

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred And Fourteenth Legislature
OF THE
State Of Maine

VOLUME IV

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August 21, 1989 to August 22, 1989
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STATE OF MAINE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
SECOND REGULAR SESSION
JOURNAL OF THE SENATE

In Senate Chamber
Wednesday
February 7, 1990

Senate called to Order by the President.

Prayer by Reverend Jim Hamilton-Ogden of the First Baptist Church in Waterville.

REVEREND JIM HAMILTON-OGDEN: Thank you, Mr. President, Honorable Senators. I don't envy your jobs these days. I know a little bit, on a very small scale, because we've just been through our budget process in our church and are projecting less income than we are projecting expending and I spent twelve years on our national staff dealing with fairly sizeable budgets and decisions. You deal with decisions that affect people lives, as you know, public health and safety and the environment, almost every aspect of life in Maine, and there are at least two things that can happen to us in that. One, is we can get depressed and discouraged and feel like everything is overwhelming us and the other is, dealing with those big things, we can get grandiose estimates of ourselves that we're doing all these important things.

Although I am a Baptist, I've been deeply influenced by the Quaker tradition, as well, and have found that, sometimes, at the beginning of facing those kinds of things, it's helpful to begin with a moment of silence. All of the great religious traditions have some tradition of silence and meditation and focusing in. So, I am going to read a few words of Scripture and then allow a moment of silence and then have a spoken prayer.

Psalms 131, "My heart is not proud, O Lord. My eyes are not haughty. I do not concern myself with great matters or things too wonderful for me, but I have stilled and quieted my soul like a weaned child with its mother, like a weaned child is my soul within me. O Israel, put your hope in the Lord, both now and forever."

God of eternal purposes, give us a sense of the truly important things of life, that we may live and decide in ways that make a lasting difference. Give those gathered here today wisdom and a sense of perspective. Give them patience and hope and compassion and perseverance. You have created us to live together in families and societies. Teach us how to build bonds and support systems that keep us all strong and safe, that provide nurture and support and growth, that protect our future, that teach us to live together in mutual respect. We thank You, Lord, for those who are willing to give time to the important work of government, of working to balance the various interests and concerns. May they truly be servants of the common good, even as You are the source and vision of all that is good. May Your will be done this day and each day as Your creative spirit moves in the midst of life. Amen.

Reading of the Journal of Monday, February 5, 1990.

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

S.P. 906

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

Which was READ and PASSED.

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

Off Record Remarks

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Amend the Definition of Public Way"

H.P. 1645 L.D. 2278

Committee on TRANSPORTATION suggested and ORDERED PRINTED.

Comes from the House referred to the Committee on JUDICIARY and ORDERED PRINTED.

Which was referred to the Committee on JUDICIARY and ORDERED PRINTED, in concurrence.

Off Record Remarks

COMMUNICATIONS

The Following Communication:

UNIVERSITY OF MAINE SYSTEM

107 MAINE AVENUE

BANGOR, MAINE 04401

February 1, 1990

Honorable Charles P. Pray

President, Maine Senate

Honorable John L. Martin

Speaker, Maine House of Representatives

State House

Augusta, Maine 04333

Dear President Pray and Speaker Martin:

The 114th Legislature, during its first regular session, passed the following resolution (H.P. 935 - L.D. 1300):

Resolve to Request that the Board of Trustees of the University of Maine System Determine the Cost of Establishing a Training Program for Nurse Practitioners in Northern Maine.

Board of Trustees of the University of Maine System authorized to study establishment of training program. Resolved: That the Board of Trustees of the University of Maine System is directed to conduct a study to determine the costs of establishing an advanced nursing degree program for nurse practitioners in northern Maine; and be it further

Reporting date established. Resolved: That the Board of Trustees shall report its findings, including proposed location of the program, to the Legislature by February 1, 1990.

The Chancellor's Office, working with the Nursing faculty in the University of Maine System, has carried out the study called for in the resolution and is herewith submitting to the Legislature the resultant report, "A Study to Determine the Costs of Establishing a Training Program for Nurse Practitioners in Northern Maine."

The University of Maine is interested in initiating this program. Locating the program at the University of Maine, should it be initiated, is supported by the nursing faculty and the administration at the University of Southern Maine and the University of Maine at Fort Kent, the Chancellor, and the Board of Trustees. It must be noted, however, that the University of Maine will not

be able to offer the master's level nurse practitioner program unless it can be totally funded with federal funds.

Training grant funds for support of such programs are available from the U.S. Department of Health and Human Services. The closing date for the next round of applications for these training grants is March 30, 1990. The School of Nursing at the University of Maine is developing an application for a training grant to provide total funding for this program for submission by March 30, 1990.

Should the application for a training grant be funded by the U.S. Department of Health and Human Services, acceptance of the grant by the University of Maine would be contingent upon Board of Trustees of the University of Maine System approval of a formal academic program proposal from the University of Maine in accord with Board Policy.

We would be happy to respond to any questions about the costs study or the University of Maine System's planning efforts for a possible Master of Science in Nursing Program with a major in Rural Health Family Nurse Practitioner at the University of Maine.

Sincerely,
S/Robert L. Woodbury
Chancellor

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

SENATE PAPERS

Bill "An Act to Help Reduce the Incidence of Breast Cancer Mortality in the State"

S.P. 903 L.D. 2297

Presented by Senator ANDREWS of Cumberland
Cosponsored by Representative RYDELL of Brunswick, Senator CLARK of Cumberland and Senator CAHILL of Sagadahoc
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 Regarding the Secondary Market for Student Loans"

S.P. 901 L.D. 2295

Presented by Senator BOST of Penobscot
Cosponsored by Representative GWADOSKY of Fairfield, Representative CROWLEY of Stockton Springs and Representative O'DEA of Orono
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.
Which was referred to the Committee on EDUCATION and ORDERED PRINTED.
Sent down for concurrence.

Bill "An Act to Prohibit the Development of Spaghetti-lot Subdivisions" (Emergency)

S.P. 899 L.D. 2289

Presented by Senator PEARSON of Penobscot
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.

Bill "An Act to Amend the Domestic Abuse Laws"

S.P. 897 L.D. 2287

Presented by Senator HOLLOWAY of Lincoln

Cosponsored by Representative RICHARDS of Hampden, Representative CATHCART of Orono and Representative FARNSWORTH of Hallowell
Bill "An Act Addressing Consecutive Terms of Imprisonment Involving Probation"

S.P. 902 L.D. 2296

Presented by Senator HOBBS of York
Cosponsored by Representative COTE of Auburn, Representative FARNSWORTH of Hallowell and Representative HASTINGS of Fryeburg
Submitted by the Department of the Attorney General pursuant to Joint Rule 24.
Which were referred to the Committee on JUDICIARY and ORDERED PRINTED.
Sent down for concurrence.

Bill "An Act to Facilitate Workers' Compensation Payments to Injured Workers"

S.P. 898 L.D. 2288

Presented by Senator GAUVREAU of Androscoggin
Cosponsored by Speaker MARTIN of Eagle Lake, Senator ESTY of Cumberland and Representative McHENRY of Madawaska
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.
Which was referred to the Committee on LABOR and ORDERED PRINTED.
Sent down for concurrence.

Bill "An Act to Extend the Reporting Date of the Commission on Codification of Rules" (Emergency)

S.P. 904 L.D. 2298

Presented by Senator BERUBE of Androscoggin
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.
Which was referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED.
Sent down for concurrence.

Study Report

Committee on BUSINESS LEGISLATION

Senator BALDACCI for the Committee on BUSINESS LEGISLATION to which was referred by the Legislative Council the Study Relative to Third Party Prescription Programs have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Require That Relevant Experience Be a Consideration in Selecting Members of the State Employee Health Commission"

S.P. 905 L.D. 2299

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.

Under suspension of the Rules, all matters thus acted upon 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 FISHERIES AND WILDLIFE on Bill "An Act to Establish a Wildlife Management Area in the Town of Bradley"

H.P. 1553 L.D. 2153

The Committee on LEGAL AFFAIRS on Resolve, Authorizing Philip Wolley of Searsport to Bring Suit against the State of Maine

H.P. 1375 L.D. 1906

The Committee on TAXATION on Bill "An Act Concerning Property Valuation for Tax Purposes"

H.P. 1550 L.D. 2148

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 Clarify the Relationship Between the Maine Potato Board, the Maine Potato Quality Control Board and the Department of Agriculture, Food and Rural Resources"

H.P. 1467 L.D. 2052

The Committee on TRANSPORTATION on Bill "An Act to Prevent Pollution in Penobscot Bay"

H.P. 1523 L.D. 2108

The Committee on UTILITIES on Bill "An Act Pertaining to Cable Television Systems"

H.P. 1557 L.D. 2157

Ought to Pass

The Committee on BANKING AND INSURANCE on Bill "An Act to Amend the Guaranty Association Law to Provide a More Equitable Special Assessment" (Emergency)

H.P. 1403 L.D. 1939

Reports 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.

The Committee on BANKING AND INSURANCE on Bill "An Act to Provide for Expedited Merger, Consolidation or Acquisition of Credit Unions" (Emergency)

H.P. 1461 L.D. 2038

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.

The Committee on MARINE RESOURCES on Bill "An Act to Amend Laws Regulating the Sardine Industry by Enhancing Export Opportunities" (Emergency)

H.P. 1447 L.D. 2016

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

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 ESTY for the Committee on LABOR on Bill "An Act to Increase Funeral and Related Expense Payments under the Workers' Compensation Law"

S.P. 713 L.D. 1890

Senator CARPENTER for the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Allow Kineo Township to Organize"

S.P. 835 L.D. 2143

Ought to Pass As Amended

Senator HOBBS for the Committee on JUDICIARY on Bill "An Act to Prevent Burdensome Debt Collection Practices in Small Claims Court"

S.P. 792 L.D. 2043

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-492).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-492) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator CARPENTER for the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Authorize Maine School Administrative District Number 61 to Enter into a Land Exchange with S. D. Warren Company" (Emergency)

S.P. 808 L.D. 2071

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-493).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-493) 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 Continuing Educational Requirements for Licensed Insurance Agents, Brokers and Consultants"

H.P. 1452 L.D. 2026

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

House As Amended

Bill "An Act Relating to Computer Access"

H.P. 462 L.D. 627

(C "A" H-748)

Bill "An Act Regarding Maine Land Use Regulation Commission Requirements"

H.P. 1433 L.D. 2001

(C "A" H-749)

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

Senate

Bill "An Act to Amend the Employee Suggestion Awards System"

S.P. 744 L.D. 1948

Bill "An Act to Prevent Retaliatory Evictions of Mobile Park Tenants"

S.P. 814 L.D. 2078

Bill "An Act to Provide for Wider Production of Certain Deer for Food"

S.P. 881 L.D. 2251

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

Sent down for concurrence.

Senate As Amended

Bill "An Act to Amend the Laws Implementing, Administering and Enforcing the United States Emergency Planning and Community Right-to-Know Act of 1986" (Emergency)

S.P. 780 L.D. 2021

(C "A" S-489)

Bill "An Act to Clarify the Rule-making Authority of the Maine Historic Preservation Commission"

S.P. 798 L.D. 2046

(C "A" S-491)

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

Sent down for concurrence.

ORDERS OF THE DAY

The Chair laid before the Senate the Tabled and Today Assigned matter:

Bill "An Act Related to the Systems Assessment Commission" (Emergency)

S.P. 701 L.D. 1839

(S "A" S-490; C "A" S-485)

Tabled - February 5, 1990, by Senator GAUVREAU of Androscoggin.

Pending - PASSAGE TO BE ENGROSSED AS AMENDED (In Senate, February 5, 1990, READ A SECOND TIME. Senate Amendment "A" (S-490) READ and ADOPTED.)

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending PASSAGE TO BE ENGROSSED AS AMENDED.

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator TITCOMB for the Committee on AGING, RETIREMENT AND VETERANS on Bill "An Act Concerning Out-of-state Service for Members of the Maine State Retirement System"

S.P. 268 L.D. 696

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-494).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-494) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Off Record Remarks

On motion by President PRAY of Penobscot, 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

House Papers

Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1990 and June 30, 1991" (Emergency)

H.P. 1649 L.D. 2282

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 Protect Health Insurance Coverage for Citizens on Jury Duty"

H.P. 1655 L.D. 2291

Comes from the House referred to the Committee on BANKING AND INSURANCE and ORDERED PRINTED.

Which was referred to the Committee on BANKING AND INSURANCE 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 Aid in the Enforcement of Crimes Relating to Forest Fire Control"

H.P. 1654 L.D. 2290

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 Reduce Color, Odor and Foam in Maine Rivers"

H.P. 1656 L.D. 2292

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 Protect Lake Water Quality"

H.P. 1657 L.D. 2293

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 Amend the Laws Pertaining to Preadmission Assessment"

H.P. 1652 L.D. 2285

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 Provide Uniformity and Fairness after Mortgage Foreclosure"

H.P. 1650 L.D. 2283

Comes from the House referred to the Committee on JUDICIARY and ORDERED PRINTED.

Which was referred to the Committee on JUDICIARY 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 Concerning the Uniform Rights of the Terminally Ill Act"

H.P. 1653 L.D. 2286

Comes from the House referred to the Committee on JUDICIARY and ORDERED PRINTED.

Which was referred to the Committee on JUDICIARY 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 Provide Authorization to Consent to Health Care"

H.P. 1658 L.D. 2294

Comes from the House referred to the Committee on JUDICIARY and ORDERED PRINTED.

Which was referred to the Committee on JUDICIARY 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 Provide for Forfeiture of Weapons Used in Crimes Against Persons"

H.P. 1651 L.D. 2284

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.

Off Record Remarks

Senator WEBSTER of Franklin was granted unanimous consent to address the Senate off the Record.

The ADJOURNMENT ORDER having been returned from the House READ and PASSED, in concurrence, on motion by Senator BRANNIGAN of Cumberland, ADJOURNED until Monday, February 12, 1990, at 12:00 in the afternoon.

ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE
SECOND REGULAR SESSION

17th Legislative Day

Monday, February 12, 1990

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

Prayer by Reverend Philip Shearman, First Parish Congregational Church, Gorham.

National Anthem by George Stevens Academy Band, Blue Hill.

The Journal of Wednesday, February 7, 1990, was read and approved.

Quorum call was held.

PAPERS FROM THE SENATE

Unanimous Leave to Withdraw

Report of the Committee on Labor reporting "Leave to Withdraw" on Bill "An Act to Increase Funeral and Related Expense Payments under the Workers' Compensation Law" (S.P. 713) (L.D. 1890)

Report of the Committee on State and Local Government reporting "Leave to Withdraw" on Bill "An Act to Allow Kineo Township to Organize" (S.P. 835) (L.D. 2143)

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

COMMUNICATIONS

The following Communication:

STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333

February 6, 1990

Hon. Edwin H. Pert
Clerk of the House
State House Station #2
Augusta, Maine 04333
Dear Clerk Pert:

This is to notify you that pursuant to my authority under M.R.S.A. 20-A, Section 11002, I have today reappointed Rep. Nathaniel J. Crowley, Sr., of Stockton Springs, to serve on the New England Board of Higher Education.

Sincerely,
S/John L. Martin
Speaker of the House

Was read and ordered placed on file.

PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE

The following Bills were received and, upon the recommendation of the Committee on Reference of Bills, were referred to the following Committees, Ordered Printed and Sent up for Concurrence:

Banking and Insurance

Bill "An Act to Amend the Maine Liability Risk Retention Act" (H.P. 1669) (L.D. 2310) (Presented by Representative GARLAND of Bangor) (Cosponsored by Senator WHITMORE of Androscoggin, Senator BRANNIGAN of Cumberland and Representative RAND of Portland) (Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 24.)

Ordered Printed.

Sent up for Concurrence.

Energy and Natural Resources

Bill "An Act to Amend the State's Hazardous Waste Laws to Be Consistent with the Federal Hazardous and