

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
 Thursday
 February 5, 1987

As you can see from Chart D, we have been able to maintain basically the same allocation of resources as we have in the past. We have achieved a reduction in general government's share of resources; we have increased funding to education; and we have maintained this state's commitment to human services. We have done all this, and there will be no increase in state taxes. (Applause)

In order to ensure that we continue along this same course in the future, we must -- all of us -- work for economic growth. To do that, we must, first of all, step back and take a careful look at where we are. We must examine our retirement system. We must conduct a thorough review of our regulatory policies. And we must develop an economic development strategy for the entire state.

We must, in short, examine and question the ways we spend our taxpayers' dollars. We must be sure that our programs and services are as efficient and effective as possible. (Applause)

As I have already said, this administration has had little time to do that. I hope, therefore, that you will consider the submission of our budget the beginning of the process. I hope that, as my commissioners take office and begin to review expenditures and services within their departments, we might continue to fine-tune this document. And I hope that all of you here today will be willing to assist in that process.

Maine can, indeed, be the state of opportunity that I envision. But we must work hard -- and work together -- to make it so. I am convinced that this budget is the first important step towards that goal.

Thank you very much. (Applause)

At the conclusion of the Governor's address, the Governor withdrew amid applause of the Convention, the audience rising.

The purpose for which the Convention was assembled having been accomplished, the Chairman declared the same dissolved and the Senate retired to its chambers amid applause of the House, the members rising.

IN THE HOUSE

The House was called to order by the Speaker.

On motion of Representative Perry of Mexico, Adjourned until Monday, February 9, 1987, at ten o'clock in the morning pursuant to Joint Order.

Senate called to Order by the President.

Prayer by Pastor Ronnie Dean McRaven of the Kennebec Valley Assembly of God in Augusta.

PASTOR MCRAVEN: Our Father, which art in Heaven, hallowed be Thy name. Thy name is sanctified, Thy name is sacred. Thy kingdom come, Thy will be done, on earth, here in Augusta, Maine, as it is in Heaven. Father, I come to You in the name that is above every name. The name of Jesus Christ. I ask You to direct and guide these precious men and women who are in the authority of leadership. God, turn every question mark into an exclamation mark. Place a period at the end of the sentence today. Let the work be complete, as You are complete, we are complete in Thee. I ask for the direction of the Holy Spirit, the divine power, the divine guidance of the Holy Spirit, of our God.

We are a needy people. You placed these men and women in authority to lead and guide. We only see the veneer. You know what is inside of all of us. Those that may be hurting today, inside of this building. I pray You go beyond the veneer of this flesh, that You will touch their hearts, and touch their spirits. Guide them in the right way. Lord, we call upon You, as our forefathers did, when they founded this great land. We need You. Man without the touch of God, without Your spirit, according to Thy word, we could do nothing. We reach out in longing and anxiety. We reach out in love, depending upon our great Creator, knowing without You we could do nothing. With You, we are more than conquerors, we can do all things, because You give us strength.

Lord, let us turn to Thee, knowing You are our hope. If You breathe into a chunk of red clay, that clod of dirt becomes a living soul. Then breathe upon us today, and let us feel the divine spirit of a living God. Let us feel once again, in our hearts, that You are turning this country around, using men and women like this audience, to bring it all back. Freedom and love and power and grace, that out stretched hand, reaching to the bum on the street and rich in the palace.

We pray for our President, we pray for our Vice President, we pray for our precious Governor of this State, we pray for this Senate, today, that the overpowering presence of a living God will be felt here, and when all is said and done, that we will leave this place in unity, in the direction of the Holy Spirit.

We thank you, God, for America and our freedom. As Patrick Henry said, "Give me liberty or give me death." What is a country or a nation without freedom? What is a soul without the liberty and the freedom of the Holy Spirit? Free our minds, free our flesh and free our spirit, today. We give You thanks, and let us say in 1987, we begin this new year, that God is blessing America and freedom rings again. The liberty of God and the power of America is well intact. Keep us free, in Jesus name, keep us free and let us always see victory, in God and the liberty of this Country. In Jesus name, Amen.

Reading of the Journal of Yesterday.

Out of order and under suspension of the Rules, on motion by Senator CLARK of Cumberland, the following Senate Order:

ORDERED, that a message be sent to the House of Representatives proposing a Convention of both Branches in the Hall of the House of Representatives at 10:30 in the morning for the purpose of extending to His Excellency, Governor John R. McKernan, Jr., an invitation to attend the Convention and make such communication as pleases him.

Which was READ and PASSED.

The Chair appointed the Senator from Cumberland, Senator CLARK, to deliver the message. The Sergeant-At-Arms escorted the Senator to the House of Representatives.

Senate at Ease

Senate called to order by the President.

Subsequently, Senator CLARK of Cumberland reported she had delivered the message with which she was charged.

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

S.P. 100

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Monday, February 9, 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 Relating to the Payment of Dues to Grower Organizations by Handlers and Processors of Farm Products"

H.P. 169 L.D. 213

Bill "An Act to Allow for Alternates on the Maine Potato Board"

H.P. 181 L.D. 225

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

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

Bill "An Act to Increase Employability of Persons with Long-term Mental Illness"

H.P. 170 L.D. 214

Bill "An Act to Provide Funding for Potato Variety Breeding and Development"

H.P. 180 L.D. 224

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.

At this point, a message was received from the House of Representatives, borne by Representative DIAMOND of Bangor, informing the Senate that the House of Representatives Concurs with the proposition for a Joint Convention, to be held in the Hall of the House, at 10:30, for the purpose of extending to His

Excellency, Governor John R. McKernan, Jr., an invitation to attend the Convention and make such communication as pleases him.

Bill "An Act Defining Terms in the Manufactured Housing Zoning Laws"

H.P. 187 L.D. 231

Comes from the House referred to the Committee on BUSINESS LEGISLATION 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 Relating to the Administrative Council of the University of Maine System"

H.P. 183 L.D. 227

Bill "An Act to Change the Law Governing School Entrance Age"

H.P. 185 L.D. 229

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 Exempt Liquid Asphalt Terminal Licenses from Certain Fee Payments"

H.P. 172 L.D. 216

Bill "An Act to Ensure that a Draft of Maine Land Use Regulation Commission's Decisions is Made Available to Interested Parties Prior to the Commission's Action on an Application"

H.P. 173 L.D. 217

Bill "An Act to Clarify the Site Location Law"

H.P. 188 L.D. 232

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

Which were referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED, in concurrence.

Bill "An Act Concerning Snowmobile Registration Fees"

H.P. 174 L.D. 218

Bill "An Act to Allow Sunday Deer Hunting"

H.P. 177 L.D. 221

Bill "An Act to Require all Licensed Guides to have Cardiopulmonary Resuscitation First Aid Certification"

H.P. 179 L.D. 223

Bill "An Act Concerning the Open Season on Bear"

H.P. 189 L.D. 233

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 Immunization of Post-secondary Students"

H.P. 182 L.D. 226

Committee on EDUCATION suggested and ORDERED PRINTED.

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 Relating to the Use of Hospital Records of Blood-alcohol Level in Court Procedures as Evidence of Liability"

H.P. 176 L.D. 220

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 Membership on the Commission on Uniform State Laws"

H.P. 194 L.D. 238

Committee on STATE AND LOCAL GOVERNMENT 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 Exempt Prisoners and Adult Offenders who are Performing Court-ordered Public Restitution from the Provisions of the Workers' Compensation Act"

H.P. 178 L.D. 222

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

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

Bill "An Act to Allow Political Parties to Determine the Qualifications of Voters in Primary Elections"

H.P. 184 L.D. 228

Bill "An Act to Eliminate Voter Registration on Election Day"

H.P. 191 L.D. 235

Bill "An Act Relating to Organization and Powers of Religious Societies"

H.P. 195 L.D. 239

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 Relating to Major Policy-influencing Positions in State Government"

H.P. 175 L.D. 219

Bill "An Act to Establish Salary Ranges for Deputy Secretaries of State and the Attorney General's Office"

H.P. 186 L.D. 230

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 Taxation of Aircraft" (Emergency)

H.P. 190 L.D. 234

Bill "An Act to Amend the Tree Growth Tax Law"

H.P. 192 L.D. 236

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 Concerning Seasonal Ways under the Highway Laws"

H.P. 149 L.D. 190

Bill "An Act Relating to Use of 6-axle Vehicles to Haul Commodities"

H.P. 193 L.D. 237

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 Amend the Charter of the Kennebunk, Kennebunkport and Wells Water District" (Emergency)

H.P. 171 L.D. 215

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.

Off Record Remarks

COMMUNICATIONS

The Following Communication:

HEALTH CARE FINANCE COMMISSION
STATE HOUSE STATION 102
AUGUSTA, MAINE 04333

The Honorable Charles P. Pray

President of the Senate

State House

Augusta, Maine 04333

Dear Senator Pray:

It is my pleasure to transmit the Commission's Annual Report for 1986 to you. Despite the continued opposition of some hospital officials, my colleagues and I believe the new payment system we administer has served Maine citizens well.

The cost of hospital care is now increasing at a modest rate we believe Maine citizens can afford. During 1985 and 1986 the income Maine hospitals received from patient services increased by 10.1% compared to a national increase of 15.5%. The resulting savings to Maine citizens exceeded \$50 million.

The financial protection this payment system affords Maine hospitals has assumed added importance in light of recent changes in the Medicare program. A number of hospitals have been helped to maintain the range and quality of the services they offer despite significant reductions in Medicare payments.

The way Maine hospitals are paid is fairer than it has been for many years. The discounts received by the Department of Human Services and Blue Cross now reflect the savings their practices yield hospitals or other payors. Productive competition between organizations that manage and pay for hospital care has been stimulated without compromising its accessibility to those who are medically indigent.

Finally, we recognize that this payment system is not perfect. We are committed to examining its effects and making whatever changes we can to resolve identified problems. We are also prepared to support any amendments to the statute which will help to assure that effective and economical hospital care is available to all Maine citizens. We look forward to working with you to achieve this goal.

Sincerely,
S/Diantha Carrigan
Chairman

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

SENATE PAPERS

Resolve, Authorizing Use of Certain Proceeds to Rehabilitate the Public Boat Launching Site on Moosehead Lake at Greenville Junction

S.P. 92 L.D. 240

Presented by President PRAY of Penobscot

Cosponsored by: Representative GOULD of Greenville

Bill "An Act to Increase the Appropriations to the Maine Student Osteopathic Loan Program"

S.P. 94 L.D. 241

Presented by Senator GILL of Cumberland

Cosponsored by: Representative ROLDE of York, Senator CLARK of Cumberland, Senator RANDALL of Washington

Resolve, to Compensate Lucille A. Clavette of Sabattus as Personal Representative of the Estate of Richard J. Clavette, Late of Pownal

S.P. 95 L.D. 242

Presented by Senator BERUBE of Androscoggin

Cosponsored by: Senator PERKINS of Hancock, Representative STEVENS of Sabattus, Representative NADEAU of Lewiston

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

Sent down for concurrence.

Bill "An Act to Increase the Fees for Examination and Licensure for Chiropractors"

S.P. 96 L.D. 243

Presented by Senator BUSTIN of Kennebec

Cosponsored by: Senator BRANNIGAN of Cumberland, Representative ALLEN of Washington, Representative TELOW of Lewiston

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

Sent down for concurrence.

Bill "An Act Concerning the Purchase of School Buses"

S.P. 97 L.D. 244

Presented by Senator TWITCHELL of Oxford

Cosponsored by: Representative WALKER of Norway, Representative JACKSON of Harrison

Bill "An Act to Change the Process of Selecting the Commissioner of Educational and Cultural Services"

S.P. 99 L.D. 246

Presented by Senator ESTES of York

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

Sent down for concurrence.

Bill "An Act to Revise the Energy Building Standards Act"

S.P. 93 L.D. 247

Presented by Senator KERRY of York

Cosponsored by: Senator TUTTLE of York, Representative JACQUES of Waterville, Representative HOGLUND of Portland

Which was referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Expand the Number of Land Use Laws Under the Jurisdiction of the District Court"

S.P. 98 L.D. 245

Presented by Senator USHER of Cumberland

Cosponsored by: Representative WARREN of Scarborough, Representative COLES of Harpswell, Senator GAUVREAU of Androscoggin
Which was referred to the Committee on JUDICIARY and ORDERED PRINTED.
Sent down for concurrence.

COMMITTEE REPORTS

House

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 Enable a Collection Agency to Represent Clients in Small Claims Court"

H.P. 18 L.D. 17

Off Record Remarks

ORDERS OF THE DAY

The Chair laid before the Senate the Tabled and Specially Assigned matter:

Bill "An Act to Continue Statewide Standards for the Identification and Management of Child Abuse and Neglect"

H.P. 162 L.D. 203

Tabled - February 4, 1987, by Senator PEARSON of Penobscot.

Pending - REFERENCE

(In House, February 3, 1987, referred to the Committee on HUMAN RESOURCES.)

On motion by Senator PEARSON of Penobscot, referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED in NON-CONCURRENCE.

Sent down for concurrence.

The Chair laid before the Senate the Tabled and Specially Assigned matter:

Bill "An Act to Prohibit Vending Machine Sales of Cigarettes"

H.P. 163 L.D. 204

Tabled - February 4, 1987, by Senator CLARK of Cumberland.

Pending - REFERENCE

(In House, February 3, 1987, referred to the Committee on HUMAN RESOURCES.)

On motion by Senator CLARK of Cumberland, referred to the Committee on BUSINESS LEGISLATION and ORDERED PRINTED in NON-CONCURRENCE.

Sent down for concurrence.

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

COMMUNICATIONS

The Following Communication:

COMMITTEE ON EDUCATION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

February 5, 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 Education has had under consideration the nomination of Eve M. Bither of Westbrook, as the Commissioner of

the Department of Educational and Cultural Services.

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 10
 NAYS: 0
 ABSENT: 0

Thirteen 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 Eve M. Bither of Westbrook, as the Commissioner of the Department of Educational and Cultural Services be confirmed.

Sincerely,
 S/Stephen C. Estes
 Senate Chair
 S/Stephen M. Bost
 House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on EDUCATION has recommended the nomination of Eve M. Bither of Westbrook as Commissioner of the Department of Educational and Cultural Services be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on EDUCATION 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 Eve M. Bither, as Commissioner of the Department of Educational and Cultural Services was CONFIRMED.

The Secretary has so informed the Speaker of the House.

Off Record Remarks

On motion by Senator SEWALL of Lincoln, RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

At this point, the Senate retired to the Hall of the House, where a Joint Convention was formed.

AFTER CONVENTION

IN SENATE

Senate called to order by the President.

The Adjournment Order having been returned from the House, READ and PASSED, in concurrence, on motion by Senator BERUBE of Androscoggin, ADJOURNED until Monday, February 9, 1987 at 10:00 in the morning.

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

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