

# 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

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

PAPERS FROM THE SENATE

Resolve, Concerning Reauthorization of the \$15,000,000 Bond Issue for Sewage Treatment, Water Quality Improvement Facilities and Restoration and Cleanup of Oil Contaminated Ground Water and Well Water (S.P. 941) (L.D. 2379)

Came from the Senate, referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Was referred to the Committee on Appropriations and Financial Affairs in concurrence.

Bill "An Act to Amend the Fresh Start Provision of the Workers' Compensation Insurance Laws" (EMERGENCY) (S.P. 940) (L.D. 2378)

Came from the Senate, referred to the Committee on Banking and Insurance and Ordered Printed.

Was referred to the Committee on Banking and Insurance in concurrence.

Bill "An Act to Encourage Local and Regional Health Planning and Provide Research and Technical Assistance Related to Responsibilities of the Maine Health Policy Advisory Council" (S.P. 938) (L.D. 2373)

Came from the Senate, referred to the Committee on Human Resources and Ordered Printed.

Was referred to the Committee on Human Resources in concurrence.

Bill "An Act Concerning the Use of Funds Raised by Organizations Operating Games of Chance or Beano" (EMERGENCY) (S.P. 937) (L.D. 2372)

Bill "An Act Regarding the Operation of Bottle Clubs" (EMERGENCY) (S.P. 942) (L.D. 2380)

Came from the Senate, referred to the Committee on Legal Affairs and Ordered Printed.

Were referred to the Committee on Legal Affairs in concurrence.

Bill "An Act to Create the Columbia Falls Water District" (EMERGENCY) (S.P. 939) (L.D. 2374)

Came from the Senate, referred to the Committee on Utilities and Ordered Printed.

Was referred to the Committee on Utilities in concurrence.

(Off Record Remarks)

On motion of Representative Tupper of Orrington, Adjourned until Friday, March 2, 1990, at twelve o'clock noon in memory of Ethel M. Baker.

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

In Senate Chamber  
Thursday  
March 1, 1990

Senate called to Order by the President Pro Tem, Senator Thomas R. Perkins of Hancock.

Prayer by Reverend John Anguish of the Church of the Nazarene in Strong.

REVEREND JOHN ANGUISH: Precious Heavenly Father, thank You for the privilege to enter into Your presence. We acknowledge our unworthiness. Only Your grace and mercy give to us such a blessing. We lift our hearts to You in praise.

Heavenly Father, You gave to us the institution of government to help people to live in peace and harmony. We are imperfect people attempting to be obedient to Your divine directive. Father, we fall so short of Your ideal. Help each of us to strive toward that goal and to do our very best.

I pray for these men and women that You have raised up to assume this awesome responsibility. They will make decisions that will affect the lives of the people of this state both now and in the years to come. May their minds and hearts be open to Your leading.

As this Senate begins their labors for today, I pray, O God, that You will bless them with wisdom to consider every point of view, courage to stand up for their own convictions, courage to be honest with themselves and assurance that what is done is good for the whole people of Maine.

Heavenly Father, give these people a good day with You. I pray in the matchless name of Jesus Christ, my Lord and Saviour. Amen.

Off Record Remarks

Reading of the Journal of Tuesday, February 27, 1990.

COMMUNICATIONS

The Following Communication: S.P. 943  
114TH MAINE LEGISLATURE  
February 27, 1990

Senator Joseph C. Brannigan  
Rep. James Mitchell  
Chairpersons  
Joint Standing Committee on Marine Resources  
114th Legislature  
Augusta, Maine 04333  
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has withdrawn his nomination of Lawrence P. Greenlaw, Jr. of Stonington for appointment as a member of the Marine Research Board.

Pursuant to Public Law 1989, Chapter 529, this nomination is currently pending before the Joint Standing Committee on Marine Resources.

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 MARINE RESOURCES.  
Sent down for concurrence.

The Following Communication:

DEPARTMENT OF LABOR  
STATE HOUSE STATION 54  
AUGUSTA, MAINE 04333

February 27, 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 the Department of Labor's annual report on the Dislocated Worker Benefits (DWB) Program for 1989, in accordance with 26 MRSA §1196, sub-§2.

If you have any questions or comments about this report, please do not hesitate to contact me.

Sincerely,

S/James H. McGowan  
Acting Commissioner

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

The Following Communication:

MAINE COMMISSION ON MENTAL HEALTH  
STATE HOUSE STATION 153  
AUGUSTA, MAINE 04333

February 23, 1990

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

Dear President Pray:

The Maine Commission on Mental Health is pleased to present you with its first annual report, prepared pursuant to 34-B M.R.S.A. 3903.

As required by statute, this provides an update on the process of developing standards of care for Maine's mental health system as well as a report on the enforcement of existing standards.

Of greatest importance to the Commission is the executive summary, which contains the Commission's recommendations for directions in which we feel the system should be headed and priorities for service development and related actions. These emphasize the need to effect a shift in emphasis in our system, stressing the development of a network of community services and a reduction of our institutional population.

We hope that you will find this helpful in your consideration of mental health policy. We would be pleased to discuss this further if you wish.

Thank you.

Sincerely,  
S/Reid S. Scher  
Executive Director

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

The Following Communication:

STATE OF MAINE  
ONE HUNDRED AND FOURTEENTH LEGISLATURE  
COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS  
February 15, 1990

The Honorable Charles P. Pray  
President of the Senate  
114th State Legislature  
State House  
Augusta, Maine 04333

Dear President Pray:

Please find enclosed the final report of the Joint Standing Committee on Appropriations and

Financial Affairs studying the manner in which new and expanded services for federal and "dedicated" funds should be presented to the Legislature and the manner in which financial orders are currently used during the legislative session. Legislation to implement our statutory recommendations has been submitted to the Revisor of Statutes.

The Appropriations Committee has fulfilled its obligations as directed by Public Law 1989, c. 501, Part P, section 46. We would be pleased to answer any questions you may have regarding our recommendations.

Respectfully submitted,  
S/Michael D. Pearson S/Donald V. Carter  
Senate Chair House Chair

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

SENATE PAPERS

Resolve, Concerning Reauthorization of the \$15,000,000 Bond Issue for Sewage Treatment, Water Quality Improvement Facilities and Restoration and Cleanup of Oil Contaminated Ground Water and Well Water

S.P. 941 L.D. 2379

Presented by Senator COLLINS of Aroostook  
Cosponsored by Senator PEARSON of Penobscot,  
Representative DEXTER of Kingfield and  
Representative PARADIS of Frenchville  
Which was referred to the Committee on  
APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED  
PRINTED.

Sent down for concurrence.

Bill "An Act to Amend the Fresh Start Provision of the Workers' Compensation Insurance Laws" (Emergency)

S.P. 940 L.D. 2378

Presented by Senator THERIAULT of Aroostook  
Cosponsored by Representative RYDELL of  
Brunswick, Representative KETOVER of Portland and  
Representative JOSEPH of Waterville  
Approved for introduction by a majority of the  
Legislative Council pursuant to Joint Rule 27.  
Which was referred to the Committee on BANKING  
AND INSURANCE and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Encourage Local and Regional Health Planning and Provide Research and Technical Assistance Related to Responsibilities of the Maine Health Policy Advisory Council"

S.P. 938 L.D. 2373

Presented by Senator GAUVREAU of Androscoggin  
Cosponsored by Representative MANNING of  
Portland, Representative CARROLL of Gray and  
Senator GILL of Cumberland  
Approved for introduction by a majority of the  
Legislative Council pursuant to Joint Rule 26.  
Which was referred to the Committee on HUMAN  
RESOURCES and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act Concerning the Use of Funds Raised by Organizations Operating Games of Chance or Beano" (Emergency)

S.P. 937 L.D. 2372

Presented by Senator ERWIN of Oxford

Cosponsored by Representative ERWIN of Rumford, Senator CLARK of Cumberland and Representative JACQUES of Waterville  
 Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.  
 Bill "An Act Regarding the Operation of Bottle Clubs" (Emergency)

S.P. 942 L.D. 2380

Presented by Senator MATTHEWS of Kennebec  
 Cosponsored by Representative PRIEST of Brunswick, Representative GWADOSKY of Fairfield and Senator DILLENBACK of Cumberland  
 Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.  
 Which was referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED.  
 Sent down for concurrence.

Bill "An Act to Create the Columbia Falls Water District" (Emergency)

S.P. 939 L.D. 2374

Presented by Senator RANDALL of Washington  
 Cosponsored by Representative LOOK of Jonesboro  
 Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.  
 Which was referred to the Committee on UTILITIES and ORDERED PRINTED.  
 Sent down for concurrence.

Under suspension of the Rules, all matters thus acted upon ordered sent down forthwith for concurrence.

COMMITTEE REPORTS

House

Ought to Pass

The Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Ensure the Effective Use of Grants in the Office of the State Archivist"

H.P. 1624 L.D. 2246

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 JUDICIARY on Bill "An Act to Clarify the Succession of Estates under the Maine Probate Code"

H.P. 1353 L.D. 1870

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-816).  
 Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-816).  
 Which Report was READ and ACCEPTED, in concurrence.  
 The Bill READ ONCE.  
 Committee Amendment "A" (H-816) READ and ADOPTED, in concurrence.  
 The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on EDUCATION on Bill "An Act Concerning Geographic Isolation Grants"

H.P. 1305 L.D. 1805

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-806).

Signed:

Senators:

ESTES of York  
 BOST of Penobscot  
 GILL of Cumberland

Representatives:

KILKELLY of Wiscasset  
 PARADIS of Frenchville  
 CROWLEY of Stockton Springs  
 SMALL of Bath  
 O'DEA of Orono  
 HANDY of Lewiston  
 OLIVER of Portland  
 AULT of Wayne

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

Signed:

Representatives:

NORTON of Winthrop  
 O'GARA of Westbrook

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-806).

Which Reports were READ.

On motion by Senator ESTES of York, the Majority OUGHT TO PASS AS AMENDED Report was ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-806) READ and ADOPTED, in concurrence.

The Bill, as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on LEGAL AFFAIRS on Bill "An Act to Ensure that Mobile Home Park Operators are Informed of Habitability Problems"

H.P. 1560 L.D. 2166

Reported that the same Ought to Pass.

Signed:

Senators:

MATTHEWS of Kennebec  
 BALDACCIO of Penobscot  
 DILLENBACK of Cumberland

Representatives:

PRIEST of Brunswick  
 BEGLEY of Waldoboro  
 LAWRENCE of Kittery  
 LAPOINTE of Auburn  
 PAUL of Sanford  
 PLOURDE of Biddeford  
 MURPHY of Berwick  
 TUPPER of Orrington

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

Signed:

Representatives:

JALBERT of Lisbon  
 STEVENS of Sabattus

Comes from the House the Majority OUGHT TO PASS Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED.

Which Reports were READ.

On motion by Senator DILLENBACK of Cumberland, the Majority OUGHT TO PASS Report was ACCEPTED, in concurrence.

The Bill READ ONCE.

The Bill, TOMORROW ASSIGNED FOR SECOND READING.

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 LUDWIG for the Committee on ENERGY AND NATURAL RESOURCES on Resolve, to Create the Maine Commission on Environmental Policy  
S.P. 920 L.D. 2326

Ought to Pass As Amended

Senator ESTES for the Committee on EDUCATION on Bill "An Act to Amend and Improve the Education Laws of Maine"

S.P. 830 L.D. 2138

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-534).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-534) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator ERWIN for the Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act Allowing Affected Citizens to Sue for Injunctive Relief Regarding Lake Water Quality"

S.P. 858 L.D. 2194

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-535).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-535) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

SECOND READERS

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

House As Amended

Bill "An Act Requiring the State to Pay a Portion of the Health Insurance Premium for Dependents of Retired State Employees"

H.P. 1411 L.D. 1963  
(C "A" H-804)

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  
(C "A" H-814)

Bill "An Act to Amend the Fuel Adjustment Clause"

H.P. 1474 L.D. 2059  
(C "A" H-809)

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

H.P. 1537 L.D. 2122  
(C "A" H-812)

Bill "An Act to Amend the Laws Relating to the Maine Committee on Aging"

H.P. 1546 L.D. 2131  
(C "A" H-808)

Bill "An Act Regarding Mobile Home Safety Standards"

H.P. 1562 L.D. 2168  
(C "A" H-815)

Bill "An Act to Create the Maine Coast Environmental Trust Fund"

H.P. 1589 L.D. 2201  
(C "A" H-811)

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

Bill "An Act to Provide for Base-year Revisions for Intermediate Care Facilities for the Mentally Retarded"

H.P. 250 L.D. 362  
(C "A" H-813)

Which was READ A SECOND TIME.

On motion by Senator GAUVREAU of Androscoggin, Tabled 1 Legislative Day, pending PASSAGE TO BE ENGROSSED, as Amended, in concurrence.

Off Record Remarks

Senate

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

Bill "An Act to Amend Spinal Screening Laws"

S.P. 833 L.D. 2141

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

Sent down for concurrence.

Senate As Amended

Bill "An Act to Expand the Borrowing Power of the Ellsworth School District"

S.P. 720 L.D. 1895  
(C "A" S-531)

Bill "An Act Related to Smoking in Facilities for the Mentally Ill" (Emergency)

S.P. 723 L.D. 1898  
(C "A" S-532)

Bill "An Act Related to the Provision of Care for Adults with Long-term Needs"

S.P. 887 L.D. 2263  
(C "A" S-533)

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

Sent down for concurrence.

ORDERS OF THE DAY

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

HOUSE REPORTS - from 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

Majority - Ought to Pass as Amended by Committee Amendment "A" (H-807).

Minority - Ought Not to Pass.

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

Pending - ACCEPTANCE OF EITHER REPORT (In House, February 26, 1990, the Minority OUGHT NOT TO PASS Report READ and ACCEPTED.)

(In Senate, February 27, 1990, Reports READ.)

On motion by Senator BERUBE of Androscoggin, the Minority OUGHT NOT TO PASS Report was ACCEPTED, in concurrence.

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

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

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

Pending - ADOPTION of Committee Amendment "B" (S-519)

(In Senate, February 27, 1990, the OUGHT TO PASS AS AMENDED Report READ and ACCEPTED. The Bill READ ONCE. Committee Amendment "B" (S-519) READ.)

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending ADOPTION of Committee Amendment "B" (S-519).

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Off Record Remarks

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Senator GAUVREAU of Androscoggin was granted unanimous consent to address the Senate off the Record.

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On motion by Senator CLARK of Cumberland, ADJOURNED until Friday, March 2, 1990, at 12:00 in the afternoon.

ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE  
SECOND REGULAR SESSION  
25th Legislative Day  
Friday, March 2, 1990

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

Prayer by Reverend James Blanchette, Capehart Community Church, Bangor.

The Journal of Thursday, March 1, 1990, was read and approved.

Quorum call was held.

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PAPERS FROM THE SENATE

Unanimous Leave to Withdraw

Report of the Committee on Energy and Natural Resources reporting "Leave to Withdraw" on Resolve, to Create the Maine Commission on Environmental Policy (S.P. 920) (L.D. 2326)

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

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COMMUNICATIONS

The following Communication: (S.P. 943)

114TH MAINE LEGISLATURE

February 27, 1990

Senator Joseph C. Brannigan

Rep. James Mitchell

Chairpersons

Joint Standing Committee on Marine Resources

114th Legislature

Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has withdrawn his nomination of Lawrence P. Greenlaw, Jr. of Stonington for appointment as a member of the Marine Research Board.

Pursuant to Public Law 1989, Chapter 529, this nomination is currently pending before the Joint Standing Committee on Marine Resources.

Sincerely,

S/Charles P. Pray

President of the Senate

S/John L. Martin

Speaker of the House

Came from the Senate, Read and Referred to the Committee on Marine Resources.

Was Read and Referred to the Committee on Marine Resources in concurrence.

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The following Communication:

ADVISORY COMMISSION ON RADIOACTIVE WASTE

STATE HOUSE STATION #120

AUGUSTA, MAINE 04333

March 1, 1990

Hon. John Martin

Speaker of the House

State House Station 2

Augusta, Maine 04333

Dear Speaker Martin:

The accompanying document is the Advisory Commission on Radioactive Waste's annual report for the calendar year 1989. This report is submitted to you in accordance with 38 M.R.S.A. 1453(4), which requires the Advisory Commission to "report to the Governor and the Legislature annually, during the regular legislative session and at other times as necessary."

The Advisory Commission's office is on the ground floor of the Maine State Retirement Building at the corner of Sewall and Capitol streets. The office