

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 25, 1990

Senate called to Order by the President.

Prayer by the Honorable Nancy Randall Clark of Cumberland.

HONORABLE NANCY RANDALL CLARK: Thank you Mr. President. Let us pray. Most Holy God, we await the touch of Your Spirit with eagerness. We ask that You enter the lives of each one in the Senate Chamber this evening, refreshing and renewing us with the power of Your loving Spirit that we may live and work with purpose, enthusiasm and courage. Amen.

Reading of the Journal of Monday, January 22, 1990.

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

ORDERED, that a message be sent to the House of Representatives proposing a Convention of both Branches in the Hall of the House at 6:40 in the evening, for the purpose of extending to His Excellency, Governor John R. McKernan, Jr., an invitation to attend the Convention and make such communication as pleases him.

Which was READ and PASSED.

The Chair appointed the Senator from York, Senator DUTREMBLE, to deliver the message.

Subsequently, Senator DUTREMBLE of York reported he had delivered the message with which he was charged.

COMMUNICATIONS

The Following Communication: H.P. 1604

DEPARTMENT OF CONSERVATION
LAND USE REGULATION COMMISSION
STATE HOUSE STATION 22
AUGUSTA, MAINE 04333

January 17, 1990

Representative John L. Martin
Speaker of the House
Maine House of Representatives
State House Station #2
Augusta, Maine 04333

Subject: Proposed Rule - Fee Schedule
Dear Speaker Martin:

Attached is a proposed Commission rule to revise the fee schedule for LURC permit applications and special services. As you may recall, the Peat Marwick Main management study in 1989 recommended that LURC revise its fee structure to bring it more in line with the actual costs of processing and those of other applicable state and local agencies. In August 1989, the Legislature enacted legislation authorizing LURC to make the fee revisions. This proposed fee schedule is consistent with that legislation and the management report and represents the first major fee revision for LURC in 17 years.

The schedule has been designed so that permits for minor construction activities are assessed a modest processing fee (minimum \$25), but those more extensive projects are assessed a proportionally greater fee.

Although we will be evaluating projected revenues resulting from the revised schedule more closely during the rule-making proceeding, we estimate increased revenues of \$60,000 to \$75,000 annually, depending upon the number of applications received; these fees are not retained by LURC but accrue to the General Fund.

The Commission will discuss this proposal on Thursday, January 18, 1990, at its monthly meeting and if they choose to proceed to rule-making, I anticipate a public hearing will be held in March.

If you have any questions or comments regarding this matter, please give me a call at 289-2631.

Sincerely,
S/David E. Boulter
Director

Maine Land Use Regulation Commission

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. 870
114TH MAINE LEGISLATURE
January 22, 1990

Senator Judy C. Kany
Rep. Michael H. Michaud
Chairpersons
Joint Standing Committee on Energy and Natural Resources
114th Legislature
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Paul A. Fichtner, M.D. of Greenville for appointment to the Land Use Regulation Commission.

Pursuant to Title 12, MRSA Section 683, this nomination will require review by the Joint Standing Committee on Energy and Natural Resources 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 ENERGY AND NATURAL RESOURCES.
Sent down for concurrence.

The Following Communication: S.P. 877
114TH MAINE LEGISLATURE
January 24, 1990

Senator Judy C. Kany
Rep. Michael H. Michaud
Chairpersons
Joint Standing Committee on Energy and Natural Resources
114th Legislature
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Thomas R. Stevens of Limestone for appointment to the Facility Siting Board.

Pursuant to Title 30, MRSA Section 2152, this nomination will require review by the Joint Standing Committee on Energy and Natural Resources and confirmation by the Senate.

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

LEGISLATIVE RECORD - SENATE, JANUARY 25, 1990

Speaker of the House
Which was READ and REFERRED To the Committee on
ENERGY AND NATURAL RESOURCES.
Sent down for concurrence.

Off Record Remarks

SENATE PAPERS

Bill "An Act to Exempt Certain Persons from the
Payment of Interest on Excess Retirement Benefits"
S.P. 869 L.D. 2229
Presented by Senator BERUBE of Androscoggin
Cosponsored by Senator GAUVREAU of Androscoggin
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 27.
Which was referred to the Committee on AGING,
RETIREMENT AND VETERANS and ORDERED PRINTED.
Sent down for concurrence.

At this point a message was received from the
House of Representatives, borne by Representative
GWADOWSKY of Fairfield, informing the Senate that the
House of Representatives concurs with the proposition
for a Joint Convention, to be held in the Hall of the
House at 6:40, for the purpose of extending to His
Excellency, Governor John McKernan, an invitation to
attend and make communication as such pleases him.

Bill "An Act to Maintain Appropriate Residential
Care to Clients of Pineland Center" (Emergency)
S.P. 867 L.D. 2217
Presented by Senator GAUVREAU of Androscoggin
Cosponsored by Representative CARROLL of Gray,
Senator GILL of Cumberland and Representative
FOSTER of Ellsworth
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 Related to Secondary Markets"
S.P. 873 L.D. 2235
Presented by Senator BUSTIN of Kennebec
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 Continue the Driver Education
Evaluation Program" (Emergency)
S.P. 871 L.D. 2233
Presented by Senator PERKINS of Hancock
Cosponsored by Senator BUSTIN of Kennebec,
Representative FOSTER of Ellsworth and
Representative ROLDE of York
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 Concerning Representation of
Nonprofit Corporations by Corporate Employees and
Officers"

S.P. 874 L.D. 2236
Presented by Senator WEBSTER of Franklin
Cosponsored by Representative HANLEY of Paris and
Representative BAILEY of Farmington
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 26.
Which was referred to the Committee on JUDICIARY
and ORDERED PRINTED.
Sent down for concurrence.

Resolve, Authorizing the Director of the Bureau
of Public Improvements to Sell the Maine Criminal
Justice Academy Campus in Waterville, Maine
S.P. 872 L.D. 2234
Presented by Senator KANY of Kennebec
Cosponsored by Senator CARPENTER of York
Submitted by the Department of Administration
pursuant to Joint Rule 24.
Which was referred to the Committee on STATE AND
LOCAL GOVERNMENT and ORDERED PRINTED.
Sent down for concurrence.

Bill "An Act Concerning Technical Changes to the
Tax Laws" (Emergency)
S.P. 868 L.D. 2228
Presented by Senator EMERSON of Penobscot
Cosponsored by Representative SEAVEY of
Kennebunkport, Representative TARDY of Palmyra
and Representative NADEAU of Saco
Submitted by the Department of Finance pursuant
to Joint Rule 24.
Committee on TAXATION suggested and ORDERED
PRINTED.
Which was referred to the Committee on TAXATION
and ORDERED PRINTED.
Sent down for concurrence.

Bill "An Act to Make Additional Allocations from
the Public Utilities Commission Regulatory Fund for
the Fiscal Year Ending June 30, 1990" (Emergency)
S.P. 875 L.D. 2237
Presented by Senator BOST of Penobscot
Cosponsored by Representative CLARK of
Millinocket and Representative PARADIS of Old Town
Submitted by the Public Utilities Commission
pursuant to Joint Rule 24.
Committee on UTILITIES suggested and ORDERED
PRINTED.
On motion by Senator CLARK of Cumberland,
referred to the Committee on APPROPRIATIONS AND
FINANCIAL AFFAIRS and ORDERED PRINTED.
Sent down for concurrence.

ORDERS

Joint Order

On motion by Senator ESTES of York the following
Joint Order:

S.P. 876
ORDERED, the House concurring, that "Resolve,
Creating the Special Commission to Study and Evaluate
the Status of Education Reform in Maine," Senate
Paper 561, Legislative Document 1564, and all its
accompanying papers, be recalled from the legislative
files to the Senate.

Which was READ.
Pursuant to Joint Rule 15, this Joint Order
requires the affirmative vote of two-thirds of the
members present and voting. 26 Senators having voted
in the affirmative and no Senators having voted in
the negative, and 26 being more than two-thirds of

the members present and voting, the Joint Order was PASSED.

S.P. 459 L.D. 1244

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 STATE AND LOCAL GOVERNMENT on Bill "An Act Modifying the Territory of the Northport Village Corporation" (Emergency)

H.P. 1376 L.D. 1907

Leave to Withdraw

The following Leave to Withdraw Report shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

The Committee on JUDICIARY on Bill "An Act to Provide Additional Information to People with Small Claims Actions"

H.P. 1442 L.D. 2011

Ought to Pass

The Committee on TRANSPORTATION on Resolve, to Permit the Maine Veterans' Home to Place a Sign on U.S. Route 1 (Emergency)

H.P. 1475 L.D. 2060

Reported that the same Ought to Pass. Comes from the House with the Report READ and ACCEPTED and the Resolve PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

The Resolve TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass As Amended

The Committee on HUMAN RESOURCES on 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

Reported that the same Ought to Pass as Amended by Committee Amendment "B" (H-733).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-733).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "B" (H-733) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senate

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 PERKINS for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Appropriate Funds for the Acquisition of Land in the Town of Enfield" (Emergency)

S.P. 788 L.D. 2034

Senator ESTES for the Committee on EDUCATION on Bill "An Act Relating to School Construction"

Change of Reference

Senator PERKINS for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Promote and Assist Barrier-free Construction in Places of Public Accommodation and Places of Employment"

S.P. 733 L.D. 1932

Reported that the same be REFERRED to the Committee on JUDICIARY.

Which Report was READ and ACCEPTED.

The Bill REFERRED to the Committee on JUDICIARY.

Sent down for concurrence.

Senator EMERSON for the Committee on TAXATION on Bill "An Act to Expand Eligibility for the Elderly Low-cost Drug Program"

S.P. 752 L.D. 1960

Reported that the same be REFERRED to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS.

Which Report was READ and ACCEPTED.

The Bill REFERRED to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS.

Sent down for concurrence.

Ought to Pass

Senator PERKINS for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Correct Errors in the Affordable Housing Bond Issue" (Emergency)

S.P. 732 L.D. 1931

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 BOST for the Committee on EDUCATION on Resolve, to Extend the Deadline of the Blue Ribbon Task Force to Promote Equity of Opportunity for Women in the Public School System (Emergency)

S.P. 748 L.D. 1952

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-472).

Which Report was READ and ACCEPTED.

The Resolve READ ONCE.

Committee Amendment "A" (S-472) READ and ADOPTED.

The Resolve as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator ERWIN for the Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Revise the Asbestos Certification Law"

S.P. 718 L.D. 1893

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-473).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-473) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator TWITCHELL for the Committee on TRANSPORTATION on Bill "An Act to Amend the Motor Vehicle Title Laws"

S.P. 731 L.D. 1930

LEGISLATIVE RECORD - SENATE, JANUARY 25, 1990

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-475). Which Report was READ and ACCEPTED. The Bill READ ONCE. Committee Amendment "A" (S-475) READ and ADOPTED. The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator TWITCHELL for the Committee on TRANSPORTATION on Resolve, to Create the International Lakeland Trail

S.P. 756 L.D. 1981

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-476). Which Report was READ and ACCEPTED. The Resolve READ ONCE. Committee Amendment "A" (S-476) READ and ADOPTED. The Resolve as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator BOST for the Committee on UTILITIES on Bill "An Act to Amend the Charter of the Castine Water District" (Emergency)

S.P. 702 L.D. 1840

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-474). Which Report was READ and ACCEPTED. The Bill READ ONCE. Committee Amendment "A" (S-474) 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 Professional Service Corporation Act"

H.P. 1335 L.D. 1852

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

House As Amended

Bill "An Act to Clarify the Traffic Movement Standards under the Site Location and Development Law"

H.P. 1154 L.D. 1608

(C "A" H-731)

Bill "An Act to Increase Fees for Defensive Driving Courses"

H.P. 1373 L.D. 1904

(C "A" H-730)

Bill "An Act to Prohibit the Sale of Bait in Polystyrene Foam Containers"

H.P. 1431 L.D. 1999

(C "A" H-729)

Which were READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended, in concurrence.

Senate

Bill "An Act to Extend the Appeal Time for Town Government"

S.P. 774 L.D. 2002

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

Sent down for concurrence.

Bill "An Act Relating to the Administrative Staff of the Maine State Retirement System"

S.P. 697 L.D. 1835

Which was READ A SECOND TIME.

On motion by Senator TITCOMB of Cumberland, Senate Amendment "A" (S-477) READ and ADOPTED. Which was PASSED TO BE ENGROSSED, as Amended. Sent down for concurrence.

Senate As Amended

Bill "An Act to Modernize the Capital Structure of Domestic Stock Insurers" (Emergency)

S.P. 648 L.D. 1743

(C "A" S-470)

Bill "An Act Concerning Financial Accountability of Schools Approved for Tuition Purposes"

S.P. 711 L.D. 1888

(C "A" S-471)

Which were READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended. Sent down for concurrence.

Senate at Ease

Senate called to order by the President.

Off Record Remarks

Senator MATTHEWS of Kennebec was granted unanimous consent to address the Senate off the Record.

Senate at Ease

Senate called to order by the President.

At this point, the Senate retired to the Hall of the House, where a Joint Convention was formed.

AFTER CONVENTION

IN SENATE

Senate called to order by the President.

Senate at Ease

Senate called to order by the President.

Off Record Remarks

On motion by Senator MATTHEWS of Kennebec ADJOURNED until Friday, January, 26, 1990, at 12:00 in the afternoon.