

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**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

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

In Senate Chamber  
Wednesday  
February 14, 1990

Senate called to Order by the President.

Prayer by Pastor Dan Bowers of the Hope Baptist Church in Manchester.

PASTOR DAN BOWERS: Let me just remind you of this fact on Valentine's Day that God loves you and cares about you and your work. With that in mind, let's pray.

Heavenly Father, we praise You for Your love, Your love for us, love that sent the Son of God, Jesus Christ, to die on the cross for us, for the whole world. Lord, it's our prayer this day that You would, as You look down upon these men and women serving in the Senate of the great State of Maine, that You might bless them and guide them and work in and through them in this session of the Senate. I would ask, Lord, that Your will might be done on earth as it is in heaven this very day. In Jesus' name, Amen.

Reading of the Journal of Monday, February 12, 1990.

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

ORDERS

Joint Order

On motion by Senator CLARK of Cumberland the following Joint Order: S.P. 913

ORDERED, the House concurring, that Bill, "An Act Relating to the Designation of Beneficiaries by Members of the Maine State Retirement System," H.P. 1331, L.D. 1848, and all its accompanying papers be recalled from the Governor's desk to the Senate.

Which was READ and PASSED.

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

Off Record Remarks

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Reform the Juvenile Criminal Justice System"

S.P. 541 L.D. 1512

(C "A" S-479)

In Senate, January 29, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-479).

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-479) AS AMENDED BY HOUSE AMENDMENT "A" (H-772) thereto, in NON-CONCURRENCE.

On motion by Senator DUTREMBLE of York, Tabled until Later in Today's Session, pending FURTHER CONSIDERATION.

Non-concurrent Matter

Bill "An Act to Enable the Department of Marine Resources to Issue Identification Tags for Lobster Gear"

S.P. 762 L.D. 1987

(C "A" S-486)

In Senate, February 5, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-486).

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-486) AS AMENDED BY HOUSE AMENDMENT "A" (H-760) thereto, in NON-CONCURRENCE.

On motion by Senator DUTREMBLE of York, Tabled until Later in Today's Session, pending FURTHER CONSIDERATION.

COMMUNICATIONS

The Following Communication:  
ONE HUNDRED AND FOURTEENTH LEGISLATURE  
COMMITTEE ON STATE & LOCAL GOVERNMENT  
February 12, 1990

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 114th Maine Legislature, the Joint Standing Committee on State & Local Government has had under consideration the nomination of Franklin C. Leavitt, Jr. of Topsham for reappointment as a member of the Civil Service Appeals Board.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS: Senators 2  
Representatives 9  
NAYS: 0  
ABSENT: 2 Sen. Esty of  
Cumberland, Rep.  
Heeschon of Wilton

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Franklin C. Leavitt, Jr. of Topsham, for reappointment as a member of the Civil Service Appeals Board be confirmed.

Sincerely,

S/Senator Georgette B. Berube S/Rep. Ruth Joseph  
Senate Chair House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on State & Local Government has recommended the nomination of Franklin C. Leavitt, Jr. of Topsham be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on State and Local Government be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 114th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None  
NAYS: Senators BALDACCI, BERUBE, BOST,  
BRANNIGAN, BRAWN, BUSTIN, CAHILL,  
CARPENTER, CLARK, COLLINS,  
DILLENBACK, DUTREMBLE, EMERSON,

ERWIN, ESTES, ESTY, GAUVREAU, GILL,  
GOULD, HOLLOWAY, KANY, LUDWIG,  
MATTHEWS, PEARSON, RANDALL,  
THERIAULT, TITCOMB, TWITCHELL,  
WEBSTER, WEYMOUTH, WHITMORE, THE  
PRESIDENT - CHARLES P. PRAY

ABSENT: Senators ANDREWS, HOBBS, PERKINS

No Senators having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being absent, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Franklin C. Leavitt, Jr., was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:  
TASK FORCE TO PROMOTE EQUITY OF OPPORTUNITY FOR  
WOMEN IN THE PUBLIC SCHOOL SYSTEM  
February 8, 1990

The Honorable John L. Martin  
The Honorable Charles P. Pray  
Maine Legislature  
State House  
Augusta, ME 04333

Dear Speaker Martin and President Pray:

The Task Force to Promote Equity of Opportunity for Women in the Public School System is pleased to submit its report to the Legislature pursuant to Resolve 1989, c.55

The attached report and the accompanying legislation are the result of many long hours of work by an exceptionally talented group. We feel very strongly that the recommendations contained herein would contribute significantly to improving the opportunities for women administrators in our public schools. As we currently face a limited pool of qualified school administrators, such gains would have enormous benefits for not only those women, but also for the overall quality of public education in Maine.

As a cost saving measure, we have asked our staff to print only the executive summary and recommendations for full distribution. We have had a limited number of copies of the full report printed. These are available to members from the Clerk of the House and the Secretary of the Senate.

Sincerely,

S/Sen. Nancy Randall Clark S/Rep. James R. Handy  
Co-Chair Co-Chair

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

SENATE PAPERS

Bill "An Act to Provide Funds for Pay Increases to Employees of Community-based Service Agencies for the Mentally Retarded"

S.P. 911 L.D. 2319

Presented by Senator CLARK of Cumberland

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

Which was referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

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

Off Record Remarks

ORDERS

Joint Resolution

On motion by Senator PEARSON of Penobscot (Cosponsored by: Senator BOST of Penobscot, Representative CASHMAN of Old Town, Representative PARADIS of Old Town) the following Joint Resolution:  
S.P. 912

JOINT RESOLUTION COMMEMORATING

THE 150TH ANNIVERSARY OF THE CITY OF OLD TOWN, MAINE  
WHEREAS, one of the anchor communities of the central part of our State is the City of Old Town, known throughout the country as the home of the Penobscot Nation, of White and Old Town canoes and of generations of Maine lumberjacks, millers and guides; and

WHEREAS, the Penobscot Indians have maintained their principle settlement at this location, also known as Panawamske, since time immemorial, and as Old Town was first permanently settled by Europeans at Marsh Island in 1774 by John Marsh; and

WHEREAS, Old Town was also settled by a large number of Franco-American pioneers, and as these hardworking immigrants and their descendants have given selflessly of their skills and energy and have made critical contributions to the vitality of this community; and

WHEREAS, the first sawmill in Old Town was constructed in 1798 by Richard Winslow, and as Old Town's sawmills have been a principle industry ever since and were recognized by Thoreau in 1846 as the riddle through which "the arrowy Maine forest...is relentlessly sifted till it comes out boards, clapboards, laths and shingles"; and

WHEREAS, the area was first settled as part of Orono, then set off and incorporated as Old Town on March 16, 1840, and later chartered as the City of Old Town on February 19, 1891; and

WHEREAS, as Old Town and its citizens have long exemplified the Maine virtues of self-sufficiency and industry, and as the excellence of its products is recognized everywhere; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Fourteenth Legislature of the State of Maine, now assembled in the Second Regular Session, take this occasion to recognize the sesquicentennial anniversary of Old Town, and to commend the inhabitants and officials of this city for the success which they have achieved together for one hundred and fifty years, and to extend to each our sincere hopes and best wishes for continued achievement; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the citizens and officials of this proud community in honor of the occasion.

Which was READ.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Pearson.

Senator PEARSON: Thank you. Mr. President, Men and Women of the Senate, this coming year is the 150th anniversary of the City of Old Town and I hope that alot of you in this chamber who have never been able to go there to see the city, see the reservation, see the Old Town Canoe company on its guided tours, see James River and all that, will avail yourself an opportunity to do so.

A couple of years ago, in the Senate, when the good Senator from Aroostook, Senator Violette, was sitting behind me and Senator Dutremble was in the Chamber and, I can't remember, there were two or three others, there was a very interesting little discussion that took place one day, I think it was on St. Jean de Baptiste Day, about the French in Maine and one Senator got up and said the French came to

Lewiston at a certain time. Another one got up and said we know the French came to the St. John Valley at a certain time and another person said the French had come some other place, I think it was Biddeford, at a certain time and I had the joy of getting up, after I listened to all that, and say to the Chamber, and I say it to you again today, that before the French were in the St. John Valley, before they were in Biddeford, before they were in Lewiston, before they were anywhere in Maine, in 1607, before there was even anybody in Plymouth, Massachusetts, people in Old Town were already speaking French and so I hope that you will join with us.

We are going to have a number of celebrations in town. It is a wonderful city to have been born and raised in and to have gone to school in and like most other Maine people I have enduring friendships that will last all my life because we are a town where a lot of people stay all of their lives and that the kids you graduated from high school with are still there. Much the same, I suspect, as the presiding officer experiences. Anyway, 150 years and we're proud.

Which was ADOPTED.

Sent down 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 APPROPRIATIONS AND FINANCIAL AFFAIRS on 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

The Committee on EDUCATION on Bill "An Act to Provide a Minimum Level of State Educational Funding for Schools"

H.P. 1033 L.D. 1439

The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Ensure Adequate Closure of the Landfill Operated by Downeast Disposal, Incorporated in Steuben"

H.P. 1515 L.D. 2100

The Committee on LEGAL AFFAIRS on Resolve, Authorizing Robert Pineo of Old Orchard Beach to Bring a Civil Action against the State and the Department of Corrections

H.P. 1333 L.D. 1850

The Committee on TAXATION on Bill "An Act to Provide a Sales Tax Exemption for Items Sold by Nonprofit Volunteer Groups for the Benefit of Public Libraries"

H.P. 1350 L.D. 1867

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 AGING, RETIREMENT AND VETERANS on Bill "An Act to Enable Families of Maine Veterans Eligible for Burial in the Veterans' Memorial Cemetery to Make Burial Arrangements on Weekends"

H.P. 1323 L.D. 1825

The Committee on AGING, RETIREMENT AND VETERANS on Bill "An Act to Require the State to Pay a Portion of the Health Insurance Premiums for Dependents of Retired State Employees"

H.P. 1534 L.D. 2119

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act Concerning Reimbursement to Municipalities with Certain State Facilities"

H.P. 1303 L.D. 1804

The Committee on EDUCATION on Bill "An Act to Create the Youth-at-Risk Alternative Education Program"

H.P. 585 L.D. 789

The Committee on LEGAL AFFAIRS on Bill "An Act Establishing the Rights and Obligations of Tenants Who Pay for Their Own Heating Oil"

H.P. 1489 L.D. 2062

The Committee on TAXATION on Bill "An Act to Clarify Provisions of the Hallowell Water District Charter"

H.P. 1343 L.D. 1860

Ought to Pass

The Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Clarify the Time Frame in Municipal Law for Changing an Elected Position to an Appointed Position"

H.P. 1392 L.D. 1922

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 Regulate the Dumping of Dredged Materials in Maine Waters" (Emergency)

H.P. 1407 L.D. 955

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-757).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-757) AS AMENDED BY HOUSE AMENDMENT "A" (H-759) thereto.

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-757) READ.

House Amendment "A" (H-759) to Committee Amendment "A" (H-757) READ and ADOPTED, in concurrence.

Committee Amendment "A" (H-757) as Amended by House Amendment "A" (H-759) thereto, ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on HUMAN RESOURCES on Bill "An Act Concerning Patient Access to Medical Records"

H.P. 1355 L.D. 1872

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-754).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-754).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-754) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on JUDICIARY on Bill "An Act to Provide Written Notice to Creditors Under the Maine Probate Code"

H.P. 491 L.D. 671

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-758).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-758) AS AMENDED BY HOUSE AMENDMENT "A" (H-765) thereto.

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-758) READ.

House Amendment "A" (H-765) to Committee Amendment "A" (H-758) READ and ADOPTED, in concurrence.

Committee Amendment "A" (H-758) as Amended by House Amendment "A" (H-765) thereto, ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on STATE AND LOCAL GOVERNMENT on Resolve, to Set Aside Space for a Memorial for Firefighters

H.P. 1414 L.D. 1966

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-756).

Comes from the House, with the Report READ and ACCEPTED and the Resolve PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-756) AS AMENDED BY HOUSE AMENDMENT "A" (H-764) thereto.

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

Committee Amendment "A" (H-756) READ.

House Amendment "A" (H-764) to Committee Amendment "A" (H-756) READ and ADOPTED, in concurrence.

Committee Amendment "A" (H-756) as Amended by House Amendment "A" (H-764) thereto, ADOPTED, in concurrence.

The Resolve as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass in New Draft

The Committee on FISHERIES AND WILDLIFE on Bill "An Act to Improve the Organizational Structure of the Fish and Wildlife Advisory Council"

H.P. 1551 L.D. 2149

Reported that the same Ought to Pass in New Draft under same title (Emergency).

H.P. 1660 L.D. 2300

Comes from the House, with the Report READ and ACCEPTED and the Bill in NEW DRAFT PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT READ ONCE.

The Bill in NEW DRAFT 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 PEARSON for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Resolve, to Review the Department of Human Services (Emergency)

S.P. 734 L.D. 1924

Senator PEARSON for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Reduce Drug Abuse in Maine" (Emergency)

S.P. 768 L.D. 1993

Ought to Pass

Senator THERIAULT for the Committee on BANKING AND INSURANCE on Bill "An Act to Amend the Laws Relating to the Maine Insurance Guaranty Association and the Maine Life and Health Insurance Guaranty Association"

S.P. 844 L.D. 2163

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 TWITCHELL for the Committee on AGRICULTURE on Bill "An Act to Allow Inclusion of Nonagricultural Products in the Quality Program"

S.P. 791 L.D. 2042

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-502).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-502) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator THERIAULT for the Committee on BANKING AND INSURANCE on Bill "An Act Authorizing Further Assessments for Public Advocate Participation in Workers' Compensation Insurance Rate Proceedings" (Emergency)

S.P. 802 L.D. 2050

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-498).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-498) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator ERWIN for the Committee on ENERGY AND NATURAL RESOURCES on Resolve, to Study Threats to Maine Lakes (Emergency)

S.P. 841 L.D. 2160

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-503).

Which Report was READ and ACCEPTED.

The Resolve READ ONCE.

Committee Amendment "A" (S-503) READ and ADOPTED.

The Resolve as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator ERWIN for the Committee on FISHERIES AND WILDLIFE on Bill "An Act Concerning the Driving of Deer"

S.P. 842 L.D. 2161

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-501).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-501) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator WHITMORE for the Committee on LABOR on Bill "An Act to Amend the Maine Severance Pay Laws" S.P. 714 L.D. 1891

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-500). Which Report was READ and ACCEPTED. The Bill READ ONCE. Committee Amendment "A" (S-500) READ and ADOPTED. The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator MATTHEWS for the Committee on LEGAL AFFAIRS on Resolve, to Require the Office of Comprehensive Land Use Planning to Study Municipal Implementation of Manufactured Housing Laws S.P. 845 L.D. 2164

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-499). Which Report was READ and ACCEPTED. The Resolve READ ONCE. Committee Amendment "A" (S-499) READ and ADOPTED. The Resolve as Amended, TOMORROW ASSIGNED FOR SECOND READING.

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

PAPERS FROM THE HOUSE  
Joint Order

The following Joint Order: H.P. 1678 ORDERED, the Senate concurring, that the Joint Standing Committee on Appropriations and Financial Affairs report out to the House such legislation as it sees fit providing emergency fuel assistance to elderly and low-income residents. Comes from the House READ and PASSED. Which was READ and PASSED, in concurrence.

SECOND READERS

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

House

Bill "An Act to Amend the Zoning Laws to Extend the Time for Filing a Variance in the Registry of Deeds"

H.P. 1322 L.D. 1824

Bill "An Act to Amend the Berwick Sewer District Charter"

H.P. 1334 L.D. 1851

Bill "An Act to Codify the Creation of the Bureau of Safety and Change Its Name to the Bureau of Highway Safety"

H.P. 1424 L.D. 1976

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

House As Amended

Bill "An Act to Ensure That Residents of Long-term Care Facilities Are Provided with Information about the Services of the Long-term Care Ombudsman Program"

H.P. 1399 L.D. 1935  
(C "A" H-753)

Bill "An Act to Amend the Watershed District Laws"

H.P. 1438 L.D. 2008  
(C "A" H-751)

Resolve, To Extend the Rights of All Mentally Retarded Persons

H.P. 1469 L.D. 2054  
(C "A" H-755)

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

Senate

Bill "An Act Regarding Evictions from Mobile Home Parks"

S.P. 815 L.D. 2079

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

Sent down for concurrence.

Senate As Amended

Bill "An Act to Clarify and Expand the Provisions of the Law Creating the Jail Industries Authority"

S.P. 783 L.D. 2024  
(C "A" S-495)

Bill "An Act to Allow State Employees and Teachers to Buy Back Time Spent as Peace Corps Volunteers"

S.P. 787 L.D. 2033  
(C "A" S-496)

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 to Strengthen the State Forensic Service

H.P. 822 L.D. 1150  
(H "A" H-747 to C "A" H-744)

An Act to Provide for a Comprehensive State Mental Retardation Plan

H.P. 1371 L.D. 1902  
(H "A" H-750)

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

S.P. 777 L.D. 2004  
(C "A" S-482)

An Act to Amend Continuing Educational Requirements for Licensed Insurance Agents, Brokers and Consultants

H.P. 1452 L.D. 2026

An Act Prohibiting Chlorofluorocarbons in Automobile Air Conditioners

S.P. 786 L.D. 2032  
(C "A" S-481)

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 Relating to Computer Access

H.P. 462 L.D. 627  
(C "A" H-748)

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending ENACTMENT.

Resolve

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

Which was FINALLY PASSED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

An Act Related to the State Board of Substance Abuse Counselors

S.P. 699 L.D. 1837  
(C "A" S-483)

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending ENACTMENT.

Emergency

An Act to Extend the Reporting Deadline of the Special Commission to Study the Organization of the State's Cultural Agencies and Make Other Reporting Requirement Changes

H.P. 1366 L.D. 1883  
(C "A" H-746)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with No Senators having voted in negative, and 31 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 Regarding Maine Land Use Regulation Commission Requirements

H.P. 1433 L.D. 2001  
(C "A" H-749)

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 Providing Conformity with the United States Internal Revenue Code Under the Maine Income Tax Law for 1989

S.P. 809 L.D. 2072

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 Qualifications for Membership on the Citizens' Forestry Advisory Council

S.P. 857 L.D. 2193

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 Resolve

Resolve, to Study the Use of Herbicides

S.P. 700 L.D. 1838  
(C "A" S-480)

On motion by Senator BRANNIGAN of Cumberland, placed on the SPECIAL APPROPRIATIONS TABLE, pending FINAL PASSAGE.

ORDERS OF THE DAY

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

An Act Regarding the Maine Technical College System

H.P. 660 L.D. 902  
(C "A" H-735)

Tabled - February 12, 1990, by Senator DUTREMBLE of York.

Pending - ENACTMENT

(In House, February 7, 1990, PASSED TO BE ENACTED.)

(In Senate, February 2, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-735), in concurrence.)

Senator CAHILL of Sagadahoc requested a Division.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Estes.

Senator ESTES: Thank you. Mr. President, Men and Women of the Senate, I urge you to support the Majority committee report which is this committee amendment to L.D. 902. There was considerable deliberation last spring on the original bill which would have moved the Vocational Technical Institute System into the University of Maine System. The Committee did not see fit to do that. Instead, this Legislature, in June of last year, passed legislation to change the name of the Technical College System and to also change the names of the directors to presidents.

This bill, as a carry-over bill, came back to the Committee under consideration. In our discussions last spring were the ideas of not only establishing a comprehensive plan for the Board of Trustees to follow, but, also, changing its membership. One of the things that was very confusing and has been confusing over the last year and a half is the fact that some members of the Board were there as representatives of specific groups as well as ex officio members. The idea behind that was to help in the transition of the Technical College System from the Department to being an independent system.

There was a representative on the Board from the State Board of Education. That person currently is no longer on the State Board of Education, yet serves as a member of the Board of Trustees. There was also an individual who was a representative of the University of Maine system who is no longer a Trustee with the University of Maine System, yet still serves on the Board of Trustees. We have also seen changes in some of the Commissioners in the Departments, a vacancy at times.

In our discussions, about a month ago, discussions which included the current Chairman of the Technical College System, as well as the then acting Executive Director and the newly appointed Executive Director, who has taken over as of last week, they had no problems with the changes in the make-up of the Board of Trustees to take effect upon the expiration of the current terms, whereby the State Board representative, the University of Maine System representative and the Commissioner of Labor and the Commissioner of Economic and Community



Development would be removed. The membership would include 11 members from the field of business and industry, the field of labor, the field of education and the general public, as well as the Commissioner of Education and Cultural Services, who would serve in ex officio and this parallels the University of Maine System.

We think that the transition that the Technical College System has made over the last 3 1/2 years has been a very positive one and we feel that this, not only the change in the Board, but also the Board's establishment of a comprehensive strategic planning process for the System, will continue to enhance this post-secondary educational system. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Cahill.

Senator CAHILL: Thank you. Mr. President, Men and Women of the Senate. I appreciate the detailed explanation that the good Senator from York has offered us and I just wanted to restate my objection to the legislation and that is what this bill would do is take the Commissioner of Labor, one of the things this bill would do, is take the Commissioner of Labor off the Board of Directors of the Vocational College System and I just feel that among the duties of the Commissioner of Labor is to train the workforce of this State and I think that also is what happens with the Vocational Colleges, one of the functions of the Vocational Colleges, so I feel it makes perfect sense that we keep that person on, the Commissioner of Labor. I understand that under the current situation that would never be a problem, because the problem of communication would never be a problem, because the person that's running the Vocational College System right now is the former Commissioner of Labor. But I think to preserve that for the future, I think that the Commissioner of Labor should remain on that Board.

At the request of Senator CAHILL of Sagadahoc, a Division was had.

20 Senators having voted in the affirmative and 12 Senators having voted in the negative, the Bill was PASSED TO BE ENACTED, and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

Bill "An Act to Reform the Juvenile Criminal Justice System"

S.P. 541 L.D. 1512  
(C "A" S-479)

Tabled - February 14, 1990, by Senator DUTREMBLE of York.

Pending - FURTHER CONSIDERATION

(In Senate, January 29, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-479).)

(In House, February 12, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-479) AS AMENDED BY HOUSE AMENDMENT "A" (H-772) thereto, in NON-CONCURRENCE.)

The Senate RECEDED and CONCURRED.

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

Bill "An Act to Enable the Department of Marine Resources to Issue Identification Tags for Lobster Gear"

S.P. 762 L.D. 1987  
(C "A" S-486)

Tabled - February 14, 1990, by Senator DUTREMBLE of York.

Pending - FURTHER CONSIDERATION

(In Senate, February 5, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-486).)

(In House, February 12, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-486) AS AMENDED BY HOUSE AMENDMENT "A" (H-760) thereto, in NON-CONCURRENCE.)

The Senate RECEDED and CONCURRED.

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

ORDERS

Joint Resolution

On motion by Senator TITCOMB of Cumberland (Cosponsored by: Senator CLARK of Cumberland, Representative HOLT of Bath, Senator GAUVREAU of Androscoggin) (Approved for Introduction by the Legislative Council pursuant to Joint Rule 35) the following Joint Resolution:

S.P. 914

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO PROTECT THE ENVIRONMENTAL, ECONOMIC AND HEALTH AND SAFETY INTERESTS OF THE PEOPLE OF MAINE IN REGARD TO THE CLEAN AIR ACT AMENDMENTS OF 1989 NOW BEFORE THE UNITED STATES SENATE

WE, your Memorialists, the Members of the One Hundred and Fourteenth Legislature of the State of Maine, now assembled in the Second Regular Session, most respectfully present and petition the President and the Congress of the United States as follows:

WHEREAS, On December 20, 1989, the United States Senate Committee on Environment and Public Works reported Senate Bill 1630 and Report number 101-228; and

WHEREAS, Section 303 of Senate Bill 1630, known as the Clean Air Act Amendments of 1989, includes a new provision that prohibits state and local governments from controlling forms of radioactive air pollution; and

WHEREAS, If adopted, Section 303 would transfer the power to regulate radioactive air emissions from Maine's Department of Environmental Protection, where it now resides, to the Nuclear Regulatory Commission and gives that commission exclusive authority to regulate the health hazards from the materials that it licenses; and

WHEREAS, Section 303 would exempt all radioactive substances regulated by the Nuclear Regulatory Commission from the legal definition of "air pollutant" in the Clean Air Act Amendments of 1989; and

WHEREAS, When the United States Congress transferred authority to regulate radioactive air emissions from the Nuclear Regulatory Commission to the Environmental Protection Agency in the Clean Air Act of 1977, Congress expressly stated that it did not intend to deny the right of any state or political subdivision of that state to adopt or enforce any standard or limitation respecting emissions of air pollutants; and

WHEREAS, Any air emissions ordinances in existence or proposed in this State with respect to radioactive air emissions standards would be rendered invalid; and

WHEREAS, Section 303 will have a direct negative impact on the ability of the Department of Environmental Protection to protect the health and welfare of the citizens of this State; and

WHEREAS, If the enforcement power of the Environmental Protection Agency is removed pursuant to the Clean Air Act of 1977, the states will lose the authority to enforce standards set by the Environmental Protection Agency; now, therefore, be it  
RESOLVED: That We, your Memorialists, respectfully recommend and urge the President and the Congress of the United States to:

1. Amend United States Senate Bill 1630, known as the Clean Air Act Amendments of 1989, to allow the continued control of radioactive air emissions by the State of Maine;
2. Reaffirm the action taken by Congress in the Clean Air Act of 1977 that expressly disavowed any intent to preempt state and local authority in the matter of radioactive air emissions;
3. Support an amendment to Senate Bill 1630 that allows state and local regulation of radioactive air emissions from facilities regulated by the Nuclear Regulatory Commission;
4. Not allow any duties currently under the authority of the Environmental Protection Agency to be transferred to the Nuclear Regulatory Commission;
5. Specifically preserve the traditional rights of state and local governments to protect against health hazards by expressly not preempting state and local laws that provide for the protection from and control of hazards of any form of radioactive emissions; and
6. Protect the environmental, economic and health and safety interests of the citizens of the State of Maine by protecting and expanding the rights of our citizens under the Clean Air Act Amendments of 1989; and be it further

RESOLVED: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable George H.W. Bush, President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each Member of the Maine Congressional Delegation.

Which was READ and ADOPTED.  
Sent down for concurrence.

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

COMMITTEE REPORTS  
Senate

Ought to Pass As Amended

Senator BALDACCI for the Committee on BUSINESS LEGISLATION on Bill "An Act to Amend the Definition of Dealer Under the Used Car Information Laws"

S.P. 717 L.D. 1892

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-505).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-505) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

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

COMMUNICATIONS

The Following Communication: S.P. 918

114TH MAINE LEGISLATURE

February 14, 1990

Senator Donald E. Esty, Jr.  
Rep. Edward A. McHenry  
Chairpersons  
Joint Standing Committee on Labor

114th Legislature  
Augusta, Maine 04333  
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Charles A. Morrison of Auburn for appointment as the Commissioner of the Department of Labor.

Pursuant to Title 26, MRSA Section 1401, this nomination will require review by the Joint Standing Committee on Labor 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 LABOR.

Sent down forthwith for concurrence.

Senate at Ease  
Senate called to order by the President.

Senator CLARK of Cumberland was granted unanimous consent to address the Senate off the Record.

Senator ERWIN of Oxford was granted unanimous consent to address the Senate off the Record.

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 Establish a Hazardous Waste Minimization Program"

H.P. 1674 L.D. 2316

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.

PAPERS FROM THE HOUSE  
House Papers

Bill "An Act Regarding Eligibility for Participation in Extracurricular Activities" (Emergency)

H.P. 1676 L.D. 2318

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

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

PAPERS FROM THE HOUSE  
House Papers

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Allow Current Use Valuation for Children's Camps

H.P. 1673 L.D. 2315

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

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

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 Transfer All Functions and Personnel of the Offices of District Attorneys from the Counties to the State"

H.P. 1675 L.D. 2317  
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.

Off Record Remarks

Senator PEARSON of Penobscot was granted unanimous consent to address the Senate off the Record.

On motion by Senator ERWIN of Oxford, 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:

COMMITTEE REPORTS  
House  
Ought to Pass

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Provide Emergency Fuel Assistance" (Emergency)

H.P. 1680 L.D. 2324  
Reported that the same Ought to Pass, pursuant to Joint Order H.P. 1678.

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.

Under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED.

Under suspension of the Rules, ordered sent forthwith to the Engrossing Department.

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

RECALLED FROM THE GOVERNOR'S DESK  
THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Mr. President, is the Senate in position of L.D. 1848?

THE PRESIDENT: The Chair would answer in the affirmative the Bill having been recalled from the Governor's Desk.

On motion by Senator CLARK of Cumberland, the Senate SUSPENDED THE RULES.

On further motion by same Senator, the Senate RECONSIDERED ENACTMENT on:

An Act Relating to the Designation of

Beneficiaries by Members of the Maine State Retirement System

H.P. 1331 L.D. 1848  
(In Senate, February 2, 1990, PASSED TO BE ENACTED, in concurrence.)

(RECALLED from the Governor's Desk, pursuant to Joint Order S.P. 913, in concurrence.)

On further motion by same Senator, the Senate SUSPENDED THE RULES.

On further motion by same Senator, the Senate RECONSIDERED whereby it PASSED TO BE ENGROSSED.

On further motion by same Senator, Senate Amendment "A" (S-504) READ and ADOPTED.

Which was PASSED TO BE ENGROSSED, as Amended, in NON-CONCURRENCE.

Sent down for concurrence.

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

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

Emergency  
An Act to Extend the Reporting Date of the Commission on Codification of Rules

S.P. 904 L.D. 2298  
This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with No Senators having voted in negative, and 27 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

Senate at Ease  
Senate called to order by the President.

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

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

Emergency  
An Act to Provide Emergency Fuel Assistance

H.P. 1680 L.D. 2324  
This being an Emergency Measure and having received the affirmative vote of 24 Members of the Senate, with No Senators having voted in negative, and 24 being 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 ERWIN of Oxford accompanied by Senator BUSTIN of Kennebec, ADJOURNED until Friday, February 16, 1990 at 11:45 in the morning.