

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

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

In Senate Chamber
 Tuesday
 January 27, 1987

Senate called to Order by the President.

Prayer by Mr. Paul Cates of Friends Meeting in East Vassalboro.

MR. CATES: Let us pray. Dear God, we expect a great deal from those who legislate for us. We expect them to deal with problems ranging from schools, to corrections, to roads. We expect them to encourage economic development, to protect the environment, to watch out for the rights of workers, to protect adults and children from abuse. In short, dear Lord, we realize that we expect them to have an almost infinite wisdom, incredible judgement and common sense even superior to an old time down east Mainer.

Realizing, as we look around, that even though this is a select group, they are all human, like the rest of us, with human limitations. We thank You, dear Lord, that You are with us all. We realize that in You is infinite wisdom, is limitless judgement, that You are perfect love. We, therefore, ask Your blessing upon the deliberations of this day of the Maine State Senate and Your guidance. We know that like all of us in the State of Maine, the Members of this Body need Your presence. Finally, we thank You that You are available to everyone of us every moment of our lives. In the name of every person in this great State of Maine. Amen.

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE
 Non-concurrent Matter

Resolve, to Honor Governor Joseph E. Brennan (Emergency)

S.P. 42 L.D. 37

Committee on STATE AND LOCAL GOVERNMENT suggested and ORDERED PRINTED.

In Senate, January 22, 1987, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, without reference to a Committee.

Comes from the House referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED in NON-CONCURRENCE.

The Senate INSISTED.

Sent down for concurrence.

House Papers

Bill "An Act to Reduce the Retirement Age Requirement for Governors"

H.P. 57 L.D. 60

Bill "An Act Relating to the Maine Veterans' Homes"

H.P. 65 L.D. 68

Bill "An Act to Divest State Pension Funds from those Businesses or Corporations doing Business in the Republic of South Africa and Namibia"

H.P. 83 L.D. 86

Comes from the House referred to the Committee on AGING, RETIREMENT AND VETERANS and ORDERED PRINTED.

Which were referred to the Committee on AGING, RETIREMENT AND VETERANS and ORDERED PRINTED, in concurrence.

Bill "An Act to Repeal a State Law Duplicative of a Federal Law Relating to Continuation of Group Health Insurance Coverage"

H.P. 66 L.D. 69

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

On motion by Senator DUTREMBLE of York, referred to the Committee on LABOR and ORDERED PRINTED in NON-CONCURRENCE.

Sent down for concurrence.

Bill "An Act to Increase the Handling Fees for Returnable Bottles and Cans"

H.P. 47 L.D. 50

Bill "An Act to Provide for the Creation of Liens and Sales on Small Gasoline Motors"

H.P. 56 L.D. 59

Bill "An Act to Change the Membership on the Board of Chiropractic Examination and Registration"

H.P. 58 L.D. 61

Bill "An Act to Increase the Licensing Fee of Florists"

H.P. 60 L.D. 63

Bill "An Act to Amend the Education Requirements for Chiropractors"

H.P. 77 L.D. 80

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

Which were referred to the Committee on BUSINESS LEGISLATION and ORDERED PRINTED, in concurrence.

Bill "An Act to Assure Responsibility in Regulatory Decision Making"

H.P. 59 L.D. 62

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 Concerning Penalties for Molesting, Killing or Possessing Caribou"

H.P. 42 L.D. 45

Bill "An Act Concerning Use of Department of Inland Fisheries and Wildlife Revenues in the Caribou Restoration Project"

H.P. 43 L.D. 46

Bill "An Act to Prohibit Hunting of Bear with Bait"

H.P. 63 L.D. 66

Bill "An Act to Provide Complimentary Archery Licenses to Residents Over 70 Years of Age"

H.P. 72 L.D. 75

Bill "An Act to Establish an Alien Trapping License"

H.P. 74 L.D. 77

Bill "An Act to Reduce the Fee for a Trapper's License for Servicemen Stationed in the State"

H.P. 88 L.D. 91

Comes from the House referred to the Committee on FISHERIES AND WILDLIFE and ORDERED PRINTED.

Which were referred to the Committee on FISHERIES AND WILDLIFE and ORDERED PRINTED, in concurrence.

Bill "An Act Relating to Selling Cigarettes to Persons under a Certain Age"

H.P. 78 L.D. 81

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

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

Bill "An Act to Validate Certain Abstracts of Divorce Decrees"

H.P. 46 L.D. 49

Bill "An Act Concerning Computer Access and Computer-related Crimes"

H.P. 55 L.D. 58

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

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

Bill "An Act to Prohibit the Creation of Unlawful Barriers"

H.P. 48 L.D. 51

Committee on TRANSPORTATION 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 Increase the Compensation of Mediators under the Municipal Public Employees Labor Relations Act"

H.P. 61 L.D. 64

Bill "An Act Relating to the Confidentiality of the Office of Employment Rehabilitation and Abuse Investigation Unit Files of the Workers' Compensation Commission" (Emergency)

H.P. 62 L.D. 65

Bill "An Act to Amend the Employment Security Law to Allow Benefits under Special Conditions"

H.P. 89 L.D. 92

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

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

An Act to Repeal the Requirement that Unemployment Tax Liens and Warrants be Filed in the Offices of Municipal Clerks

H.P. 45 L.D. 48

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

On motion by Senator TWITCHELL of Oxford, referred to the Committee on TAXATION and ORDERED PRINTED in NON-CONCURRENCE.

Sent down for concurrence.

Bill "An Act Relating to Absentee Balloting by Residents of Nursing Homes, Hospices and Congregate Housing Units"

H.P. 50 L.D. 53

Bill "An Act to Amend the Deadline for Submission of Questions Under the Local Liquor Option"

H.P. 52 L.D. 55

Bill "An Act Concerning the Approval of Voting Devices"

H.P. 71 L.D. 74

Bill "An Act Concerning 'Beano' or 'Bingo' on Indian Reservations"

H.P. 80 L.D. 83

Bill "An Act Relating to Building Inspections"

H.P. 84 L.D. 87

Bill "An Act Relating to Fencing of Swimming Pools"

H.P. 86 L.D. 89

Come from the House referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED.

Which were referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED, in concurrence.

Bill "An Act to Strengthen the Lobster Hatchery Program"

H.P. 82 L.D. 85

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

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

Bill "An Act to Clarify a Sewer District's Responsibility for the Maintenance and Repair of Public Drains or Common Sewers"

H.P. 51 L.D. 54

Bill "An Act Concerning the Fees Recoverable by a Municipality in a Nuisance Abatement"

H.P. 54 L.D. 57

Bill "An Act to Repeal the Authority of County Commissioners to Order the Repair of Ways Maintained by a Municipality"

H.P. 68 L.D. 71

Bill "An Act to Authorize Department Heads in Washington County to make Competitive Bidding Purchases of Items which are in the County Budget"

H.P. 81 L.D. 84

Bill "An Act to Establish the Aroostook County Budget Committee on a Permanent Basis"

H.P. 85 L.D. 88

Come from the House referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED.

Which were referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED, in concurrence.

Bill "An Act Relating to the Affixing of Indicia of Payment of Real Estate Transfer Tax"

H.P. 53 L.D. 56

Bill "An Act to Amend Property Tax Abatement Procedures"

H.P. 67 L.D. 70

Bill "An Act to Provide a Sales Tax Exemption on the Sale of the Self-help Literature on Alcoholism"

H.P. 73 L.D. 76

Bill "An Act to Increase the Property Tax Exemption for Veterans"

H.P. 76 L.D. 79

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

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

Bill "An Act to Provide for an Alternative Motor Vehicle License Plate for Citizens of Maine who wish to have an Undecorated License Plate"

H.P. 44 L.D. 47

Bill "An Act Regarding Motor Vehicle Accident Reports"

H.P. 49 L.D. 52

Bill "An Act to Exempt Municipal Combination Snowplows and Dump Trucks from the Weight Limitations Imposed on Other Highway Vehicles"

H.P. 69 L.D. 72

Bill "An Act to Prohibit the Movement of Mobile Homes without Reasonable Assurance that all Drain and Sewer Assessments have been Paid"

H.P. 70 L.D. 73

Bill "An Act to Reduce the Requirements for Registration of a Vehicle as a Street Rod"

H.P. 75 L.D. 78

Bill "An Act to Permit Spouses of Prisoners of War Special License Plate Privileges"

H.P. 87 L.D. 90

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

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

Bill "An Act to Repeal the Electric Fuel Adjustment Clause Law"

H.P. 64 L.D. 67

Bill "An Act to Repeal the Jurisdiction of the Public Utilities Commission over Transportation by Water in Casco Bay"

H.P. 79 L.D. 82

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

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

COMMUNICATIONS

The Following Communication: H.P. 90
MAINE DEPARTMENT OF MENTAL HEALTH
AND MENTAL RETARDATION

January 22, 1987

Honorable John L. Martin
Speaker of the House
113th Maine Legislature
State House Station 2
Augusta, Maine 04333

Dear Speaker Martin:

Enclosed the required number of copies of a statutorily required report from the Maine Bureau of Mental Retardation outlining the status of services to Maine persons with mental retardation and with autism. The report is addressed to Senator Gauvreau, Senate Chair of the Human Resources Committee, and Representative Peter Manning, House Chair of the Human Resources Committee, and to Committee membership.

The gains that have been achieved on behalf of these special Maine citizens and their families are a direct reflection on the interest and support of our Governors and the Maine Legislature. I speak for Maine families and their special needs members in expressing directly our appreciation to you and your fellow legislators for your ongoing interest and support.

Sincerely,
S/Kevin W. Concannon
Commissioner

Comes from the House READ and with Accompanying Papers ORDERED PLACED ON FILE.

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

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

December 31, 1986

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

Dear President Pray:

We are pleased to submit the report of the Joint Standing Committee on Taxation regarding tax

expenditures. This report was prepared by the Committee as part of its annual review of tax expenditures required by Title 36, Maine Revised Statutes Annotated, chapter 9.

The Committee's recommendations do not require legislation this year. If you have any questions about the report, let us know.

Sincerely,
S/R. Donald Twitchell
Senate Chair
S/John A. Cashman
House Chair

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

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

January 23, 1987

Senator Charles Pray
President of the Senate
State House Station 3
Augusta, Maine 04333

Dear Senator Pray:

It is my pleasure to forward to you the first Annual Report for the Forest for the Future Program and the Citizens' Forestry Advisory Council. This report details the accomplishments of the Forests for the Future Program and the activities of the Citizens' Forestry Advisory Council over the past year.

As required by statute, I am submitting the Annual Report to the Legislature and the Governor's Office. In addition to submitting this full report, we have prepared an Executive Summary (copy attached) which has been distributed to all the members of both chambers.

I am sure you appreciate the importance of the Forests for the Future Program. The task ahead, setting goals for the future supply of forest resources, is the most crucial aspect of the program. We would be pleased to prepare a briefing for the Energy and Natural Resources Committee to explain the program and answer questions.

Sincerely,
S/Richard B. Anderson
Commissioner

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

The Following Communication:
MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333

January 26, 1987

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 113th Maine Legislature, the Joint Standing Committee on Labor has had under consideration the nomination of John Fitzsimmons, as Commissioner of the Department of Labor.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS: Senators 3

Representatives 9
 NAYS: 0
 ABSENT: Rep. Ruhlin of Brewer
 Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of John Fitzsimmons, as Commissioner of the Department of Labor be confirmed.

Sincerely,
 S/Dennis L. Dutremble
 Senate Chair
 S/Edward McHenry
 House Chair

Which was READ and ORDERED PLACED ON FILE.
 THE PRESIDENT: The Joint Standing Committee on LABOR has recommended the nomination of John Fitzsimmons of Falmouth Foreside as Commissioner of the Department of Labor be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on LABOR be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 113th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?
 The Doorkeepers will secure the Chamber.
 The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None
 NAYS: Senators ANDREWS, BALDACCI, BERUBE, BLACK, BRANNIGAN, BRAWN, BUSTIN, CAHILL, CLARK, COLLINS, DILLENBACK, DOW, DUTREMBLE, EMERSON, ERWIN, ESTES, GAUVREAU, GILL, GOULD, KANY, KERRY, LUDWIG, MATTHEWS, MAYBURY, PEARSON, PERKINS, RANDALL, SEWALL, THERIAULT, TUTTLE, TWITCHELL, USHER, WEBSTER, WHITMORE, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators None
 No Senators having voted in the affirmative and 35 Senators having voted in the negative, with No Senators being absent, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of John Fitzsimmons as Commissioner of the Department of Labor, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

SENATE PAPERS

Pursuant to Resolves
 MAINE COMMISSION TO EXAMINE CHEMICAL TESTING OF EMPLOYEES

Senator TUTTLE for the MAINE COMMISSION TO EXAMINE CHEMICAL TESTING OF EMPLOYEES, pursuant to Resolves 1985, Chapter 86, ask leave to submit its findings and to report that the accompanying Bill "An Act to Ensure Confidential and Reliable Substance Abuse Testing of Employees"

S.P. 54 L.D. 105

Be referred to the Joint Standing Committee on LABOR for Public Hearing and printed pursuant to Joint Rule 18.

Which Report was READ and ACCEPTED.

The Bill referred to the Committee on LABOR and ORDERED PRINTED.

Sent down for 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 to Exempt Certain Eating Places from the Requirement to Provide a Public Rest Room" (Emergency)

S.P. 35 L.D. 19

Tabled - January 26, 1987, by Senator CLARK of Cumberland.

Pending - FURTHER CONSIDERATION (Committee on HUMAN RESOURCES suggested and ORDERED PRINTED.)

(In Senate, January 16, 1987, under suspension of the Rules READ TWICE and PASSED TO BE ENGROSSED, without reference to a Committee.)

(In House, January 20, 1987, referred to the Committee on HUMAN RESOURCES in NON-CONCURRENCE.)

On motion by Senator CLARK of Cumberland, the Senate RECEDED.

On further motion by the same Senator, referred to the Committee on BUSINESS LEGISLATION in NON-CONCURRENCE.

Sent down for concurrence.

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

THE PRESIDENT: The Chair is pleased to recognize in the rear of the Chamber a former Member of this Body, now the County Treasurer and Vice President of the Maine Land Use Alliance Association, James McBreairty. The Chair would ask Senator McBreairty to rise and accept the greetings of the Senate.

Senator CLARK of Cumberland was granted unanimous consent to address the Senate off the Record.

Senator PERKINS of Hancock was granted unanimous consent to address the Senate off the Record.

On motion by Senator ESTES of York, ADJOURNED until Wednesday, January 28, 1987, at 9:00 in the morning.