

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
March 3, 1987

Senate called to Order by the President.

Prayer by Reverend George Darling of the Readfield United Methodist Church in Readfield.

REVEREND DARLING: Let us be in the spirit of prayer. Almighty and everlasting God, from age to age the same, we turn to You for a brief moment in prayer. We confess, O God, that our heritage of self-reliance and independence often prevents us from receiving Your richest blessings, that our desire to be in control often hinders us from accepting Your guidance. Help us in our weaknesses to recognize You as Lord of all life, including our own. Help us, O God, to be honest with ourselves, that we may recognize our dependence upon one another and upon You. Grant us the wisdom to seek Your guidance and the insights necessary that we may begin to see our world as You see it. Grant that our judgements may be tempered with understanding and mercy.

We are a very diverse people with unique gifts and abilities, with unique concerns and ambitions. May we see that our very strength is derived from our differences, as they help us see more clearly the broader vision that You have of life. We have been given the opportunity and privilege to speak for others, in the role of servants.

We would believe that as we serve one another we also serve You. Isaiah spoke of Your servants as those with power to see that justice is done on earth, to bring light to the nations, to open the eyes of the blind and to set free those who sit in dark prisons. We all have a measure of power, O God, through your ever present spirit. We all face difficult and complex decisions as public servants and in our personal lives as well. Make us alive to Your presence and power that we will be faithful servants of Yours and good stewards of all You have given to us. Amen.

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE
House Papers

Bill "An Act to Make Allocations from the Maine Nuclear Emergency Planning Fund for the Fiscal Years Ending June 30, 1988, and June 30, 1989" (Emergency)
H.P. 417 L.D. 562

Bill "An Act to Provide Funds for Interpreting Services for the Deaf and Hearing Impaired Persons in the Post-secondary and Adult Education Programs"
H.P. 430 L.D. 575

Resolve, to Provide Funds for the Maine Partners of the Americas, Inc.
H.P. 425 L.D. 570

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 Develop a Managed Care Insurance Plan Demonstration for Uninsured Individuals and Repeal of the Catastrophic Illness Program Law"
H.P. 428 L.D. 573

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 Allow Juveniles and Senior Citizens to Hunt Does"
H.P. 419 L.D. 564

Bill "An Act Concerning Weapons Carried by Trappers during Trapping Season"
H.P. 421 L.D. 566

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 Exempt Border Hospitals from Maine Health Care Finance Commission's Purview"
H.P. 426 L.D. 571

Bill "An Act to Require Mandatory Certification of Adult Day Care Services in Maine"
H.P. 431 L.D. 576

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 Facilitate Mutual Aid Agreements Between Municipal Police Departments"
H.P. 433 L.D. 579

Committee on LEGAL AFFAIRS suggested and ORDERED PRINTED.

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

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

Sent down for concurrence.

Bill "An Act to Discontinue Town Ways and Public Easements"
H.P. 423 L.D. 568

Committee on TRANSPORTATION suggested and ORDERED PRINTED.

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

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

Sent down for concurrence.

Resolve, Directing the Maine Lottery Commission to Change the Method of Making Payouts to Game and Lottery Winners
H.P. 420 L.D. 565

RESOLUTION, Proposing an Amendment to the Constitution of Maine Requiring Residency of Candidates 3 Months Before Filing Deadline
H.P. 427 L.D. 572

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 Establish a Moratorium on New Mussel Aquaculture Leases" (Emergency)

H.P. 418 L.D. 563

Bill "An Act Relating to the Membership of the Atlantic Sea Run Salmon Commission"

H.P. 422 L.D. 567

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 Amend the Laws Relating to Major Policy-influencing Positions"

H.P. 429 L.D. 574

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 Provide an Income Tax Exclusion for Income Earned from Service in the Maine National Guard"

H.P. 432 L.D. 578

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 Permit the Use of Speed Bumps"

H.P. 424 L.D. 569

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.

COMMUNICATIONS

The Following Communication: S.P. 212
113th MAINE LEGISLATURE

March 2, 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 Hobart F. Harnden of South Portland 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. 213
113th MAINE LEGISLATURE

March 2, 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 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: S.P. 222
113th MAINE LEGISLATURE

March 2, 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 nominated Charles A. Morrison of Auburn for appointment as the Commissioner of the Department of Administration.

Pursuant to Title 5, M.R.S.A. Section 1874, 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.

The Following Communication:
DEPARTMENT OF ADMINISTRATION
STATE HOUSE STATION 9
AUGUSTA, MAINE 04333

February 26, 1987

The Honorable Charles P. Pray
President of the Senate
State House
Augusta, Maine 04333
Dear President Pray:

I am transmitting herewith a report on asbestos management activities prepared by my office and the Labor Management Committee on Safety pursuant to P & S 140 (1986). The report provides an update on activities since our last report in October, 1986 and sets forth a program for the coming months.

The Joint Committee on Appropriations and Financial Affairs has reviewed the report and reported out a resolution adopting its recommendations. The resolution is presented in L.D. 376.

If there are any questions, please feel free to contact me or Henry Warren (x4509).

Sincerely,
S/Harvey E. DeVane
Commissioner

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

The Following Communication:

STATE OF MAINE
DEPARTMENT OF FINANCE
BUREAU OF ACCOUNTS AND CONTROL
STATE HOUSE STATION 14
AUGUSTA, MAINE 04333

Governor Joseph E. Brennan
Members of the Legislature,
and other Citizens of Maine

In accordance with Title 5, Maine Revised Statutes Annotated, section 1547, the accompanying Financial Report of the State of Maine is submitted for the fiscal year ended June 30, 1986.

The first section of the report consists of the General Purpose Financial Statements for all funds reported in accordance with generally accepted accounting principles. Generally accepted accounting principles for the Governmental Funds uses the modified accrual basis of accounting. Revenues are recognized when they become measurable and available as current assets. Expenditures are generally recognized when the related fund liability is incurred. Exceptions to this general rule include accumulated unpaid vacation and sick leave and principal and interest on general long term debt which is recognized when due.

The second section is reported as it has been in the past, based upon the budgetary and legal requirements. Please refer to Note 7 of the General Notes to the Financial Statements for the reconciliation of the fund balances between the two sections. Comparative budgetary data and statistical information have also been included in this report to promote a better understanding of the State's finances.

Questions and comments about this report or any phase of state finances are always welcome.

Sincerely,
S/Sandra J. Crockett
State Controller

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

SENATE PAPERS

Bill "An Act to Raise the Compensation of District and Assistant District Attorneys"

S.P. 219 L.D. 586

Presented by Senator PEARSON of Penobscot
Which was referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Deter Passing of Bad Checks"

S.P. 215 L.D. 582

Presented by Senator BRANNIGAN of Cumberland
Cosponsored by: Representative VOSE of Eastport,
Representative MARSANO of Belfast, Representative TRACY of Rome

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

Sent down for concurrence.

Bill "An Act Establishing Peer Review Immunity for Licensed Psychologists"

S.P. 217 L.D. 584

Presented by Senator GAUVREAU of Androscoggin

Cosponsored by: Representative ROLDE of York,
Senator GILL of Cumberland, Representative CONLEY of Portland

Bill "An Act to Require Registration of Persons Proposing to Distribute Free Tobacco Products"

S.P. 218 L.D. 585

Presented by Senator GAUVREAU of Androscoggin
Cosponsored by: Representative KETOVER of Portland, Representative BOUTILIER of Lewiston,
Senator GILL of Cumberland

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

Sent down for concurrence.

Bill "An Act to Authorize a Bond Issue in the Amount of \$4,300,000 for Constructing and Equipping Centers for Advanced Technology that Service the Economic Development Needs of Maine"

S.P. 220 L.D. 601

Presented by President PRAY of Penobscot
Cosponsored by: Speaker MARTIN of Eagle Lake,
Senator CLARK of Cumberland, Representative DIAMOND of Bangor

Which was referred to the Committee on ECONOMIC DEVELOPMENT and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Ensure Access to the Mental Health and Substance Abuse Treatment Systems Through Health Maintenance Organizations"

S.P. 216 L.D. 583

Presented by Senator BUSTIN of Kennebec
Cosponsored by: Senator GILL of Cumberland,
Representative RYDELL of Brunswick,
Representative ROLDE of York

Which was referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Include the Term "Sexual Orientation" in the Maine Human Rights Act"

S.P. 221 L.D. 602

Presented by Senator ANDREWS of Cumberland
Cosponsored by: Representative CONNOLLY of Portland,
Representative O'GARA of Westbrook,
Representative RYDELL of Brunswick

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

Sent down for concurrence.

Bill "An Act to Authorize the Sale of Certain Vintage Wines to Licensees"

S.P. 214 L.D. 581

Presented by Senator TWITCHELL of Oxford
Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 27

Which was referred to the Committee on LEGAL AFFAIRS 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 Change the Date of the Muzzle-loading Deer Hunting Season"

H.P. 41 L.D. 44

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 Require Nonresident Moose Hunters to Employ the Services of a Licensed Maine Guide"

H.P. 91 L.D. 100

Bill "An Act Relating to Interest on Workers' Compensation Awards"

H.P. 232 L.D. 300

Bill "An Act Relating to Trial Work Periods under the Workers' Compensation Act"

H.P. 237 L.D. 305

Divided Report

The Majority of the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Repeal the Authority of County Commissioners to Order the Repair of Ways Maintained by a Municipality"

H.P. 68 L.D. 71

Reported that the same Ought Not to Pass.

Signed:

Senators:

TUTTLE of York
BALDACCI of Penobscot
CARROLL of Gray
HUSSEY of Milo
LOOK of Jonesboro
WENTWORTH of Wells
STROUT of Windham
BICKFORD of Jay
LACROIX of Oakland
ROTONDI of Athens
BOUTILIER of Lewiston
ANTHONY of South Portland

Representatives:

The Minority of the same Committee on the same subject reported that the same Ought to Pass.

Signed:

Senator:

GOULD of Waldo

Comes from the House with the Reports READ and Bill and Accompanying Papers RECOMMITTED to the Committee on STATE AND LOCAL GOVERNMENT.

Which Reports were READ.

On motion by Senator TUTTLE of York, the Bill and Accompanying Papers RECOMMITTED to the Committee on STATE AND LOCAL GOVERNMENT, in concurrence.

Divided Report

The Majority of the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Authorize Department Heads in Washington County to make Competitive Bidding Purchases of Items which are in the County Budget"

H.P. 81 L.D. 84

Reported that the same Ought Not to Pass.

Signed:

Senators:

TUTTLE of York
GOULD of Waldo
CARROLL of Gray
STROUT of Windham
LOOK of Jonesboro
WENTWORTH of Wells
ROTONDI of Athens
BICKFORD of Jay
BOUTILIER of Lewiston
ANTHONY of South Portland

Representatives:

The Minority of the same Committee on the same subject reported that the same Ought to Pass.

Signed:

Senator:

BALDACCI of Penobscot

Representatives:

HUSSEY of Milo

LACROIX of Oakland

Comes from the House the Majority OUGHT NOT TO PASS Report READ and ACCEPTED.

Which Reports were READ.

Senator TUTTLE of York, moved the Senate ACCEPT the Majority OUGHT NOT TO PASS Report.

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

Senator BALDACCI: Thank you Mr. President and Members of the Senate. I would concur with the Senator from York, Senator Tuttle, that the Ought Not to Pass Report prevail.

On motion by Senator TUTTLE of York, the Majority OUGHT NOT TO PASS Report was ACCEPTED, in concurrence.

Senate

Ought to Pass

Senator PEARSON for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on 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

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.

The Resolve READ ONCE.

The Resolve TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass As Amended

Senator TWITCHELL for the Committee on TAXATION on Bill "An Act Relating to Periodic Publication of Taxable Gasoline Gallonage Statistics Provided by Licensed Gasoline Distributors"

S.P. 40 L.D. 28

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-3).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-3) READ and ADOPTED.

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 Relating to Conferring of Degrees by the YDI Schools"

S.P. 67 L.D. 134

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

Sent down for concurrence.

ENACTORS

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

An Act Concerning Enhancement of Theft Penalties Based on Prior Convictions

S.P. 74 L.D. 157

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

Senator BALDACCI of Penobscot, was granted unanimous consent to address the Senate on the Record.

Senator BALDACCI: Thank you Mr. President and Members of the Senate. Yesterday was quite a day where it was very snowy and I was snowbound in

Bangor. We had a Bill that was being heard before the State and Local Government Committee on making New Year's Day a State holiday.

I was unable to attend and contacted my seat mate, the Honorable Senator from Cumberland, Senator Gill, to present the Bill for me. In the spirit of bipartisanship, Senator Gill, who cosponsored the Bill, agreed to present it and I would just like to publicly thank her and say that at the same time by working together bipartisanly we certainly can accomplish more this particular session. Thank you Members of the Senate.

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

COMMUNICATIONS

The Following Communication: S.P. 223

MAINE STATE LEGISLATURE
MUNICIPAL LAND BANK STUDY COMMITTEE
AUGUSTA, MAINE 04333

March 2, 1987

President Pray
Speaker Martin
State House
Augusta, ME 04333

Dear President Pray and Speaker Martin:

The Municipal Land Bank Study Committee is pleased to submit its report to the Legislature pursuant to P & SL 1985 c. 119.

Sincerely,

S/Sen. R. Donald Twitchell S/Rep. James Mitchell
Chair Chair

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

Sent down for concurrence.

Off Record Remarks

On motion by Senator ANDREWS of Cumberland, ADJOURNED until March 4, 1987, at 11:00 in the morning.

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
26th Legislative Day
Wednesday, March 4, 1987

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

Prayer by Reverend Joseph Shank, First Parish Congregational Church, Yarmouth.

The Journal of Tuesday, March 3, 1987, was read and approved.

Quorum call was held.

SENATE PAPERS

Bill "An Act to Raise the Compensation of District and Assistant District Attorneys" (S.P. 219) (L.D. 586)

Came from the Senate, referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Was referred to the Committee on Appropriations and Financial Affairs in concurrence.

Bill "An Act to Deter Passing of Bad Checks" (S.P. 215) (L.D. 582)

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

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

Later Today Assigned

Bill "An Act Establishing Peer Review Immunity for Licensed Psychologists" (S.P. 217) (L.D. 584)

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

On motion of Representative Paradis of Augusta, tabled pending reference in concurrence and later today assigned.

Bill "An Act to Require Registration of Persons Proposing to Distribute Free Tobacco Products" (S.P. 218) (L.D. 585)

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 Ensure Access to the Mental Health and Substance Abuse Treatment Systems Through Health Maintenance Organizations" (S.P. 216) (L.D. 583)

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

On motion of Representative Gwadosky of Fairfield, referred to the Committee on Banking and Insurance in non-concurrence and sent up for concurrence.

Bill "An Act to Include the Term 'Sexual Orientation' in the Maine Human Rights Act" (S.P. 221) (L.D. 602)

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

Was referred to the Committee on Judiciary in concurrence.

Bill "An Act to Authorize the Sale of Certain Vintage Wines to Licensees" (S.P. 214) (L.D. 581)