

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
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

ORDERS OF THE DAY

The following item appearing on Supplement No. 3 was taken up out of order by unanimous consent:

REPORTS OF COMMITTEES
Divided Report

Majority Report of the Committee on State and Local Government reporting "Ought to Pass" on Bill "An Act to Make Corrections in the Governmental Ethics Law" (EMERGENCY) (H.P. 1481) (L.D. 2061)

Signed:
Senators: ESTY of Cumberland
BERUBE of Androscoggin
Representatives: BEGLEY of Waldoboro
JOSEPH of Waterville
LARRIVEE of Gorham
HEESCHEN of Wilton
CAHILL of Mattawamkeag
DAGGETT of Augusta
ROTONDI of Athens

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-752) on same Bill.

Signed:
Senator: CARPENTER of York
Representatives: McCORMICK of Rockland
WENTWORTH of Wells
CURRAN of Westbrook

Reports were read.

On motion of Representative Joseph of Waterville, the Majority "Ought to Pass" Report was accepted, the Bill read once.

Under suspension of the rules, the Bill was read a second time, passed to be engrossed and sent up for concurrence.

(At Ease)

The House was called to order by the Speaker.

The following item appearing on Supplement No. 1 was taken up out of order by unanimous consent:

PAPER FROM THE SENATE

Bill "An Act to Amend the Natural Resources Protection Act" (EMERGENCY) (S.P. 894) (L.D. 2276)

Came from the Senate, referred to the Committee on Energy and Natural Resources and Ordered Printed. Was referred to the Committee on Energy and Natural Resources in concurrence.

On motion of Representative Jacques of Waterville, Adjourned until Monday, February 5, 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
February 2, 1990

Senate called to Order by the President.

Prayer by Pastor J.C. Gall of the Searsport Full Gospel Church in Searsport.

PASTOR J.C. GALL: Let us pray. Dear heavenly Father, I come before You today, first of all to thank You for democracy. Thank You for this legislative body. Thank You for these men and women who have been elected to serve in this great state and, Lord, I pray today for many nations around the world, many who are in upheaval, especially those in Eastern Europe today, who are contemplating their form of government, reassessing, reevaluating. I pray that You will guide and work and guide them into the way that You would have them to go. And now, heavenly Father, I pray that You will be exalted in these chambers today. I pray that You will be exalted and glorified in every one of our hearts, in each individual who deliberates and each individual who votes, that they will seek Your guidance. For, truly, we need Your guidance and we ask for it today. But I'm reminded of Your word that teaches us if any man lack wisdom, let him ask of God who giveth to every man liberally and upbraideth not and, Lord, we need Your wisdom today. We don't have the wisdom in the natural to conduct the affairs of life or of state. We need your wisdom and I pray that You'll give these fine men and women today Your guidance and may Your anointing be upon this time together and we give You praise in Jesus' name. Amen.

Reading of the Journal of Yesterday.

COMMUNICATIONS

The Following Communication:
ALCOHOL AND DRUG ABUSE PLANNING COMMITTEE
STATE HOUSE STATION 11
AUGUSTA, MAINE 04333
January 23, 1990

The Honorable Charles P. Pray
Senate President
State House Station #3
Augusta, Maine 04333
Dear President Pray:
The enclosed FY'89 Progress Report of the Alcohol and Drug Abuse Planning Committee (ADPC) is presented according to P.L. 1983, c. 464. In compiling the required information, the ADPC relied on the coordination, interaction and communication among the ADPC State Departments. The accomplishments of each department are noted in detail, accompanied with costs and FY'90 plans.
Donald A. Lund, Ph.D., Planning Director of the ADPC will provide coordination for any questions concerning this report.

Sincerely,
S/Donald Allen, Commissioner S/John Atwood
Department of Corrections Chairperson
Commissioner, Department
of Public Safety
S/Eve Bither, Commissioner S/Rollin Ives
Department of Educational Commissioner
and Cultural Services Department of Human
Services

S/Robert Glover, Commissioner
 Department of Mental Health and
 Mental Retardation
 Which was READ and with Accompanying Papers
 ORDERED PLACED ON FILE.

SENATE PAPERS

Bill "An Act to Amend the Natural Resources
 Protection Act" (Emergency)

S.P. 894 L.D. 2276

Presented by Senator COLLINS of Aroostook
 Cosponsored by Representative JACQUES of
 Waterville, Representative MILLS of Bethel and
 Representative STROUT of Corinth
 Submitted by the Department of Transportation
 pursuant to Joint Rule 24.
 Which was referred to the Committee on ENERGY AND
 NATURAL RESOURCES and ORDERED PRINTED.
 Under suspension of the Rules, ordered sent down
 forthwith for concurrence.

COMMITTEE REPORTS

House
 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 Bill "An Act to
 Transfer Responsibility for the "Agriculture in the
 Classroom" Program from the Department of
 Agriculture, Food and Rural Resources to the
 University of Maine System"

H.P. 1432 L.D. 2000

The Committee on HUMAN RESOURCES on Bill "An Act
 to Provide for Outpatient Commitment"

H.P. 1506 L.D. 2086

Change of Reference

The Committee on UTILITIES on Bill "An Act
 Preserving the Public Advocate Utility Assessment"
 (Emergency)

H.P. 1402 L.D. 1938

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

Comes from the House with the Report READ and
 ACCEPTED and the Bill REFERRED to the Committee on
 APPROPRIATIONS AND FINANCIAL AFFAIRS.

Which Report was READ and ACCEPTED, in
 concurrence.

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

Ought to Pass

The Committee on HUMAN RESOURCES on Bill "An Act
 to Provide for a Comprehensive State Mental
 Retardation Plan"

H.P. 1371 L.D. 1902

Reported that the same Ought to Pass.

Comes from the House with the Report READ and
 ACCEPTED and the Bill PASSED TO BE ENGROSSED AS
 AMENDED BY HOUSE AMENDMENT "A" (H-750).

Which Report was READ and ACCEPTED, in
 concurrence.

The Bill READ ONCE.

House Amendment "A" (H-750) READ and ADOPTED, in
 concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND
 READING.

Ought to Pass As Amended

The Committee on APPROPRIATIONS AND FINANCIAL
 AFFAIRS on Bill "An Act to Extend the Reporting
 Deadline of the Special Commission to Study the
 Organization of the State's Cultural Agencies"
 (Emergency)

H.P. 1366 L.D. 1883

Reported that the same Ought to Pass as Amended
 by Committee Amendment "A" (H-746).

Comes from the House, with the Report READ and
 ACCEPTED and the Bill PASSED TO BE ENGROSSED AS
 AMENDED BY COMMITTEE AMENDMENT "A" (H-746).

Which Report was READ and ACCEPTED, in
 concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-746) READ and ADOPTED,
 in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND
 READING.

The Committee on JUDICIARY on Bill "An Act to
 Strengthen the State Forensic Service"

H.P. 822 L.D. 1150

Reported that the same Ought to Pass as Amended
 by Committee Amendment "A" (H-744).

Comes from the House, with the Report READ and
 ACCEPTED and the Bill PASSED TO BE ENGROSSED AS
 AMENDED BY COMMITTEE AMENDMENT "A" (H-744) AS AMENDED
 BY HOUSE AMENDMENT "A" (H-747) thereto.

Which Report was READ and ACCEPTED, in
 concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-744) READ.

House Amendment "A" (H-747) to Committee
 Amendment "A" (H-744) READ and ADOPTED, in
 concurrence.

Committee Amendment "A" (H-744) as Amended by
 House Amendment "A" (H-747) thereto, ADOPTED, in
 concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND
 READING.

Senate

Ought to Pass As Amended

Senator GAUVREAU for the Committee on HUMAN
 RESOURCES on Bill "An Act Related to the Systems
 Assessment Commission" (Emergency)

S.P. 701 L.D. 1839

Reported that the same Ought to Pass as Amended
 by Committee Amendment "A" (S-485).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-485) 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 As Amended

Bill "An Act Regarding the Maine
 Vocational-Technical Institute System"

H.P. 660 L.D. 902

(C "A" H-735)

Bill "An Act to Clarify Legislative Intent
 Governing a Position Assignment"

H.P. 1324 L.D. 1826

(C "A" H-743)

Bill "An Act to Prorate Prison Sentences for Work
 Performed for Charitable Organizations"

H.P. 1364 L.D. 1881

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(C "A" H-742)
Which were READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended, in concurrence.

Bill "An Act to Assure Access to Nutrition Programs for Kindergarten and Part-day Students"
H.P. 882 L.D. 1226
(H "A" H-745 to C "A" H-736)

Which was READ A SECOND TIME.
On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending PASSAGE TO BE ENGROSSED, AS AMENDED, in concurrence.

Senate

Bill "An Act Providing Conformity with the United States Internal Revenue Code Under the Maine Income Tax Law for 1989" (Emergency)

S.P. 809 L.D. 2072

Resolve, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Real Estate in Unorganized Territory

S.P. 836 L.D. 2144

Bill "An Act to Clarify the Qualifications for Membership on the Citizens' Forestry Advisory Council" (Emergency)

S.P. 857 L.D. 2193

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

Sent down for concurrence.

Senate As Amended

Bill "An Act Related to the State Board of Substance Abuse Counselors" (Emergency)

S.P. 699 L.D. 1837

(C "A" S-483)

Bill "An Act to Enable Rulemaking by the Board of Examiners of Podiatrists"

S.P. 777 L.D. 2004

(C "A" S-482)

Bill "An Act Prohibiting Chlorofluorocarbons in Automobile Air Conditioners"

S.P. 786 L.D. 2032

(C "A" S-481)

Bill "An Act to Coordinate and Consolidate Student Financial Assistance Services under the Finance Authority of Maine" (Emergency)

S.P. 865 L.D. 2216

(C "A" S-484)

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

Sent down for concurrence.

ENACTORS

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

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

S.P. 697 L.D. 1835

(S "A" S-477)

An Act Relating to the Designation of Beneficiaries by Members of the Maine State Retirement System

H.P. 1331 L.D. 1848

An Act to Amend the Professional Service Corporation Act

H.P. 1335 L.D. 1852

An Act to Integrate Relief Provided by the Maine Residents Property Tax Program with Poverty Abatements

H.P. 1341 L.D. 1858
An Act Concerning Financial Accountability of Schools Approved for Tuition Purposes

S.P. 711 L.D. 1888

(C "A" S-471)

An Act to Increase Fees for Defensive Driving Courses

H.P. 1373 L.D. 1904

(C "A" H-730)

An Act to Clarify the Status of Court Mediators, Court Appointed Special Advocates and Bail Commissioners with Respect to Civil Liability

H.P. 1422 L.D. 1974

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

H.P. 1431 L.D. 1999

(C "A" H-729)

An Act to Extend the Appeal Time for Town Government

S.P. 774 L.D. 2002

Which were PASSED TO BE ENACTED and having been signed by the President, were presented by the Secretary to the Governor for his approval.

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 "B" H-733)

On motion by Senator PEARSON of Penobscot, placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

Emergency

An Act Relating to the Status of Nursing Professions in Maine

H.P. 1148 L.D. 1591

(C "A" H-734)

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with No Senators having voted in negative, and 30 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.

Emergency

An Act to Clarify the Traffic Movement Standards under the Site Location of Development Laws

H.P. 1154 L.D. 1608

(C "A" H-731)

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with No Senators having voted in negative, and 30 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.

Emergency

An Act to Modernize the Merger Provisions Relating to Domestic Stock Insurers

S.P. 648 L.D. 1743

(C "A" S-470)

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.

Senate at Ease
Senate called to order by the President.

Off Record Remarks

Emergency Resolve

Resolve, to Permit the Maine Veterans' Home to Place a Sign on U.S. Route 1

H.P. 1475 L.D. 2060

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with No Senators having voted in negative, and 30 being more than two-thirds of the entire elected Membership of the Senate, was FINALLY PASSED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator WEBSTER of Franklin, ADJOURNED until Monday, February 5, 1990 at 12:00 in the afternoon.

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

COMMITTEE REPORTS

Senate

Ought to Pass

Senator TWITCHELL for the Committee on TRANSPORTATION on Bill "An Act Relating to Seat Belts and Child Safety Seats for Children under 4 Years of Age"

S.P. 852 L.D. 2186

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

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 for the 1990 and 1991 Allocations of the State Ceiling on Private Activity Bonds" (Emergency)

H.P. 1642 L.D. 2275

Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS suggested and ORDERED PRINTED.

Comes from the House referred to the Committee on HOUSING AND ECONOMIC DEVELOPMENT and ORDERED PRINTED.

Which was referred to the Committee on HOUSING AND ECONOMIC DEVELOPMENT and ORDERED PRINTED, in concurrence.

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator BRAWN for the Committee on MARINE RESOURCES on Bill "An Act to Enable the Department of Marine Resources to Issue Identification Tags for Lobster Gear"

S.P. 762 L.D. 1987

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-486).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-486) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Off Record Remarks