

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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
March 11, 1987

Senate called to Order by the President.

Prayer by Sister Edward Mary Kelleher, Principal of Catherine McAuley High School in Portland.

SISTER KELLEHER: Before we pray this morning, I have a preliminary remark that I hope you will allow me. You noticed in the introduction that my last name is Kelleher, my brother Ed Kelleher served sixteen years in the House. I would like, also, to mention that we are twins. For those of you who know him well please note; I have more hair, I carry less poundage and Ed, although you served sixteen years in the House, I don't believe you ever made it into this respectable forum. Senator Pearson, I thank you for the opportunity to have one up on Ed today, I think you would concur with me, it is not an easy thing to do in life.

Let us bow our head in prayer. God has created us to do Him some definite service. He has committed some work to you and to me, which He has not committed to another. He invites you, especially, to share your office more and more fully by becoming persons who will love Him unselfishly in service to others.

Heavenly Father, everything, all things, joys, blessings, worries and the circumstances of life are all opportunities to grow in loving You. Strengthen us to courageously use all things as well as one can in our elected offices.

Father, we believe You have called us each by name to do Your work in this Body. Grant us the gifts of gentleness, wisdom, honesty, patience and trust in each other as we make changes; and a caring spirit to lay them aside when they hinder, so that we will be faithful stewards of the State's resources entrusted to us by our communities.

Father, may Your presence among us today, guide us using Your deliberations and the gift of law to live unselfishly for You and the service of others. This we ask in Your name, Amen.

Reading of the Journal of Yesterday.

Off Record Remarks

PAPERS FROM THE HOUSE
Non-concurrent Matter

Resolve, to Establish a New Commission on Maine's Future

S.P. 232 L.D. 626

Committee on ECONOMIC DEVELOPMENT suggested and ORDERED PRINTED.

In Senate, March 9, 1987, referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED.

Comes from the House referred to the Committee on ECONOMIC DEVELOPMENT and ORDERED PRINTED in NON-CONCURRENCE.

The Senate ADHERED.
Sent down for concurrence.

Non-concurrent Matter

Bill "An Act to Promote Adult Education"

S.P. 234 L.D. 628

In Senate, March 9, 1987, referred to the Committee on EDUCATION and ORDERED PRINTED.

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

The Senate RECEDED and CONCURRED.

House Papers

Bill "An Act to Provide a Special Needs Payment to Recipients of Aid to Families with Dependent Children for Excessive Housing Costs"

H.P. 519 L.D. 692

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.

Off Record Remarks

Bill "An Act to Create the Opportunity for Community Agency Input to the State Budget Process"

H.P. 493 L.D. 663

Committee on STATE AND LOCAL GOVERNMENT suggested and ORDERED PRINTED.

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 Concerning Unfair Claims Practices"

H.P. 510 L.D. 683

Bill "An Act to Prevent Surcharges or Penalty Fees in Excess of the Amount Paid for Damages under Auto Insurance Policies"

H.P. 518 L.D. 691

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

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

Bill "An Act Regarding the Sunday Closing Law"

H.P. 507 L.D. 680

Bill "An Act to Amend the Laws Relating to Cosmetology License Requirements"

H.P. 508 L.D. 681

Bill "An Act to Exempt Certain Signs from the Billboard Law"

H.P. 516 L.D. 689

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.

Bill "An Act Relating to Innovative Grants"

H.P. 514 L.D. 687

Bill "An Act Relating to Geographic Isolation Grants"

H.P. 515 L.D. 688

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 Alter the Fee on the Registration of Underground Tanks"

H.P. 509 L.D. 682

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 Relating to the Purchase of Alcoholic Beverages by Minors"

H.P. 512 L.D. 685

Bill "An Act to Require that Candidates' Petitions be Sworn"

H.P. 517 L.D. 690

Bill "An Act to Require that Drunk Drivers Reimburse Town Enforcement Agencies for Responding to Accidents"

H.P. 521 L.D. 701

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 Enhance the Activities of the Maine Highway Safety Committee"

H.P. 511 L.D. 684

Comes from the House referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED.

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending REFERENCE.

Bill "An Act Limiting Local Property Taxation"

H.P. 513 L.D. 686

Bill "An Act to Raise the Sales Tax on Meals"

H.P. 520 L.D. 693

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 Provide State Reimbursement to Municipalities for Property Tax Losses Due to State-owned Property"

H.P. 485 L.D. 652

Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS suggested and ORDERED PRINTED.

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.

COMMUNICATIONS

The Following Communication:

COMMITTEE ON AGRICULTURE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
March 9, 1987

The Honorable Charles P. Pray
President of the Senate of Maine
State House

Augusta, Maine 04333
Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 113th Maine Legislature, the Joint Standing Committee on Agriculture has had under consideration the nomination of Thomas H. Saliba of South Freeport, for appointment to the Maine Milk Commission.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS: Senators 3
Representatives 7

NAYS: 0

ABSENT: 3 Rep. Hussey of Milo, Rep. Aliberti of Lewiston, Rep. Mahany of Easton

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Thomas H. Saliba of South Freeport, for appointment to the Maine Milk Commission be confirmed.

Sincerely,
S/Zachary Matthews
Senate Chair
S/Robert Tardy
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on AGRICULTURE has recommended the nomination of Thomas H. Saliba of South Freeport for appointment to the Maine Milk Commission be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on AGRICULTURE be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 113th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None
NAYS: Senators ANDREWS, BERUBE, BLACK, BRANNIGAN, BRAWN, BUSTIN, CAHILL, CLARK, COLLINS, DILLENBACK, DOW, DUTREMBLE, EMERSON, ERWIN, ESTES, GAUVREAU, GILL, GOULD, KANY, KERRY, MATTHEWS, MAYBURY, PEARSON, PERKINS, SEWALL, THERIAULT, TUTTLE, TWITCHELL, USHER, WEBSTER, WHITMORE, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators BALDACCI, LUDWIG, RANDALL

No Senators having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being absent, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Thomas H. Saliba for appointment to the Maine Milk Commission, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:
COMMITTEE ON AGRICULTURE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
March 9, 1987

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 113th Maine Legislature, the Joint Standing Committee on Agriculture has had under consideration the nomination of Arthur W. Adelberg of Augusta, for appointment to the Maine Milk Commission.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS: Senators 3
Representatives 7

NAYS: 0

ABSENT: 3 Rep. Hussey of Milo, Rep. Mahany of Easton, Rep. Aliberti of Lewiston

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Arthur W. Adelberg of Augusta, for appointment to the Maine Milk Commission be confirmed.

Sincerely,
S/Zachary Matthews
Senate Chair
S/Robert Tardy
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on AGRICULTURE has recommended the nomination of Arthur W. Adelberg of Augusta for appointment to the Maine Milk Commission be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on AGRICULTURE be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 113th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

The Chair recognizes the Senator from Kennebec, Senator Matthews.

Senator MATTHEWS: Thank you Mr. President and Members of the Senate. I will be very brief, I just want to state for the Record, first of all, that I want to thank the Governor and his office.

The two gentlemen that came before the Agriculture Committee are very competent individuals with a very well proven track record in business and their professions. One concern that I did want to mention to this Body and really deals with both of these appointees and not with them, specifically, but with the make up and composition of the Maine Milk Commission. That is the concern that some testified to at the hearing, some dairy farmers, that they are not being represented on the Maine Milk Commission.

I want to, again, reiterate, that when both candidates, for this appointment to the Maine Milk Commission, were asked, directly, about whether or not they see an opportunity or need to change the composition to better reflect those in the industry, dairy farmers and processors. I want to thank both of them for being very candid in saying, yes, they would be in support of changing that composition, possibly to make it more representative. I think that is an issue that the Legislature will deal with this Session, it certainly is an issue that is bigger than the two appointments we have here today, but I did want to mention that for the Record. Both of these individuals were very candid and I appreciate their candor, there is a bigger issue that this Body

will be dealing with later on in the Session. Thank you.

THE PRESIDENT: Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.
The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None
NAYS: Senators ANDREWS, BERUBE, BLACK, BRANNIGAN, BRAWN, BUSTIN, CAHILL, CLARK, COLLINS, DILLENBACK, DOW, DUTREMBLE, EMERSON, ERWIN, ESTES, GAUVREAU, GILL, GOULD, KANY, KERRY, MATTHEWS, MAYBURY, PEARSON, PERKINS, SEWALL, THERIAULT, TUTTLE, TWITCHELL, USHER, WEBSTER, WHITMORE, THE PRESIDENT - CHARLES P. PRAY
ABSENT: Senators BALDACCI, LUDWIG, RANDALL

No Senators having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being absent, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Arthur W. Adelberg for appointment to the Maine Milk Commission, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:
MAINE STATE RETIREMENT SYSTEM
STATE HOUSE STATION 46
AUGUSTA, MAINE 04333
March 6, 1987

Charles P. Pray, President
Maine State Senate
Representative John Martin, Speaker
House of Representatives
Dear Senator Pray and Representative Martin:

In accordance with the provisions of 5 MRSA, Section 17806, the Board of Trustees of the Maine State Retirement System hereby notifies you that a 1.7 per cent increase in retirement benefits paid to retired state employees, teachers and retirees of certain participating local districts was authorized effective September 1, 1986. This was a cost-of-living increase based upon the increase in the Consumer Price Index. The Consumer Price Index (CPI-U), published by the United States Department of Labor, Bureau of Labor Statistics, increased 1.7% in the twelve month period ending June 1986.

The 1.7% cost-of-living increase paid to state employees and teachers will cost approximately \$1.8 million in the current year. The total increase in the System's reserve requirements generated by this cost-of-living increase is \$19.3 million.

Sincerely,
S/Claude R. Perrier
Executive Director

Which was READ and ORDERED PLACED ON FILE.

SENATE PAPERS
Bill "An Act to Require Maintenance of Financial Responsibility by All Motorists"
S.P. 252 L.D. 703
Presented by Senator BRANNIGAN of Cumberland
Cosponsored by: Senator COLLINS of Aroostook,
Representative MACBRIDE of Presque Isle,
Representative INGRAHAM of Houlton

Which was referred to the Committee on BANKING AND INSURANCE and ORDERED PRINTED.
Sent down for concurrence.

Bill "An Act to Clarify the Confidentiality of Certain Information Under the Reporting of Abuse and Neglect Laws"

S.P. 254 L.D. 705

Presented by Senator GILL of Cumberland
Cosponsored by: Representative KIMBALL of Buxton, Representative TAYLOR of Camden, Representative CONLEY of Portland
Which was referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED.
Sent down for concurrence.

Bill "An Act Relating to Notices of Controversy under the Workers' Compensation Act"

S.P. 253 L.D. 704

Presented by Senator GAUVREAU of Androscoggin
Cosponsored by: Representative BEGLEY of Waldoboro, Representative ZIRNKILTON of Mount Desert, Representative RAND of Portland
Which was referred to the Committee on LABOR and ORDERED PRINTED.
Sent down for concurrence.

Bill "An Act to Clarify Core Part Trade-in"

S.P. 255 L.D. 706

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

COMMITTEE REPORTS

House

Ought to Pass

The Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Clarify a Sewer District's Responsibility for the Maintenance and Repair of Public Drains or Common Sewers"

H.P. 51 L.D. 54

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 in New Draft

The Committee on FISHERIES AND WILDLIFE on Bill "An Act to Reduce the Fee for a Trapper's License for Servicemen Stationed in the State"

H.P. 88 L.D. 91

Reported that the same Ought to Pass in New Draft under same title.

H.P. 502 L.D. 674

Comes from the House, with the Report READ and ACCEPTED and the Bill in NEW DRAFT PASSED TO BE ENGROSSED.

Which Report was READ

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

Senator PEARSON: Thank you Mr. President, men and women of the Senate. I do not rise to object to the Acceptance of the New Draft, but I did want to make a point, which I have tried to make for the last two to three years and I will make one more attempt

at it. A number of years ago, when I was on the Audit Committee, we did a study of the Fisheries and Wildlife Department. They were in financial chaos at the time, if you remember, and from time to time they have had difficulties before that. We made, what we thought was, a pretty thorough study and we reached the conclusion that there were a number of things that needed to be done.

One of the things, that hasn't been done in Fisheries and Wildlife, is they are not even computerized. They are on the old punch card system. There was a license increase and we knew then that the license increase would take care of the problems of Fisheries and Wildlife for a very little amount of time. The problems which that Department faced were going to continue to grow as the years went on and they would be back asking for more help. By the very nature of the funds they depend on, which is license fees and a little bit of federal help, they are doomed to always be in trouble, it seems to me.

With that thought in mind, knowing that when the years went by and as their wages increased and inflation took its toll on the Department, it would have to face the music in a year, three years or five years. I always thought it was prudent, for Fisheries and Wildlife, to establish the same thing that Transportation and Appropriations has and that is a Table. At the end of every year, all of the items that they had which cost money could be considered all at once, when the big picture was brought together. At that point, they would know whether or not they had enough money to pass the various Bills.

Yesterday, there was a Bill in here to allow people who are seventy years of age or older to have free archery licenses. You know and I know, that there aren't going to be a lot of people who are going to ask for archery licenses who are over seventy years old. I understand that. The cost to the Department is probably minimal. The Bill today is for a reduction in a trappers license for service men who are stationed in the State. One could make the argument, and I'm sure it was, that we owe that to them, it is good public relations and service men that were stationed at Loring, or wherever, would probably have a tendency to come back and we might make some money in the long run. The thought that I would like to plant is this: Some time along the line, it seems to me, that some financial order with regard to legislation ought to take place so that the committee at the end of the years could say, okay, we know what the financial status of Fisheries and Wildlife is now and we know what it is likely to be in the future, we have these five, seven, ten or fifteen Bills, which ones of them can we afford to fund? Which ones should we fund? It seems to me, that would make a lot of sense. I have never been able to convince people that was something that ought to be done, but I still feel very strongly about making the point that of the way we go and pass little pieces of legislation that individually will cost very little, but in total will amount to something later on and then two or three years from now Fisheries and Wildlife is inevitably going to be forced to come in and say to the General Fund, we need some money, we need some help or we are going to need an increase in the hunting and fishing licenses in order to keep the Department afloat. I think that could be avoided a little longer, it's inevitable, but it could be avoided a little longer, if there was some order to the way that Bills which cost money are address. It seems to me that ought to be done at the end of the year on a Table.

Which Report was ACCEPTED, in concurrence.
The Bill in NEW DRAFT READ ONCE.
The Bill in NEW DRAFT TOMORROW ASSIGNED FOR
SECOND READING.

SECOND READERS

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

House

Bill "An Act Relating to Fencing of Swimming
Pools"

H.P. 86 L.D. 89

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

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

House As Amended

Bill "An Act to Provide Complimentary Archery
Licenses to Residents Over 70 Years of Age"

H.P. 72 L.D. 75

(C "A" H-10)

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

On motion by Senator CLARK of Cumberland,
RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

The Chair laid before the Senate the Tabled and
Later Today Assigned matter:

Bill "An Act to Enhance the Activities of the
Maine Highway Safety Committee"

H.P. 511 L.D. 684

Tabled - March 11, 1987, by Senator CLARK of
Cumberland.

Pending - REFERENCE

(In House, March 10, 1987, referred to the
Committee on STATE AND LOCAL GOVERNMENT 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.

Senator KERRY of York was granted unanimous
consent to address the Senate on the Record.

Senator KERRY: Thank you Mr. President, Ladies
and Gentlemen of the Senate. I just thought I might
make a few brief remarks regarding a trial that is
taking place in Israel regarding the Treblinka death
camps. I do not want to comment, specifically, on
the merits or the guilt or non-guilt of the
participants and, in particular, the gentleman
referred to as Ivan the Terrible. But there have
been a few things recently in the press and in major
journals regarding the circumstances regarding
Treblinka itself and the terrible things that
happened during the forties in Nazi Germany. I think
it is important that we, as a governing Body, reflect
upon the historical antecedents in a situation such
as this. Many of us make decisions on political
issues and human rights issue in this country based
on our understanding and belief on what has happened

in previous societies, under previous governments. I
think that it is important that if we recognize the
dignity and sanctity of each individual that we will
be better public servants. Reflecting upon what
Sister Kelleher said this morning, "that we are to
use our office to use the instruments of government
to serve other people." I think if we are keeping
this in perspective, many children, families and
individuals that were killed during this time frame
of our history of the world, that it will help us to
keep things into perspective as we work with one
another here. I was specifically moved by the fact
that over 850,000 to 900,000 people were killed in
that one camp alone. I thought about the State of
Maine having approximately one million people. I
also reflected upon atrocities that were perpetrated
upon children, women and men in these camps. Having
four children, I thought about it and reflected upon
it and thought I might mention this to you only in
that we reflect upon these lessons of history, that
we not forget and not wait until a special day on the
holocaust of any specific element of history. That
we do it on our own and I think it will help us to be
better persons and better Legislators. Thank you.

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. There will be a meeting of
the Joint Standing Committee on Business Legislation
in the office downstairs right after Session. There
are very important matters to take up. Thank you.

Off Record Remarks

Senator CLARK of Cumberland was granted unanimous
consent to address the Senate off the Record.

On motion by Senator PERKINS of Hancock,
ADJOURNED until Thursday, March 12, 1987, at 12:00 in
the afternoon.