

MAINE STATE LEGISLATURE

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

VOLUME I
FIRST REGULAR SESSION
December 3, 1986 to May 22, 1987

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:

Judiciary

Bill "An Act to Enable a Collection Agency to Represent Clients in Small Claims Court" (H.P. 18) (L.D. 17) (Presented by Representative INGRAHAM of Houlton)
(Ordered Printed)
Sent up for concurrence.

Marine Resources

Bill "An Act to Restrict the Use of Paravanes" (H.P. 19) (L.D. 18) (Presented by Representative RICE of Stonington) (Cosponsor: Representative SALSBURY of Bar Harbor)
Bill "An Act to Repeal the Sardine Inspection Tax" (H.P. 21) (L.D. 21) (Presented by Representative VOSE of Eastport)
(Ordered Printed)
Sent up for concurrence.

ORDERS

On motion of Representative McSWEENEY of Old Orchard Beach, the following Order:
ORDERED, that Representative Kerry Kimball of Buxton be excused January 13 for personal reasons.
Was read and passed.

(Off Record Remarks)

(At Ease)

The House was called to order by the Speaker.

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

SENATE PAPER

The following Joint Order: (S.P. 36)
ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, January 20, 1987 at 10 o'clock in the morning.
Came from the Senate, read and passed.
Was read and passed in concurrence.

On motion of Representative Diamond of Bangor, the House reconsidered its action whereby Bill I.B. 1, L.D. 20 Bill "An Act Regarding the Generation of Electric Power and High-level and Radioactive Waste" was referred to the Committee on Utilities.

On further motion of the same Representative, was referred to the Committee on Energy and Natural Resources, Ordered Printed and sent up for concurrence.

On motion of Representative Connolly of Portland, Adjourned until Tuesday, January 20, 1987, at ten o'clock in the morning in memory of Martin Luther King, Jr. pursuant to Joint Order (S.P. 36).

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

In Senate Chamber
Friday
January 16, 1987

Senate called to Order by the President.

Prayer by Reverend Phyllis C. Dodd of the United Methodist Church in Randolph.

REVEREND DODD: Let us be in the spirit of prayer. Most gracious God from whom comes all wisdom and love, we ask You to look with favor upon this governing Body. Be with them as they tend to the tasks which are sent before them. Bless each one as an individual and look with favor upon them as they work together in cooperation and in partnership on issues which are greater than self. Strengthen them, encourage them, and reveal to them new ideas, new pathways, and new approaches so that in all of their undertakings You may be glorified, most gracious God. Amen.

Reading of the Journal of Tuesday, January 13, 1987.

Out of order and under suspension of the Rules, on motion by Senator DUTREMBLE of York, the following Joint Order:

S.P. 36

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Tuesday, January 20, 1987, at 10 o'clock in the morning
Which was READ and PASSED.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Deny Certain State Funds to Any Person who Refused to Register Under the United States Military Selective Services Act"

H.P. 13 L.D. 11

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.

Bill "An Act to Prevent the Destruction of Lobster Gear"

H.P. 14 L.D. 12

Bill "An Act Relating to the Use of Paravanes"

H.P. 15 L.D. 13

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

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

Bill "An Act to Specify How the Authority of Washington County Commissioners may be Exercised"

H.P. 16 L.D. 15

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.

COMMUNICATIONS

The Following Communication: S.P. 30
113th MAINE LEGISLATURE
January 13, 1987

Senator Michael D. Pearson
Representative Donald V. Carter
Chairpersons
Joint Standing Committee on Appropriations
and Financial Affairs
113th Legislature
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Jean E. Mattimore of Freeport for appointment as the Commissioner of the Department of Finance.

Pursuant to Title 5, M.R.S.A. Section 281, this nomination will require review by the Joint Standing Committee on Appropriations and Financial Affairs 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 APPROPRIATIONS AND FINANCIAL AFFAIRS.
Sent down for concurrence.

The Following Communication: S.P. 31
113th MAINE LEGISLATURE
January 13, 1987

Senator John E. Baldacci
Representative Carol M. Allen
Chairpersons
Joint Standing Committee on Business Legislation
113th Legislature
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Susan M. Collins of Caribou for appointment as the Commissioner of the Department of Professional and Financial Regulation.

Pursuant to Title 10, M.R.S.A. Section 8002, this nomination will require review by the Joint Standing Committee on Business Legislation 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 BUSINESS LEGISLATION.
Sent down for concurrence.

The Following Communication: S.P. 32
113th MAINE LEGISLATURE
January 13, 1987

Senator Ronald E. Usher
Representative Michael H. Michaud
Chairpersons
Joint Standing Committee on Energy and Natural Resources
113th Legislature
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Dean C. Marriott of Cape Elizabeth for appointment as the Commissioner of the Department of Environmental Protection.

Pursuant to Title 38, M.R.S.A. Section 341, this nomination will require review by the Joint Standing

Committee on Energy and Natural Resources 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 ENERGY AND NATURAL RESOURCES.
Sent down for concurrence.

The Following Communication: S.P. 33
113th MAINE LEGISLATURE
January 13, 1987

Senator Ronald E. Usher
Representative Michael H. Michaud
Chairpersons
Joint Standing Committee on Energy and Natural Resources
113th Legislature
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Robert R. LaBonta of Waterville for appointment as the Commissioner of the Department of Conservation.

Pursuant to Title 12, M.R.S.A. Section 5011, this nomination will require review by the Joint Standing Committee on Energy and Natural Resources 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 ENERGY AND NATURAL RESOURCES.
Sent down for concurrence.

The Following Communication: S.P. 34
113th MAINE LEGISLATURE
January 13, 1987

Senator N. Paul Gauvreau
Representative Peter J. Manning
Chairpersons
Joint Standing Committee on Human Resources
113th Legislature
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Nicola C. Kobritz of Bangor for appointment as the Director of Community Services.

Pursuant to Title 5, M.R.S.A. Section 3515, this nomination will require review by the Joint Standing Committee on Human Resources 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 HUMAN RESOURCES.
Sent down for concurrence.

The Following Communication: S.P. 37
THE SENATE OF MAINE
January 8, 1987

The Honorable Charles P. Pray
Chairman, Legislative Council
113th Maine Legislature

Senate Chamber
Augusta, Me. 04333
Dear Senator Pray:

Please be advised that in accordance with Joint Rule 39, the members of the Legislative Council representing the Minority Party of the Legislature have appointed May M. Ross their partisan staff assistant for nominations.

Sincerely,
S/Thomas R. Perkins
Senate Minority Leader
S/Thomas W. Murphy, Jr.
House Minority Leader

Which was READ and ORDERED PLACED ON FILE.
Sent down for concurrence.

President of the Senate
State House Station 3
Augusta, Maine 04333
Dear President Pray:

I am enclosing a copy of the Harbor Master Authority Study, in accordance with L.D. 2313, P.L. 1986, Chapter 692 "AN ACT to Clarify Harbor Master Authority."

The Bureau would be pleased to discuss any aspect of the report with the Legislature.

Sincerely,
S/Robert Gardiner
Director
Bureau of Public Lands

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

The Following Communication:
113TH MAINE LEGISLATURE

January 13, 1987
Hon. Joy J. O'Brien
Secretary of the Senate
State House Station 3
Augusta, ME 04333

Dear Madam Secretary:
Pursuant to our authority under Chapter 52 of the Resolves of 1986, we have appointed Senator Stephen Estes to the Special Commission to Study Teacher Training in the University of Maine System. Senator Estes replaces Senator Larry Brown, who has resigned from this position. Please let us know if you have any questions about this appointment.

Sincerely,
S/Charles P. Pray S/John L. Martin
President of the Senate Speaker of the House
Which was READ and ORDERED PLACED ON FILE.

The Following Communication:
STATE OF MAINE
ONE HUNDRED AND TWELFTH LEGISLATURE
COMMITTEE ON EDUCATION

January 13, 1987

The Honorable Charles P. Pray
President of the Senate
State House
Augusta, Maine 04333
Dear President Pray:

The Joint Standing Committee on Education is pleased to submit the attached report of our study of substitute teacher compensation conducted pursuant to order of the Legislative Council. We hope you find the report useful.

Sincerely,
S/Larry Brown
Senate Chair

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

The Following Communication:
DEPARTMENT OF PROFESSIONAL AND FINANCIAL
REGULATION BUREAU OF BANKING
January 15, 1987

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

In accordance with Title 9-B, Section 217, Maine Revised Statutes Annotated of 1975, as amended, the attached "Annual Report on the Status of Maine's Financial Institutions" is being submitted.

This report contains information on the number, types and legal structures of all regulated financial institutions in the State of Maine, the location of all offices and total deposits held by these institutions, and the steps taken by out-of-state financial institution holding companies, that have acquired Maine financial institutions, to meet the credit needs of Maine consumers and businesses.

Respectfully submitted,
S/H. Donald DeMatteis
Superintendent

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

The Following Communication:
STATE OF MAINE
DEPARTMENT OF CONSERVATION
STATE HOUSE 22
AUGUSTA, MAINE 04333

January 12, 1987

Senator Charles Pray

SENATE PAPERS

Bill "An Act to Exempt Certain Eating Places from the Requirement to Provide a Public Rest Room" (Emergency)

S.P. 35 L.D. 19

Presented by Senator BUSTIN of Kennebec Committee on HUMAN RESOURCES suggested and ORDERED PRINTED.

Which was, under suspension of the Rules, READ TWICE, without reference to a Committee.

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

Senator PEARSON: Mr. President, would somebody kindly explain this Bill?

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

The Chair recognizes the Senator from Kennebec, Senator Bustin.

Senator BUSTIN: Thank you Mr. President, Men and Women of the Senate. This Bill was a Bill that was passed in 1985, along with another Bill that had to do with small, mini malls, requiring public rest rooms in mini malls that have six or more stores. The Bill that we are referring right now is a separate Bill and we did some grandfathering to the mini mall Bill, but we neglected to do the grandfathering of this Bill.

What this Bill had required in 1985, was that by January 1987, every restaurant in the State, whether they had one place for a person to sit to eat in that restaurant or not, had to have a rest room available to the public. That, in my way of thinking, is not

what the Committee intended to do. We intended to do some grandfathering to that and that did not happen.

When the health engineer came to my restaurant to do the regular yearly check, I serve people at my restaurant, it really isn't a sit down restaurant, but I also don't have this problem because I already have a rest room available to the public. What that inspector said to me was that there are many people out there that have a problem. For instance, the small drug stores that have a couple of stools for you to sit on, it is virtually impossible for them to install a rest room for the public without, in some way, having that public member go through where the drugs are kept. As you know, that would not be acceptable to have the general public walking through where drugs are stored. If you can visualize in your mind a lot of the drug stores in the State of Maine you know how small a space that is where you walk in and get your drugs or where there is a small counter would be relatively impossible to install that facility.

What we are basically doing is shutting down perhaps a number of small businesses, in that regard, if we don't change this. I asked the health engineer what would they do to help these people because they are the ones that are saying it is unenforceable. We can't go into every restaurant and close them down because they don't have a rest room. So they have different categories of seating capacity for different restaurants. The first category is twenty-seven or less so they suggested that we grandfather the seating capacity of twenty-seven or less out of the law that requires rest rooms for the public and that is what this bill is all about.

Which was PASSED TO BE ENGROSSED, without reference to a Committee.

Sent down for concurrence.

Senate at Ease

Senate called to order by the President.

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

The Adjournment Order having been returned from the House, READ and PASSED, in concurrence, on motion by Senator BERUBE of Androscoggin, ADJOURNED until Tuesday, January 20, 1987, at 10:00 in the morning.

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
5th Legislative Day

Tuesday, January 20, 1987

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

Prayer by Reverend James Herrick, Nazarene (Retired) of Bailey Island.

National Anthem by the Livermore Falls High School Band.

Quorum call was held.

The Journal of Friday, January 16, 1987, was read and approved.

SENATE PAPERS

Bill "An Act to Exempt Certain Eating Places from the Requirement to Provide a Public Rest Room" (Emergency) (S.P. 35) (L.D. 19)

Came from the Senate under suspension of the rules and without reference to a Committee, the Bill read twice and passed to be engrossed.

(The Committee on Reference of Bills had suggested reference to the Committee on Human Resources.)

Was referred to the Committee on Human Resources in non-concurrence and sent up for concurrence.

COMMUNICATIONS

The following Communication: (S.P. 30)

113th MAINE LEGISLATURE

January 13, 1987

Senator Michael D. Pearson
Representative Donald V. Carter
Chairpersons

Joint Standing Committee on Appropriations
and Financial Affairs

113th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Jean E. Mattimore of Freeport for appointment as the Commissioner of the Department of Finance.

Pursuant to Title 5, M.R.S.A. Section 281, this nomination will require review by the Joint Standing Committee on Appropriations and Financial Affairs and confirmation by the Senate.

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 Appropriations and Financial Affairs.

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

The following Communication: (S.P. 31)

113th MAINE LEGISLATURE

January 13, 1987

Senator John E. Baldacci
Representative Carol M. Allen
Chairpersons

Joint Standing Committee on Business Legislation
113th Legislature

Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Susan M. Collins of Caribou for appointment as the Commissioner of the Department of Professional and Financial Regulation.