

MAINE STATE LEGISLATURE

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

VOLUME III

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ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE
 SECOND REGULAR SESSION
 32nd Legislative Day
 Friday, February 26, 1988

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

Senator PEARSON: Thank you Mr. President, is the Senate in possession of L.D. 1370?

THE PRESIDENT: The Chair would answer in the affirmative, the Bill having been held at the Senators request.

Senator PEARSON of Penobscot, moved that the Senate RECONSIDER whereby it ADHERED on:

HOUSE REPORTS - from the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act Allowing the Town of Island Falls to Annex Township 4, Range 3 WELS in Aroostook County"

H.P. 1017 L.D. 1370

Majority - Ought to Pass as Amended by Committee Amendment "A" (H-437)

Minority - Ought Not to Pass
 (In House, February 3, 1988, Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED. The Bill PASSED TO BE ENGRESSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-437).)

(In Senate, February 8, 1988, Minority OUGHT NOT TO PASS Report READ and ACCEPTED in NON-CONCURRENCE.)

(In House, February 18, 1988, that Body ADHERED.)

(In Senate, February 24, 1988, motion to RECEDE and CONCUR FAILED. Subsequently, Senate ADHERED.)

On motion by Senator CLARK of Cumberland, Tabled 2 Legislative Days, pending the motion of Senator PEARSON of Penobscot, to RECONSIDER whereby the Senate ADHERED.

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.

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

Off Record Remarks

THE PRESIDENT: The Chair would take this opportunity, pursuant to Senate Rule 1, the Presiding Officer has the right to appoint a President Pro Tem on a permanent basis. Everyone has proclaimed, at least to their party leaders, that they are seeking re-election, except for one individual. The Senator from Cumberland, Senator Usher, in case you have not had the opportunity to read one of the local papers in the Westbrook area, has announced that he will not be seeking re-election. After the Presiding Officer, Senator Usher has the most tenure in this Chamber and at this time I will name him as the permanent President Pro Tem in my absence. The Chair would like to express his appreciation over the tenure of the fourteen years that we have served together and the twelve years that we have served together in this Chamber. An expression of appreciation for his support, his friendship and his diligence to his constituency and to the citizens of the State.

On motion by Senator USHER of Cumberland, ADJOURNED until Friday, February 26, 1988, at 8:30 in the morning.

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

Prayer by Margaret Doggett, Assistant to the Rector of St. Phillips Church, Wiscasset.

The Journal of Thursday, February 25, 1988, was read and approved.

SENATE PAPERS

Bill "An Act to Amend the Law for Rest Room Requirements for Bed and Breakfast Establishments" (S.P. 906) (L.D. 2361)

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

(The Committee on Reference of Bills had suggested reference to the Committee on Legal Affairs.)

On motion of Representative Allen of Washington, was referred to the Committee on Legal Affairs in non-concurrence and sent up for concurrence.

Bill "An Act to Enable Additional Agencies to Participate under the Finance Authority of Maine Loan Program" (S.P. 909) (L.D. 2364)

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

Was referred to the Committee on Economic Development in concurrence.

Bill "An Act to Require Testing for Dioxin and Toxic Metals at Energy Recovery Facilities" (S.P. 907) (L.D. 2362)

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

Was referred to the Committee on Energy and Natural Resources in concurrence.

RESOLVE, Establishing the Commission to Study the Feasibility of Acquiring Coastal Property (S.P. 908) (L.D. 2363)

Came from the Senate, referred to the Committee on State and Local Government and Ordered Printed.

Was referred to the Committee on State and Local Government in concurrence.

Non-Concurrent Matter

Bill "An Act to Promote the Creation and Expansion of Independent Living Opportunities for Maine's Citizens with Disabilities" (H.P. 1694) (L.D. 2327) which was referred to the Committee on Human Resources in the House on February 23, 1988.

Came from the Senate referred to the Committee on Appropriations and Financial Affairs in non-concurrence.

The House voted to recede and concur.

PETITIONS, BILLS AND RESOLVES
 REQUIRING REFERENCE

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

Aging, Retirement and Veterans

Bill "An Act to Eliminate the Requirement that the Deputy Adjutant General and the Director of the

Military Bureau be the Same Individual" (H.P. 1726) (L.D. 2369) (Presented by Representative PARADIS of Old Town) (Cosponsors: Senator PERKINS of Hancock, Representatives PRIEST of Brunswick and DUTREMBLE of Biddeford) (Submitted by the Department of Defense and Veterans' Services pursuant to Joint Rule 24)

Ordered Printed.
Sent up for Concurrence.

Agriculture

Bill "An Act to Establish Guidelines for Genetic Engineering Experimentation" (H.P. 1727) (L.D. 2370) (Presented by Representative WHITCOMB of Waldo) (Cosponsors: Senator CLARK of Cumberland and Representative PINES of Limestone) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Ordered Printed.
Sent up for Concurrence.

Later Today Assigned

Bill "An Act to Appropriate Funds to Conduct a Marine Pollution Monitoring Program" (H.P. 1728) (L.D. 2371) (Presented by Representative MITCHELL of Freeport) (Cosponsors: Representatives COLES of Harpswell, LOOK of Jonesboro and Senator CAHILL of Sagadahoc) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

(The Committee on Reference of Bills had suggested reference to the Committee on Appropriations and Financial Affairs.)

On motion of Representative Mitchell of Freeport, tabled pending reference and later today assigned.

Energy and Natural Resources

Bill "An Act to Revise the Solid Waste Law" (H.P. 1725) (L.D. 2368) (Presented by Representative JACQUES of Waterville) (Cosponsors: Representative PARADIS of Old Town, Senators USHER of Cumberland and PERKINS of Hancock) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Bill "An Act to Extend and Strengthen the State's Mandatory Shoreland Zoning Laws" (H.P. 1731) (L.D. 2374) (Presented by Representative HOLLOWAY of Edgcomb) (Cosponsors: Senators USHER of Cumberland, LUDWIG of Aroostook and Representative VOSE of Eastport)

Bill "An Act to Make Improvements to and Facilitate Prompt Enforcement of Environmental Laws" (H.P. 1732) (L.D. 2375) (Presented by Representative LORD of Waterboro) (Cosponsors: Representative GREENLAW of Standish, Senators USHER of Cumberland and CAHILL of Sagadahoc)

Ordered Printed.
Sent up for Concurrence.

Fisheries and Wildlife

Bill "An Act to Revise and Modify Certain Laws Relating to the Department of Inland Fisheries and Wildlife" (H.P. 1729) (L.D. 2372) (Presented by Representative JACQUES of Waterville) (Cosponsors: Senators ERWIN of Oxford, BRAUN of Knox and Representative FARREN of Cherryfield) (Submitted by the Department of Inland Fisheries and Wildlife pursuant to Joint Rule 24)

Ordered Printed.
Sent up for Concurrence.

Taxation

Bill "An Act Establishing the Maine Seed Capital Tax Credit Program" (H.P. 1730) (L.D. 2373) (Presented by Representative STANLEY of Cumberland) (Cosponsors: Representatives NADEAU of Lewiston, LISNIK of Presque Isle and Senator RANDALL of Washington)

Ordered Printed.
Sent up for Concurrence.

Utilities

Bill "An Act to Amend the Charter of the Portland Water District" (Emergency) (H.P. 1724) (L.D. 2367) (Presented by Representative WEBSTER of Cape Elizabeth) (Cosponsors: Representative BROWN of Gorham, Senators GILL of Cumberland and USHER of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Ordered Printed.
Sent up for Concurrence.

ORDERS

SPECIAL SENTIMENT CALENDAR

In accordance with House Rule 56 and Joint Rule 34, the following item:

Recognizing:

Robert E. Sears on his retirement after 40 years as a dedicated and conscientious Capitol Security Officer with the Capitol Security Police Office; (HLS 964) by Representative DAGGETT of Augusta. (Cosponsors: Representative HICKEY of Augusta, Representative PARADIS of Augusta, Senator BUSTIN of Kennebec)

On motion of Representative Daggett of Augusta, was removed from the Special Sentiment Calendar.

Was read and passed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

REPORTS OF COMMITTEES

Unanimous Leave to Withdraw

Representative MICHAUD from the Committee on Energy and Natural Resources on Bill "An Act Regarding Transportation of Nuclear Waste" (H.P. 1527) (L.D. 2081) reporting "Leave to Withdraw"

Representative DEXTER from the Committee on Energy and Natural Resources on Bill "An Act to Improve and Expedite the Enforcement of Environmental Laws" (H.P. 1685) (L.D. 2314) reporting "Leave to Withdraw"

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

CONSENT CALENDAR

First Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the First Day:

(H.P. 1479) (L.D. 2014) Bill "An Act to Make Additional Allocations from the Public Utilities Regulatory Fund for the Fiscal Years Ending June 30, 1988, and June 30, 1989" (Emergency) Committee on Appropriations and Financial Affairs reporting "Ought to Pass"

(H.P. 1456) (L.D. 1967) Bill "An Act to Clarify the Status of Meetings and Records of the Public Utilities Commission Under the Freedom of Access Law" Committee on Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-459)

(H.P. 1578) (L.D. 2153) Bill "An Act to Fund and Implement Certain Collective Bargaining Agreements and to Fund and Implement Benefits for Certain Employees Excluded from Collective Bargaining" (Emergency) Committee on Appropriations and Financial Affairs reporting "Ought to Pass"

There being no objections, the above items were ordered to appear on the Consent Calendar of Monday, February 29, 1988, under the listing of Second Day.

SECOND READER

As Amended

Tabled and Assigned

Bill "An Act to Require Gasoline Stations which Provide Self-Service at a Lower Rate to Provide Services at the Same Rate for Handicapped Drivers" (H.P. 1497) (L.D. 2047) (C. "A" H-456)

Was reported by the Committee on Bills in the Second Reading and read a second time.

On motion of Representative Allen of Washington, tabled pending passage to be engrossed as amended and specially assigned for Monday, February 29, 1988.

PASSED TO BE ENACTED

Emergency Measure

An Act Concerning Legislative Review of Nominations to the Maine State Housing Authority Board and the Board of Directors of the Finance Authority of Maine (S.P. 891) (L.D. 2303) (S. "A" S-318)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 108 voted in favor of the same and 1 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act Concerning the Carrying of Concealed Firearms by Licensed Private Investigators (S.P. 779) (L.D. 2036) (C. "A" S-316)

An Act Concerning the Use of Flashing Lights on School Buses (S.P. 893) (L.D. 2305)

An Act to Clarify the Authority of Local Health Officers (H.P. 1540) (L.D. 2095)

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

ORDERS OF THE DAY

TABLED AND TODAY ASSIGNED

The Chair laid before the House the first tabled and today assigned matter:

Bill "An Act to Prohibit Automated Telephone Solicitation" (S.P. 900) (L.D. 2336)

- In Senate, Referred to the Committee on Business Legislation.

TABLED - February 25, 1988 by Representative ALLEN of Washington.

PENDING - Reference in concurrence.

Subsequently, was referred to the Committee on Business Legislation in concurrence.

BILL HELD

RESOLVE, to Extend the Reporting Deadline for the Commission on Children in Need of Supervision and Treatment (Emergency) (H.P. 1698) (L.D. 2331)

- In Senate, Passed to be Engrossed.

- In House, Passed to be Engrossed as amended by House Amendment "A" (H-457) in non-concurrence. HELD at the request of Representative THISTLE of Dover-Foxcroft.

On motion of Representative Thistle of Dover-Foxcroft, the House reconsidered its action whereby L.D. 2331 was passed to be engrossed as amended by House Amendment "A" (H-457) in non-concurrence.

The same Representative offered House Amendment "B" (H-458) and moved its adoption.

House Amendment "B" (H-458) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" and "B" in non-concurrence and sent up for concurrence.

(At Ease)

The House was called to order by the Speaker.

(Off Record Remarks)

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

COMMUNICATION

The following Communication: (H.P. 1733)

STATE OF MAINE

OFFICE OF THE SECRETARY OF STATE

AUGUSTA, MAINE 04333

February 26, 1988

To the Honorable 113th Legislature of the State of Maine

Attention: House of Representatives, Clerk Pert

Info: Senate, Secretary O'Brien

This is to inform you that after a review of the initiated bill, "AN ACT To Improve Family Communication," there were insufficient signatures for this office to certify and transmit the bill to you.

The minimum number of valid signatures required to initiate this legislation is 42,686. After extensive review we have determined the number of valid signatures is 42,658.

It would appear from our review that this number of valid signatures does not meet the requirement of the Constitution of Maine, Article IV, Part Third, Section 18.

Respectfully,

S/Rodney S. Quinn

Secretary of State

Was read and ordered placed on file and sent up for concurrence.

The Chair laid before the House the following matter: Bill "An Act to Appropriate Funds to Conduct a Marine Pollution Monitoring Program" (H.P. 1728) (L.D. 2371) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26) which was tabled earlier in the day and later today assigned pending reference.

On motion of Representative Carter of Winslow, was referred to the Committee on Energy and Natural Resources, ordered printed, and sent up for concurrence.

On motion of Representative Ruhlin of Brewer,

Adjourned until Monday, February 29, 1988, at
nine o'clock in the morning.

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

In Senate Chamber
Friday
February 26, 1988

Senate called to Order by the President.

Prayer by Pastor Ralph Clarke of the Winthrop Street
Universalist Church in Augusta.

PASTOR CLARKE: May we enter into a moment of
silence. Creator, spirit known in this world by many
names and Whom we choose to call God, be with us this
morning and may we feel Your spirit with us. May the
matters that we discuss and debate this morning be
matters of moment. May we avoid the trivial and
avoid the temptation to change things which do not
need change merely for the sake of change. May we
put aside our prejudices, our preconceptions and our
self-interest. May we truly hear the discussion of
all sides of the issues before us. May we use the
logic, the reason and the knowledge which we have
been given and may all of our decisions here today
increase the dignity, safety and well-being of all of
those who live in this great State. Amen.

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE
House Papers

Bill "An Act to Improve the Linked Investment
Program for Agricultural Loans" (Emergency)

H.P. 1718 L.D. 2357

Comes from the House referred to the Committee on
APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED
PRINTED.

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

Bill "An Act to Insure Adequate Rate Filing
Information from Health Insurers"

H.P. 1719 L.D. 2358

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

Which was referred to the Committee on BANKING
AND INSURANCE and ORDERED PRINTED, in concurrence.

Bill "An Act to Require Service Stations to Post
the Price of Fuel Sold"

H.P. 1717 L.D. 2356

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.

Bill "An Act to Remove Caps from the Maine
Low-Level Radiation Waste Authority Act"

H.P. 1714 L.D. 2353

Bill "An Act Concerning Camp Lot Leases and
Access to Private Lands"

H.P. 1720 L.D. 2359

Bill "An Act to Encourage the Efficient Use of
Electrical Energy"

H.P. 1721 L.D. 2360

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