

# 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  
Wednesday  
February 18, 1987

Senate called to Order by the President.

Prayer by Father Germain Bureau of St. Theresa's Catholic Church in Oakland.

FATHER BUREAU: Let us pray. Heavenly Father, You have endowed Your children with inalienable rights such as life, liberty and the pursuit of happiness so that we may reach out to You together. Help us to continue to remove the obstacles to exercise these rights, especially among the poor, the sick and the aged. Give us the resolve to work so that all our people may be free, not only in name, but in reality, with the freedom that comes with You Lord as they choose steps to You. Amen.

Reading of the Journal of Yesterday.

Off Record Remarks

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 of the Legislature in the Hall of the House at 10:00 a.m. for the purpose of extending to the Honorable Robert L. Woodbury, Chancellor of the University of Maine, an invitation to attend the Joint 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.

Off Record Remarks

At this point, a message was received from the House of Representatives, borne by Representative DIAMOND of Bangor, informing the Senate the the House of Representatives Concurs with the proposition for a Joint Convention, to be held in the Hall of the House, at 10:00 o'clock, for the purpose of extending to the Honorable Robert L. Woodbury, Chancellor of the University of Maine, an invitation to attend the Joint Convention and make such communication as pleases him.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-concurrent Matter

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

H.P. 207 L.D. 259

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

In Senate, February 10, 1987, referred to the Committee on ECONOMIC DEVELOPMENT and ORDERED PRINTED in NON-CONCURRENCE.

Comes from the House, that Body ADHERED.

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

House Papers

Bill "An Act to Change the Composition of the Board of Trustees of the Maine State Retirement System"

H.P. 278 L.D. 361

Bill "An Act to Make Maine State Retirement System Membership Optional for Employees in Participating Local Districts that Establish an Alternative Pension System"

H.P. 281 L.D. 364

Come 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 Temporarily Extend Authority for Agricultural Central Filing Systems" (Emergency)

H.P. 277 L.D. 360

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 to Appropriate Funds to the Department of Human Services to Provide Training and Technical Assistance to Community Public Drinking Water Supplies"

H.P. 269 L.D. 352

Bill "An Act to Provide for Emergency Funding for Home-based Family Services" (Emergency)

H.P. 282 L.D. 365

Bill "An Act to Prevent Inappropriate Institutionalization of Children"

H.P. 283 L.D. 366

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 Increase the State's Share of Education Costs"

H.P. 272 L.D. 355

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

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

Bill "An Act to Provide Energy Grants to Schools and Hospitals Under the 'Institutional Conservation Program'"

H.P. 274 L.D. 357

Committee on ENERGY AND NATURAL RESOURCES suggested and ORDERED PRINTED.

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

Which was referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED, in concurrence.

Bill "An Act to Prohibit Tobacco Companies from Sponsoring Community, Sporting, Recreational or Civic Events"

H.P. 273 L.D. 356

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 Amend the Date to Determine Age for Kindergarten Eligibility"

H.P. 284 L.D. 367

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

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

Bill "An Act to Prohibit Smoking in Public Areas of Publicly Owned Buildings"

H.P. 270 L.D. 353

Bill "An Act Concerning Interdepartmental Coordination of Services to Children and Families"

H.P. 276 L.D. 359

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

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

Bill "An Act Relating to the Amount of Civil Penal Damages to be Awarded in Cases of Unlawful Discrimination"

H.P. 271 L.D. 354

Bill "An Act to Amend the Maine Tort Claims Act to Remove Joint and Several Liability for Government Entities"

H.P. 275 L.D. 358

Bill "An Act to Expand the Adoption Registry"

H.P. 286 L.D. 369

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 Provide for the Combining or Merger of Existing Bargaining Units Represented by a Single Bargaining Agent Under the Municipal Public Employees Labor Relations Law"

H.P. 287 L.D. 372

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 Make State Law Regarding Continuation of Group Health Insurance Coverage Consistent with Federal Law"

H.P. 280 L.D. 363

Committee on BANKING AND INSURANCE suggested and ORDERED PRINTED.

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 Require an Election Coordinator for Absentee Balloting in Housing Facilities for the Elderly"

H.P. 288 L.D. 373

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 to Amend the Laws Concerning the State Employee Health Insurance Coverage"

H.P. 279 L.D. 362

Bill "An Act to Allow a County Treasurer to Appoint a Deputy Treasurer"

H.P. 285 L.D. 368

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 to Limit the Impact of Annual Variations in State Valuations"

H.P. 268 L.D. 351

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.

Bill "An Act to Extend the Life of the 9-1-1 Study Commission" (Emergency)

H.P. 289 L.D. 374

Comes 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.

Pursuant to the Statutes

The Secretary of State, pursuant to Title 29 Section 2202, ask leave to submit its findings and to report that the accompanying Bill "An Act to Implement Administrative Adjudication of Traffic Infractions"

H.P. 290 L.D. 375

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

Comes from the House with the Report READ and ACCEPTED and the Bill referred to the Committee on JUDICIARY and ORDERED PRINTED, pursuant to Joint Rule 18.

Which Report was READ and ACCEPTED, in concurrence.

The Bill referred to the Committee on JUDICIARY and ORDERED PRINTED, pursuant to Joint Rule 18, in concurrence.

COMMUNICATIONS

The Following Communication:  
113th MAINE LEGISLATURE

February 12, 1987  
Hon. Eve Bither  
Commissioner of Education  
Department of Educational and Cultural Services  
State House Station #23  
Augusta, ME 04333

Dear Commissioner Bither:  
Pursuant to M.R.S.A. 20-A, Section 256, we are pleased to invite you to present your annual report on the state of education in Maine to the Legislature. We would like you to present your report to a Joint Convention on Tuesday, March 17, 1987 at 10:00 AM. Please let us know if this is convenient for you.

Sincerely,  
S/Charles P. Pray                      S/John L. Martin  
President of the Senate              Speaker of the House  
Which was READ and ORDERED PLACED ON FILE.

The Following Communication:  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
STATE HOUSE STATION 17  
AUGUSTA, MAINE 04333

February 13, 1987

The Honorable Charles P. Pray  
President of the Senate  
State of Maine  
State House - Station #3  
Augusta, Maine 04333

Dear President Pray:  
It is my pleasure to submit the Department of Environmental Protection's report on acid rain. Public Law 1985, chapter 498, AN ACT to Control Acid Rain, charged the Department with conducting a nitrogen oxides emission inventory and an acid rain impact study. The impact study covers four areas: identifying areas sensitive to acid rain, sampling lakes in sensitive areas, assessing the impact of acid rain on the state's forest resources and determining the in-state and out-of-state contributions to acid rain in Maine. The report consists of two documents: one document contains executive summaries of the three report areas; the companion document contains the three reports with technical appendices. A fourth report assessing the impact of acid rain on the state's forest resources is still underway and will be presented to the Legislature by April 15, 1987. The Department sincerely hopes that its efforts, while only a beginning, are helpful to the Maine Legislature as it considers what it must do to deal with acid deposition in Maine.

Sincerely,  
S/Hollis McGlaufflin for  
Dean C. Marriott  
Commissioner

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

The Following Communication: S.P. 139  
113th MAINE LEGISLATURE

February 17, 1987

Senator Zachary Matthews  
Representative Robert J. Tardy  
Chairpersons  
Joint Standing Committee on Agriculture  
113th Legislature  
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Arthur W. Adelberg of Augusta and Thomas H. Saliba of South Freeport for appointment to the Maine Milk Commission.

Pursuant to Title 7, M.R.S.A. Section 2952, this nomination will require review by the Joint Standing Committee on Agriculture and confirmation by the Senate.

Sincerely,  
S/Charles P. Pray  
President of the Senate  
S/John L. Martin  
Speaker of the House

Which was READ and referred to the Committee on AGRICULTURE.

Sent down for concurrence.

SENATE PAPERS

Bill "An Act Providing a Sales Tax Exemption for Nonprofit Boarding Care Facilities Providing Treatment for Persons Suffering from Alzheimer's Disease or Related Disorders"

S.P. 138 L.D. 377

Presented by Senator BUSTIN of Kennebec  
Cosponsored by: Senator DOW of Kennebec,  
Representative DELLERT of Gardiner

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

Sent down for concurrence.

Pursuant to Private and Special Law  
Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS  
Senator PEARSON for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS, pursuant to Private and Special Law 1985 c. 140, ask leave to submit its findings and to report that the accompanying Resolve, Authorizing the Commissioner of Administration to Implement the Plan for Expenditure of the \$6,000,000 Bond Issue to Identify and Correct Asbestos Problems in State Facilities (Emergency)

S.P. 137 L.D. 376

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

Sent down for concurrence.

COMMITTEE REPORTS

House

Leave to Withdraw

The following Leave to Withdraw Reports shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

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

H.P. 60 L.D. 63

Bill "An Act to Repeal the Sardine Inspection Tax"

H.P. 146 L.D. 187

Ought to Pass

The Committee on AGING, RETIREMENT AND VETERANS on Bill "An Act Relating to the Maine Veterans' Homes"

H.P. 65 L.D. 68

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.

The Committee on LABOR on Bill "An Act to Increase the Compensation of Mediators under the Municipal Public Employees Labor Relations Act"

H.P. 61 L.D. 64

Reported that the same Ought to Pass.

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-2).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

House Amendment "A" (H-2) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on TRANSPORTATION on Resolve, to Provide for a Commemorative Bicentennial Motor Vehicle License Plate to Celebrate the Bicentennial of the Town of Waterboro (Emergency)

H.P. 27 L.D. 24

Reported that the same Ought to Pass.

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

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

The Resolve TOMORROW ASSIGNED FOR SECOND READING.

Senate at Ease

Senate called to order by the President.

#### ENACTORS

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

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

Which was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

#### Off Record Remarks

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

PAPERS FROM THE HOUSE

Joint Resolution

The Following Joint Resolution: H.P. 291

JOINT RESOLUTION IN HONOR OF

ELSIE I. BOWEN OF MORRILL

WHEREAS, forty-five miles east of the State Capitol on a rise along Route 131, nestled among flower and vegetable gardens, a white farm house stands against the weather; and

WHEREAS, from that happy homestead a young lady, third of eleven children, emerged to carry her devotion to family, friends and the Town of Morrill into a career of exemplary public service; and

WHEREAS, the trees of nearby Bowen's Woods will long whisper proudly of this gentle lady's accomplishments in State Government, serving six governors, the Legislature and other departments and graciously touching many lives; and

WHEREAS, she now turns homeward to Morrill while a grateful Legislature notes with praise her outstanding service of nearly forty years and her rise to the office of Deputy Secretary of State; now, therefore, be it

RESOLVED: That we, the members of the Senate and House of Representatives of the 113th Legislature of the great and sovereign State of Maine, now assembled in First Regular Session pause to honor

Elsie I. Bowen

of Morrill

Deputy Secretary of State

and to express our gratitude to this very special lady who has attained a standard of excellence that typifies the dignity and spirit which characterizes the best in government; and be it further

RESOLVED: That a suitable copy of this resolution be presented to Elsie, our dear friend, with our warmest wishes for many happy years in retirement.

Comes from the House READ and ADOPTED.

Which was READ and ADOPTED, in concurrence.

Under suspension of the Rules, ordered sent forthwith to the Engrossing Department.

Senate at Ease

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.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Clarify the Authority of the Executive Department with Respect to Unclassified Employees" (Emergency)

H.P. 307 L.D. 393

Committee on STATE AND LOCAL GOVERNMENT suggested and ORDERED PRINTED.

Comes from the House, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, without reference to a Committee.

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

THE PRESIDENT: The Chair at this time is pleased to recognize a former Member of this Chamber, Senator Curtis. (Applause and Members rising)

On motion by Senator BERUBE of Androscoggin, ADJOURNED until Thursday, February 19, 1987, at 9:00 in the morning.