

# 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

On motion of Representative Paradis of Augusta, the House reconsidered its action whereby RESOLVE, to Compensate Dorothy Gammon of Portland (H.P. 235) (L.D. 303) was referred to the Committee on Judiciary.

On further motion of the same Representative, the Bill was referred to the Committee on Legal Affairs, ordered printed and sent up for concurrence.

(At Ease)

The House was called to order by the Speaker.

(Off Record Remarks)

On motion of Representative Jacques of Waterville, Adjourned until Tuesday, February 10, 1987, at nine o'clock in the morning.

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

In Senate Chamber  
Monday  
February 9, 1987

Senate called to Order by the Secretary, Joy J. O'Brien.

The Secretary requested the Sergeant-At-Arms to escort the Senator from Cumberland, Senator CLARK to the Rostrum where she assumed the duties of President Pro Tem.

Senate called to order by the President Pro Tem.

Prayer by Reverend Dorothy Kimble of the Winthrop Street Universalist Church in Augusta.

REVEREND KIMBLE: Alfred Lord Tennyson said, "More things are wrought by prayer, than this world dreams of." Let us be in the spirit of prayer. Almighty God, infinite spirit, hear us as we pray for strength and courage for honest dealing and straight talk. Help us to see that the task at hand cannot be done alone. Save us from indecision, help us hold fast to that which is good, guide us in Thy way, truth and life, that we may be promoters and sustainers of peace and justice. With thanks we do pray, Amen.

Reading of the Journal of Thursday, February 5, 1987.

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Increase State Revenues by Providing Expanded Opportunities for Harness Racing within the State"

H.P. 205 L.D. 257

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

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

Bill "An Act Concerning the Calculation of the Insured Value Factor in Public Tuition Payments to Private Schools"

H.P. 196 L.D. 248

Bill "An Act to Fund Energy Outreach Workers in Presque Isle, Bangor, Augusta, Lewiston and Portland"

H.P. 200 L.D. 252

Bill "An Act Regarding Day Treatment Services to Emotionally Disabled Children"

H.P. 201 L.D. 253

Bill "An Act to Increase State Funding for Homemaker Services"

H.P. 210 L.D. 262

Bill "An Act to Continue Community Mental Retardation Services"

H.P. 211 L.D. 263

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$4,000,000 for the Restoration and Cleanup of Oil Contaminated Ground Water and Well Water and to Assist Low-income Homeowners in Defraying the Costs Associated with the Removal of Old Underground Oil Storage Tanks"

H.P. 212 L.D. 264

Bill "An Act to Appropriate Funds to Maintain 24-hour Coverage by State Police Troop D in Thomaston"

H.P. 219 L.D. 271

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 Continue the Pine Tree Partnership Fund Program"

H.P. 207 L.D. 259

Comes from the House referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

On motion by Senator DUTREMBLE of York, Tabled until Later in Today's Session, pending REFERENCE.

Bill "An Act to Encourage Industrial Product Development in the State"

H.P. 197 L.D. 249

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 Establish the Water Well Information Law"

H.P. 213 L.D. 265

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 Affecting Joint and Several Liability"

H.P. 198 L.D. 250

Bill "An Act to Amend the Maine Tort Claims Act Regarding Punitive Damages"

H.P. 204 L.D. 256

Bill "An Act to Amend the Maine Tort Claim Relating to Personal Liability of Employees of a Governmental Entity"

H.P. 209 L.D. 261

Bill "An Act to Amend the State Antitrust Laws"

H.P. 214 L.D. 266

Bill "An Act to Create the Litigation Accountability Act"

H.P. 216 L.D. 268

Bill "An Act to Create a Noneconomic Damages Award Act"

H.P. 217 L.D. 269

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 Amend the Election Laws Regarding Incarcerated Felons"

H.P. 206 L.D. 258

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 Amending the Excise Tax Law as it Relates to Telephone Company Motor Vehicles" (Emergency)

H.P. 199 L.D. 251

Bill "An Act to Amend the Watercraft Excise Tax Law"

H.P. 221 L.D. 273

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 Authorizing a Study to Determine the Feasibility of Seat Belts in School Buses"

H.P. 215 L.D. 267

Bill "An Act to Amend the Implementation of the International Registration Plan under the Motor Vehicle Laws"

H.P. 220 L.D. 272

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 Increase the Annual Public Utilities Commission Regulatory Fund Assessment" (Emergency)

H.P. 203 L.D. 255

Bill "An Act to Permit Ownership of Telephone Pay Stations by Persons other than Public Utilities"

H.P. 208 L.D. 260

Bill "An Act for Timely Construction of Water Main Extensions"

H.P. 218 L.D. 270

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:  
SENATE OF MAINE  
OFFICE OF THE PRESIDENT  
AUGUSTA, MAINE 04333

February 5, 1987

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

Dear Madam Secretary:

In my absence, pursuant to my authority under Senate Rule 1, I have appointed Senator Nancy Randall Clark to serve as President pro tempore.

Sincerely,  
S/Charles P. Pray  
President of the Senate

Which was READ and ORDERED PLACED ON FILE.

SENATE PAPERS

Bill "An Act to Prevent Inappropriate Institutionalization of Mentally and Physically Handicapped Persons"

S.P. 111 L.D. 284

Presented by Senator GILL of Cumberland  
Cosponsored by: Senator GAUVREAU of Androscoggin, Senator BERUBE of Androscoggin, Representative PINES of Limestone  
Bill "An Act to Provide Funding for Business Energy Outreach"

S.P. 112 L.D. 285

Presented by Senator KERRY of York  
Cosponsored by: Representative LISNIK of Presque Isle, Representative BAKER of Portland, Representative MCSWEENEY of Old Orchard Beach

Bill "An Act to Provide Substance Abuse Prevention, Education and Treatment Services to Native Americans in Maine"

S.P. 114 L.D. 287

Presented by Senator PEARSON of Penobscot  
Cosponsored by: Representative CASHMAN of Old Town

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

Sent down for concurrence.

Bill "An Act to Amend the Bank Holding Company Law"

S.P. 105 L.D. 278

Presented by Senator CLARK of Cumberland  
Cosponsored by: Senator DOW of Kennebec, Representative RYDELL of Brunswick, Representative BOTT of Orono

Bill "An Act to Clarify the Law Regarding Expedited Charter Conversions, Mergers and Consolidations"

S.P. 106 L.D. 279

Presented by Senator CLARK of Cumberland  
Cosponsored by: Senator DILLENBACK of Cumberland, Representative JOSEPH of Waterville, Representative WEBSTER of Cape Elizabeth

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

Sent down for concurrence.

Bill "An Act Relating to the Organization of School Administrative Districts"

S.P. 107 L.D. 280

Presented by Senator ESTES of York  
Cosponsored by: Representative MATTHEWS of Caribou, Representative SOUCY of Kittery

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

Sent down for concurrence.

Bill "An Act to Require the Department of Human Services to Implement Certain Recommendations Regarding the Recruitment, Training and Staffing Levels for Certified Nursing Assistants"

S.P. 118 L.D. 313

Presented by Senator BUSTIN of Kennebec  
Cosponsored by: Representative CARROLL of Gray, Representative BOUTILIER of Lewiston, Senator GILL of Cumberland

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

Sent down for concurrence.

Bill "An Act Concerning Future Indian Communities"

S.P. 113 L.D. 286

Presented by Senator PEARSON of Penobscot  
Cosponsored by: Representative CASHMAN of Old Town

Which was referred to the Committee on JUDICIARY and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act Relating to Usable Data under the State Construction Wage Law"

S.P. 103 L.D. 276

Presented by Senator RANDALL of Washington  
Cosponsored by: Representative WILLEY of Hampden

Bill "An Act to Alter the Appointment of Fact Finders by the Maine Labor Relations Board"

S.P. 110 L.D. 283

Presented by Senator GAUVREAU of Androscoggin  
Cosponsored by: Representative PARADIS of Frenchville, Senator ANDREWS of Cumberland  
Which were referred to the Committee on LABOR and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Require the Prompt Issuance and Service of Writs of Possession"

S.P. 108 L.D. 281

Presented by Senator MAYBURY of Penobscot  
Cosponsored by: Senator DOW of Kennebec, Representative HANDY of Lewiston, Representative MURPHY of Berwick

Bill "An Act Relating to Questions Put to the Electorate at Referendum"

S.P. 116 L.D. 289

Presented by Senator KANY of Kennebec  
Cosponsored by: Representative LACROIX of Oakland, Representative VOSE of Eastport, Senator ANDREWS of Cumberland

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

Sent down for concurrence.

Bill "An Act to Validate Certain Proceedings of the Town of Trenton" (Emergency)

S.P. 104 L.D. 277

Presented by Senator PERKINS of Hancock  
Cosponsored by: Representative ZIRNKILTON of Mount Desert, Representative JOSEPH of Waterville, Representative SALSBURY of Bar Harbor

Bill "An Act to Require State Compliance with Municipal Ordinances"

S.P. 115 L.D. 288

Presented by Senator RANDALL of Washington  
Cosponsored by: Representative HUSSEY of Milo, Representative LOOK of Jonesboro

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

Sent down for concurrence.

Bill "An Act Relating to Enforcement of Accessibility Standards for Places of Public Accommodations"

S.P. 109 L.D. 282

Presented by Senator ANDREWS of Cumberland  
Cosponsored by: Senator GAUVREAU of Androscoggin, Representative WARREN of Scarborough, Representative PARADIS of Augusta

Committee on STATE AND LOCAL GOVERNMENT suggested and ORDERED PRINTED.

On motion by Senator BRANNIGAN of Cumberland, referred to the Committee on JUDICIARY and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act Relating to the Taxation of Trade-in Equipment"

S.P. 101 L.D. 274

Presented by Senator RANDALL of Washington  
Cosponsored by: Senator TWITCHELL of Oxford  
Bill "An Act to Provide for a Sales Tax Credit on the Trade-in of Construction Equipment"

S.P. 102 L.D. 275

Presented by Senator RANDALL of Washington  
Cosponsored by: Senator TWITCHELL of Oxford

Which were referred to the Committee on TAXATION and ORDERED PRINTED.  
Sent down for concurrence.

Bill "An Act Relating to the Suspension of Motor Vehicle Licenses for Refusal of Chemical Tests"  
S.P. 117 L.D. 312  
Presented by Senator GAUVREAU of Androscoggin  
Cosponsored by: Representative MARSANO of Belfast, Representative CONLEY of Portland  
Which was referred to the Committee on TRANSPORTATION and ORDERED PRINTED.  
Sent down for concurrence.

COMMITTEE REPORTS

House

Ought to Pass

The Committee on JUDICIARY on Bill "An Act to Extend Immunity from Civil Liability for the Unlawful Cutting of Trees to Municipal Employees Acting within the Course and Scope of their Employment"

H.P. 26 L.D. 23

Reported that the same Ought to Pass.

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

ORDERS OF THE DAY

The Chair laid before the Senate the Tabled and Later Today Assigned matter:

Bill "An Act to Continue the Pine Tree Partnership Fund Program"

H.P. 207 L.D. 259

Tabled - February 9, 1987, by Senator DUTREMBLE of York.

Pending - REFERENCE

(In House, February 5, 1987, referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.)

On motion by Senator DUTREMBLE of York, Tabled 1 Legislative Day, pending REFERENCE.

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

Senator MATTHEWS: Thank you Madam President, Ladies and Gentlemen of the Senate. I will be very brief.

I would like to bring to your attention an issue which I believe is very, very important and I am sure one which the Members of this Body have been watching very closely. I know that a couple of the Members have been participating directly in the situation, that is the Seabrook situation.

The other day I was absolutely astounded and extremely upset by a decision by the Nuclear Regulatory Commission, that it seems to me is indicative of the kinds of Federal policies that really irk the citizens of this Country. That decision, Ladies and Gentlemen of the Senate, was the decision by the Nuclear Regulatory Commission, as you all know, which effected the emergency evacuation plans around Seabrook. As everybody here probably knows from following the news, the States of Massachusetts, New Hampshire, Vermont and our State of Maine have been very much a part of that decision making, of having the opportunity to sit down with all concerned, the Utility, Seabrook and the citizens

in the area, to develop some evacuation plans that are going to be in the best interest of the public. That process has been going on, citizens have been involved and engaged in that debate and dialogue, and now here comes the Nuclear Regulatory Commission around the end who says we will now allow the Utility and Seabrook to develop those plans and thereby taking away the public's participatory process. I think, again, that just shows the kind of careless attitude that a lot of the bureaucracies in Washington have had toward the public and the public taking an active part in democracy. I just wanted to state publicly for the Record and I know that I speak for the Members of the Maine Legislature, that we do not tolerate that kind of activity and that is not in keeping with the democracy that we enjoy.

On motion by Senator DUTREMBLE of York, ADJOURNED until Tuesday, February 10, 1987, at 9:00 in the morning.