

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 24, 1987

Senate called to Order by the President.

Prayer by Reverend Richard Small of the North Windham Union Church in North Windham.

REVEREND SMALL: Let us pray. Oh God, we pray that You send a special blessing upon all those who are striving to make this a better world. Look with favor upon these Legislators as they debate and decide upon issues that effect all the people of the State. Most importantly, reach deep into all of our souls and discover our real needs. Do You find some of us here out of breath trying to keep pace with the demands of living? Do You find others of us about to give up on some endeavor that we really need to continue? Do You find some of us feeling down because of a loss that we have experienced? Send Your spirit here among us. Oh Lord, administer to our individual needs so that we will rise up with new courage, be filled with new hope, experience new power, face the day with new resolution and be able to turn problems into opportunities for growth. We pray not only for ourselves, but for all of those whom we serve. In Your name we pray, Oh Lord, Amen.

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE
House Papers

Bill "An Act to Implement Civil Penalties for Passing Worthless Instruments"

H.P. 652 L.D. 880

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 Relating to Local School Costs and the Local Subdivision Law"

H.P. 655 L.D. 883

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 Establish an Adoption Alternative Act"

H.P. 656 L.D. 884

Bill "An Act Relative to Notification of Adoption Finalizations"

H.P. 648 L.D. 876

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 Increase the Family Allowance of the Unemployment Compensation Law"

H.P. 647 L.D. 875

Comes 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 Require the Use of Seat Belts for Children 12 Years of Age and Younger"

H.P. 649 L.D. 877

Bill "An Act Relating to Historic Bridges"

H.P. 650 L.D. 878

Bill "An Act to Make Technical Adjustments to the Truck Overweight Law" (Emergency)

H.P. 651 L.D. 879

Bill "An Act to Amend the Experimental Vehicle Law"

H.P. 653 L.D. 881

Bill "An Act to Amend the Truck Size and Weight Laws"

H.P. 654 L.D. 882

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.

SENATE PAPERS

Bill "An Act Relating to the Purchase of Military Service Time"

S.P. 308 L.D. 887

Presented by Senator BALDACCI of Penobscot

Which was referred to the Committee on AGING, RETIREMENT AND VETERANS and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act Giving the State Fire Marshal, Deputy and Inspectors Full Law Enforcement Powers"

S.P. 307 L.D. 886

Presented by Senator MATTHEWS of Kennebec

Cosponsored by: Senator KANY of Kennebec, Representative RICHARD of Madison

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

Sent down for concurrence.

Bill "An Act to Amend the Civil Service Law"

S.P. 310 L.D. 889

Presented by Senator BUSTIN of Kennebec

Cosponsored by: Representative LACROIX of Oakland Which was referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Facilitate the Movement of Emergency Relief Vehicles"

S.P. 309 L.D. 888

Presented by Senator CAHILL of Sagadahoc

Cosponsored by: Representative REEVES of Pittston, Senator GAUVREAU of Androscoggin, Representative PINES of Limestone

Submitted by the Department of Transportation pursuant to Joint Rule 24

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

Sent down for concurrence.

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 Concerning Seasonal Ways under the Highway Laws"

H.P. 149 L.D. 190

Bill "An Act Concerning the Criteria for State Licensed Liquor Stores"

H.P. 301 L.D. 387

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 Improve Flexibility in the Counting of Ballots"

H.P. 164 L.D. 205

Bill "An Act to Require all Licensed Guides to have Cardiopulmonary Resuscitation First Aid Certification"

H.P. 179 L.D. 223

Bill "An Act to Make Property Owned by Consumer-Owned Utilities Tax Exempt"

H.P. 325 L.D. 424

Ought to Pass

The Committee on AGING, RETIREMENT AND VETERANS on Bill "An Act to Extend Certain Privileges to Disabled American Veterans"

H.P. 367 L.D. 481

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 AGING, RETIREMENT AND VETERANS on Bill "An Act to Clarify the Benefits under State Group Life Insurance"

H.P. 465 L.D. 632

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 LEGAL AFFAIRS on Bill "An Act to Recodify the Liquor Laws"

H.P. 129 L.D. 155

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-23).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-23) AND HOUSE AMENDMENT "A" (H-35).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-23) READ and ADOPTED, in concurrence.

House Amendment "A" (H-35) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass in New Draft under New Title

The Committee on TAXATION on Bill "An Act Relating to the Affixing of Indicia of Payment of Real Estate Transfer Tax"

H.P. 53 L.D. 56

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act to Permit the Disclosure of Information on a Real Estate Transfer Tax Declaration of Value Form"

H.P. 553 L.D. 740

Comes from the House, with the Report READ and ACCEPTED and the Bill in NEW DRAFT under NEW TITLE, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B" (H-26).

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT under NEW TITLE READ ONCE.

House Amendment "B" (H-26) READ and ADOPTED, in concurrence.

The Bill in NEW DRAFT under NEW TITLE, as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senate

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 Provide Teacher Recognition Stipends for Vocational-technical Institute Teachers"

S.P. 170 L.D. 485

Ought to Pass

Senator GAUVREAU for the Committee on HUMAN RESOURCES on Bill "An Act to Dissolve the Madawaska Hospital District"

S.P. 57 L.D. 124

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

Senator KERRY for the Committee on HUMAN RESOURCES on Bill "An Act to Require Greater Specificity in the Annual Reports of the Maine Health Care Finance Commission"

S.P. 145 L.D. 399

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on TRANSPORTATION on Bill "An Act Relating to Passing Stopped School Buses"

S.P. 50 L.D. 99

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-13).

Signed:

Senators:

THERIAULT of Aroostook

CAHILL of Sagadahoc

Representatives:

REEVES of Pittston

MCPHERSON of Eliot

SALSBURY of Bar Harbor

MACOMBER of South Portland

SOUCY of Kittery

MILLS of Bethel

The Minority of the same Committee on the same subject reported that the same Ought Not to Pass.

Signed:

Senator:

DOW of Kennebec

Representatives: STROUT of Corinth
 MOHOLLAND of Princeton
 CALLAHAN of Mechanic Falls
 POULIOT of Lewiston

Which Reports were READ.

Senator DOW of Kennebec moved ACCEPTANCE the Minority OUGHT NOT TO PASS Report.

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Cahill.

Senator CAHILL: Thank you Mr. President, Men and Women of the Senate. I would request that you did not accept the Ought Not to Pass Report today. This Bill, L.D. 99, addresses the problem that I have in my district and I am sure if you talk to your school departments and school bus drivers it would be a problem in your district as well. Currently, if you pass a stopped school bus, with their red lights flashing, it is a Class E offense, with a fine of \$50 to \$500. What my legislation would do, is keep it a Class E offense, and I would draw your attention to

Senate Amendment 13, because that is actually the Bill now. It would keep it a Class E fine and set a minimum penalty for the first offense for a \$250 fine. On the second offense it would be a thirty day suspension of your license. Now this may seem severe, but if you think of it so as hitting a child, an unsuspecting child, that is crossing in front of a school bus. The State Police testified that, in fact, this is the most serious of traffic offenses. I think this Bill would help alleviate the problem that I have in my district and probably you have in your district.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Dow.

Senator DOW: Thank you Mr. President and Members of the Senate. The reason that people in the Committee voted in the Minority was, as the good Senator from Sagadahoc, Senator Cahill has mentioned, that the fine now is a Class E crime. The judge, if they want to, can have a fine depending on the seriousness of the offense from \$50 to \$500, but the Bill changes it to a mandatory \$250. Also, as it is now, the Secretary of State can suspend the license if he thinks it is justified in that particular case. We, on the Minority side of the Committee, thought the law was strong enough. It can be worked out. The reason they are having some problems in some areas is because of the drivers of the school buses and not the law itself and that is why we recommended to leave it as it is. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Cahill.

Senator CAHILL: Thank you Mr. President, Men and Women of the Senate. I just want to respond to a couple of the comments from the good Senator from Kennebec, Senator Dow. Currently, in Sagadahoc County, we have the sheriffs department tailing school buses because this is such a problem. The burden of proof is really on school bus drivers, they have to identify the automobile, they have to identify the driver, which is very difficult in itself. So the burden of proof is actually on the school bus drivers. Currently, if we give these situations to court, the fine has been \$50. Now if you hit a child, do you think a \$50 fine is worth it? There is a possibility of that happening. We feel, and I talked to two judges from my district, they felt that if the Legislature sent a message to the Judicial Department that we feel these fines should be made steeper, that would be accepted by the Judicial Department, and, in fact, perhaps this Bill would act as a deterrent and people would become more

aware of the problem and slow down when they see these school buses.

THE PRESIDENT: The pending question before the Senate is the motion of Senator DOW of Kennebec to ACCEPT the Minority OUGHT NOT TO PASS Report.

The Chair will order a Division.

Will all those Senators in favor of the motion of Senator DOW of Kennebec, to ACCEPT the Minority OUGHT NOT TO PASS Report please rise in their places and remain standing until counted.

Will all those Senators opposed please rise in their places and remain standing until counted.

10 Senators having voted in the affirmative and 21 Senators having voted in the negative, the motion by Senator DOW of Kennebec, to ACCEPT the Minority OUGHT NOT TO PASS Report, FAILS.

The Majority OUGHT TO PASS Report was ACCEPTED.

The BILL READ ONCE.

Committee Amendment "A" (S-13) 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:

House

Bill "An Act Concerning Public Utilities Commission Approval of Transfer of Utility Property" H.P. 139 L.D. 180

Bill "An Act Relating to the Amount of Civil Penal Damages to be Awarded in Cases of Unlawful Discrimination" H.P. 271 L.D. 354

Bill "An Act to Grant Judges the Authority to Stay a License Suspension for a Period of Time not to Exceed 4 Hours" H.P. 318 L.D. 417

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

House As Amended

Bill "An Act to Amend the Preferred Provider Arrangement Laws of Maine" H.P. 30 L.D. 31 (C "A" H-30)

Bill "An Act Relating to Building Inspections" H.P. 84 L.D. 87 (C "A" H-27)

Bill "An Act to Increase the Annual Public Utilities Commission Regulatory Fund Assessment" (Emergency) H.P. 203 L.D. 255 (C "A" H-31)

Bill "An Act Regarding the Membership of the Maine Committee on Aging" H.P. 582 L.D. 780 (H "A" H-25)

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

Bill "An Act to Improve the Informal Conference Process for Workers' Compensation Claims" (Emergency) H.P. 229 L.D. 297 (S "A" S-10 to C "A" H-22)

Which was READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended, in NON-CONCURRENCE. Sent down for concurrence.

Bill "An Act to Validate Certain Proceedings of the Town of Trenton" (Emergency)

S.P. 306 L.D. 885

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

Sent down for concurrence.

Senate As Amended

Bill "An Act to Increase the Fees for Examination and Licensure for Chiropractors"

S.P. 96 L.D. 243

(C "A" S-8)

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

Sent down for concurrence.

ENACTORS

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

An Act to Establish an Alien Trapping License

H.P. 550 L.D. 737

Which was PASSED TO BE ENACTED 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.

Off Record Remarks

An Act to Provide Funding for Potato Variety Breeding and Development

H.P. 180 L.D. 224

(C "A" H-16)

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

Emergency Resolve

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Lincoln County for the Year 1987

H.P. 549 L.D. 736

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with No Senators having voted in negative, and 31 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.

ORDERS OF THE DAY

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

Bill "An Act to Provide Assistance to Development Organizations in Labor Market Areas Facing Sudden and Severe Economic Dislocation" (Emergency)

S.P. 288 L.D. 815

Tabled - March 23, 1987, by Senator CLARK of Cumberland.

Pending - REFERENCE

(Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS suggested and ORDERED PRINTED.)

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

Sent down for concurrence.

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

Bill "An Act to Exempt Prisoners from the Provisions of the Workers' Compensation Act"

H.P. 542 L.D. 726

(H "A" H-15)

Tabled - March 23, 1987, by Senator DUTREMBLE of York.

Pending - PASSAGE TO BE ENGROSSED AS AMENDED (In House, March 12, 1987, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-15).)

(In Senate, March 17, 1987, READ A SECOND TIME.)

On motion by Senator DUTREMBLE of York, Tabled Unassigned, pending PASSAGE TO BE ENGROSSED AS AMENDED.

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

COMMITTEE REPORTS

Senate

Ought to Pass in New Draft under New Title Senator GAUVREAU for the Committee on HUMAN RESOURCES on Bill "An Act to Provide for Alternative Base-year Financial Requirements and Alternative Computation of 3rd and Subsequent Year Financial Requirements"

S.P. 76 L.D. 162

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act to Provide a Base-year Budget Correction Adjustment for Hospital Financial Requirements" (Emergency)

S.P. 311 L.D. 913

Which Report was READ and ACCEPTED.

The Bill in NEW DRAFT under NEW TITLE READ ONCE.

The Bill in NEW DRAFT under NEW TITLE TOMORROW ASSIGNED FOR SECOND READING.

Off Record Remarks

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

Senator BUSTIN of Kennebec was granted unanimous consent to address the Senate off the Record.

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

On motion by Senator BALDACCI of Penobscot, ADJOURNED until Wednesday, March 25, 1987, at 9:00 in the morning.