

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

*One Hundred and Twelfth*

*Legislature*

OF THE

STATE OF MAINE

**VOLUME I**

**SECOND REGULAR SESSION**

January 8 - April 2, 1986

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

In Senate Chamber  
Monday  
January 20, 1986

Senate called to Order by the President.

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Prayer by The Honorable Michael E. Carpenter of  
Aroostook.

SENATOR CARPENTER: Let us pray. Our Heavenly  
Father, as this Senate and this Legislature begins  
another week of deliberations, in this, the Second  
Session of the 112th Legislature, allow us to do Your  
work for the good of all of our people. Amen.

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Reading of the Journal of Thursday, January 16, 1986.

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PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Insure Training and Employment  
Opportunities for All Aid to Families with Dependent  
Children Recipients"

H.P. 1339 L.D. 1876

Bill "An Act to Provide Funds to Continue a Study  
of Bedrock Ground Water in Aroostook County"

H.P. 1340 L.D. 1877

Bill "An Act Pertaining to Fort Point State Park"

H.P. 1341 L.D. 1878

Resolve, to Provide Financial Assistance for  
Existing Programs within the University of Maine  
System

H.P. 1343 L.D. 1880

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

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

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Bill "An Act Relating to Day Treatment Services  
for Emotionally Disturbed Children" (Emergency)

H.P. 1342 L.D. 1879

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

On motion by Senator VIOLETTE of Aroostook,  
Tabled Unassigned, pending REFERENCE.

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Bill "An Act to Increase Truth in Advertising"

H.P. 1344 L.D. 1881

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

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

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Bill "An Act to Reapportion the Wells-Ogunquit  
Community School District" (Emergency)

H.P. 1345 L.D. 1882

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

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

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Bill "An Act to Amend the Classification of  
Certain Maine Rivers"

H.P. 1346 L.D. 1893

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.

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Bill "An Act Relating to Medicaid Fees for Pharmacies"

H.P. 1347 L.D. 1883

Bill "An Act to Provide Medicaid Coverage for Mental Health Services for Children in Certain Hospital Facilities"

H.P. 1348 L.D. 1884

Come from the House referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED.

Which were referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED, in concurrence.

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Bill "An Act Concerning the Court Appointed Special Advocate Program and the Conduct of Court Appointed Special Advocates"

H.P. 1349 L.D. 1885

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.

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Bill "An Act Relating to Taking of Land Under the Coastal Island Registry Law"

H.P. 1321 L.D. 1856

Committee on ENERGY AND NATURAL RESOURCES suggested and ORDERED PRINTED.

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.

Bill "An Act to Require the Payment of Sales and Use Tax on Isolated Transactions Involving the Sale of Pleasure Boats"

H.P. 1350 L.D. 1886

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.

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Bill "An Act to Amend the Charter of the Camden and Rockland Water Company" (Emergency)

H.P. 1351 L.D. 1887

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

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

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SENATE PAPERS

Bill "An Act to Improve Access to Child Care Services"

S.P. 743 L.D. 1907

Presented by Senator CLARK of Cumberland  
Cosponsored by: Senator GAUVREAU of  
Androscoggin, Representative CONNOLLY of  
Portland, Representative PRIEST of Brunswick  
Approved for Introduction by a Majority of the  
Legislative Council pursuant to Joint Rule 26

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

Sent down for concurrence.

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Bill "An Act Concerning the Regulation of Itinerant Vendors"

S.P. 744 L.D. 1908

Presented by Senator BERUBE of Androscoggin  
Approved for Introduction by a Majority of the  
Legislative Council pursuant to Joint Rule 26

Bill "An Act to Establish Standards for Public Employers for Approval as Workers' Compensation Self-insurers"

S.P. 745 L.D. 1909

Presented by Senator BUSTIN of Kennebec  
Cosponsored by: Representative COTE of Auburn,  
Senator KERRY of York, Representative STEVENS  
of Bangor  
Submitted by the Department of Business,  
Occupational and Professional Regulation pursuant  
to Joint Rule 24

Which were referred to the Committee on BUSINESS  
AND COMMERCE and ORDERED PRINTED.

Sent down for concurrence.

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Bill "An Act to Clarify Statutory Mandates for  
Reporting Suspected Abuse, Neglect or Exploitation of  
Incapacitated or Dependent Adults"

S.P. 746 L.D. 1910

Presented by Senator CARPENTER of Aroostook  
Cosponsored by: Senator GAUVREAU of  
Androscoggin  
Submitted by the Department of Mental Health and  
Mental Retardation pursuant to Joint Rule 24

Committee on HUMAN RESOURCES suggested and  
ORDERED PRINTED.

On motion by Senator VIOLETTE of Aroostook,  
Tabled 1 Legislative Day, pending REFERENCE.

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Resolve, Authorizing the Sale of Certain Public  
Lands in Lewiston

S.P. 747 L.D. 1911

Presented by Senator GAUVREAU of Androscoggin  
Cosponsored by: Representative BOUTILIER of  
Lewiston, Representative TELOW of Lewiston  
Approved for Introduction by a Majority of the  
Legislative Council pursuant to Joint Rule 26

Which was referred to the Committee on STATE  
GOVERNMENT and ORDERED PRINTED.

Sent down for concurrence.

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Bill "An Act to Require Legislative Review and  
Approval of Sales and Use Tax Exemptions Every 5  
Years"

S.P. 748 L.D. 1912

Presented by Senator TWITCHELL of Oxford  
Cosponsored by: Representative JACKSON of  
Harrison  
Approved for Introduction by a Majority of the  
Legislative Council pursuant to Joint Rule 26

Resolve, Reimbursing Certain Municipalities on  
Account of Taxes Lost Due to Lands being Classified  
under the Maine Tree Growth Tax Law (Emergency)  
S.P. 749 L.D. 1913

Presented by Senator TWITCHELL of Oxford  
Cosponsored by: Representative WALKER of Norway,  
Representative MOHOLLAND of Princeton,  
Representative SIMPSON of Casco  
Submitted by the Department of Finance and  
Administration pursuant to Joint Rule 24

Which were referred to the Committee on  
TAXATION and ORDERED PRINTED.

Sent down for concurrence.

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Bill "An Act to Amend Certain Motor Vehicle Laws"  
S.P. 750 L.D. 1914

Presented by Senator DOW of Kennebec  
Cosponsored by: Representative SOUCY of Kittery,  
Representative MILLS of Bethel, Representative  
MCPHERSON of Eliot  
Submitted by the Department of Public Safety  
pursuant to Joint Rule 24

Which was referred to the Committee on  
TRANSPORTATION and ORDERED PRINTED.

Sent down for concurrence.

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Bill "An Act to Assist Consumers in Obtaining  
Redress for Violation of their Rights by Regulated  
Utilities"

S.P. 751 L.D. 1915

Presented by Senator BALDACCI of Penobscot  
Cosponsored by: Senator CHALMERS of Knox,  
Representative SIMPSON of Casco, Representative  
SWAZEY of Bucksport  
Submitted by the Office of Public Advocate  
pursuant to Joint Rule 24

Bill "An Act Concerning the Sale Price of Public  
Utility Property"

S.P. 752 L.D. 1916

Presented by Senator ANDREWS of Cumberland  
Cosponsored by: Representative VOSE of Eastport,  
Representative MCGOWAN of Canaan, Senator  
BALDACCI of Penobscot  
Submitted by the Public Utilities Commission  
pursuant to Joint Rule 24

Which were referred to the Committee on  
UTILITIES and ORDERED PRINTED.

Sent down for concurrence.

ORDERS

Joint Resolution

On motion by Senator MATTHEWS of Kennebec (Cosponsored by: President PRAY of Penobscot, Speaker MARTIN of Eagle Lake, Representative BOST of Orono) the following Joint Resolution:

S.P. 753

JOINT RESOLUTION COMMEMORATING MARTIN LUTHER KING DAY

WHEREAS, January 20, 1986, marks the first national holiday in honor of Dr. Martin Luther King, Jr., commemorating his birth on January 15, 1929; and

WHEREAS, Martin Luther King, Jr., advocated the furtherance of civil rights for black Americans through nonviolence; and

WHEREAS, this man of powerful voice and spirit showed this country a dream, a dream of "an oasis of freedom and justice;" and

WHEREAS, for his tireless work to ensure equality and justice, Dr. King was awarded the high and honorable distinction of the Nobel Peace Prize in 1964; and

WHEREAS, his eloquence, his perseverance and his faith moved mountains and brought about sweeping changes by appealing to the better instincts and consciences of his fellow human beings; and

WHEREAS, the life of Martin Luther King, Jr., which ended so tragically on April 4, 1968, is a shining example to Americans and citizens of the world-at-large of uncompromising dedication to the highest ideals; now, therefore, be it

RESOLVED: That We, the Members of the 112th Legislature in Second Regular Session now assembled, acknowledge the extraordinary life and works of this teacher, reformer and humanitarian, Dr. Martin Luther King, Jr., and pause in our deliberations to recognize and commemorate the occasion of his birth; and be it further

RESOLVED: That suitable copies of this Joint Resolution be sent forthwith by the Secretary of State to Coretta Scott King, widow of Dr. Martin Luther King, Jr., and to the Maine office of the NAACP.

Which was READ and ADOPTED.

Under suspension of the Rules, ordered sent down forthwith for concurrence.

COMMITTEE REPORTS

Senate

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:

Bill "An Act to Establish the Maine Court Facilities Authority"

S.P. 564 L.D. 1504

Ought to Pass

Senator DIAMOND for the Committee on TAXATION on Bill "An Act to Bring Title 29 into Agreement with the Regional Fuel Tax Agreement Laws" (Emergency) S.P. 665 L.D. 1707

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

SECOND READERS

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

House

Bill "An Act Authorizing Payment of Child Care Expenses for Foster Children" (Emergency) H.P. 1184 L.D. 1681

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

Senate at Ease

Senate called to order by the President.

ORDERS OF THE DAY

The Chair laid before the Senate the Tabled and specially assigned matter:

Bill "An Act Concerning the Disbursement of Money Acquired Through Confiscation of Seized Property in Drug-related Crimes"

S.P. 722 L.D. 1845

Tabled - January 16, 1986, by Senator CLARK of Cumberland.

Pending - REFERENCE

(Committee on JUDICIARY suggested and ORDERED PRINTED.)

On motion by Senator VIOLETTE of Aroostook, REFERRED to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

Sent down for concurrence.

The Chair laid before the Senate the Tabled and specially assigned matter:

Bill "An Act to Extend the Trust Land Designation of the Penobscot Nation"

S.P. 721 L.D. 1844

Tabled - January 16, 1986, by Senator CLARK of Cumberland.

Pending - REFERENCE

(Committee on JUDICIARY suggested and ORDERED PRINTED.)

Which was referred to the Committee on JUDICIARY and ORDERED PRINTED.

Sent down for concurrence.

The Chair laid before the Senate the Tabled and specially assigned matter:

Bill "An Act Relating to the Time of Penobscot Nation Trust Land Acquisition"

S.P. 731 L.D. 1868

Tabled - January 16, 1986, by Senator CLARK of Cumberland.

Pending - REFERENCE

(Committee on JUDICIARY suggested and ORDERED PRINTED.)

Which was referred to the Committee on JUDICIARY and ORDERED PRINTED.

Sent down for concurrence.

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

COMMITTEE REPORT

Senate

Divided Report

The Majority of the Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Increase the Resources of the Advisory Commission on Radioactive Waste and Allocate Funds from the Radioactive Waste Fund" (Emergency)

S.P. 684 L.D. 1772

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-370).

Signed:

Senators: USHER of Cumberland  
KANY of Kennebec  
EMERSON of Penobscot

Representatives: MICHAUD of Medway  
JACQUES of Waterville  
MITCHELL of Freeport  
HOGLUND of Portland  
HOLLOWAY of Edgetomb  
COLES of Harpswell

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

Signed:

Representatives: DEXTER of Kingfield  
BROWN of Livermore Falls  
RIDLEY of Shapleigh  
LAW of Dover-Foxcroft

Which Reports were READ

The Majority OUGHT TO PASS AS AMENDED Report was ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-370) READ and ADOPTED.

Under suspension of the Rules, READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended.

Sent down for concurrence.

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

Senator MATTHEWS of Kennebec was granted unanimous consent to address the Senate Off the Record.

Off Record Remarks

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Increase the Aid to Families with Dependent Children Standard of Need"

H.P. 1352 L.D. 1896

Bill "An Act to Provide Funding for Community Mental Health Programs" (Emergency)

H.P. 1353 L.D. 1897

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

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

Bill "An Act to Decrease Mobile Home Park License Fees" (Emergency)

H.P. 1354 L.D. 1898

Bill "An Act Regulating Full-contact Karate Known as Kick-boxing"

H.P. 1355 L.D. 1899

Come from the House referred to the Committee on BUSINESS AND COMMERCE and ORDERED PRINTED.

Which were referred to the Committee on BUSINESS AND COMMERCE 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 Require Notice to Municipal Officers of Environmental Protection Violations and Actions within that Community"

H.P. 1356 L.D. 1900

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.

Bill "An Act to Revise the Certificate of Need Act as it Affects Hospitals, to Simplify the Section 1122 Program and to Require the Establishment of a Methodology for Imposing Reasonable Limitations on Additional Capital and Operating Costs Associated with new Projects"

H.P. 1357 L.D. 1901

Come from the House referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED.

Which was referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED, in concurrence.

Bill "An Act to Allow Restaurants and other Establishments Licensed to Serve Alcoholic Beverages to Purchase these Beverages from Agency Liquor Stores"

H.P. 1358 L.D. 1902



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.

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Senate at Ease

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Establish a Land and Air Search and Rescue Procedure for Missing Aircraft Personnel"  
H.P. 1362 L.D. 1906

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

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

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On motion by Senator CLARK of Cumberland, ADJOURNED until 6:15 p.m., Tuesday, January 21, 1986.