

# 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

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, finally passed, signed by the Speaker and sent to the Senate.

(At Ease)

The House was called to order by the Speaker.

The Chair laid before the House the following matter: Bill "An Act Regarding the Maine Vocational-Technical Institute System," H.P. 660, L.D. 902, and all its accompanying papers, be recalled from the Governor's desk to the Senate (came from the Senate, read and passed) which was tabled earlier in the day and later today assigned pending passage in concurrence.

On motion of Representative Crowley of Stockton Springs, the House voted to indefinitely postpone L.D. 902 and all accompanying papers in non-concurrence and sent up for concurrence.

(Off Record Remarks)

On motion of Representative Crowley of Stockton Springs,

Adjourned until Tuesday, February 27, 1990, at eight-thirty in the morning.

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

In Senate Chamber  
Monday  
February 26, 1990

Senate called to Order by the President.

Prayer by Reverend Victor Stanley of the First Baptist Church in Gardiner.

REVEREND VICTOR STANLEY: Let us pray. Gracious God, as the sun shines through these windows, bringing warmth and brightness to our lives on this cold winter day, so may Your love break through the business and confusion of our lives, bringing an atmosphere of peace and a sense of direction. The many tasks that are before us will undoubtedly lead us into various levels of division, so we seek Your love as a beginning, ending and constant unifying force in our lives. Because of the presence of Your love, we are able to care. Because we care, we go to work on the task of building a better world. So we humbly ask that You will shower Your love upon us and all the people of our great state. Amen.

Reading of the Journal of Friday, February 23, 1990.

COMMUNICATIONS

The Following Communication:  
MAINE STATE HOUSING AUTHORITY  
295 WATER ST  
PO BOX 2669  
AUGUSTA, MAINE 04338

February 23, 1990

The Honorable Charles P. Pray  
President of the Senate  
State House Station 3  
Augusta, Maine 04333  
Dear President Pray:

I am pleased to submit to the Legislature, and in particular to the Joint Standing Committee on Taxation, this report on the expenditures and uses of the Housing Opportunities for Maine (HOME) Fund. While this report is required every two years by 36 MRSA 4641-N, we have chosen to submit it annually in order to provide the legislature with more current information.

If you have any questions about the HOME Fund or its utilization, we would be pleased to respond.

Sincerely,  
S/Thomas C. Cary  
Acting Director

Which was READ and, with Accompanying Papers, referred to the Committee on TAXATION.

SENATE PAPERS

Pursuant to Resolves

Committee on BUSINESS LEGISLATION

Senator BALDACCI for the Committee on BUSINESS LEGISLATION, pursuant to Resolves 1989, Chapter 39, ask leave to submit its findings and to report that the accompanying Bill "An Act to Provide for the Licensing and Certification of Real Estate Appraisers and to Create a Board of Real Estate Appraisers" (Emergency)

S.P. 934 L.D. 2365

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

Which Report was READ and ACCEPTED.

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

Sent down for concurrence.

Off Record Remarks

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 to Implement Certain Recommendations of the State Compensation Commission" (Emergency)

H.P. 1616 L.D. 2238

The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Reduce Color, Odor and Foam in Maine Rivers"

H.P. 1656 L.D. 2292

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 APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Amend the Elderly Low-cost Drug Program" (Emergency)

H.P. 1443 L.D. 2012

The Committee on MARINE RESOURCES on Resolve, to Study the Effect of Maine's Antifouling Paint Laws (Emergency)

H.P. 1539 L.D. 2124

The Committee on TRANSPORTATION on Resolve, to Name the Route 223 Bridge in Caribou in Memory of Sergeant John Gagnon (Emergency)

H.P. 1683 L.D. 2329

Change of Reference

The Committee on EDUCATION on Bill "An Act to Clarify the Negotiability of Sabbatical Leave Agreements"

H.P. 1613 L.D. 2230

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

Comes from the House with the Report READ and ACCEPTED and the Bill REFERRED to the Committee on LABOR.

Which Report was READ and ACCEPTED, in concurrence.

The Bill REFERRED to the Committee on LABOR, in concurrence.

Ought to Pass

The Committee on FISHERIES AND WILDLIFE on Bill "An Act to Amend the Law Concerning the Hunting of Coyote"

H.P. 1630 L.D. 2257

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 BANKING AND INSURANCE on Bill "An Act Regarding the Availability of Insurance Information"

H.P. 1318 L.D. 1820

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-800).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-800).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-800) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on TRANSPORTATION on Bill "An Act Concerning the Travel Information Advisory Council"

H.P. 1512 L.D. 2092

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-761).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-761) AS AMENDED BY HOUSE AMENDMENT "B" (H-805) thereto.

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-761) READ.

House Amendment "B" (H-805) to Committee Amendment "A" (H-761) READ.

On motion by Senator TWITCHELL of Oxford, House Amendment "B" (H-805) to Committee Amendment "A" (H-761) INDEFINITELY POSTPONED IN NON-CONCURRENCE.

Committee Amendment "A" (H-761) ADOPTED in NON-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 THERIAULT for the Committee on BANKING AND INSURANCE on Resolve, to Investigate the Formation of an Interstate Insurance Compact (Emergency)

S.P. 694 L.D. 1832

Senator BUSTIN for the Committee on BANKING AND INSURANCE on Bill "An Act to Amend the Definition of Actual Cash Value for Insurance Purposes"

S.P. 820 L.D. 2096

Senator COLLINS for the Committee on BANKING AND INSURANCE on Bill "An Act Related to Secondary Markets"

S.P. 873 L.D. 2235

Ought to Pass As Amended

Senator HOBBS for the Committee on JUDICIARY on Bill "An Act to Make Certain Housekeeping Changes to Various Punishment Sections of the Maine Criminal Code"

S.P. 771 L.D. 1996

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-527).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-527) READ and ADOPTED.  
The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator ESTY for the Committee on LABOR on Bill "An Act to Clarify the Definition of Employer Under the Workers' Compensation Laws"

S.P. 738 L.D. 1942

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-526).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-526) 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 Relating to Prearranged Funerals or Burial Plans"

H.P. 1365 L.D. 1882

Bill "An Act to Repeal the Prohibition on Phantom House Lot Valuation"

H.P. 1385 L.D. 1915

Bill "An Act to Clarify the Law Governing the Aroostook County Finance Committee" (Emergency)

H.P. 1625 L.D. 2247

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

House As Amended

Bill "An Act to Enhance Enforcement of the Driving Under the Influence of Alcohol and Drug Laws"

H.P. 814 L.D. 1126

(H "A" H-801 to C "A" H-775)

Bill "An Act to Amend the Laws Relating to the Purchase of Military Service Credits by Members of the Maine State Retirement System"

H.P. 1346 L.D. 1863

(C "A" H-796)

Bill "An Act to Prevent Overutilization of Forest Resources"

H.P. 1391 L.D. 1921

(C "A" H-798)

Bill "An Act to Amend the Educational Qualifications for Licensure as a Social Worker"

H.P. 1412 L.D. 1964

(C "A" H-794)

Bill "An Act Concerning Warranty Rights of Mobile Home Owners"

H.P. 1492 L.D. 2065

(C "A" H-797)

Bill "An Act to Exempt Residential Developments from Noise Control Provisions"

H.P. 1503 L.D. 2083

(C "A" H-799)

Bill "An Act Concerning Operation of All-terrain Vehicles"

H.P. 1519 L.D. 2104

(C "A" H-792)

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

Senate As Amended

Bill "An Act to Ensure the Independence of the Animal Welfare Board"

S.P. 691 L.D. 1830

(C "A" S-523)

Bill "An Act Related to Overcompensation"

S.P. 743 L.D. 1947

(C "A" S-524)

Bill "An Act to Remove Notarization from the Voter Registration Application Process"

S.P. 750 L.D. 1958

(C "A" S-522)

Bill "An Act to Require the State to Pay a Portion of Retired State Employees' Medicare Costs"

S.P. 759 L.D. 1984

(C "A" S-516)

Bill "An Act to Clarify Definitions and Provisions of Marine Resources Laws"

S.P. 821 L.D. 2097

(C "A" S-517)

Bill "An Act to Require Prior Notice of the Sale of Gas Stations"

S.P. 846 L.D. 2176

(C "A" S-518)

Bill "An Act to Exempt Certain Persons from the Payment of Interest on Excess Retirement Benefits"

S.P. 869 L.D. 2229

(C "A" S-520)

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

Sent down for concurrence.

Bill "An Act to Amend and Reauthorize the Percent for Art Act"

S.P. 834 L.D. 2142

(C "A" S-521)

Which was READ A SECOND TIME.

On motion by Senator BUSTIN of Kennebec, Senate Amendment "A" (S-528) READ and ADOPTED.

Which was PASSED TO BE ENGROSSED, as Amended.

Sent down for concurrence.

Senate at Ease

Senate called to order by the President.

ENACTORS

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

An Act to Improve Indoor Air Quality Through Accurate Testing and Effective Reduction of Radon Levels in Buildings

H.P. 655 L.D. 889

(C "B" H-769)

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

ORDERS OF THE DAY

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

SENATE REPORT - for the Joint Select Committee on CORRECTIONS on Bill "An Act to Require Counties to Accept Prisoners with Sentences up to One Year in Length and to Provide Assistance to Counties in Developing Community Corrections Programs"

S.P. 277 L.D. 723

REPORT - Ought to Pass as Amended by Committee Amendment "B" (S-519).

Tabled - February 23, 1990, by Senator BERUBE of Androscoggin.

Pending - ACCEPTANCE of the Committee Report.

(In Senate, February 23, 1990, Report READ.)

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending ACCEPTANCE of the Report.

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

An Act to Reform the Juvenile Criminal Justice System

S.P. 541 L.D. 1512  
(H "A" H-772 to C "A"  
S-479)

Tabled - February 23, 1990, by Senator HOBBS of York.

Pending - ENACTMENT  
(In House, February 20, 1990, PASSED TO BE ENACTED.)

(In Senate, February 14, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-479) AS AMENDED BY HOUSE AMENDMENT "A" (H-772) thereto, in concurrence.)

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

Bill "An Act to Authorize the Atlantic Sea Run Salmon Commission to Take the Edwards Dam by Right of Eminent Domain" (Emergency)

H.P. 1700 L.D. 2349

Tabled - February 23, 1990, by Senator CLARK of Cumberland.

Pending - REFERENCE  
(In House, February 23, 1990, referred to the Committee on JUDICIARY.)

At the request of Senator CAHILL of Sagadahoc a Division was had. 16 Senators having voted in the affirmative and 16 Senators having voted in the negative, reference to the Committee on JUDICIARY, FAILED.

Senator WEBSTER of Franklin moved that the Bill be referred to the Committee on ENERGY AND NATURAL RESOURCE in NON-CONCURRENCE.

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending the motion of Senator WEBSTER of Franklin to REFER to the Committee on ENERGY AND NATURAL RESOURCES in NON-CONCURRENCE.

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

COMMITTEE REPORTS

Senate

Divided Report

The Majority of the Committee on BUSINESS LEGISLATION on Bill "An Act to Improve Credit Reporting"

S.P. 767 L.D. 1992

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-529).

Signed:

Senator:

WHITMORE of Androscoggin

Representatives:

MARSTON of Oakland

LIBBY of Kennebunk

ALLEN of Washington

STEVENS of Sabattus

CONSTANTINE of Bar Harbor

REED of Falmouth

TELOW of Lewiston

GRAHAM of Houlton

GURNEY of Portland

SHELTRA of Biddeford

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "B" (S-530).

Signed:

Senators:

BALDACCI of Penobscot

HOBBS of York

Which Reports were READ.

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

Senator BALDACCI: Thank you. Mr. President, Members of the Senate, this is not a very complicated bill. It is not a very complex bill and it doesn't really involve a lot of issues. It just involves one person's problem with a credit report that was asked for.

Because they don't have social security numbers to denote people and separate people, this person got the wrong credit report because somebody else had his name. He was denied a loan based on that and going through the process, we find out that having the requirement of a social security number has unearthed a lot of problems among some members of the committee who don't want to give out any information about themselves at all.

But the fact of the matter is with so many "John Smiths" and "Clarks" and other types of people around, that if you don't have a social security number to separate people out in this credit reporting that the only reason they're going to find out about the mistake is after the loan has not been approved. That's what the Committee Amendment calls for and I would appreciate your support.

On motion by Senator BALDACCI of Penobscot, the Minority OUGHT TO PASS, AS AMENDED BY COMMITTEE AMENDMENT "B" (S-530) Report ACCEPTED.

The Bill READ ONCE.

Committee Amendment "B" (S-530) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Off Record Remarks

On motion by Senator BOST of Penobscot, ADJOURNED until Tuesday, February 27, 1990, at 8:30 in the morning.