free and independent state.

As we look to the Lord in prayer today, remembering that we come into the Lord's presence with grateful heart for what He has already done, and asking Him for His wisdom and guidance for the future, not only for tomorrow and next year, but for future generations.

Father, we come to You in prayer today, we come with grateful hearts. We thank You for the freedoms that we enjoy, and we thank You, personally, for these men and women, Lord, who have committed themselves, and sacrificed themselves, to serve their country, and to serve this great state. We pray, Father, that as they gather here today, that You would give them wisdom and guidance to make the very important decisions that, Lord, will not only affect this generation, but, will affect future generations. We thank You for that wisdom and guidance. For confident as we do come to You in prayer, asking for that confidence, Your word assures us that those that ask for wisdom shall receive it. We thank You for it. In Jesus' name, Amen.

Reading of the Journal of Friday, January 19, 1990.

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

S.P. 866

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Thursday, January 25, 1990, at 6 o'clock in the evening.

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 Making Additional Allocations for the Expenditure of Funds Received by the State as a Result of the Federal Court Order in the Stripper Well Oil Overcharge Case" (Emergency)

H.P. 1581 L.D. 2190

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.

COMMUNICATIONS

The Following Communication:

DEPARTMENT OF
MENTAL HEALTH AND MENTAL RETARDATION
STATE HOUSE STATION 40
AUGUSTA, MAINE 04333

January 18, 1990

Charles P. Pray
President of the Senate
State House
Augusta, Maine 04333
Dear President Pray:

It is with great pleasure that I present this report on Mental Health Services to Deaf Persons in Maine: 1990. The report is authorized within 34-B MRSA s3005 as amended in 1987, which required the Department to submit to the Maine Legislature a biennial report describing service developments made thus far, and additional needs for future attention.

It is my expectation that, through continued cooperation of all parties involved, we will see refinements in the ability of Maine's mental health system to service this special population.

Sincerely,
S/Robert W. Glover
Commissioner

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

SENATE PAPERS

Pursuant to Public Law
Committee on EDUCATION

Senator BOST for the Committee on EDUCATION, pursuant to Public Law 1989, Chapter 559, ask leave to submit its findings and to report that the accompanying Bill "An Act to Coordinate and Consolidate Student Financial Assistance Services under the Finance Authority of Maine" (Emergency)

S.P. 865 L.D. 2216

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

Which Report was READ and ACCEPTED.

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

Under suspension of the Rules, ordered sent down forthwith for 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 ENERGY AND NATURAL RESOURCES on Bill "An Act Concerning Violations Occurring in Watershed Districts"

H.P. 1459 L.D. 2036

The Committee on FISHERIES AND WILDLIFE on Bill "An Act to Amend the Moose Hunting Laws"

H.P. 1518 L.D. 2103

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 AGRICULTURE on Resolve, to Establish Harness Racing Dates for 1990 (Emergency)
H.P. 1547 L.D. 2146

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Resolve, Creating a Pilot Emergency Transfer System for Neonates, Other Children and "At-risk" Pregnant Women

H.P. 1408 L.D. 1956

The Committee on JUDICIARY on Bill "An Act Concerning Jurisdiction over Contested Termination of Parental Rights Proceedings"

H.P. 760 L.D. 1064

Ought to Pass

The Committee on BUSINESS LEGISLATION on Bill "An Act to Amend the Professional Service Corporation Act"

H.P. 1335 L.D. 1852

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.

Ought to Pass As Amended

The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Clarify the Traffic Movement Standards under the Site Location and Development Law"

H.P. 1154 L.D. 1608

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-731).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-731).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-731) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Prohibit the Sale of Bait in Polystyrene Foam Containers"

H.P. 1431 L.D. 1999

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-729).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-729).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-729) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on HOUSING AND ECONOMIC DEVELOPMENT on Bill "An Act to Create an Educational Bonus for Affordable Housing"

H.P. 332 L.D. 451

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-732).

Comes from the House, with the Report READ and the Bill and Accompanying Papers RECOMMITTED to the Committee on HOUSING AND ECONOMIC DEVELOPMENT.

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (H-732) READ.

Senate at Ease

Senate called to order by the President.

On motion by Senator DUTREMBLE of York, the Bill and Accompanying Papers RECOMMITTED to the Committee on HOUSING AND ECONOMIC DEVELOPMENT, in concurrence.

The Committee on TRANSPORTATION on Bill "An Act to Increase Fees for Defensive Driving Courses"

H.P. 1373 L.D. 1904

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-730).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-730).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-730) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senate
Ought to Pass

Senator TITCOMB for the Committee on AGING, RETIREMENT AND VETERANS on Bill "An Act Relating to the Administrative Staff of the Maine State Retirement System"

S.P. 697 L.D. 1835

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

Senator ANDREWS for the Committee on TAXATION on Bill "An Act to Extend the Appeal Time for Town Government"

S.P. 774 L.D. 2002

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass As Amended

Senator THERIAULT for the Committee on BANKING AND INSURANCE on Bill "An Act to Modernize the Capital Structure of Domestic Stock Insurers" (Emergency)

S.P. 648 L.D. 1743

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-470).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-470) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator GILL for the Committee on EDUCATION on Bill "An Act Concerning Financial Accountability of Schools Approved for Tuition Purposes"

S.P. 711 L.D. 1888

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-471).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-471) 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 Amend the Charter of the Hallowell Water District" (Emergency)

H.P. 1348 L.D. 1865

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:

Emergency

An Act to Amend the Potato Branding Laws

H.P. 1330 L.D. 1847

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with no Senators having voted in negative, and 28 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Off Record Remarks

On motion by Senator TITCOMB of Cumberland, RECESSED until the sound of the bell.

After Recess

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

Study Report

Committee on ENERGY AND NATURAL RESOURCES

Report of the Committee on ENERGY AND NATURAL RESOURCES to which was referred by the Legislative Council the Study Relative to Redesign of BEP Structure have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Clarify the Role of the Board of Environmental Protection"

H.P. 1602 L.D. 2214

Be referred to the Joint Standing Committee on ENERGY AND NATURAL RESOURCES 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 ENERGY AND NATURAL RESOURCES and ORDERED PRINTED, pursuant to Joint Rule 19.

Which Report was READ and ACCEPTED, in concurrence.

The Bill referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED, pursuant to Joint Rule 19, in concurrence.

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

PAPERS FROM THE HOUSE

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 Reform County Government"

H.P. 1603 L.D. 2215

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

Which Report was READ and ACCEPTED, in concurrence.

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

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

PAPERS FROM THE HOUSE

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 Establish Mediation for Mobile Home Park Operators and Tenants"

H.P. 1595 L.D. 2212

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.

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

PAPERS FROM THE HOUSE

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 Improve Drinking Water Quality in Mobile Home Parks"

H.P. 1601 L.D. 2213

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.

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

PAPERS FROM THE HOUSE

House Papers

Resolve, Directing the Department of Environmental Protection to Establish a Clearinghouse for Information on Pollution Research, Control and Abatement

H.P. 1584 L.D. 2196

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.

The ADJOURNMENT ORDER having been returned from the House READ and PASSED, in concurrence, on motion by Senator MATTHEWS of Kennebec, ADJOURNED until 6:00 o'clock in the evening, Thursday, January 25, 1990.