

# 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 25, 1987

TABLED - February 24, 1987 by Representative DIAMOND of Bangor.  
PENDING - Motion of Representative CARTER of Winslow to refer to Committee on Appropriations and Financial Affairs in non-concurrence.

On motion of Representative Diamond of Bangor, retabled pending the motion of Representative Carter of Winslow that L.D. 472 be referred to the Committee on Appropriations and Financial Affairs in non-concurrence and specially assigned for Monday, March 2, 1987.

Senate called to Order by the President.

Prayer by the Honorable John M. Kerry of York.

SENATOR KERRY: Master, speak to us of Leadership, and He answered saying "May you have the joy and innocence of a child, the wisdom of a sage, the courage of a martyr, the compassion of a saint, but most of all, may you have love. For love is the message of the universe, traversing time, linking the past, present and future, communicating the subconscious of the spirit, the mountain of the mind to the shores of our soul."

Reading of the Journal of Yesterday.

Out of order and under suspension of the Rules, on motion by Senator DUTREMBLE of York, the following Joint Order:

S.P. 203  
ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Monday, March 2, 1987, at 10 o'clock in the morning.

Which was READ and PASSED.  
Under suspension of the Rules, ordered sent down forthwith for concurrence.

The following item appearing on Supplement No. 1 was taken up out of order by unanimous consent:

SENATE PAPER

The following Joint Order: (S.P. 203)  
ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Monday, March 2, 1987, at 10 o'clock in the morning.

Came from the Senate, read and passed.  
Was read and passed in concurrence.

(Off Record Remarks)

On motion of Representative O'Gara of Westbrook, Adjourned until Monday, March 2, 1987, at ten o'clock in the morning pursuant to Joint Order.

PAPERS FROM THE HOUSE  
Non-concurrent Matter

Bill "An Act to Enable the Department of Transportation to Produce the State Map"

H.P. 337 L.D. 436  
In House, February 19, 1987, referred to the Committee on TRANSPORTATION and ORDERED PRINTED.

In Senate, February 20, 1987, referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED in NON-CONCURRENCE.

Comes from the House, that Body INSISTED.  
THE PRESIDENT: The Chair recognizes that same Senator.

Senator CLARK: Thank you, Mr. President and Members of the Senate. L. D. 436 calls for appropriation from the General Fund. It is the intent of the prime sponsor of this measure that these monies come from the dedicated Highway Fund and the Joint Standing Committee on Transportation will be requested, by that prime sponsor, to expend those monies under this measure for that purpose, at the time of the public hearing on this Bill.

On motion by Senator CLARK of Cumberland, the Senate RECEDED and CONCURRED.

House Papers

Bill "An Act to Make Allocations for the Administrative Expenses of the Bureau of Lottery, Department of Finance, for the Fiscal Years Ending June 30, 1988, and June 30, 1989" (Emergency)

H.P. 387 L.D. 521  
Bill "An Act to Make Allocations from Various Funds of the Department of Environmental Protection for the Fiscal Years Ending June 30, 1988, and June 30, 1989" (Emergency)

H.P. 389 L.D. 523

Bill "An Act to Partially Fund Housing for the Mentally Retarded"

H.P. 391 L.D. 525

Bill "An Act to Provide Substance Abuse Treatment to Youths at the Maine Youth Center"

H.P. 396 L.D. 530

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$13,750,000 for Sewage Treatment and Water Quality Improvement Facilities"

H.P. 397 L.D. 531

Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1988 and June 30, 1989" (Emergency)

H.P. 404 L.D. 538

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 Require Affirmative Permission for ATV Use"

H.P. 390 L.D. 524

Bill "An Act Pertaining to the Advisory Council to the Commissioner of Inland Fisheries and Wildlife"

H.P. 394 L.D. 528

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 Require Community Mental Health and Mental Retardation Involvement in Social Services Planning"

H.P. 386 L.D. 520

Bill "An Act to Save Medicaid Funds by Expanding the Ability of the Department of Human Services to Recover Funds from Other Payors"

H.P. 395 L.D. 529

Bill "An Act to Amend the Powers of Certain Hospital Administrative Districts"

H.P. 399 L.D. 533

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 to Abolish Joint and Several Liability"

H.P. 392 L.D. 526

Bill "An Act Regarding Liability for Foster Parents for Children and Adults"

H.P. 401 L.D. 535

Bill "An Act Concerning the Attachment of Real Property and Personal Property"

H.P. 403 L.D. 537

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 Providing for the Use of Spendable Earnings as a Basis for Calculating Workers' Compensation Benefits"

H.P. 398 L.D. 532

Come 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 Allow for the Disposal of Blank Election Material within 60 Days of the Election"

H.P. 400 L.D. 534

Resolve, to Permit Reginald and Alice Huard to Sue the State for Compensation for Losses Suffered as a Result of False Claims of Child Abuse Instituted by the State

H.P. 385 L.D. 519

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 to Require Legislative Approval and Public Hearings for any Plan to Decentralize the Pineland Center Facility" (Emergency)

H.P. 402 L.D. 536

Come 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 Allow Nonprofit Youth Recreation Organizations to be Exempt from Sales Tax"

H.P. 393 L.D. 527

Come 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 Make Supplemental Allocations from the Highway Fund for the Fiscal Years Ending June 30, 1988, and June 30, 1989" (Emergency)

H.P. 388 L.D. 522

Come 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.

Senate at Ease

Senate called to order by the President.

Joint Resolution

The Following Joint Resolution: H.P. 405  
JOINT RESOLUTION COMMENDING THE PARTICIPANTS  
IN CANADA AND THE UNITED STATES  
FOR THEIR WORK ON THE CARIBOU PROJECT

WHEREAS, caribou, or the "American reindeer," have not roamed the woodland of Maine since 1908; and  
WHEREAS, herds of caribou thunder across the tundra of Newfoundland's desolate Avalon Wilderness Peninsula; and

WHEREAS, a noble effort has been made to reintroduce 25 of these symbols of Maine's distant past by promoters of a caribou project; and

WHEREAS, great difficulty was encountered in transporting the animals 1,200 miles by ferry and truck in stormy weather to the University of Maine; and

WHEREAS, despite an unusually high rate of mortality in making the adjustment, the project was extremely worthwhile and should not discourage the

importance of the Newfoundland - Maine transfer, or transfers in general; now, therefore, be it

RESOLVED: That the members of the 113th Legislature

of the State of Maine now assembled in First Regular Session take this opportunity to express their thanks to the people of Newfoundland for their generous gift of caribou; a gift made in friendship to all the people of Maine, and to commend the participants of Canada and the United States for their assistance in the caribou project and express our hope for continued cooperation in continued education and economic exchanges; and be it further

RESOLVED: That suitable copies of this Resolution, duly authenticated by the Secretary of State, be transmitted to promoters and officials of both countries in token of our appreciation and continued support.

Comes from the House READ and ADOPTED.

Which was READ.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Pearson.

Senator PEARSON: Mr. President, Men and Women of the Senate. I am not the sponsor of this Resolution, as a matter of fact I don't know who they might be, but I am glad it is here because it gives me an opportunity to tell the Senate something that I would like to share with you.

Last week, in the evening, along with a couple of people from the other Body, the House Chairman of Fisheries and Wildlife and another individual, I had an opportunity to spend an evening with the Wildlife Society at the University of Maine in Orono at a regular meeting that they hold. The Wildlife Society is made up of those students that are closely interested in making a career out of wildlife, like biologists and that sort of thing.

Their number one project right now is the Caribou Project at the University of Maine. They are financing it by themselves. They are keeping the caribou going all by themselves. They put a little box out there where everybody goes to look at the caribou and they have found that they receive an average of eleven cents per person. That is obviously not enough. They have gotten into the business of selling tee shirts. The project leader went to Newfoundland and he is quite an artist. He has done a print and there are nine hundred copies of it available. The print is for sale and is on display down in the Fisheries and Wildlife Committee Room for twenty-five dollars a piece. I have it framed here and if anybody is interested in purchasing one, they should see Representative Jacques in the House. It really is a very nice piece of work and I would like to have you look at it and perhaps you might want to buy it for a gift. All of the proceeds go towards the Caribou Project.

Which was ADOPTED, in concurrence.

SENATE PAPERS

Bill "An Act to Continue the Rebate Programs for Small Business Weatherization and Furnace Modernization and Homeowner Furnace Modernization"

S.P. 196 L.D. 553

Presented by Senator ANDREWS of Cumberland  
Cosponsored by: Representative JACQUES of Waterville, Senator USHER of Cumberland, Representative LORD of Waterboro

Bill "An Act to Make Additional Allocations from the Public Utilities Commission Regulatory Fund for the Fiscal Year Ending June 30, 1987" (Emergency)

S.P. 199 L.D. 556

Presented by Senator PEARSON of Penobscot

Cosponsored by: Representative DAVIS of Monmouth  
Bill "An Act Making Additional Appropriations from the General Fund and Allocations from Other Funds for the Expenditures of State Government for the Fiscal Year Ending June 30, 1987" (Emergency)

S.P. 200 L.D. 557

Presented by Senator PEARSON of Penobscot

Cosponsored by: Senator EMERSON of Penobscot, Representative CARTER of Winslow, Representative HIGGINS of Scarborough

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

Sent down for concurrence.

Bill "An Act to Make Supplemental Allocations to the Department of Inland Fisheries and Wildlife for the Fiscal Years Ending June 30, 1988, and June 30, 1989" (Emergency)

S.P. 198 L.D. 555

Presented by Senator USHER of Cumberland

Cosponsored by: Representative FARREN of Cherryfield, Representative JACQUES of Waterville  
Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS suggested and ORDERED PRINTED.

On motion by Senator PEARSON of Penobscot, referred to the Committee on FISHERIES AND WILDLIFE and ORDERED PRINTED.

Sent down for concurrence.

Resolve, to Study the Need for and Feasibility of Establishing a Self-insurance Fund and Reinsurance Funds in Maine

S.P. 194 L.D. 551

Presented by President PRAY of Penobscot

Cosponsored by: Senator THERIAULT of Aroostook, Representative RYDELL of Brunswick, Representative ERWIN of Rumford  
Resolve, to Establish a Study of the Feasibility of an Interstate Insurance Compact, Joint Reinsurance Programs and Experience-based Rating in Maine

S.P. 197 L.D. 554

Presented by President PRAY of Penobscot

Cosponsored by: Senator THERIAULT of Aroostook, Representative RYDELL of Brunswick, Speaker MARTIN of Eagle Lake

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

Sent down for concurrence.

Bill "An Act to Require Notice of Possible Radon Exposure"

S.P. 195 L.D. 552

Presented by Senator KANY of Kennebec

Cosponsored by: Senator USHER of Cumberland, Representative KETOVER of Portland, Senator TWITCHELL of Oxford

Which was referred to the Committee on BUSINESS LEGISLATION and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Inland Fisheries and Wildlife Funds and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1988 and June 30, 1989" (Emergency)

S.P. 202 L.D. 559

Presented by Senator ERWIN of Oxford

Cosponsored by: Senator BRAWN of Knox,  
Representative JACQUES of Waterville,  
Representative GREENLAW of Standish  
Which was referred to the Committee on FISHERIES  
AND WILDLIFE and ORDERED PRINTED.  
Sent down for concurrence.

Bill "An Act Making Unified Appropriations and  
Allocations for the Expenditures of State Government,  
Highway Fund, and Changing Certain Provisions of the  
Law Necessary to the Proper Operations of State  
Government for the Fiscal Years Ending June 30, 1988,  
and June 30, 1989" (Emergency)

S.P. 201 L.D. 558

Presented by Senator DOW of Kennebec  
Cosponsored by: Senator CAHILL of Sagadahoc,  
Representative MOHOLLAND of Princeton,  
Representative STROUT of Corinth  
Which was referred to the Committee on  
TRANSPORTATION and ORDERED PRINTED.  
Sent down for concurrence.

COMMITTEE REPORTS

House

Ought to Pass

The Committee on STATE AND LOCAL GOVERNMENT on  
Resolve, for Laying of the County Taxes and  
Authorizing Expenditures of Oxford County for the  
Year 1987 (Emergency)

H.P. 383 L.D. 505

Reported that the same Ought to Pass, pursuant to  
Joint Order H.P. 23.

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

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 Relating to Usable Data under the  
State Construction Wage Law"

S.P. 103 L.D. 276

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 Relating to High Speed Chases and  
the Penalty for Failure to Stop"

S.P. 58 L.D. 125

Bill "An Act to Permit Judges of the United  
States to be Admitted to the Practice of Law in Maine  
by Motion"

S.P. 66 L.D. 133

Bill "An Act Concerning Visitation Rights of  
Grandparents"

S.P. 72 L.D. 149

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

S.P. 110 L.D. 283

Off Record Remarks

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

Senator MATTHEWS: Mr. President and Members of  
the Senate. I just want to briefly, for the Record,  
state and comment on L. D. 149, "An Act Concerning  
Visitation Rights of Grandparents." It seems to me,  
since I have been here, that that issue has come up  
over and over again. For the life of me, and perhaps  
I am just thick headed, I can't understand why that  
issue still comes up before this Body and the other  
Body. I do want to state for the Record, that it  
seems to me that Maine, on this issue, appears to be  
and island unto itself. I have before me, a list of  
those States that have passed laws in their States  
with respect to access for grandparents for  
visitation of children. Maine is one of the few  
States that does not have that petition or that  
access for grandparents in the case of a death of a  
parent.

I want to just read, very briefly, for the Record  
a quote from a law journal in Vermont.  
"Psychological studies have shown that a close  
personal relationship to the grandparent can often be  
beneficial for a child. This relationship takes on  
even greater significance when a child's life has  
been upended by the destruction of the nuclear  
family. It is during these troubled times that  
grandparents are most often denied the opportunity to  
continue the relationship with the child. Statutes  
that allow court discretion to grandparent visitation  
rights help serve the best interests of the child."  
Now, one further quote. "While nearly every State  
has adopted statutory provisions for court ordered  
grandparent and third party visitation, the court's  
response to these requests, for such visitation  
varies very widely, we seem to be in the minority on  
this one."

Just for the Record, Ladies and Gentlemen, I know  
that this Bill will be before this Body again, I am  
quite sure, and I do respect, certainly, and want to  
thank those who have sponsored the legislation this  
time, and I also, with all due respect to the Members  
of the Judiciary Committee, commend them for  
grappling with this tough issue.

I just wonder when the time will be right and  
when we will get on with the business of allowing a  
very important part of the family, grandparents to  
take part in the lives of their grandchildren. Thank  
you.

ORDERS OF THE DAY

On motion by Senator CLARK of Cumberland, the  
Senate removed from the Unassigned Table the  
following:

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

H.P. 320 L.D. 419

Tabled - February 24, 1987, by Senator CLARK of  
Cumberland.

Pending - FURTHER CONSIDERATION

(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.)

(In House, February 23, 1987, that Body INSISTED.)

On motion by Senator CLARK of Cumberland, the  
Senate RECEDED and CONCURRED.

Senator PERKINS of Hancock was granted unanimous  
consent to address the Senate off the Record.

The Adjournment Order having been returned from the House, READ and PASSED, in concurrence, on motion by Senator TWITCHELL of Oxford, ADJOURNED until Monday, March 2, 1987 at 10:00 in the morning.

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE  
FIRST REGULAR SESSION  
24th Legislative Day  
Monday, March 2, 1987

The House met according to adjournment and was called to order by the Speaker.  
Prayer by Sister Claveria, Ursuline Sister of Mount Merici, Waterville.  
Pledge of Allegiance.  
The Journal of Wednesday, February 25, 1987, was read and approved.  
Quorum call was held.

(At Ease)

The House was called to order by the Speaker.

SENATE PAPERS

Bill "An Act to Continue the Rebate Programs for Small Business Weatherization and Furnace Modernization and Homeowner Furnace Modernization" (S.P. 196) (L.D. 553)

Bill "An Act to Make Additional Allocations from the Public Utilities Commission Regulatory Fund for the Fiscal Year Ending June 30, 1987" (Emergency) (S.P. 199) (L.D. 556)

Bill "An Act Making Additional Appropriations from the General Fund and Allocations from Other Funds for the Expenditures of State Government for the Fiscal Year Ending June 30, 1987" (Emergency) (S.P. 200) (L.D. 557)

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.

RESOLVE, to Study the Need for and Feasibility of Establishing a Self-insurance Fund and Reinsurance Funds in Maine (S.P. 194) (L.D. 551)

RESOLVE, to Establish a Study of the Feasibility of an Interstate Insurance Compact, Joint Reinsurance Programs and Experience-based Rating in Maine (S.P. 197) (L.D. 554)

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 Require Notice of Possible Radon Exposure" (S.P. 195) (L.D. 552)

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

Was referred to the Committee on Business Legislation in concurrence.

Tabled Pending Ruling by the Chair

Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Inland Fisheries and Wildlife Funds and Changing Certain Provisions of the Law Necessary for the Proper Operations of State Government for the Fiscal Years Ending June 30, 1988 and June 30, 1989" (Emergency) (S.P. 202) (L.D. 559)

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