

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
Friday
February 20, 1987

Senate called to Order by the President.

Prayer by Reverend Robert E. Canfield of the Free Methodist Church in Gardiner.

REVEREND CANFIELD: Let us bow before the Lord in prayer. Dear Father in heaven, we do thank You that we can, once again, call upon You for Your graciousness toward us. We realize that all that is before this Body that meets today, You already know. We pray Lord as You have given us the privilege responsibility to take certain actions, make certain decisions and deliberations, that may all of these be acceptable in Your sight in our obedience and desire to serve You and to do Your will in the business that is before us. In Christ's name we pray. 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 Senate considered the following:

SECOND READERS

The Committee on Bills in the Second Reading reported the following:

House

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

H.P. 307 L.D. 393

Which was READ A SECOND TIME.

On motion by Senator TUTTLE of York, Senate Amendment "A" (S-2) READ AND ADOPTED.

Which was PASSED TO BE ENGROSSED, as Amended, without reference to a Committee, in NON-CONCURRENCE.

Under suspension of the Rules, ordered sent down forthwith for concurrence.

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Ensure that there is no Penalty for Early Retirement after 30 Years of Teaching

H.P. 344 L.D. 443

Comes from the House referred to the Committee on AGING, RETIREMENT AND VETERANS and ORDERED PRINTED.

Which was referred to the Committee on AGING, RETIREMENT AND VETERANS and ORDERED PRINTED, in concurrence.

Bill "An Act Providing Funds for Educational Programs Regarding the Harmful Effects of Tobacco Products"

H.P. 315 L.D. 414

Bill "An Act to Assure Full Funding for Home-based Family Services"

H.P. 319 L.D. 418

Bill "An Act to Establish Pilot Indigency Screening Units for Court-appointed Counsel"

H.P. 324 L.D. 423

Bill "An Act to Increase the Amount the State Contributes to the Supplemental Security Income Program for those Living in the Community"

H.P. 328 L.D. 427

Bill "An Act to Provide for a Self-sufficiency Trust of Funds for the Developmentally Disabled"

H.P. 331 L.D. 430

Resolve, Appropriating Funds for the Chester Dental Clinic

H.P. 332 L.D. 431

Bill "An Act to Appropriate Funds for the Critical Areas Program"

H.P. 333 L.D. 432

Bill "An Act to Fund Statewide Community Response Programs to Reduce Spouse Abuse in Maine Communities"

H.P. 340 L.D. 439

Bill "An Act to Provide a Treatment Team for the Home-based Family Services Program"

H.P. 345 L.D. 444

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 Amount the State Disregards in Determining Eligibility for the Supplemental Security Income Program"

H.P. 312 L.D. 411

Committee on HUMAN 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 Amend the Postgraduate Residency Requirements for Physicians" (Emergency)

H.P. 314 L.D. 413

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 Require Nonresidents to Hunt or Trap Bear with the Services of a Resident Licensed Guide"

H.P. 317 L.D. 416

Bill "An Act to Require that the State Bear the Cost of Fencing Orchards which are Damaged by Moose or Deer"

H.P. 326 L.D. 425

Bill "An Act Requiring the Issuance of Doe Hunting Permits to Persons who are Eligible for Free Hunting Licenses"

H.P. 336 L.D. 435

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 to Provide Wildlife Education for Secondary Students" (Emergency)

H.P. 320 L.D. 419

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

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

Bill "An Act to Promote Equity in Determining Medicaid Eligibility for Institutionalized Care"

H.P. 313 L.D. 412

Bill "An Act to Streamline the Delivery of Residential Treatment Services to Children in Need"

H.P. 323 L.D. 422

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 Declaring All Court Papers, Books and Records Pertaining to Adoptions Confidential and Providing for Their Release"

H.P. 316 L.D. 415

Bill "An Act to Grant Judges the Authority to Stay a License Suspension for a Period of Time not to Exceed 4 Hours"

H.P. 318 L.D. 417

Bill "An Act to Amend the Laws Pertaining to the Enforcement of Money Judgments"

H.P. 330 L.D. 429

Bill "An Act to Streamline the Debt Collection Procedure"

H.P. 335 L.D. 434

Bill "An Act Relating to Bail Commissioners"

H.P. 341 L.D. 440

Bill "An Act Permitting Private Mediation for Divorcing Couples"

H.P. 346 L.D. 445

Bill "An Act to Amend the Divorce Laws Regarding Custody to the Department of Human Services"

H.P. 347 L.D. 446

Bill "An Act Relating to Legal Status of Partnerships"

H.P. 348 L.D. 447

Bill "An Act Relating to Judgment Liens and Divorce Liens"

H.P. 349 L.D. 448

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 Certain Election Laws"

H.P. 308 L.D. 407

Bill "An Act to Amend the Law Concerning Frequency of Local Option Question Elections"

H.P. 309 L.D. 408

Bill "An Act to Prohibit the Sale of Alcoholic Beverages for Off-premise Consumption after 9 p.m."

H.P. 339 L.D. 438

Bill "An Act Relating to Property Abandoned by Tenants"

H.P. 342 L.D. 441

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 Biodegradable Lobster Trap Vents" (Emergency)

H.P. 311 L.D. 410

Bill "An Act Relating to Lobster Trap Vents"

H.P. 322 L.D. 421

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

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

Bill "An Act to Clarify the Taxing Powers of the Frye Island Municipal Services Corporation" (Emergency)

H.P. 321 L.D. 420

Bill "An Act to Clarify the Emergency Rule-making Authority of the Commissioner of Marine Resources"

H.P. 327 L.D. 426

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 Establish the Maine Court Facilities Authority"

H.P. 329 L.D. 428

Committee on JUDICIARY suggested and ORDERED PRINTED.

Comes from the House referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED.

Which was referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED, in concurrence.

Bill "An Act to Make Property Owned by Consumer-Owned Utilities Tax Exempt"

H.P. 325 L.D. 424

Bill "An Act to Create a Homeowners Property Tax Reduction for Persons 65 Years of Age and Older"

H.P. 334 L.D. 433

Bill "An Act to Remove the Sales Tax Exemption on Newspapers"

H.P. 338 L.D. 437

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 Loads Carried in Certain Vehicles"

H.P. 310 L.D. 409

Resolve, to Name the Bridge Crossing the Sabattus River at Lisbon Village the Lisbon Veterans' Memorial Bridge

H.P. 343 L.D. 442

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 Enable the Department of Transportation to Produce the State Map"

H.P. 337 L.D. 436

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

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

Sent down for concurrence.

SENATE PAPERS

Bill "An Act to Extend the Life of the Advisory Committee on Staff Retention"

S.P. 162 L.D. 466

Presented by Senator BUSTIN of Kennebec

Cosponsored by: Representative MELENDY of Rockland
 Bill "An Act to Expand the Medicaid Dental Program to Include Adults"

S.P. 163 L.D. 467

Presented by Senator BUSTIN of Kennebec
 Cosponsored by: Senator GAUVREAU of Androscoggin, Speaker MARTIN of Eagle Lake, Representative DIAMOND of Bangor
 Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 27
 Bill "An Act to Continue Support Services at Augusta Mental Health Institute and Bangor Mental Health Institute"

S.P. 165 L.D. 469

Presented by Senator CLARK of Cumberland
 Cosponsored by: Senator BERUBE of Androscoggin, Representative CONNOLLY of Portland, Representative ANTHONY of South Portland
 Which were referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.
 Sent down for concurrence.

Bill "An Act Making Changes to the Dietitian Registration Act"

S.P. 169 L.D. 473

Presented by Senator BUSTIN of Kennebec
 Cosponsored by: Senator GILL of Cumberland, Representative TELOW of Lewiston, Representative ALLEN of Washington
 Which was referred to the Committee on BUSINESS LEGISLATION and ORDERED PRINTED.
 Sent down for concurrence.

Bill "An Act to Provide Disaster Assistance for Home Mortgagees"

S.P. 168 L.D. 472

Presented by Senator THERIAULT of Aroostook
 Cosponsored by: Representative CLARK of Millinocket, Representative LISNIK of Presque Isle, Speaker MARTIN of Eagle Lake
 Which was referred to the Committee on ECONOMIC DEVELOPMENT and ORDERED PRINTED.
 Sent down for concurrence.

Bill "An Act to Provide Qualified Nursing Assistant Services"

S.P. 160 L.D. 464

Presented by Senator CLARK of Cumberland
 Cosponsored by: Senator BRANNIGAN of Cumberland, Representative CARROLL of Gray, Representative ALLEN of Washington
 Bill "An Act to Amend the Definition of Eligibility under the Elderly Low-cost Drug Program"

S.P. 161 L.D. 465

Presented by Senator BERUBE of Androscoggin
 Cosponsored by: Representative STEVENS of Sabattus, Senator GILL of Cumberland, Representative HICKEY of Augusta
 Bill "An Act to Establish Hospital and Nursing Home Policies for Staff and Practice Privileges"

S.P. 164 L.D. 468

Presented by Senator GILL of Cumberland
 Cosponsored by: Senator BUSTIN of Kennebec, Senator BRANNIGAN of Cumberland, Representative KIMBALL of Buxton
 Which were referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED.
 Sent down for concurrence.

Bill "An Act to Allow Financial Solicitation by State Troopers"

S.P. 159 L.D. 463

Presented by Senator BALDACCI of Penobscot
 Cosponsored by: Speaker MARTIN of Eagle Lake, Senator USHER of Cumberland
 Committee on LEGAL AFFAIRS suggested and ORDERED PRINTED.

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

Bill "An Act to Provide for District Elections in Piscataquis County"

S.P. 166 L.D. 470

Presented by President PRAY of Penobscot
 Cosponsored by: Representative THISTLE of Dover-Foxcroft, Representative GOULD of Greenville, Representative HUSSEY of Milo
 Which was referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED.
 Sent down for concurrence.

Resolve, to Establish a Commission to Study the Feasibility of Constructing a 4-lane Highway from Interstate 95 to the St. John Valley

S.P. 167 L.D. 471

Presented by Senator THERIAULT of Aroostook
 Cosponsored by: Senator COLLINS of Aroostook, Speaker MARTIN of Eagle Lake, Representative PARADIS of Frenchville
 Which was referred to the Committee on TRANSPORTATION and ORDERED PRINTED.
 Sent down for concurrence.

ORDERS

Joint Resolution

On motion by Senator BLACK of Cumberland (Cosponsored by Representative LORD of Waterboro) the following Joint Resolution:

S.P. 158

JOINT RESOLUTION

IN RECOGNITION OF THE BICENTENNIAL ANNIVERSARY OF THE TOWN OF WATERBORO

WHEREAS, it is not a nation's wealth in gold or silver that constitutes its finest asset, but its pioneers like John Smith and several others, who wrestled successfully with the land and aided others in doing the same at the birth of our constitutional government; and

WHEREAS, the march to wealth and greatness of the Nation began in communities like Massabesic Plantation, in 1764 under the proprietorship of Colonel Joshua Waters, to the echo of the woodman's axe along the Pequaket Trail, as lumbering became its chief industry; and

WHEREAS, from Old Corner to the heights of Ossipee Mountain, a beautiful rural town was shaped in the wilderness and incorporated as "Waterborough" on March 6, 1787, an historic year for the town and the Nation; and

WHEREAS, typical of the courage, vision and tenacity of that community an enterprising farmer, Captain Josiah Swett, built a 40-ton schooner "Waterborough," high on the east side of Ossipee Mountain and with 50 yoke of oxen drew her on sleds to the sea in the winter of 1820; and

WHEREAS, a people who can build a town such as Waterboro, can tame and comb it, can lift its resources into forms to fill human needs; a people building such a town and a state we're proud to live

in are the really rich possessions of this Nation; now, therefore, be it

RESOLVED: That We, the Members of the Senate and House of Representatives of this the 113th Legislature of the great and sovereign State of Maine, now assembled in regular session, take this opportunity to unite with citizens from across the State and Nation to congratulate the Town of Waterboro on its 200th anniversary and offer our continual support and encouragement for the future; and be it further

RESOLVED: That a copy of this resolution be transmitted forthwith to the proud citizens of Waterboro in honor of this special occasion.

Which was READ and ADOPTED.

Sent down for concurrence.

COMMITTEE REPORTS

House

Leave to Withdraw

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

Bill "An Act to Create a Nonresident Property Owner Fishing License"

H.P. 36 L.D. 39

Senate

Ought to Pass

Senator BRANNIGAN for the Committee on JUDICIARY on Bill "An Act Concerning Enhancement of Theft Penalties Based on Prior Convictions"

S.P. 74 L.D. 157

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.

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 Provide Wildlife Education for Secondary Students" (Emergency)

H.P. 320 L.D. 419

Tabled - February 20, 1987, by Senator CLARK of Cumberland.

Pending - REFERENCE

(In House, February 19, 1987, referred to the Committee on FISHERIES AND WILDLIFE and ORDERED PRINTED.)

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

Sent down for concurrence.

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

Bill "An Act to Allow Financial Solicitation by State Troopers"

S.P. 159 L.D. 463

Tabled - February 20, 1987, by Senator CLARK of Cumberland.

Pending - REFERENCE

(Committee on LEGAL AFFAIRS suggested and ORDERED PRINTED.)

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

Sent down for concurrence.

Off Record Remarks

Senate at Ease

Senate called to order by the President.

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

ENACTORS

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

Emergency

An Act to Clarify the Authority of the Executive Department with Respect to Unclassified Employees

H.P. 307 L.D. 393

(S "A" S-2)

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with No Senators having voted in negative, and 29 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator WEBSTER of Franklin, ADJOURNED until Monday, February 23, 1987, at 10:00 in the morning.