

# MAINE STATE LEGISLATURE

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

**VOLUME IV**

**FIRST SPECIAL SESSION**  
August 21, 1989 to August 22, 1989  
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**FIRST CONFIRMATION SESSION**  
October 30, 1989  
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**SECOND CONFIRMATION SESSION**  
December 12, 1989  
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**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

Representative ADAMS: Mr. Speaker, Men and Women of the House: The state learned earlier this month with deep regret of the passing of Sister R. Mildred Barker of the United Society of Shakers at Sabbathday Lake, Maine, the last active Shaker community in all the world.

Sister Mildred joined the Shakers as a little girl in 1904 when Theodore Roosevelt was President and for 86 years in her words and her work, first at the Shaker Colony in Alfred, Maine and later at Sabbathday Lake, she embraced the simple Shaker faith and message of "Hands to Work and Hearts to God." For 40 years, she was the spiritual leader of the Sabbathday Lake Shakers preserving their heritage, recording their songs and opening the community to all who were interested in the meaning and the message of the Shaker faith, often saying, "No strange gift ever came from God so don't feel strange or be a stranger." She sought to preserve in recordings the rich musical heritage of the Shaker spirituals, some of which were written in the 1700's and but for her efforts would have been lost to history. For her work, she received the Master Traditional Artist Award from the National Endowment for the Humanities at the Smithsonian Institution in Washington, D.C. in 1984.

Life is not a simple thing but faith is and, upon this thought, the Shaker faith built the fine furniture, the striking architecture, the close communities and the emphasis on simplicity, practicality and beauty for which this faith will always be remembered; of such was American built.

Sister Mildred was born at the end of the 19th Century and lived to the last days of the 20th. With her passes one of the last living links to another era but because of her, its heritage will live forever. She was one of Maine's unique gifts to America and her passing is deeply felt, not only by her brothers and sisters at Sabbathday Lake, but by "all the world's people," as the Shaker's say, across our state and beyond.

Mr. Speaker, in the words of our own memoriam, I ask that when this body adjourns today, it does so in memory of this fine citizen of the state of Maine, Sister R. Mildred Barker of Sabbathday Lake.

(Off Record Remarks)

On motion of Representative McSweeney of Old Orchard Beach,

Adjourned until Thursday, March 1, 1990, at eight-thirty in the morning in memory of Villa Hayden Quinn and Sister R. Mildred Barker.

In Senate Chamber  
 Tuesday  
 February 27, 1990

Senate called to Order by the President.

Prayer by Reverend Trueman Bray of the Penny Memorial Baptist Church in Augusta.

REVEREND TRUEMAN BRAY: Let us bow together in prayer. O gracious God in heaven, we thank You for the rest of the night, and for the freshness and promise of a new day. We begin it by acknowledging that Thou art God, and there is none beside You. To Thee we owe our life and our strength. We have scheduled our moments and our hours and we pray that in your providence You will give us the strength to carry out duties of this day. Bless the women and men of this House, give them clear minds, alert to all the implications of their decisions. May they carry the trust of the people of Maine with great integrity. Bless them in their days of victory, and in their days of discouragement. When days grow long and weary, grant them that added measure of strength. We thank You for the Democratic process in a free land such as ours. We thank You for the dedication of elected officials entrusted with the governing process. In a very imperfect world, continue to give them the vision of what it can be, and may the actions and debates of this very day, bring us closer to that goal. May Thy will be done on earth, even as it is in heaven. Through Christ our Lord, we pray. Amen.

Reading of the Journal of Monday, February 26, 1990.

PAPERS FROM THE HOUSE  
 Non-concurrent Matter

SENATE REPORTS - from the Committee on BUSINESS LEGISLATION on Bill "An Act Amending the Licensure Requirements for Plumbers"

S.P. 615 L.D. 1710  
 (C "A" S-513)

Majority - Ought to Pass as Amended by Committee Amendment "A" (S-513).

Minority - Ought Not to Pass.

In Senate, February 23, 1990, the Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-513).

Comes from the House the Minority OUGHT NOT TO PASS Report READ and ACCEPTED in NON-CONCURRENCE.

On motion by Senator CLARK of Cumberland, the Senate INSISTED.

Sent down for concurrence.

Non-concurrent Matter  
 Bill "An Act to Amend the Definition of Dealer Under the Used Car Information Laws"

S.P. 717 L.D. 1892  
 (C "A" S-505)

In Senate, February 16, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-505).

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-505) AS AMENDED BY HOUSE AMENDMENT "A" (H-824) thereto, in NON-CONCURRENCE.

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

Non-concurrent Matter

Resolve, to Approve the Kennebec County Commissioners' Nominations to the Kennebec County Budget Committee (Emergency)

H.P. 1702 L.D. 2351

Committee on STATE AND LOCAL GOVERNMENT suggested and ORDERED PRINTED.

In House, February 23, 1990, under suspension of the Rules, PASSED TO BE ENGROSSED without reference to a Committee.

In Senate, February 23, 1990, referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED in NON-CONCURRENCE.

Comes from the House, that Body INSISTED. The Senate RECEDED and CONCURRED.

Non-concurrent Matter

JOINT ORDER - Recalling Bill "An Act Regarding the Maine Vocational-Technical Institute System," H.P. 660, L.D. 902, and all its accompanying papers, from the Governor's desk to the Senate.

SP 933

In Senate, February 23, 1990, READ and PASSED.

Comes from the House INDEFINITELY POSTPONED in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

House Papers

Bill "An Act to Amend the Solid Waste Landfill Remediation and Closure Laws Administered by the Department of Environmental Protection" (Emergency)

H.P. 1712 L.D. 2363

Bill "An Act to Establish Fees for Nonferrous Mining" (Emergency)

H.P. 1713 L.D. 2364

Come from the House referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED.

Which were referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED, in concurrence.

Bill "An Act to Authorize the Maine State Lottery to Enter into an Agreement with Other States to Join the Multi-State Lottery Association, Known as Lotto\*America, for the Purpose of Operating a Joint Lottery"

H.P. 1711 L.D. 2362

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.

Joint Resolution

The Following Joint Resolution: H.P. 1694

JOINT RESOLUTION CONCERNING THE RELEASE OF HELIUM BALLOONS

WHEREAS, the release of helium balloons into the environment poses a direct danger to Maine's ecology; and

WHEREAS, the ingestion of helium balloons has resulted in the unwarranted deaths of numerous land and sea animals; and

WHEREAS, the increasing number of grounded balloons litter our waterways and despoil the natural

beauty of our beaches and shores; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Fourteenth Legislature, now assembled in the Second Regular Session, officially discourage the release of helium balloons into the atmosphere at high school graduation processions and ceremonies and all other celebrations and occasions; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Commissioner of Educational and Cultural Services with the request that the commissioner provide a copy to each superintendent of schools in the State and to each participant in the Model State Legislature, in order that the intent of this resolution be fully communicated to the State's students and their communities.

Comes from the House READ and ADOPTED.

Which was READ and ADOPTED, in concurrence.

COMMUNICATIONS

The Following Communication: S.P. 936

114TH MAINE LEGISLATURE

February 26, 1990

Senator Barry J. Hobbins

Rep. Patrick E. Paradis

Chairpersons

Joint Standing Committee on Judiciary

114th Legislature

Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated James E. Smith of North Whitefield for reappointment as a member of the Workers' Compensation Commission.

Pursuant to Title 39, MRSA Section 91, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Please be advised that Governor John R. McKernan, Jr. has nominated the Honorable Bernard M. Devine of Falmouth for appointment as Active Retired Judge of the Maine District Court.

Pursuant to Title 4, MRSA Section 157, this nomination will require review by the Joint Standing Committee on Judiciary 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 JUDICIARY.

Sent down for concurrence.

The Following Communication:

114TH MAINE LEGISLATURE

February 22, 1990

Honorable Joy J. O'Brien

Secretary of the Senate

State House Station 3

Augusta, Maine 04333

Dear Secretary O'Brien:

This is to notify you that pursuant to our authority under Chapter 380 of the Public Laws of 1987, we have today appointed Patricia S. Philbrook, of Augusta, and Jan L. Hitchcock, of Damariscotta, to the Cancer Prevention and Control Advisory Committee.

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

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

MAINE TURNPIKE AUTHORITY  
430 RIVERSIDE STREET  
PORTLAND, MAINE 04103

February 23, 1990

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

I am pleased to submit to you in accordance with Section 1966 paragraph 4, of Title 23, M.R.S.A. the Maine Turnpike Authority's Fifth Legislative Report, which will serve as the semi-annual report to the Transportation Committee. I trust that the Legislative session is going well. If either I or my staff can be of any assistance please feel free to call me. With best wishes.

Sincerely,  
S/Paul E. Violette  
Executive Director

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

SENATE PAPERS

Bill "An Act to Establish an Office of Substance Abuse Policy within the Executive Department"  
S.P. 935 L.D. 2366

Presented by Senator CARPENTER of York  
Cosponsored by Representative BEGLEY of  
Waldoboro, Senator BRAUN of Knox and  
Representative CURRAN of Westbrook  
Which was referred to the Committee on STATE AND  
LOCAL GOVERNMENT and ORDERED PRINTED.  
Under suspension of the Rules, ordered sent down  
forthwith for concurrence.

COMMITTEE REPORTS

House

Ought Not to Pass

The following Ought Not to Pass Report shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Protect Lake Water Quality"  
H.P. 1657 L.D. 2293

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 BANKING AND INSURANCE on Bill "An Act Concerning Tax and Insurance Escrow Accounts"  
H.P. 1632 L.D. 2259

The Committee on BANKING AND INSURANCE on Bill "An Act to Prohibit the Imposition of Percentage Fees and Application Fees on Residential Mortgages"  
H.P. 1636 L.D. 2269

The Committee on EDUCATION on Bill "An Act to Include Income as a Measure of the Ability to Pay in the Education Funding Formula"  
H.P. 1634 L.D. 2261

The Committee on JUDICIARY on Bill "An Act to Allow Grandparents to Petition the Court for Visitation Rights in Certain Limited Circumstances"  
H.P. 1494 L.D. 2067

The Committee on LEGAL AFFAIRS on Resolve, Authorizing Douglas Wright to Bring a Civil Action against the State for Damages He Sustained As a Result of the Investigation, Prosecution and Trial for Unlawful Sexual Contact  
H.P. 1406 L.D. 1954

Ought to Pass As Amended

The Committee on AGING, RETIREMENT AND VETERANS on Bill "An Act to Amend the Laws Relating to the Maine Committee on Aging"  
H.P. 1546 L.D. 2131

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-808).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-808).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-808) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Create the Maine Coast Environmental Trust Fund"  
H.P. 1589 L.D. 2201

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-811).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-811).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-811) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on HUMAN RESOURCES on Bill "An Act to Provide for Base-year Revisions for Intermediate Care Facilities for the Mentally Retarded"  
H.P. 250 L.D. 362

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-813).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-813).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-813) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on HUMAN RESOURCES on Bill "An Act to Increase Awareness of Fetal Alcohol Syndrome and the Effects of Alcohol and Drugs on Fetuses"  
H.P. 1470 L.D. 2055

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-814).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-814).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.  
Committee Amendment "A" (H-814) READ and ADOPTED,  
in concurrence.  
The Bill as Amended, TOMORROW ASSIGNED FOR SECOND  
READING.

The Committee on HUMAN RESOURCES on Bill "An Act  
to Establish the Advisory Board on Rights of Children  
in Need of Treatment"

H.P. 1537 L.D. 2122  
Reported that the same Ought to Pass as Amended  
by Committee Amendment "A" (H-812).

Comes from the House, with the Report READ and  
ACCEPTED and the Bill PASSED TO BE ENGROSSED AS  
AMENDED BY COMMITTEE AMENDMENT "A" (H-812).

Which Report was READ and ACCEPTED, in  
concurrence.

The Bill READ ONCE.  
Committee Amendment "A" (H-812) READ and ADOPTED,  
in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND  
READING.

The Committee on LEGAL AFFAIRS on Bill "An Act  
Regarding Mobile Home Safety Standards"

H.P. 1562 L.D. 2168  
Reported that the same Ought to Pass as Amended  
by Committee Amendment "A" (H-815).

Comes from the House, with the Report READ and  
ACCEPTED and the Bill PASSED TO BE ENGROSSED AS  
AMENDED BY COMMITTEE AMENDMENT "A" (H-815).

Which Report was READ and ACCEPTED, in  
concurrence.

The Bill READ ONCE.  
Committee Amendment "A" (H-815) READ and ADOPTED,  
in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND  
READING.

The Committee on UTILITIES on Bill "An Act to  
Amend the Fuel Adjustment Clause"

H.P. 1474 L.D. 2059  
Reported that the same Ought to Pass as Amended  
by Committee Amendment "A" (H-809).

Comes from the House, with the Report READ and  
ACCEPTED and the Bill PASSED TO BE ENGROSSED AS  
AMENDED BY COMMITTEE AMENDMENT "A" (H-809).

Which Report was READ and ACCEPTED, in  
concurrence.

The Bill READ ONCE.  
Committee Amendment "A" (H-809) READ and ADOPTED,  
in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND  
READING.

Divided Report

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

H.P. 1411 L.D. 1963  
Reported that the same Ought to Pass as Amended  
by Committee Amendment "A" (H-804).

Signed:  
Senators: TITCOMB of Cumberland  
CLARK of Cumberland

Representatives: MCSWEENEY of Old  
Orchard Beach

RICHARD of Madison  
DUTREMBLE of Biddeford  
JALBERT of Lisbon  
HICKEY of Augusta  
STEVENSON of Unity  
BREWER of Boothbay  
Harbor  
DELLERT of Gardiner  
AULT of Wayne

The Minority of the same Committee on the same  
subject reported that the same Ought Not to Pass.

Signed:  
Senator: CAHILL of Sagadahoc  
Representative:

MERRILL of  
Dover-Foxcroft

Comes from the House the Majority OUGHT TO PASS  
AS AMENDED Report READ and ACCEPTED and the Bill  
PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE  
AMENDMENT "A" (H-804).

Which Reports were READ.  
On motion by Senator TITCOMB of Cumberland, the  
Majority OUGHT TO PASS AS AMENDED Report was  
ACCEPTED, in concurrence.

The Bill READ ONCE.  
Committee Amendment "A" (H-804) READ and ADOPTED,  
in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND  
READING.

Divided Report

The Majority of the Committee on STATE AND LOCAL  
GOVERNMENT on Bill "An Act to Provide Health  
Insurance Options for Public Employers and Employees"

H.P. 1351 L.D. 1868  
Reported that the same Ought to Pass as Amended  
by Committee Amendment "A" (H-807).

Signed:  
Senators: BERUBE of Androscoggin  
ESTY of Cumberland  
Representatives:

LARRIVEE of Gorham  
CAHILL of Mattawamkeag  
ROTONDI of Athens  
DAGGETT of Augusta  
JOSEPH of Waterville

The Minority of the same Committee on the same  
subject reported that the same Ought Not to Pass.

Signed:  
Senator: CARPENTER of York  
Representatives:

WENTWORTH of Wells  
CURRAN of Westbrook  
BEGLEY of Waldoboro  
HEESCHEN of Wilton  
MCCORMICK of Rockport

Comes from the House the Minority OUGHT NOT TO  
PASS Report READ and ACCEPTED.

Which Reports were READ.  
On motion by Senator CLARK of Cumberland, Tabled  
1 Legislative Day, pending ACCEPTANCE of EITHER  
REPORT.

Divided Report

The Majority of the Committee on TAXATION on Bill  
"An Act Concerning Reimbursement to Municipalities  
for Property Taxes Lost Due to the Classification of  
Property in Farmland and Open Space Programs"  
(Emergency)

H.P. 1491 L.D. 2064  
Reported that the same Ought Not to Pass.  
Signed:  
Senators:

ANDREWS of Cumberland  
BALDACCI of Penobscot  
EMERSON of Penobscot

Representatives:

CASHMAN of Old Town  
SWAZEY of Bucksport  
NADEAU of Saco  
DUFFY of Bangor  
TARDY of Palmyra  
DIPIETRO of South  
Portland  
JACKSON of Harrison  
SEAVEY of Kennebunkport  
WHITCOMB of Waldo

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-810).

Signed:  
Representative:

DORE of Auburn

Comes from the House the Majority OUGHT NOT TO PASS Report READ and ACCEPTED.  
Which Reports were READ.  
The Majority OUGHT NOT TO PASS Report was ACCEPTED, in concurrence.

Senate  
Leave to Withdraw

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

Senator GILL for the Committee on EDUCATION on Bill "An Act to Rehabilitate Public School Facilities Necessitated by the Removal of Hazardous Materials"

S.P. 878 L.D. 2245

Ought to Pass

Senator GAUVREAU for the Committee on HUMAN RESOURCES on Bill "An Act to Change the Name of the Committee for the Interdepartmental Coordination of Services to Children and Families"

S.P. 826 L.D. 2134

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 GILL for the Committee on EDUCATION on Bill "An Act to Expand the Borrowing Power of the Ellsworth School District"

S.P. 720 L.D. 1895

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-531).  
Which Report was READ and ACCEPTED.  
The Bill READ ONCE.  
Committee Amendment "A" (S-531) READ and ADOPTED.  
The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator GAUVREAU for the Committee on HUMAN RESOURCES on Bill "An Act Related to Smoking in Facilities for the Mentally Ill" (Emergency)

S.P. 723 L.D. 1898

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-532).

Which Report was READ and ACCEPTED.  
The Bill READ ONCE.  
Committee Amendment "A" (S-532) READ and ADOPTED.  
The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator GAUVREAU for the Committee on HUMAN RESOURCES on Bill "An Act Related to the Provision of Care for Adults with Long-term Needs"

S.P. 887 L.D. 2263

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-533).  
Which Report was READ and ACCEPTED.  
The Bill READ ONCE.  
Committee Amendment "A" (S-533) READ and ADOPTED.  
The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

SECOND READERS

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

House

Bill "An Act to Amend the Law Concerning the Hunting of Coyote"

H.P. 1630 L.D. 2257

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

House As Amended

Bill "An Act Regarding the Availability of Insurance Information"

H.P. 1318 L.D. 1820  
(C "A" H-800)

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

Bill "An Act Concerning the Travel Information Advisory Council"

H.P. 1512 L.D. 2092  
(C "A" H-761)

Which was READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended in NON-CONCURRENCE.  
Sent down for concurrence.

Senate As Amended

Bill "An Act to Clarify the Definition of Employer Under the Workers' Compensation Laws"

S.P. 738 L.D. 1942  
(C "A" S-526)

Bill "An Act to Improve Credit Reporting"

S.P. 767 L.D. 1992  
(C "B" S-530)

Bill "An Act to Make Certain Housekeeping Changes to Various Punishment Sections of the Maine Criminal Code"

S.P. 771 L.D. 1996  
(C "A" S-527)

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 Concerning the Maine Probate Code

H.P. 491 L.D. 671

(H "A" H-765 to C "A" H-758)

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

H.P. 1331 L.D. 1848  
(S "A" S-504)

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

An Act Authorizing the Public Advocate to Initiate Proceedings on Behalf of Utility Consumers

H.P. 1400 L.D. 1936  
(C "A" H-762)

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)

An Act to Prevent Burdensome Collection Practices when Collecting Consumer Debts

S.P. 792 L.D. 2043  
(C "A" S-492)

An Act to Authorize Maine School Administrative District Number 61 to Enter into a Land Exchange with S. D. Warren Company

S.P. 808 L.D. 2071  
(C "A" S-493)

An Act Regarding Evictions from Mobile Home Parks

S.P. 815 L.D. 2079

An Act to Permit the Sale of Consumer Education Materials by the Attorney General

H.P. 1568 L.D. 2173

An Act to Require Notice of Charges for Use of Telephones Made Available for Public Use

H.P. 1569 L.D. 2174  
(C "A" H-770)

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 Concerning Out-of-state Service for Members of the Maine State Retirement System

S.P. 268 L.D. 696  
(C "A" S-494)

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

An Act to Assure Access to Nutrition Programs for Kindergarten and Part-day Students

H.P. 882 L.D. 1226  
(H "B" H-781 to C "A" H-736)

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

Resolve

Resolve, to Set Aside Space for a Memorial for Firefighters

H.P. 1414 L.D. 1966  
(H "A" H-764 to C "A" H-756)

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

Senator PEARSON: Mr. President, Ladies and Gentlemen of the Senate. I would like to ask a question of whoever may care to answer on this particular item. Does the Bill designate where the Memorial will be, or does it allow the Capitol Planning Commissioner, or whoever does it, to decide that themselves.

MR. PRESIDENT: The Senator from Penobscot, Senator Pearson has posed a question to the Chair to any Senator who may care to respond.

MR. PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Mr. President, Ladies and Gentlemen of the Senate. In response to the inquiry which I was sharing with the good Senator from Penobscot, Senator Pearson, I just happened to be turning to this Committee Amendment "A" under filing number (H-756) and read, that this adds the requirement that the location of the Memorial also be agreed upon by this special committee on the new Capitol Area Master Plan.

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 to Prohibit the Use of Herbicides in the Allagash Wilderness Waterway

H.P. 1327 L.D. 1829  
(C "A" H-768)

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.

Emergency

An Act Related to the Systems Assessment Commission

S.P. 701 L.D. 1839  
(S "A" S-497 to C "A" S-485; S "A" S-490)

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

Emergency

An Act to Regulate the Dumping of Dredged Materials in Maine Waters

H.P. 1407 L.D. 1955  
(H "A" H-759 to C "A" H-757)

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.

Emergency

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

S.P. 780 L.D. 2021  
(C "A" S-489)

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.

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

COMMITTEE REPORTS

Senate

Ought to Pass

Senator GAUVREAU for the Committee on HUMAN RESOURCES on Bill "An Act to Amend Spinal Screening Laws"

S.P. 833 L.D. 2141

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 Reduce Toxics in Packaging" (Emergency)

H.P. 1715 L.D. 2368

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 Regarding Liability for Nuclear Waste"

H.P. 1714 L.D. 2367

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 Promote Effective Services Delivery to Children and Youth"

H.P. 1716 L.D. 2369

Comes from the House referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED.

Which was referred to the Committee on STATE AND LOCAL GOVERNMENT 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 Prohibit Ramps for Disabled People from Adding to Property Tax Valuations"

H.P. 1717 L.D. 2370

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.

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

COMMUNICATIONS

The Following Communication: H.P. 1718  
BUREAU OF CORPORATIONS, ELECTIONS, AND COMMISSIONS  
DEPARTMENT OF  
THE SECRETARY OF STATE  
STATE HOUSE STATION 101  
AUGUSTA, MAINE 04333

February 23, 1990

To the Honorable 114th Legislature of the State of Maine

Attention: House of Representatives, Clerk Pert

Info: Senate, Secretary O'Brien

I have the honor to transmit herewith an initiated bill entitled "An Act to Amend the Sunday Sales Law," and the results of the examination by this office of the initiative relative to it.

The minimum number of valid signatures required to initiate this legislation is 42,686. These petitions were filed in this office on January 29, 1990 which met the requirement of the Maine Constitution. After extensive review we have determined the number of valid signatures is 45,498.

In view of the foregoing determination, I hereby certify that these petitions have met the constitutional requirement of the minimum of 42,686 valid signatures. Since these petitions have previously satisfied the constitutional requirements in all respects, under the provisions of Article IV, Part Third, Section 18, of the Constitution of Maine, I do hereby declare this initiative petition to be valid.

In the event the Legislature rejects this initiative proposal, a referendum election will be called.

Respectfully,

S/Gary Cooper

Deputy Secretary of State

Comes from the House READ and ORDERED PLACED ON FILE.

Which was READ and ORDERED PLACED ON FILE, in concurrence.

The Accompanying Bill "An Act to Amend the Sunday Sales Law"

I.B. 3 L.D. 2371

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

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

ORDERS OF THE DAY

On motion by Senator CLARK of Cumberland, the Senate removed from the Later Today Assigned Table, the following matter:

Bill, "An Act to Amend the Definition of Dealer Under the Used Car Information Laws"

S.P. 717 L.D. 1892

(C."A" S-505)

Tabled - February 27, 1990, by Senator CLARK of Cumberland.

Pending - FURTHER CONSIDERATION

(In Senate, February 16, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-505).)

(In House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-505) AS AMENDED BY HOUSE AMENDMENT "A" (H-824) thereto, in NON-CONCURRENCE.)

On further motion by same Senator, the Senate RECEDED and CONCURRED.

Senate at Ease

Senate called to order by the President.

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 26, 1990, by Senator CLARK of Cumberland.

Pending - ACCEPTANCE

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

Which Report was ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "B" (S-591) READ.

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending ADOPTION of Committee Amendment "B" (S-591).

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 26, 1990, by Senator CLARK of Cumberland.

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 HOBBS of York, the Senate SUSPENDED THE RULES.

On further motion by same Senator, the Senate RECONSIDERED whereby the Bill was PASSED TO BE ENGROSSED AS AMENDED.

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

On further motion by same Senator, the Senate RECONSIDERED whereby it ADOPTED Committee Amendment "A" (S-479) as Amended by House Amendment "A" (H-772) thereto, in concurrence.

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

On further motion by same Senator, the Senate RECONSIDERED whereby it ADOPTED House Amendment "A" (H-772) to Committee Amendment "A" (S-479).

On further motion by same Senator, House Amendment "A" (H-772) to Committee Amendment "A" (S-479) INDEFINITELY POSTPONED in NON-CONCURRENCE.

Committee Amendment "A" (S-479) ADOPTED in NON-CONCURRENCE.

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

Sent down for concurrence.

Senate at Ease

Senate called to order by the President.

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

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 26, 1990, by Senator CLARK of Cumberland.

Pending - Motion of Senator WEBSTER of Franklin to REFER to Committee on ENERGY AND NATURAL RESOURCES in NON-CONCURRENCE

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

(In Senate, February 26, 1990, reference to Committee on JUDICIARY FAILED.)

Under unanimous consent Senator CAHILL of Sagadahoc requested and received permission to withdraw the motion of Senator WEBSTER of Franklin to REFER the Bill to the Committee on ENERGY AND NATURAL RESOURCES.

On motion by Senator CLARK of Cumberland, referred to the Committee on JUDICIARY and ORDERED PRINTED, in concurrence.

Off Record Remarks

At this time, the Chair appointed the Senator from Hancock, Senator PERKINS, to serve as President Pro-Tem on Thursday, March 1, 1990.

Senator PERKINS of Hancock was granted unanimous consent to address the Senate off the record.

Off Record Remarks

Senator CAHILL of Sagadahoc was granted unanimous consent to address the Senate off the Record.

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

On motion by Senator ESTES of York, ADJOURNED until Thursday, March 1, 1990, at 8:30 in the morning.