

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
Tuesday
February 24, 1987

Senate called to Order by the President.

Prayer by Father Maurice Morin of St. Joseph's Catholic Church in Biddeford.

FATHER MORIN: Let us pray. Oh God to the source of our wisdom and power, Whose statutes are good and gracious there lies truth. Guide and direct the Senate of Maine that by just and prudent laws, our Senators may promote the well being of all Your people. Almighty God, You've charged us with the task of building on this earth a home where all people may dwell in liberty, unity and justice. We pray for strength and purpose to make all who serve the public trust accountable to the people. Fulfilling roles of service and responsibility that they may seek justice, protect the weak and lead us in constructing institutions of world peace and mutual aid. Amen.

Reading of the Journal of Yesterday.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Provide Wildlife Education for Secondary Students" (Emergency)

H.P. 320 L.D. 419

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

In Senate, February 20, 1987, referred to the Committee on EDUCATION and ORDERED PRINTED in NON-CONCURRENCE.

Comes from the House, that Body INSISTED.

On motion by Senator CLARK of Cumberland, Tabled Unassigned, pending FURTHER CONSIDERATION.

Non-concurrent Matter

Bill "An Act Concerning the Liability for Damages of Persons Operating a Truck with an Uncovered Load"

H.P. 302 L.D. 388

In House, February 18, 1987, referred to the Committee on TRANSPORTATION and ORDERED PRINTED.

In Senate, February 19, 1987, referred to the Committee on BANKING AND INSURANCE and ORDERED PRINTED in NON-CONCURRENCE.

Comes from the House, that Body INSISTED.

On motion by Senator CLARK of Cumberland, Tabled Unassigned, pending FURTHER CONSIDERATION.

House Papers

Bill "An Act Making Allocations Related to the Alcoholism Prevention, Education, Treatment and Research Fund for the Expenditures of State Government for the Fiscal Years Ending June 30, 1988, and June 30, 1989" (Emergency)

H.P. 371 L.D. 492

Bill "An Act to Fund the Reconstruction of the Entrance to the Maine State Cultural Building" (Emergency)

H.P. 372 L.D. 493

Bill "An Act Making Additional Allocations for the Administrative Expenses of the Department of Finance, Bureau of Lottery, for the Fiscal Year Ending June 30, 1987" (Emergency)

H.P. 381 L.D. 502

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 Make Allocations from the Transportation Safety Fund for the Fiscal Years Ending June 30, 1988, and June 30, 1989" (Emergency)

H.P. 373 L.D. 494

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

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

Sent down for concurrence.

Bill "An Act to Regulate Continuing Care Retirement Communities"

H.P. 379 L.D. 500

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 Establish the Uniform Trade Secrets Act"

H.P. 378 L.D. 499

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 Permit Certain Young People to Obtain a High School Equivalency Certificate at a Younger Age"

H.P. 380 L.D. 501

Comes 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 Authorizing the Portland School of Art to Confer a Master of Fine Art Degree"

H.P. 374 L.D. 495

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

Senator CLARK of Cumberland moved the INDEFINITE POSTPONEMENT of the Bill and Accompanying Papers.

THE PRESIDENT: The Senator has the floor.

Senator CLARK: Thank you Mr. President, Men and Women of the Senate. L.D. 495 is a Bill that would authorize the Portland School of Art to confer a Masters of Fine Art Degree. This Bill was intended to follow the process by which schools are reviewed by a survey team and the Department of Education and Cultural Services. This School is still in process and this Bill is precipitous. We will be seeing it in the Second Regular Session of this Legislature. Thank you Mr. President.

Senate at Ease
Senate called to order by the President.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Thank you Mr. President, Men and Women of the Senate. The Majority Leader, this morning, has had a brief review in parliamentary procedure and since I find myself in a somewhat awkward position, I will share that with you. Our rules, by which we operate, would obviously support my motion to Indefinitely Postpone L.D. 495. If you remember my brief remarks, I suggested to you that this Bill would reappear in the Second Regular Session of this 113th Maine Legislature. I have been gently reminded that would require a two-thirds vote of both Branches to be again introduced in the Second Regular Session, having been disposed of with the motion of Indefinite Postponement this session. May I invite you to join me in the next session with your two-thirds vote. Thank you very much.

On motion by Senator CLARK of Cumberland, the Bill and Accompanying Papers, INDEFINITELY POSTPONED in NON-CONCURRENCE.

Sent down for concurrence.

Bill "An Act to Establish Maine Merchant Marine Day"

H.P. 375 L.D. 496

Bill "An Act to Require Reimbursement to the Counties when County Funds are Expended"

H.P. 377 L.D. 498

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 Reconstruct the Toll Bridge Between Perry and Eastport"

H.P. 376 L.D. 497

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.

Pursuant to the Statutes
Committee on AUDIT AND PROGRAM REVIEW

The Committee on AUDIT AND PROGRAM REVIEW, pursuant to the Maine Revised Statutes Annotated, Title 3 Section 501, ask leave to submit its findings and to report that the accompanying Bill "An Act Relating to the Social Worker License Renewal Fees" (Emergency)

H.P. 382 L.D. 504

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

Which Report was READ and ACCEPTED, in concurrence.

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

Study Report

Committee on STATE AND LOCAL GOVERNMENT
Report of the Committee on STATE AND LOCAL GOVERNMENT to which was referred by the Legislative Council the Study Relative to Recodification of Title 30, Maine Revised Statutes Annotated have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Clarify the Home Rule Authority of Municipalities" (Emergency)

H.P. 384 L.D. 506

Be referred to the Joint Standing Committee on STATE AND LOCAL GOVERNMENT for Public Hearing and printed pursuant to Joint Rule 19.

Comes from the House with the Report READ and ACCEPTED and the Bill referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED, pursuant to Joint Rule 19.

Which Report was READ and ACCEPTED, in concurrence.

The Bill referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED, pursuant to Joint Rule 19, in concurrence.

COMMUNICATIONS

The Following Communication: S.P. 193

113th MAINE LEGISLATURE

February 23, 1987

Senator Zachary Matthews
Representative James Mitchell
Chairpersons

Joint Standing Committee on Marine Resources
113th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Donald Wotton of Boothbay Harbor and Dr. Louis J. Zglobicki of Cumberland Foreside for reappointment and Jeffrey H. Kaelin of Winterport for appointment to the Marine Resources Advisory Council.

Pursuant to Title 12, M.R.S.A. Section 6024, this nomination will require review by the Joint Standing Committee on Marine Resources 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 MARINE RESOURCES.

Sent down for concurrence.

The Following Communication:

DEPARTMENT OF
EDUCATIONAL AND CULTURAL SERVICES
STATE HOUSE STATION 23
AUGUSTA, MAINE 04333

February 20, 1987

The Honorable Charles P. Pray
President of the Senate
The Honorable John L. Martin
Speaker of the House

Dear President Pray and Speaker Martin:

Thank you for the invitation to address a Joint Convention of the Maine Legislature on March 17, 1987, at 10:00 a.m.

I accept with pleasure and look forward to this opportunity to speak on the status and needs of public education in our State.

Sincerely,
S/Eve M. Bither
Commissioner

Which was READ and ORDERED PLACED ON FILE.

SENATE PAPERS

Resolve, to Continue the Commission to Study the Integration of the Maine State Retirement System with the United States Social Security System (Emergency)

S.P. 187 L.D. 514

Presented by Senator CLARK of Cumberland
 Cosponsored by: Representative JALBERT of Lisbon, Senator MAYBURY of Penobscot, Representative PERRY of Mexico
 Which was referred to the Committee on AGING, RETIREMENT AND VETERANS and ORDERED PRINTED.
 Sent down for concurrence.

Bill "An Act to Make Additional Allocations for the Administrative Expenses of the Department of Finance, the Bureau of Alcoholic Beverages and the State Liquor Commission, for the Fiscal Year Ending June 30, 1987" (Emergency)

S.P. 180 L.D. 507

Presented by Senator EMERSON of Penobscot
 Cosponsored by: Representative CARTER of Winslow
 Bill "An Act to Allow Use of the Bureau of Mental Retardation Contingency Fund by Boarding Home and Foster Home Clients"

S.P. 185 L.D. 512

Presented by Senator GILL of Cumberland
 Cosponsored by: Senator BUSTIN of Kennebec, Representative TAYLOR of Camden, Representative MANNING of Portland
 Which were referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.
 Sent down for concurrence.

Bill "An Act to Prohibit the Shooting of Immature Deer"

S.P. 181 L.D. 508

Presented by Senator TWITCHELL of Oxford
 Which was referred to the Committee on FISHERIES AND WILDLIFE and ORDERED PRINTED.
 Sent down for concurrence.

Bill "An Act to Revise the Maine Medical Laboratory Act"

S.P. 191 L.D. 518

Presented by Senator GILL of Cumberland
 Cosponsored by: Senator BALDACCI of Penobscot, Representative MANNING of Portland, Representative PINES of Limestone
 Which was referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED.
 Sent down for concurrence.

Bill "An Act to Allow the Use of Electronic Recording in District, Superior and Administrative Courts"

S.P. 189 L.D. 516

Presented by Senator BRANNIGAN of Cumberland
 Cosponsored by: Representative PARADIS of Augusta, Representative COTE of Auburn, Representative BEGLEY of Waldoboro
 Bill "An Act Relating to Active Retired Judges in the Administrative Court"

S.P. 190 L.D. 517

Presented by Senator BRANNIGAN of Cumberland

Cosponsored by: Representative PARADIS of Augusta, Representative MARSANO of Belfast, Senator GAUVREAU of Androscoggin
 Bill "An Act to Reform Provisions of the Civil Justice System"

S.P. 192 L.D. 539

Presented by Senator TWITCHELL of Oxford
 Cosponsored by: Senator PERKINS of Hancock, Representative VOSE of Eastport
 Which were referred to the Committee on JUDICIARY and ORDERED PRINTED.
 Sent down for concurrence.

Bill "An Act Relating to Medical Evidence and Costs in Workers' Compensation Cases"

S.P. 186 L.D. 513

Presented by President PRAY of Penobscot
 Cosponsored by: Senator DUTREMBLE of York, Representative CONLEY of Portland, Speaker MARTIN of Eagle Lake
 Which was referred to the Committee on LABOR and ORDERED PRINTED.
 Sent down for concurrence.

Bill "An Act Establishing a Minimum Amount Above which Liens on Real Estate may be Enforced"

S.P. 182 L.D. 509

Presented by Senator TWITCHELL of Oxford
 Which was referred to the Committee on TAXATION and ORDERED PRINTED.
 Sent down for concurrence.

Bill "An Act to Allow Veterans to Procure Special Designation Registration Plates"

S.P. 183 L.D. 510

Presented by Senator TWITCHELL of Oxford
 Cosponsored by: Representative WALKER of Norway
 Bill "An Act to Allow Special Registration Plates for Persons Formerly Listed as Missing in Action"

S.P. 184 L.D. 511

Presented by Senator TWITCHELL of Oxford
 Cosponsored by: Representative WALKER of Norway
 Bill "An Act to Prohibit Motor Vehicles over 1,000 Pounds on Lakes, Ponds or Reservoirs used to Supply Drinking Water"

S.P. 188 L.D. 515

Presented by Senator CAHILL of Sagadahoc
 Cosponsored by: Senator LUDWIG of Aroostook, Representative HOLLOWAY of Edgecomb, Representative COLES of Harpswell
 Which were referred to the Committee on TRANSPORTATION and ORDERED PRINTED.
 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 Increase State Revenues by Providing Expanded Opportunities for Harness Racing within the State"

H.P. 205 L.D. 257

SECOND READERS

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

House As Amended

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

H.P. 199 L.D. 251
(H "A" H-3)

Which was READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended, in concurrence.

ENACTORS

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

An Act Relating to the Maine Veterans' Homes
H.P. 65 L.D. 68

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

An Act to Increase the Compensation of Mediators under the Municipal Public Employees Labor Relations Act

H.P. 61 L.D. 64
(H "A" H-2)

On motion by Senator PEARSON of Penobscot, placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

Emergency Resolve

Resolve, to Provide for a Commemorative Bicentennial Motor Vehicle License Plate to Celebrate the Bicentennial of the Town of Waterboro

H.P. 27 L.D. 24

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with No Senators having voted in negative, and 30 being more than two-thirds of the entire elected Membership of the Senate, was FINALLY PASSED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Senate at Ease

Senate called to order by the President.

On motion by Senator TUTTLE of York, ADJOURNED until Wednesday, February 25, 1987, at 9:00 in the morning.

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
23rd Legislative Day

Wednesday, February 25, 1987

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

Prayer by Reverend Ronald Walden, Orono United Methodist Church.

The Journal of Tuesday, February 24, 1987, was read and approved.

Quorum call was held.

SENATE PAPERS

RESOLVE, to Continue the Commission to Study the Integration of the Maine State Retirement System with the United States Social Security System (Emergency) (S.P. 187) (L.D. 514)

Came from the Senate, referred to the Committee on Aging, Retirement and Veterans and Ordered Printed.

Was referred to the Committee on Aging, Retirement and Veterans in concurrence.

Bill "An Act to Make Additional Allocations for the Administrative Expenses of the Department of Finance, the Bureau of Alcoholic Beverages and the State Liquor Commission, for the Fiscal Year Ending June 30, 1987" (Emergency) (S.P. 180) (L.D. 507)

Bill "An Act to Allow Use of the Bureau of Mental Retardation Contingency Fund by Boarding Home and Foster Home Clients" (S.P. 185) (L.D. 512)

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 Prohibit the Shooting of Immature Deer" (S.P. 181) (L.D. 508)

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

Was referred to the Committee on Fisheries and Wildlife in concurrence.

Bill "An Act to Revise the Maine Medical Laboratory Act" (S.P. 191) (L.D. 518)

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

Was referred to the Committee on Human Resources in concurrence.

Bill "An Act to Reform Provisions of the Civil Justice System" (S.P. 192) (L.D. 539)

Bill "An Act Relating to Active Retired Judges in the Administrative Court" (S.P. 190) (L.D. 517)

Bill "An Act to Allow the Use of Electronic Recording in District, Superior and Administrative Courts" (S.P. 189) (L.D. 516)

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

Were referred to the Committee on Judiciary in concurrence.

Bill "An Act Relating to Medical Evidence and Costs in Workers' Compensation Cases" (S.P. 186) (L.D. 513)

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