

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

(Off Record Remarks)

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

In Senate Chamber
Monday
February 2, 1987

On motion of Representative Racine of Biddeford, the House reconsidered its action whereby HLS 96, a dear friend and colleague, the Honorable Gerard J. Lehoux of Biddeford, an outstanding American patriot, who distinguished himself in the service of this State as a member of the House of Representatives of the 111th Maine Legislature, was adopted.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Racine.

Representative RACINE: Mr. Speaker, Ladies and Gentlemen of the House: Gerard Lehoux, a member of the 111th Legislature, a former member of the Biddeford City Council, and a driving force on the Biddeford Economic Commission, passed away last week.

Gerry was a highly motivated individual, who constantly strived to expand his contribution to the legislative process. He was forceful, aggressive and extremely conscientious. He may be gone but he will always be remembered.

Mr. Speaker, I move that we adjourn today's session in memory of Gerard Lehoux.

Subsequently, was adopted and sent up for concurrence.

On motion of Representative Racine of Biddeford, Adjourned until Tuesday, February 3, 1987, at nine o'clock in the morning in memory of Gerard Lehoux, a former member of the House of Representatives.

Senate called to Order by the President.

Prayer by Reverend Elbert Brewster of the Mid-Maine Medical Center in Waterville.

REVEREND BREWSTER: Let us pray. Almighty God as this Senate begins its' work today, we ask that You give to each one here a vision of what our State can be and what it should be. Show to each one of us a place of justice where all citizens are equally and fairly treated. Show us a land of plenty where all of our marvelous resources of land and people are used wisely so that vice and poverty cease to fester. Show us a place where sisterhood and brotherhood prosper, a place where real success is marked by service, and honor is given to worth alone. Show to each of us a land of peace where order never rests on physical force, but on the love that each of us have for our State and its' people. Hear our prayers today, Oh Lord, those spoken now and those silently expressed by each of these Legislators in the quiet of this time. We pledge our time, our strength and our thought to bring to Maine and all of its' citizens all of the joy, peace and fulfillment this State can offer them. Amen.

Reading of the Journal of Wednesday, January 28, 1987.

PAPERS FROM THE HOUSE
House Papers

Bill "An Act to Expand the Number of Elder Volunteers Working in Areas of Literacy and In-home Support for Families in the Retired Senior Volunteer Programs, Foster Grandparent Programs and Senior Companion Program"

H.P. 107 L.D. 117

Bill "An Act to Continue the Central Filing System Established Pursuant to the United States Food Security Act of 1985" (Emergency)

H.P. 112 L.D. 122

Bill "An Act to Provide Funds for the Establishment of the Community Service Center for the Deaf and Hearing Impaired"

H.P. 115 L.D. 140

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 Extend the Teachers' Bonus Provisions to Certain Excluded Schools"

H.P. 106 L.D. 116

Bill "An Act to Provide Adequate Compensation for Substitute Teachers and to Take into Account Local Ability to Pay"

H.P. 118 L.D. 143

Bill "An Act Authorizing Husson College to Confer the Degree of Bachelor of Science"

H.P. 121 L.D. 146

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

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

Bill "An Act to Increase Local Control of Certain Waste Water Discharges"

H.P. 114 L.D. 139

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 Clarifying Municipal Home Rule Authority as it Relates to Shoreland Areas"

H.P. 113 L.D. 138

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

On motion by Senator TUTTLE of York, referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED in NON-CONCURRENCE.

Sent down for concurrence.

Bill "An Act Creating a Deer Allowance During Archery Season"

H.P. 120 L.D. 145

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

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

Bill "An Act to Change Location for District Court Cases from Wayne to Livermore Falls"

H.P. 98 L.D. 108

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 Concerning Mandatory Workfare Participants"

H.P. 108 L.D. 118

Bill "An Act to Amend the Employment Security Law Regarding Full-time Students in the Employ of Organized Camps to Conform with the Federal Unemployment Tax Act"

H.P. 117 L.D. 142

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.

Resolve, to Simplify the Wording on the Ballot of the Proposed Initiative Regarding the Generation of Electric Power and High-level Radioactive Waste

H.P. 109 L.D. 119

Bill "An Act Pertaining to Signing of Nomination Petitions"

H.P. 111 L.D. 121

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 Regarding the Membership of the Maine Committee on Aging"

H.P. 97 L.D. 107

Bill "An Act to Allow Recall of County Officers"

H.P. 101 L.D. 111

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 Concerning Eligibility Levels for the Elderly Household Tax and Rent Refund Act"

H.P. 100 L.D. 110

Bill "An Act to Encourage Employers to Assist their Employees in Meeting Their Child Care Needs and Expenses"

H.P. 102 L.D. 112

Bill "An Act to Provide a Trade-in-credit for Camper Trailers"

H.P. 104 L.D. 114

Bill "An Act to Establish a Sales Tax Exemption for Sales to Incorporated Nonprofit Homes for the Elderly"

H.P. 110 L.D. 120

Bill "An Act to Abolish the Watercraft Excise Tax"

H.P. 119 L.D. 144

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 Relating to the Social Services Transportation Review Committee" (Emergency)

H.P. 99 L.D. 109

Bill "An Act to Amend the Laws Concerning Extension of Motor Vehicle Registration Expiration Dates"

H.P. 116 L.D. 141

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 Modernize the Definition of Telephone Utilities Subject to the Jurisdiction of the Public Utilities Commission"

H.P. 103 L.D. 113

Come 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.

Study Report

Committee on HUMAN RESOURCES

Report of the Committee on HUMAN RESOURCES to which was referred by the Legislative Council the Study Relative to Insurance Pools for High Risk Groups have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Establish a Maine High-Risk Insurance Organization to make Health Insurance Available to People who are Unable to Obtain Health Insurance for Health Reasons"

H.P. 96 L.D. 106

Be referred to the Joint Standing Committee on HUMAN RESOURCES for Public Hearing and printed pursuant to Joint Rule 19.

Come from the House with the Report READ and ACCEPTED and the Bill referred to the Committee on BANKING AND INSURANCE and ORDERED PRINTED.

Which Report was READ and ACCEPTED, in concurrence.

The Bill referred to the Committee on BANKING AND INSURANCE and ORDERED PRINTED pursuant to Joint Rule 19, in concurrence.

COMMUNICATIONS

The following Communication:
UNIVERSITY OF MAINE
CHADBOURNE HALL
ORONO, MAINE 04469

January 26, 1987

Ms. Joy O'Brien
Secretary of the Senate
State House Station 3
Augusta, Maine 04333
RE: Maine State Government Internship Program
Summer 1986

Dear Ms. O'Brien:
We enclose 40 copies of the annual report on the administration of the State Government Internship Program as required by the Maine State Statutes, Chapter 14, paragraph 294, for distribution to the Senate.

Sincerely,
S/Kathryn H. Godwin
Director
Bureau of Public Administration
Which was READ and with Accompanying Papers
ORDERED PLACED ON FILE.

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

January 27, 1987

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

The Bureau of Parks and Recreation, Maine Department of Conservation, is pleased to submit the report on its experience controlling timber harvesting in the Allagash Wilderness Waterway, as required by 12 MRSA, §670, §§3.

Sincerely,
S/Herbert Hartman
Director

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

The following Communication:
WHITEWATER ADVISORY COMMITTEE
STATE HOUSE STATION 13
AUGUSTA, MAINE 04333

January 28, 1987
The Honorable Charles P. Pray
President of the Senate
State House
Augusta, Maine 04333
Dear President Pray:

In accordance with 12 MRSA §7364-A, ¶3 this will submit the annual report of the Whitewater Advisory Committee.

Sincerely yours,
S/Clinton B. Townsend, Chairman
Whitewater Advisory Committee
Which was READ and with Accompanying Papers
ORDERED PLACED ON FILE.

The Following Communication:
STATE OF MAINE
JUDICIAL COUNCIL
PORTLAND, MAINE 04112

January 29, 1987

Speaker John L. Martin
State House
Augusta, Maine
President Charles P. Pray
State House
Augusta, Maine
Senator Joseph C. Brannigan
Senate Chamber
Augusta, Maine
Representative Patrick E. Paradis
House Chamber
Augusta, Maine
Gentlemen:

The Judicial Council, at its meeting on October 3, 1986, instructed me to inform you, in your capacities as leaders of the Legislature and of the Judiciary Committee, of its "continuing concern" for the necessity for probate reform and particularly the elimination of elected, part-time probate judges. The Legislature, by statute, has given the Council the task of making "a continuous study of the organization, rules, and methods of procedures and practice of the judicial system of the State..." 4 M.R.S.A. Section 451. In response to this mandate, the Council first identified problems in the operations of the probate courts as early as 1966. Since that time, the Council has been involved in the formation of the Probate Law Revision Commission in 1973, which, in turn, led to the development and passage of a Probate Code for Maine, enacted in 1979. In light of its original charge from the Legislature, the Commission in 1980 called for the elimination of elected, part-time probate judges and the transfer of their jurisdiction to the Superior Court.

Recognizing that the Commission's recommendation had not come to fruition, the Council, in 1984, appointed an independent panel -- the Committee for the Study of Court Structure in Relation to Probate and Family Law Matters -- with President William Cotter of Colby as its chair and charged it with the task of reviewing the operation of the probate courts. Following six months of study, the Cotter Committee recommended, among other things, that probate judges be appointed by the Governor and funding for the county-based judicial function be assumed by the state. As to the actual form of the new probate courts, the Committee reached no specific consensus and suggested four alternative approaches.

Based on the work of the Cotter Committee, the Council in 1985 sponsored legislation to carry out the recommended reforms, the enabling measure being introduced into the 112th Legislature as L.D. 1250. The bill was not acted upon during the session and by special action was carried over into the next session. In the meantime, the Legislature created a commission to study proposed changes in the District Courts to enhance the handling of family matters. That body -- the Family Matters in Court Commission -- finished its report in March of 1986. In its work it was influenced by the findings of the Cotter Committee and in its legislative proposals it called for the elimination of part-time probate judges, replacing them with full-time jurists sitting in probate matters on a regionalized basis. At the same time, the Commission recommended that the elected office of probate register remain without significant change.

