

# 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 Moholland of Princeton, the House reconsidered its action whereby L. D. 388 was referred to the Committee on Banking and Insurance in concurrence.

On further motion of the same Representative, the House voted to insist.

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

In Senate Chamber  
Monday  
February 23, 1987

The Chair laid before the House the following matter: Bill "An Act to Provide Disaster Assistance for Home Mortgagors" (S.P. 168) (L.D. 472) which was tabled earlier in the day and later today assigned pending reference in concurrence.

(Comes from the Senate, referred to the Committee on Economic Development and Ordered Printed.)

On motion of Representative Carter of Winslow, tabled pending reference in concurrence and specially assigned for Tuesday, February 24, 1987.

Senate called to Order by the President.

Prayer by Reverend Robert Hargreaves of St. Marks Episcopal Church in Augusta.

REVEREND HARGREAVES: Let us pray. Oh God, Creator of the universe, by Whose spirit we live and move each day. We thank You for giving each of us life and for calling us to serve You as we serve Your people in this State of Maine. Send Your blessing, we pray, on the Members of this Senate. Give them openness to listen to one another and to all those with whom they come into contact. That they may hear and recognize the truth from whatever source it comes. Grant them wisdom as they make decisions, that what they do may issue in the welfare of the people of this State and may fulfill Your purpose in life. In all things, may they know how much You love them and may they share that great love and compassion with all people. All these things, we ask in the sake of Your Son, Jesus Christ, who wore our flesh like a king's robe, who walked the ways of earth like a conqueror in triumph, yet in lowly humble service. Whose name we give You glory, this day and forever more. Amen.

The Chair laid before the House the following matter: Bill "An Act to Enable the Department of Transportation to Produce the State Map" (H.P. 337) (L.D. 436) which was tabled earlier in the day and later today assigned pending further consideration.

(Referred to the Committee on Transportation in the House on February 19, 1987.)

(Comes from the Senate referred to the Committee on Appropriations and Financial Affairs in non-concurrence.)

On motion of Representative Diamond of Bangor, tabled pending further consideration and specially assigned for Tuesday, February 24, 1987.

Reading of the Journal of Friday, February 20, 1987.

(Off Record Remarks)

On motion of Representative Lord of Waterboro, Adjourned until Tuesday, February 24, 1987, at nine o'clock in the morning.

PAPERS FROM THE HOUSE  
Non-concurrent Matter

Resolve, to Permit Lucille A. Clavette, Personal Representative of the Estate of Richard J. Clavette, to Sue the State for Wrongful Death

S.P. 156 L.D. 453

In Senate, February 19, 1987, referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED.

Comes from the House referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED in NON-CONCURRENCE. The Senate RECEDED and CONCURRED.

House Papers

Bill "An Act to Extend Certain Privileges to Disabled American Veterans"

H.P. 367 L.D. 481

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 to Strengthen the Efforts of the Maine Potato Industry and the Responsibility of the Maine Potato Board to Improve the Quality of Maine Tablestock Potatoes"

H.P. 360 L.D. 474

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 Provide Funding for Repairs at Montpelier"

H.P. 369 L.D. 483

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 Provisions of the Maine Insurance Code Dealing with Capital and Surplus Requirements of Insurers"

H.P. 359 L.D. 462

Comes from the House referred to the Committee on BANKING AND INSURANCE and ORDERED PRINTED.

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

Bill "An Act to Validate and Approve the School Construction Proceedings of Maine School Administrative District No. 42" (Emergency)

H.P. 365 L.D. 479

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 Require Certified Proof of Marketable Title to Land in a Proposed Subdivision Prior to Subdivision Approval"

H.P. 363 L.D. 477

Bill "An Act Concerning Inspection, Registration and Abandonment of Dams"

H.P. 370 L.D. 484

Comes 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 to Provide for a Special Moose Hunting Lottery for Certain Senior Citizens"

H.P. 366 L.D. 480

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

Which was referred to the Committee on FISHERIES AND WILDLIFE and ORDERED PRINTED, in concurrence.

Bill "An Act to Recognize Foreign Adoption Decrees"

H.P. 356 L.D. 459

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 Relating to Suitable Work Transfers Under the Workers' Compensation Act"

H.P. 351 L.D. 454

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 Candidates for Political Office to be Residents of the District and Enrolled

in the Party which they seek to Represent by January 1st, Prior to the General Election"

H.P. 352 L.D. 455

Bill "An Act to Require Voters to Register at Least 7 Days Prior to Elections"

H.P. 357 L.D. 460

Resolve, Authorizing Dorothy Gammon to Bring Civil Action Against the State and Cumberland County

H.P. 355 L.D. 458

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

Senate at Ease

Senate called to order by the President.

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

Bill "An Act Regarding the 2-Inch Clam Law"

H.P. 353 L.D. 456

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

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

Bill "An Act Concerning Delinquent Dog Licenses"

H.P. 354 L.D. 457

Bill "An Act to Name the Finback Whale as the State Marine Mammal"

H.P. 368 L.D. 482

Comes 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 Exempt Nonprofit Organizations on Federal Military Installations from Sales Tax"

H.P. 362 L.D. 476

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 Provide Special License Plates and Decals for People with Hearing Impairments"

H.P. 364 L.D. 478

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

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

Bill "An Act to Establish a Universal Telephone Service Program"

H.P. 358 L.D. 461

Bill "An Act Concerning the Sale of Cable Television Services to Organizations"

H.P. 361 L.D. 475

Comes 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.

Pursuant to Resolve  
Joint Select Committee  
LEARNING DISABLED CHILDREN

The Joint Select Committee for LEARNING DISABLED CHILDREN, pursuant to Resolve 1985, chapter 43, ask leave to submit its findings and to report that the accompanying Bill "An Act to Implement the Recommendations of the Joint Select Committee for Learning Disabled Children"

H.P. 350 L.D. 449

Be referred to the Joint Standing Committee on EDUCATION 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 EDUCATION and ORDERED PRINTED, pursuant to Joint Rule 18.

Which Report was READ and ACCEPTED, in concurrence.

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

COMMUNICATIONS

The Following Communication: S.P. 178  
113th MAINE LEGISLATURE

February 20, 1987

Senator John E. Baldacci  
Representative Carol M. Allen  
Chairpersons  
Joint Standing Committee on Business Legislation  
113th Legislature  
Augusta, Maine 04333  
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Sharon A. Millett of Poland Spring, Hobart F. Harnden of South Portland, Walter H. Foster, Jr. of East Holden and Peter J. Schwalbenberg of Rockland for appointment to the Maine Real Estate Commission.

Pursuant to Title 32, M.R.S.A. Section 4051-A, this nomination will require review by the Joint Standing Committee on Business Legislation 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 BUSINESS LEGISLATION.  
Sent down for concurrence.

The Following Communication: S.P. 179  
113th MAINE LEGISLATURE

February 20, 1987

Senator John L. Tuttle, Jr.  
Representative Donnell P. Carroll  
Chairpersons  
Joint Standing Committee on State and Local Government  
113th Legislature  
Augusta, Maine 04333  
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has today informed us that Public Safety Commissioner, John R. Atwood, has nominated Captain Andrew E. Demers, Jr. of New Gloucester for appointment as the Chief of the Maine State Police.

Pursuant to Title 25, M.R.S.A. Section 1501, this nomination will require review by the Joint Standing Committee on State and Local Government 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 STATE AND LOCAL GOVERNMENT.  
Sent down for concurrence.

SENATE PAPERS

Bill "An Act to Support the Growth and Development of Hospice Care in Maine"

S.P. 171 L.D. 486

Presented by Senator SEWALL of Lincoln  
Cosponsored by: Senator GILL of Cumberland,  
Representative RYDELL of Brunswick,  
Representative KIMBALL of Buxton  
Bill "An Act to Support the Growth and Development of Community Big Brothers-Big Sisters Agencies and Other Similar Organizations"

S.P. 172 L.D. 487

Presented by Senator PEARSON of Penobscot  
Cosponsored by: Representative COLES of Harpswell, Representative GWADOSKY of Fairfield  
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"

S.P. 175 L.D. 490

Presented by Senator BUSTIN of Kennebec  
Cosponsored by: Representative TRACY of Rome,  
Representative RACINE of Biddeford  
Bill "An Act to Clarify and Simplify the Maine Consumer Credit Code"

S.P. 177 L.D. 503

Presented by Senator CLARK of Cumberland  
Cosponsored by: Senator DILLENBACK of Cumberland, Senator THERIAULT of Aroostook,  
Representative CURRAN of Westbrook  
Which were referred to the Committee on BANKING AND INSURANCE and ORDERED PRINTED.  
Sent down for concurrence.

Bill "An Act to Require Principles of Reimbursement for Intermediate Care Facilities for the Mentally Retarded to Include Provisions for Covering Increases in Insurance Premiums"

S.P. 176 L.D. 491

Presented by Senator BUSTIN of Kennebec  
Cosponsored by: Representative TAYLOR of Camden,  
Representative BOUTILIER of Lewiston,  
Representative THISTLE of Dover-Foxcroft  
Committee on BANKING AND INSURANCE suggested and ORDERED PRINTED.

On motion by Senator CLARK of Cumberland, referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Add Hardware Stores to the List of Businesses Allowed to Operate on Sundays"

S.P. 174 L.D. 489

Presented by Senator CAHILL of Sagadahoc  
Cosponsored by: Representative SMALL of Bath,  
Representative HOLT of Bath  
Which was referred to the Committee on BUSINESS LEGISLATION and ORDERED PRINTED.  
Sent down for concurrence.

Bill "An Act to Provide Teacher Recognition Stipends for Vocational-technical Institute Teachers" S.P. 170 L.D. 485

Presented by Senator MATTHEWS of Kennebec  
Cosponsored by: Senator RANDALL of Washington  
Which was referred to the Committee on EDUCATION and ORDERED PRINTED.  
Sent down for concurrence.

Bill "An Act to Extend the Trust Land Designation of the Penobscot Nation" S.P. 173 L.D. 488

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.

#### 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 Specify How the Authority of Washington County Commissioners may be Exercised" H.P. 16 L.D. 15

Ought to Pass

The Committee on TAXATION on Bill "An Act Amending the Excise Tax Law as it Relates to Telephone Company Motor Vehicles" (Emergency) H.P. 199 L.D. 251

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-3).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

House Amendment "A" (H-3) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

#### SECOND READERS

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

Senate

Bill "An Act Concerning Enhancement of Theft Penalties Based on Prior Convictions" S.P. 74 L.D. 157

Which was READ A SECOND TIME and PASSED TO BE ENGROSSED.

Sent down for concurrence.

#### Off Record Remarks

Senate at Ease

Senate called to order by the President.

On motion by Senator THERIAULT of Aroostook, ADJOURNED until Tuesday, February 24, 1987, at 9:00 in the morning.

#### ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE

FIRST REGULAR SESSION

22nd Legislative Day

Tuesday, February 24, 1987

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

Prayer by Reverend Mark Hatfield, First Congregational Church, South Paris.

The Journal of Monday, February 23, 1987, was read and approved.

Quorum call was held.

#### SENATE PAPERS

Bill "An Act to Support the Growth and Development of Hospice Care in Maine" (S.P. 171) (L.D. 486)

Bill "An Act to Support the Growth and Development of Community Big Brothers-Big Sisters Agencies and Other Similar Organizations" (S.P. 172) (L.D. 487)

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 Clarify and Simplify the Maine Consumer Credit Code" (S.P. 177) (L.D. 503)

Bill "An Act to Establish a Fluctuating Credit Card Charge" (S.P. 175) (L.D. 490)

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

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

Bill "An Act to Add Hardware Stores to the List of Businesses Allowed to Operate on Sundays" (S.P. 174) (L.D. 489)

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 Provide Teacher Recognition Stipends for Vocational-technical Institute Teachers" (S.P. 170) (L.D. 485)

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

Was referred to the Committee on Education in concurrence.

Bill "An Act to Require Principles of Reimbursement for Intermediate Care Facilities for the Mentally Retarded to Include Provisions for Covering Increases in Insurance Premiums" (S.P. 176) (L.D. 491)

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

(The Committee on Reference of Bills had suggested reference to the Committee on Banking and Insurance.)

Was referred to the Committee on Human Resources in concurrence.

Bill "An Act to Extend the Trust Land Designation of the Penobscot Nation" (S.P. 173) (L.D. 488)

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