

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
 February 3, 1987

of understanding and prayer to inscribe this token of sympathy and condolence to all who share this great loss and respectfully request that when the Legislature adjourns this date, it do so in honor and lasting tribute to the deceased.

On motion of Representative Dellert of Gardiner, was removed from the Special Sentiment Calendar.

Was read.

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Dellert.

Representative DELLERT: Mr. Speaker, Members of the House: I would like to tell you a little bit of Jane Morrison's life. She was a graduate of Gardiner High School and Boston University with a degree in art.

She pursued her music and art while in school and further pursued it as she went on to college in later years.

Jane was an inspiration to all who met her. Her twinkling eyes and smile just melted everyone who ever met her. Her teaching at Cony High School was an inspiration to her students. People would see her walking down the streets filming with many of her students.

Her trip to Africa was one of many. She also did films through the Public Television Station on Sarah Orne Jewett and on the lives of many other people.

Her interest in Africa was very keen. She felt that there was so much she could do in teaching and helping other people.

I hope people like Jane can be encouraged through our system of education and be inspired like Jane Morrison.

May we close in memory to Jane as we close the session today. Thank you.

Whereupon, the Resolution was adopted and sent up for concurrence.

Orders of the Day

The Chair laid before the House the following matter: Bill "An Act Clarifying Municipal Home Rule Authority as it Relates to Shoreland Areas" (H.P. 113) (L.D. 138) (which was referred to the Committee on Energy and Natural Resources in the House on January 28, 1987) which was tabled earlier in the day and later today assigned pending further consideration.

(Came from the Senate referred to the Committee on State and Local Government in non-concurrence)

On motion of Representative Michaud of East Millinocket, the House voted to adhere.

(Off Record Remarks)

On motion of Representative Dellert of Gardiner, Adjourned until Wednesday, February 4, 1987, at nine o'clock in the morning in memory of Jane Morrison.

Senate called to Order by the President.

Prayer by First Reader Eleanor Clapp of the Christian Science Church in Damariscotta.

ELEANOR CLAPP: Let us pray. Dear Lord, Father and Mother of us all, we thank Thee for Thy presence here with us this day. Thou art the one divine intelligence which hath made us. Purify our motives and actions, that we may blend Thy purposes. Give us grace and courage and perception, for all true law comes from the basis of Thy will. May we bow down our hearts before Thee, oh Gracious Governor of all mankind. For who is able to judge this, so great of people? We are grateful for those who serve in this Senate, and for their faithful daily service to the people of our State. Dirigo, I direct, saith the Lord. Amen.

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE
 Non-concurrent Matter

Bill "An Act to Dissolve the Madawaska Hospital District"

S.P. 57 L.D. 124

In Senate, January 28, 1987, referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED.

Comes from the House referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

House Papers

Bill "An Act to Clarify the Penalty Provisions for the Late Filing of Corporation Reports"

H.P. 122 L.D. 147

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

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

Bill "An Act to Promote the Coordination of State Crime Prevention Programs for Juveniles"

H.P. 105 L.D. 115

Committee on LEGAL AFFAIRS suggested and ORDERED PRINTED.

Comes from the House referred to the Joint Select Committee on CORRECTIONS and ORDERED PRINTED.

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending REFERENCE.

Bill "An Act to Create a Small Business Ombudsman"

H.P. 126 L.D. 152

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

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

Bill "An Act to Amend Certain Laws Relating to the Department of Environmental Protection"

H.P. 125 L.D. 151

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 Providing for a Deer Allowance During Muzzle-loading Rifle Season"

H.P. 123 L.D. 148

Bill "An Act to Limit the Party Size to 12 Persons for all Groups Operating with a Guide on Inland Waters"

H.P. 127 L.D. 153

Come 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 the Taxation of Trade-in Equipment"

H.P. 128 L.D. 154

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.

Study Report
Committee on LEGAL AFFAIRS

Report of the Committee on LEGAL AFFAIRS to which was referred by the Legislative Council the Study Relative to Recodification of Title 28, MRSA have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Recodify the Liquor Laws"

H.P. 129 L.D. 155

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

Comes from the House with the Report READ and ACCEPTED and the Bill referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED.

Which Report was READ and ACCEPTED, in concurrence.

The Bill referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED, pursuant to Joint Rule 19, in concurrence.

Study Report
Committee on AGRICULTURE

Report of the Committee on AGRICULTURE to which was referred by the Legislative Council the Study Relative to Maine's Farm and Open Space Law and its Utilization have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Amend the Farm and Open Space Tax Law"

H.P. 124 L.D. 150

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

Comes from the House with the Report READ and ACCEPTED and the Bill referred to the Committee on TAXATION and ORDERED PRINTED.

Which Report was READ and ACCEPTED, in concurrence.

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

The Following Communication:

STATE OF MAINE
DEPARTMENT OF
EDUCATIONAL AND CULTURAL SERVICES
STATE HOUSE STATION 23
AUGUSTA, MAINE 04333

TO: Joy O'Brien, Secretary of the Senate
Edwin Pert, Clerk of the House
FROM: S/Ralph W. Egers Jr., Acting Commissioner
DATE: January 28, 1987
RE: Report on Actions Taken Regarding the Education for Habitual Truants

I am pleased to transmit herein my report on the number of habitual truants identified during the past school year along with the actions that have been taken regarding alternative education program and other referral actions at the local level:

	AGE 7-13	AGE 14-16
State Totals	97	818
1. Number of Truants Identified		
A. Resolved administratively at the local level	70	411
B. Referred to alternative program within the school system	9	145
C. Referred to alternative program offered by another school system	6	
D. Referred to alternative program offered by an existing agency external to the school system	2	8
E. Not resolved or referred to date	16	248
TOTAL OF ALL REASONS	16	248
2. Number Referred to School Board	12	137
A. Parents instructed of legal responsibility	12	61
B. Compulsory education waived		75
C. Special work permit issued		1
3. Number of Parents Referred to Court Action	5	15
A. Number of parents fined or confined	3	5
B. Number of parents referred to counseling	2	10
	No.	No.
	Programs	Students
Continuing programs which are permanent	19	13
Continuing programs which are not permanent		21
Programs new this year which are permanent	9	21
Programs new this year which are not permanent	2	2

Additional information regarding the above statistics as well as more detailed information describing some of the alternative programs being offered may be obtained by contacting the Truancy, Dropout and Alternative Education office (289-5110).
Which was READ and ORDERED PLACED ON FILE.

The Following Communication:
BUREAU OF TAXATION
STATE OF MAINE
STATE OFFICE BUILDING
AUGUSTA, MAINE 04333

January 30, 1987

The Honorable Charles P. Pray
President of the Senate of Maine

State House
Augusta, ME 04333
Dear Mr. President:

Enclosed please find the annual report evaluating the revenue loss due to the tax exemption on ethanol-blended fuel. This report is required by 36 MRSA § 2915.

For the 1986 calendar year, the tax rate on ethanol-blended fuel was 11¢ per gallon. This rate reflects a 3¢ exemption from the 14¢ per gallon gasoline tax rate.

There were no reported sales of ethanol-blended fuel in Maine for this period. Therefore, there was no loss of Highway Fund revenue attributable to this exemption.

The report was prepared with the assistance of the Office of Energy Resources.

Respectfully submitted,
S/Anthony J. Neves
State Tax Assessor

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

The Following Communication:
DEPARTMENT OF FINANCE
STATE CLAIMS BOARD
STATE HOUSE STATION 49
AUGUSTA, MAINE 04333

January 30, 1987

The Honorable Charles P. Pray
President of the Senate
State House Station 3
Augusta, Maine 04333
RE: Report of Small Claims to Legislature
Dear Senator Pray:

Herewith is Report of Small Claims which were received in this office during 1986 and which is being submitted to you for your information and records in accordance with Title 5 M.R.S.A., Section 1510-A, Subsection 8.

A similar report is also being submitted to the Honorable John L. Martin, Speaker of the House, and if you or your staff should have any questions in connection with this report, please communicate with this office.

Yours very truly,
S/Ronald M. Roy
Chief Counsel

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

The Following Communication:
STATE OF MAINE
PUBLIC UTILITIES COMMISSION
STATE HOUSE STATION 18
AUGUSTA, MAINE 04333

February 2, 1987

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

In accordance with Title 35 of the Maine Statutes, I am enclosing the Annual Report of the Maine Public Utilities Commission.

Please do not hesitate to call if you have any questions regarding the materials contained in the report.

Sincerely,
S/Peter A. Bradford
Chairman

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

SENATE PAPERS

Bill "An Act to Provide for Continuation of the Living in the Community Program for Chronically Mentally Ill Persons" (Emergency)

S.P. 83 L.D. 169

Presented by Senator BUSTIN of Kennebec
Cosponsored by: Representative HICKEY of Augusta, Representative PARADIS of Augusta, Senator DOW of Kennebec

Bill "An Act to Provide State Funding Necessary to Match Federal Funds for Home and Community Based Services for Older Citizens"

S.P. 84 L.D. 170

Presented by Senator BERUBE of Androscoggin
Which were referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Establish a Fluctuating Credit Card Charge Relative to the Prime Rate"

S.P. 78 L.D. 164

Presented by President PRAY of Penobscot
Cosponsored by: Speaker MARTIN of Eagle Lake, Representative JOSEPH of Waterville

Which was referred to the Committee on BANKING AND INSURANCE and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act Relating to Requirements for a Master Electrician License"

S.P. 85 L.D. 171

Presented by Senator BALDACCI of Penobscot
Which was referred to the Committee on BUSINESS LEGISLATION and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Expedite the Processing of Environmental Permits"

S.P. 81 L.D. 167

Presented by Senator USHER of Cumberland
Which was referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Provide for Alternative Base-year Financial Requirements and Alternative Computation of 3rd and Subsequent Year Financial Requirements"

S.P. 76 L.D. 162

Presented by Senator TWITCHELL of Oxford
Cosponsored by: Representative JACKSON of Harrison

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

Sent down for concurrence.

Bill "An Act Relating to Civil Penalty Actions"

S.P. 86 L.D. 172

Presented by Senator BRANNIGAN of Cumberland
Which was referred to the Committee on JUDICIARY and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Assure Proper Notice of Workers' Compensation Claims"

S.P. 79 L.D. 165

Presented by Senator COLLINS of Aroostook
Cosponsored by: Representative ZIRNKILTON of Mount Desert
Which was referred to the Committee on LABOR and ORDERED PRINTED.
Sent down for concurrence.

Bill "An Act to Amend the Piscataquis County Budget Committee Procedures"

S.P. 77 L.D. 163

Presented by President PRAY of Penobscot
Cosponsored by: Representative THISTLE of Dover-Foxcroft, Representative HUSSEY of Milo, Representative GOULD of Greenville
RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for Staggered 4-year Terms for Representatives

S.P. 82 L.D. 168

Presented by President PRAY of Penobscot
Cosponsored by: Senator TUTTLE of York, Senator DOW of Kennebec, Senator BUSTIN of Kennebec
RESOLUTION, Proposing an Amendment to the Constitution of Maine to Change the Terms of Members of the Senate from 2 Years to 4 Years

S.P. 87 L.D. 173

Presented by President PRAY of Penobscot
Cosponsored by: Senator TUTTLE of York, Senator DOW of Kennebec, Senator BUSTIN of Kennebec
Which were referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED.
Sent down for concurrence.

Bill "An Act Relating to the Base for the State Excise Tax under the Motor Vehicle Laws"

S.P. 80 L.D. 166

Presented by Senator TWITCHELL of Oxford
Which was referred to the Committee on TAXATION and ORDERED PRINTED.
Sent down for concurrence.

Pursuant to Public Law
Committee on

APPROPRIATIONS AND FINANCIAL AFFAIRS

Senator PEARSON for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS, pursuant to Public Law 1985, Chapter 773, section 3, ask leave to submit its findings and to report that the accompanying Bill "An Act to Transfer Certain Expenses from the Judicial Branch to Certain Executive Branch Agencies" (Emergency)

S.P. 75 L.D. 158

Be referred to the Joint Standing Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS for Public Hearing and printed pursuant to Joint Rule 18.
Which Report was READ and ACCEPTED.

The Bill referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED, pursuant to Joint Rule 18.

Sent down for concurrence.

Off Record Remarks

On motion by Senator DOW of Kennebec, ADJOURNED until Wednesday, February 4, 1987, at 9:00 in the morning.

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION

12th Legislative Day

Wednesday, February 4, 1987

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

Prayer by Reverend Maynard Hammond, Federated Church, Skowhegan.

The Journal of yesterday was read and approved.
Quorum call was held.

SENATE PAPERS

Bill "An Act to Provide for Continuation of the Living in the Community Program for Chronically Mentally Ill Persons" (Emergency) (S.P. 83) (L.D. 169)

Bill "An Act to Provide State Funding Necessary to Match Federal Funds for Home and Community Based Services for Older Citizens" (S.P. 84) (L.D. 170)

Came from the Senate, referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

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

Bill "An Act to Establish a Fluctuating Credit Card Charge Relative to the Prime Rate" (S.P. 78) (L.D. 164)

Came from the Senate, referred to the Committee on Banking and Insurance and Ordered Printed.

Was referred to the Committee on Banking and Insurance in concurrence.

Bill "An Act Relating to Requirements for a Master Electrician License" (S.P. 85) (L.D. 171)

Came from the Senate, referred to the Committee on Business Legislation and Ordered Printed.

Was referred to the Committee on Business Legislation in concurrence.

Bill "An Act to Expedite the Processing of Environmental Permits" (S.P. 81) (L.D. 167)

Came from the Senate, referred to the Committee on Energy and Natural Resources and Ordered Printed.

Was referred to the Committee on Energy and Natural Resources in concurrence.

Bill "An Act to Provide for Alternative Base-year Financial Requirements and Alternative Computation of 3rd and Subsequent Year Financial Requirements" (S.P. 76) (L.D. 162)

Came from the Senate, referred to the Committee on Human Resources and Ordered Printed.

Was referred to the Committee on Human Resources in concurrence.

Bill "An Act Relating to Civil Penalty Actions" (S.P. 86) (L.D. 172)

Came from the Senate, referred to the Committee on Judiciary and Ordered Printed.

Was referred to the Committee on Judiciary in concurrence.

Bill "An Act to Assure Proper Notice of Workers' Compensation Claims" (S.P. 79) (L.D. 165)

Came from the Senate, referred to the Committee on Labor and Ordered Printed.