

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 10, 1987

Senate called to Order by the President.

Prayer by Chairman Hartson Doak of the Spiritual Assembly of the Baha'is in South Portland.

CHAIRMAN DOAK: Good Morning Senators, who represent the people of Maine. It is a real honor to be invited to read the prayer. The prayer I am going to read is the prayer revealed by 'Abdu'l-Baha' who is the son of the prophet of the high faith.

O Thou kind Lord! This gathering is turning to Thee. These hearts are radiant with Thy love. These minds and spirits are exhilarated by the message of Thy glad-tidings. O God! Let this American democracy become glorious in spiritual degrees even as it has aspired to material degrees, and render this just government victorious. Confirm this revered nation to upraise the standard of the oneness of humanity, to promulgate the Most Great Peace, to become thereby most glorious and praiseworthy among all the nations of the world. O God! This American nation is worthy of Thy favors and is deserving of Thy mercy. Make it precious and near to Thee through Thy bounty and bestowal. Thank you.

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE
House Papers

Bill "An Act to Clarify the Benefits under State Group Life Insurance"

H.P. 465 L.D. 632

Bill "An Act to Provide Pension Rights to Morris G. Pilot"

H.P. 477 L.D. 644

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

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

Off Record Remarks

Bill "An Act Relating to Training of Sewage Treatment Operators"

H.P. 470 L.D. 637

Bill "An Act to Increase Funding to Displaced Homemakers Program to Continue Rural Outreach Activities and Supportive Services for Displaced Homemakers"

H.P. 474 L.D. 641

Bill "An Act to Ensure Job Training Assistance to All Aid to Families with Dependent Children" (Emergency)

H.P. 486 L.D. 653

Bill "An Act to Expand the Maine Conservation Corps" (Emergency)

H.P. 487 L.D. 654

Bill "An Act to Appropriate Funds for New and Existing Services for the Prevention of Teen Pregnancy and to Reduce the Adverse Effects of Teen Parenting"

H.P. 488 L.D. 655

Bill "An Act to Increase the Aid to Families with Dependent Children Standard of Need" (Emergency)

H.P. 489 L.D. 656

Bill "An Act to Provide Funds to the Department of Mental Health and Mental Retardation to Assist the Millinocket Areas with Mental Health, Home Health and Homemaker Services"

H.P. 490 L.D. 660

Bill "An Act to Provide for Annual Increases in the Aid to Families with Dependent Children Standard of Need" (Emergency)

H.P. 494 L.D. 664

Bill "An Act to Make Allocations for the Operating Expenditures of the Intergovernmental Telecommunications Fund of the Department of Administration for the Fiscal Years ending June 30, 1988, and June 30, 1989" (Emergency)

H.P. 504 L.D. 677

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 Concerning the Workers' Compensation Rate-setting Authority of the Superintendent of Insurance"

H.P. 475 L.D. 642

Come 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 Require Retail Sellers of Gasoline to Post both Full-service and Self-service Prices"

H.P. 469 L.D. 636

Bill "An Act to Require Certain Restaurants to Post their Prices"

H.P. 505 L.D. 678

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

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

Senate at Ease

Senate called to order by the President.

Bill "An Act Relating to Conferring Degrees by the University of New England in Biddeford"

H.P. 466 L.D. 633

Bill "An Act to Amend the Teacher Certification Law"

H.P. 468 L.D. 635

Bill "An Act Relating to the Quality Incentive Adjustment in the Educational Finance Law" (Emergency)

H.P. 476 L.D. 643

Bill "An Act to Allow On-site Educational Programs at Private Institutions"

H.P. 479 L.D. 646

Come 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 to Allow the Deposition of Sand Along the Shore of Great Ponds"

LEGISLATIVE RECORD - SENATE, MARCH 10, 1987

H.P. 491 L.D. 661

Comes from the House referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED.

Which was referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED, in concurrence.

Bill "An Act to Amend the Open Season Fishing Laws"

H.P. 473 L.D. 640

Bill "An Act Relating to Nonresident Property Owners for the Purpose of Licensure Under the Fisheries and Wildlife Laws"

H.P. 481 L.D. 648

Bill "An Act to Prevent the Use of Leg Hold Traps for Trapping Animals Within Areas Designated as Residential Within Organized Towns"

H.P. 503 L.D. 676

Bill "An Act to Further Protect Bald Eagles and Other Endangered Species" (Emergency)

H.P. 506 L.D. 679

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 Create the Maine Health Policy Council"

H.P. 496 L.D. 666

Bill "An Act to Establish a Behavior Stabilization Program under the Mental Health and Retardation Law"

H.P. 497 L.D. 667

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 Limiting the Liability of Directors and Officers of Charitable Organizations"

H.P. 467 L.D. 634

Bill "An Act to Protect the Ownership of Land held by Legal Title"

H.P. 480 L.D. 647

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 Provide Unemployment Compensation During Employer Initiated Lockouts, Unfair Labor Practice Strikes and to Displaced Economic Strikers"

H.P. 483 L.D. 650

Bill "An Act Concerning Occupational Hearing Loss under the Workers' Compensation Act"

H.P. 499 L.D. 669

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

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

Bill "An Act to Require Candidates to Identify Party Affiliation on all Advertisements"

H.P. 482 L.D. 649

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

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

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Insure the Preservation of the Right to Keep and Bear Arms

H.P. 484 L.D. 651

Come from the House referred to the Committee on LEGAL AFFAIRS 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 Reform Regulatory Proceedings under Rulemaking of the Maine Administrative Procedure Act"

H.P. 495 L.D. 665

Bill "An Act to Revise the Percent for Art Act in Public Buildings"

H.P. 498 L.D. 668

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 Implement a Waiver for Nonuse in the Boat Excise Tax Laws"

H.P. 472 L.D. 639

Bill "An Act to Provide a Sales Tax Exemption for Nonprofit Animal Shelters"

H.P. 478 L.D. 645

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 to Increase the Lowest Amount of Units of Transmission or Generation under the Public Utilities Commission Law"

H.P. 492 L.D. 662

Bill "An Act to Incorporate the Pembroke Utilities District" (Emergency)

H.P. 501 L.D. 671

Come 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.

Bill "An Act to Provide Cable Television Access to Apartment Dwellings and Mobile Homes"

H.P. 500 L.D. 670

Committee on BUSINESS LEGISLATION suggested and ORDERED PRINTED.

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

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

SENATE PAPERS

Bill "An Act to Provide Cost-of-living Increases to Community-based Rehabilitation Agencies Serving Clients of the Bureau of Mental Retardation under Contract"

S.P. 246 L.D. 695

Presented by Senator CAHILL of Sagadahoc
Cosponsored by: Representative LISNIK of Presque Isle, Representative BOUTILIER of Lewiston, Representative FOSTER of Ellsworth
Which was referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act Requiring the Payment of Interest on Security Deposits"

S.P. 248 L.D. 697

Presented by Senator BALDACCI of Penobscot
Cosponsored by: Representative STEVENS of Bangor
Committee on BANKING AND INSURANCE suggested and ORDERED PRINTED.

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

Sent down for concurrence.

Bill "An Act to Provide Notice of Underground Facilities Upon Transfers of Real Property"

S.P. 249 L.D. 698

Presented by Senator KANY of Kennebec
Cosponsored by: Representative MURPHY of Berwick, Representative SIMPSON of Casco, Senator USHER of Cumberland

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

Sent down for concurrence.

Bill "An Act Concerning the Use of Safety Devices in Swimming Pools"

S.P. 247 L.D. 696

Presented by Senator TWITCHELL of Oxford
Which was referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Establish the Maine Legislative Commission on Intergovernmental Relations"

S.P. 250 L.D. 699

Presented by President PRAY of Penobscot
Cosponsored by: Speaker MARTIN of Eagle Lake, Senator TUTTLE of York, Representative CARROLL of Gray

Bill "An Act to Transfer the Maine Fire Training and Education Program from the Department of Educational and Cultural Services to the Maine Vocational-Technical Institute System" (Emergency)

S.P. 251 L.D. 700

Presented by Senator PERKINS of Hancock
Cosponsored by: Senator RANDALL of Washington, Representative ROLDE of York, Representative MCGOWAN of Canaan

Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 27
Which were referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED.

Sent down for concurrence.

Resolve, to Establish a Commission to Study United States Route 1

S.P. 245 L.D. 694

Presented by Senator CAHILL of Sagadahoc
Cosponsored by: Senator CLARK of Cumberland, Representative MOHOLLAND of Princeton, Representative MARSANO of Belfast

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

Sent down for concurrence.

Senate at Ease

Senate called to order by the President.

COMMITTEE REPORTS

House

Ought Not to Pass

The following Ought Not to Pass Reports shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Bill "An Act to Allow Recall of County Officers" H.P. 101 L.D. 111

Bill "An Act to Appropriate Funds to Maintain 24-hour Coverage by State Police Troop D in Thomaston"

H.P. 219 L.D. 271

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 Temporarily Extend Authority for Agricultural Central Filing Systems" (Emergency)

H.P. 277 L.D. 360

Change of Reference

The Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Clarify the Emergency Rule-making Authority of the Commissioner of Marine Resources"

H.P. 327 L.D. 426

Reported that the same be REFERRED to the Committee on MARINE RESOURCES.

Comes from the House with the Report READ and ACCEPTED and the Bill REFERRED to the Committee on MARINE RESOURCES.

Which Report was READ and ACCEPTED, in concurrence.

The Bill REFERRED to the Committee on MARINE RESOURCES, in concurrence.

Ought to Pass

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Appropriate Funds to the Department of Human Services to Provide Training and Technical Assistance to Community Public Drinking Water Supplies"

H.P. 269 L.D. 352

Reported that the same Ought to Pass.

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

The Committee on LEGAL AFFAIRS on Bill "An Act Relating to Fencing of Swimming Pools"

H.P. 86 L.D. 89

Reported that the same Ought to Pass.

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass As Amended

The Committee on FISHERIES AND WILDLIFE on Bill "An Act to Provide Complimentary Archery Licenses to Residents Over 70 Years of Age"

H.P. 72 L.D. 75

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-10).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-10)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-10) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on MARINE RESOURCES on Bill "An Act to Prevent the Destruction of Lobster Gear"

H.P. 14 L.D. 12

Reported that the same Ought Not to Pass.

Signed:

Senators: MATTHEWS of Kennebec
ESTES of York
CAHILL of Sagadahoc

Representatives: LOOK of Jonesboro
KETOVER of Portland
CROWLEY of Stockton Springs
COLES of Harpswell
HOLT of Bath
MITCHELL of Freeport
RUHLIN of Brewer
SALSBURY of Bar Harbor
RICE of Stonington

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

Signed:

Representative: SCARPINO of St. George

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

Which Reports were READ.

The Majority OUGHT NOT TO PASS Report was ACCEPTED, in concurrence.

Off Record Remarks

SECOND READERS

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

House

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Sagadahoc County for the Year 1987 (Emergency)

H.P. 450 L.D. 605

Bill "An Act to Change the Location of District Court for the Municipality of Wayne to Augusta"

H.P. 451 L.D. 606

Which were READ A SECOND TIME and PASSED TO BE ENGROSSED, in concurrence.

House As Amended

Bill "An Act Relating to the Administrative Council of the University of Maine System"

H.P. 183 L.D. 227

(H "A" H-9)

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

Off Record Remarks

ENACTORS

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

An Act Amending the Excise Tax Law as it Relates to Telephone Company Motor Vehicles

H.P. 199 L.D. 251
(H "A" H-3; H "B" H-11)

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

ORDERS OF THE DAY

The Chair laid before the Senate the Tabled and Specially Assigned matter:

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

Tabled - March 9, 1987, by Senator CLARK of Cumberland.

Pending - Motion of Senator PEARSON of Penobscot to RECONSIDER REFERENCE

(In Senate, March 3, 1987, referred to the Committee on ECONOMIC DEVELOPMENT.)

On motion by Senator CLARK of Cumberland, Tabled Unassigned, pending the motion of Senator PEARSON of Penobscot to RECONSIDER REFERENCE.

Off Record Remarks

On motion by Senator BALDACCI of Penobscot, ADJOURNED until Wednesday, March 11, 1987, at 9:00 in the morning.