

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Fourteenth Legislature

OF THE

State Of Maine

VOLUME III

FIRST REGULAR SESSION
June 15, 1989 to July 1, 1989
Index

Signed:
Representatives:
DEXTER of Kingfield
GOULD of Greenville

Comes from the House the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-640) Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-640) AS AMENDED BY HOUSE AMENDMENTS "D" (H-661) AND "E" (H-663) thereto.

Which Reports were READ.

On motion by Senator KANY of Kennebec, the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-640) Report was ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-640) READ.

On motion by Senator KANY of Kennebec, Tabled until Later in Today's Session, pending ADOPTION of Committee Amendment "A" (H-640), in concurrence.

ORDERS OF THE DAY

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

Bill "An Act to Correct Errors and Inconsistencies in the Laws of Maine" (Emergency) S.P. 594 L.D. 1671

Tabled - June 20, 1989, by Senator HOBBS of York.

Pending - ADOPTION OF COMMITTEE AMENDMENT "A" (S-344) AS AMENDED BY SENATE AMENDMENTS "A" (S-360) AND "C" (S-362) AND "E" (S-364) AND "H" (S-367), thereto

(In Senate, June 20, 1989, Committee Amendment "A" (S-344) READ. Senate Amendment "A" (S-360) to Committee Amendment "A" (S-344) READ and ADOPTED. Senate Amendment "C" (S-362) to Committee Amendment "A" (S-344) READ and ADOPTED. Senate Amendment "E" (S-364) to Committee Amendment "A" (S-344) READ and ADOPTED. Senate Amendment "H" (S-367) to Committee Amendment "A" (S-344) READ and ADOPTED.)

On motion by Senator HOBBS of York, the Senate SUSPENDED THE RULES.

On further motion by same Senator, Senate Amendment "B" (S-361) to Committee Amendment "A" (S-344) READ.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator HOBBS: Thank you Mr. President. Mr. President, men and women of the Senate. This is strictly a technical Amendment. It corrects the spelling of vietnam to make it one word, rather than two.

On further motion by same Senator, Senate Amendment "B" (S-361) to Committee Amendment "A" (S-344) ADOPTED.

On motion by Senator HOBBS of York, the Senate SUSPENDED THE RULES.

On further motion by same Senator, Senate Amendment "D" (S-363) to Committee Amendment "A" (S-344) READ.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator HOBBS: Thank you Mr. President. Mr. President, men and women of the Senate. This Amendment strikes a reference to a repealed section and replaces it with a more appropriate reference. It is strictly technical.

On further motion by same Senator, Senate Amendment "D" (S-363) to Committee Amendment "A" (S-344) ADOPTED.

On motion by Senator HOBBS of York, the Senate SUSPENDED THE RULES.

On further motion by same Senator, Senate Amendment "F" (S-365) to Committee Amendment "A" (S-344) READ.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator HOBBS: Thank you Mr. President. Mr. President, men and women of the Senate. This Amendment corrects statutory references which reflect the intent of a certain Public Law. The Public Law of 1985, chapter 763, to repeal legislation duplicating the good Senator from Kennebec, Senator Kany's favorite act, the Maine Administrative Procedure Act.

On further motion by same Senator, Senate Amendment "F" (S-365) to Committee Amendment "A" (S-344) ADOPTED.

On motion by Senator HOBBS of York, the Senate SUSPENDED THE RULES.

On further motion by same Senator, Senate Amendment "G" (S-366) to Committee Amendment "A" (S-344) READ.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator HOBBS: Thank you Mr. President. Mr. President, men and women of the Senate. The law originally permitted free fishing permits for residents of "adult foster care facilities", as defined in Title 22, section 7901, of our statutes. Regulation of adult foster care facilities was combined with "boarding homes" in 1985, repealing that particular section of the law and replacing it with another section. So, what this does under the new law is what used to be called adult foster care facilities is now called adult foster homes. Technical in nature.

On further motion by same Senator, Senate Amendment "G" (S-366) to Committee Amendment "A" (S-344) ADOPTED.

On motion by Senator HOBBS of York, the Senate SUSPENDED THE RULES.

On further motion by same Senator, Senate Amendment "I" (S-368) to Committee Amendment "A" (S-344) READ.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator HOBBS: Thank you Mr. President. Mr. President, men and women of the Senate. There was L.D. 56, which related to liquor license surcharges and what this does is it inserts a section on liquor license surcharges which is needed to correct inaccurate license fees in the statute. Unfortunately, it was inadvertently omitted during the printing of L.D. 56, which is now Public Law 1989, chapter 158.

On further motion by same Senator, Senate Amendment "I" (S-368) to Committee Amendment "A" (S-344) ADOPTED.

On motion by Senator HOBBS of York, the Senate SUSPENDED THE RULES.

On further motion by same Senator, Senate Amendment "J" (S-369) to Committee Amendment "A" (S-344) READ.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator HOBBS: Thank you Mr. President. Mr. President, men and women of the Senate. This is a technical Amendment. In 1989, this year, we passed a law amending the Maine Law under Title 39, section 51-B, to reduce the time period in which an employer must pay for medical services provided to an injured employee from ninety days to seventy-five days. Chapter 256, of section 3, amended the Maine Revised Statutes, Title 39, section 51-B, subsection 7, to reflect that change, but did not correct one

reference to the ninety day period. Again, what this does is it corrects the omission to make sure that it is consistent throughout the statute. It was the intent of the Committee and it was cleared through all the appropriate channels.

On further motion by same Senator, Senate Amendment "J" (S-369) to Committee Amendment "A" (S-344) ADOPTED.

On motion by Senator HOBBS of York, the Senate SUSPENDED THE RULES.

On further motion by same Senator, Senate Amendment "K" (S-370) to Committee Amendment "A" (S-344) READ.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator HOBBS: Thank you Mr. President. Mr. President, men and women of the Senate. This Amendment is a clarification Amendment to clarify the current law; namely, that a fine may be partially suspended or wholly suspended accompanied by probation. Again, it is technical in nature.

On further motion by same Senator, Senate Amendment "K" (S-370) to Committee Amendment "A" (S-344) ADOPTED.

On motion by Senator HOBBS of York, the Senate SUSPENDED THE RULES.

On further motion by same Senator, Senate Amendment "Q" (S-376) to Committee Amendment "A" (S-344) READ.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator HOBBS: Thank you Mr. President. Mr. President, men and women of the Senate. This is an Amendment that corrects the statutory reference in the election laws. Technical, not substantive.

On further motion by same Senator, Senate Amendment "Q" (S-376) to Committee Amendment "A" (S-344) ADOPTED.

On motion by Senator HOBBS of York, the Senate SUSPENDED THE RULES.

On further motion by same Senator, Senate Amendment "L" (S-371) to Committee Amendment "A" (S-344) READ.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator HOBBS: Thank you Mr. President. Mr. President, men and women of the Senate. This Amendment corrects an oversight that occurred when the new sentence alternative in chapter 54-B, section 1341 was added to the Maine Criminal Code. Section 1152, subsection 2, is designed to include all sentence alternatives applicable to natural persons with the single exception of restitution, which is addressed in subsection 2-A. It sounds substantive, but it really is only technical.

On further motion by same Senator, Senate Amendment "L" (S-371) to Committee Amendment "A" (S-344) ADOPTED.

On motion by Senator HOBBS of York, the Senate SUSPENDED THE RULES.

On further motion by same Senator, Senate Amendment "N" (S-373) to Committee Amendment "A" (S-344) READ.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator HOBBS: Thank you Mr. President. Mr. President, men and women of the Senate. This is a technical Amendment which corrects a reference to the prosecutor's office and the Maine Criminal Code. The present reference to the district attorney's office is incorrect because it fails to provide notice to the office of Attorney General in those cases which that office handles the underlying prosecution. I am sure there is some who probably wouldn't like to

notify the Attorney General's office, but it is needed and required.

On further motion by same Senator, Senate Amendment "N" (S-373) to Committee Amendment "A" (S-344) ADOPTED.

On motion by Senator HOBBS of York, the Senate SUSPENDED THE RULES.

On further motion by same Senator, Senate Amendment "R" (S-377) to Committee Amendment "A" (S-344) READ.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator HOBBS: Thank you Mr. President. Mr. President, men and women of the Senate. This Bill relates to the office of the Department of the Secretary of State. It is an Amendment which clarifies the status of three positions funded in the Secretary of State by Public Law 1989, chapter 7. These positions were intended to be confidential, unclassified positions, but that indication was inadvertently left out of the Committee Amendment. Again, it sounds like a substantive Amendment, but it is my understanding that it was an inadvertent error and the positions were intended to be unclassified positions and confidential.

On further motion by same Senator, Senate Amendment "R" (S-377) to Committee Amendment "A" (S-344) ADOPTED.

On motion by Senator HOBBS of York, the Senate SUSPENDED THE RULES.

On further motion by same Senator, Senate Amendment "M" (S-372) to Committee Amendment "A" (S-344) READ.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator HOBBS: Thank you Mr. President. Mr. President, men and women of the Senate. This Amendment amends Title 20-A of our statutes relating to the education laws. This Amendment clarifies a repeal provision in the education laws. It is technical in nature.

On further motion by same Senator, Senate Amendment "M" (S-372) to Committee Amendment "A" (S-344) ADOPTED.

On motion by Senator HOBBS of York, the Senate SUSPENDED THE RULES.

On further motion by same Senator, Senate Amendment "P" (S-375) to Committee Amendment "A" (S-344) READ.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator HOBBS: Thank you Mr. President. Mr. President, men and women of the Senate. This Amendment makes a technical correction to that very important Waldoboro Sewer District Charter. That is basically technical in nature.

On further motion by same Senator, Senate Amendment "P" (S-375) to Committee Amendment "A" (S-344) ADOPTED.

On further motion by same Senator, Tabled until Later in Today's Session, pending ADOPTION OF COMMITTEE AMENDMENT "A" (S-344) AS AMENDED BY SENATE AMENDMENTS "A" (S-360), "C" (S-362), "E" (S-364), "H" (S-367), "B" (S-361), "D" (S-363), "F" (S-365), "G" (S-366), "I" (S-368), "J" (S-369), "K" (S-370), "Q" (S-376), "L" (S-371), "N" (S-373), "R" (S-377), "M" (S-372), "P" (S-375), "O" (S-374), and "S" (S-378) thereto.

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