

# 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

PENDING - Reference.

On motion of Representative Carter of Winslow, was referred to the Committee on Appropriations and Financial Affairs, ordered printed and sent up for concurrence.

STATE OF MAINE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
FIRST REGULAR SESSION  
JOURNAL OF THE SENATE

In Senate Chamber  
Friday  
March 27, 1987

(Off Record Remarks)

The Chair laid before the House the following item: Bill "An Act Relating to the Administration of the Maine Children's Trust Fund" (S.P. 315) (L.D. 917) which was tabled earlier in the day and later today assigned pending reference in concurrence.

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

On motion of Representative Diamond of Bangor, was referred to the Committee on State and Local Government in non-concurrence and sent up 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. 331)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, March 31, 1987, at 10 o'clock in the morning.

Came from the Senate, read and passed.

Was read and passed in concurrence.

On motion of Representative Ridley of Shapleigh, Adjourned until Tuesday, March 31, 1987, at ten o'clock in the morning pursuant to Joint Order.

Senate called to Order by the President.

Prayer by Reverend Howard Benson of the United Methodist Church in Brewer.

REVEREND BENSON: Let us be in prayer. O God, creator of this world and of all the vast universe, we would open our hearts and minds for Your guidance and strength. Grant to these persons elected to be leaders in our state government the wisdom to know what is right and the courage to follow that conviction. Grant them the willingness to listen to others with humility and understanding in working with those with whom they disagree. We pray for our state and for our nation and for our leaders and all who have part in public service. Make them pure in motive, wise in counsel and strong in action, doing right in the fear of Your holy name. "Give to us a passion for that which is in principle excellent rather than in politics expedient, for that which is morally right rather than socially correct." We pray for Your grace and peace in Jesus' name. Amen.

Reading of the Journal of Wednesday, March 25, 1987.

Senator PEARSON of Penobscot was granted unanimous consent to address the Senate off the Record.

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

S.P. 331

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, March 31, 1987, at 10 o'clock in the morning.

Which was READ and PASSED.

Under suspension of the Rules, ordered sent down forthwith for concurrence.

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Provide Funding for an Honors Seminar Program to Train Secondary School Teachers in the Humanities"

H.P. 696 L.D. 937

Bill "An Act to Provide Family Support Services to Maine Families who Choose to Care for their Developmentally Disabled Children at Home"

H.P. 702 L.D. 943

Came 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 Exempt Certain Restaurants from Restroom Requirements"

H.P. 695 L.D. 936

Committee on HUMAN RESOURCES suggested and ORDERED PRINTED.

LEGISLATIVE RECORD - SENATE, MARCH 27, 1987

Comes from the House referred to the Committee on BUSINESS LEGISLATION and ORDERED PRINTED.  
Which was referred to the Committee on BUSINESS LEGISLATION and ORDERED PRINTED, in concurrence.

Bill "An Act Concerning the School Selection Process" (Emergency)

H.P. 697 L.D. 938

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

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

Bill "An Act to Prohibit the Use of Aircraft on Upper Narrows Pond in Kennebec County which is Designated as a Resource for Public Drinking Water"

H.P. 694 L.D. 935

Bill "An Act to Require Municipal Permits for Commercial Landfills"

H.P. 699 L.D. 940

Bill "An Act to Ensure Safe Abatement of Asbestos Hazards" (Emergency)

H.P. 703 L.D. 944

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

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

Bill "An Act to Amend the Maine Tort Claims Act"

H.P. 682 L.D. 923

Bill "An Act Pertaining to Adoptive Home Studies"

H.P. 701 L.D. 942

Comes 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 Concerning the Amount of Extended Benefits under the Employment Security Law"

H.P. 688 L.D. 929

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 Provide for the Recovery of Civil Damages from Shoplifters"

H.P. 686 L.D. 927

Bill "An Act Relating to Updating Voting Lists"

H.P. 691 L.D. 932

Bill "An Act to Provide a Standard for Uniforms for On-duty Professional Firefighters"

H.P. 698 L.D. 939

Comes 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 Concerning Nonresident Clam Licenses"

H.P. 680 L.D. 921

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

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

Bill "An Act Relating to the State Employee Assistance Program"

H.P. 683 L.D. 924

Bill "An Act Relating to Moorings for Nonresidents"

H.P. 685 L.D. 926

Comes 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 Facilitate the Transfer of Information Between the Department of Human Services and the Bureau of Taxation"

H.P. 693 L.D. 934

Committee on HUMAN RESOURCES 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.

Bill "An Act to Permit the Annual Filing of Certain Fuel Use Reports"

H.P. 681 L.D. 922

Committee on TRANSPORTATION 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.

Bill "An Act Relating to Local Bridges"

H.P. 684 L.D. 925

Bill "An Act Enabling a School Bus Driver Trainee to Drive a School Bus on a Regular Route while Accompanied by a Licensed Bus Driver"

H.P. 687 L.D. 928

Bill "An Act to Require Restroom Maintenance and Service on Interstate 95"

H.P. 689 L.D. 930

Bill "An Act Concerning Motor Vehicle Inspections"

H.P. 690 L.D. 931

Bill "An Act to Allow Municipalities to Determine Local Speed Limits"

H.P. 692 L.D. 933

Comes 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 to Amend the Maine Lemon Law"

S.P. 326 L.D. 954

Presented by Senator BRANNIGAN of Cumberland  
Cosponsored by: Representative COTE of Auburn,  
Representative GURNEY of Portland

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

Sent down for concurrence.

Resolve, Creating the Commission to Study the Use of Involuntary Services for Substance Abusers (Emergency)

S.P. 324 L.D. 952

Presented by Senator MATTHEWS of Kennebec

Cosponsored by: Senator BUSTIN of Kennebec,  
Representative ROLDE of York, Representative  
FOSTER of Ellsworth  
Bill "An Act to Contain the Cost of, and to  
Assure the Availability and Quality of, Hospital Care  
to the People of this State"

S.P. 330 L.D. 958

Presented by President PRAY of Penobscot  
Cosponsored by: Senator PERKINS of Hancock,  
Representative FOSTER of Ellsworth,  
Representative ROLDE of York  
Which were referred to the Committee on HUMAN  
RESOURCES and ORDERED PRINTED.  
Sent down for concurrence.

Bill "An Act Authorizing Restitution in Civil  
Penalty Actions"

S.P. 323 L.D. 951

Presented by Senator BRANNIGAN of Cumberland  
Cosponsored by: Representative COTE of Auburn,  
Representative GURNEY of Portland  
Bill "An Act to Provide Increased Penalties for  
Door-to-door Fraud"

S.P. 325 L.D. 953

Presented by Senator BRANNIGAN of Cumberland  
Cosponsored by: Representative COTE of Auburn,  
Representative GURNEY of Portland  
Which were referred to the Committee on JUDICIARY  
and ORDERED PRINTED.  
Sent down for concurrence.

Bill "An Act to Amend the Reporting Requirements  
at the Workers' Compensation Commission"

S.P. 322 L.D. 950

Presented by Senator MATTHEWS of Kennebec  
Cosponsored by: Senator DUTREMBLE of York,  
Representative JOSEPH of Waterville,  
Representative GWADOSKY of Fairfield  
Which was referred to the Committee on LABOR and  
ORDERED PRINTED.  
Sent down for concurrence.

Bill "An Act to Clarify Election Procedures and  
the Effects of Interconnected Water Lines in Water  
Fluoridation Referenda"

S.P. 329 L.D. 957

Presented by Senator BUSTIN of Kennebec  
Cosponsored by: Senator DUTREMBLE of York,  
Representative CHONKO of Topsham, Representative  
CARROLL of Gray  
Which was referred to the Committee on LEGAL  
AFFAIRS and ORDERED PRINTED.  
Sent down for concurrence.

Bill "An Act to Create the Bureau of Employee  
Assistance within the Department of Administration to  
Promote and Expand on Employee Assistance Programs in  
Maine"

S.P. 327 L.D. 955

Presented by Senator MATTHEWS of Kennebec  
Cosponsored by: Senator TUTTLE of York,  
Representative BOUTILIER of Lewiston,  
Representative ANTHONY of South Portland  
Which was referred to the Committee on STATE AND  
LOCAL GOVERNMENT and ORDERED PRINTED.  
Sent down for concurrence.

Bill "An Act to Change the Exit Sign for  
Sugarloaf on the Maine Turnpike"

S.P. 332 L.D. 978  
Presented by Senator WEBSTER of Franklin  
Cosponsored by: Representative DEXTER of  
Kingfield  
Approved for Introduction by a Majority of the  
Legislative Council pursuant to Joint Rule 27  
Which was referred to the Committee on  
TRANSPORTATION and ORDERED PRINTED.  
Sent down for concurrence.

Bill "An Act to Amend the Charter of the Bath  
Water District"

S.P. 328 L.D. 956

Presented by Senator CAHILL of Sagadahoc  
Cosponsored by: Representative SMALL of Bath,  
Representative HOLT of Bath  
Which was referred to the Committee on UTILITIES  
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 Enable the Availability of Credit  
through Finance Companies in the State"

H.P. 243 L.D. 311

##### Ought to Pass

The Committee on EDUCATION on Bill "An Act to  
Validate and Approve the School Construction  
Proceedings of Maine School Administrative District  
No. 42" (Emergency)

H.P. 365 L.D. 479

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.

#### Off Record Remarks

##### Ought to Pass As Amended

The Committee on TAXATION on Bill "An Act to  
Provide a Trade-in-credit for Camper Trailers"

H.P. 104 L.D. 114

Reported that the same Ought to Pass as Amended  
by Committee Amendment "A" (H-37).

Comes from the House, with the Report READ and  
ACCEPTED and the Bill PASSED TO BE ENGROSSED AS  
AMENDED BY COMMITTEE AMENDMENT "A" (H-37)

Which Report was READ and ACCEPTED, in  
concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-37) READ and ADOPTED,  
in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND  
READING.

#### 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 to Pass as Amended by Committee Amendment "A" (H-32).

Signed:

Senator:

GOULD of Waldo

Representatives:

CARROLL of Gray

BOUTILIER of Lewiston

HUSSEY of Milo

WENTWORTH of Wells

LOOK of Jonesboro

STROUT of Windham

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

Signed:

Senators:

TUTTLE of York

BALDACCI of Penobscot

Representatives:

ROTONDI of Athens

LACROIX of Oakland

ANTHONY of South Portland

BICKFORD of Jay

Comes from the House the Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED. The Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-32).

Which Reports were READ.

Senator TUTTLE of York moved that the Senate ACCEPT the Minority OUGHT NOT TO PASS Report.

THE PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Gould.

Senator GOULD: Thank you Mr. President and Members of the Senate. This Bill, as Amended, does not take the authority away from the County Commissioners except when the municipalities, legislative body, town meeting or council, has taken recorded action of the municipal clerks records as evidence. On the particular road in question, the municipalities now are required to have a five year road plan.

This plan serves as a documented plan for the municipality to do a long range repair maintenance or rebuilding program on this road system. Therefore, I would request a Division for Members to consider voting on the original Bill.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Tuttle.

Senator TUTTLE: Thank you Mr. President and Members of the Senate. I don't want to belabor this issue, but I will get to the point of clarification. I am sort of in a unique situation, because I am a cosponsor on this Bill and I voted Ought Not to Pass on this Bill. For those of you who have been around here a few years, this is one of those Bills you are asked to cosponsor and after you see what the Bill actually does in hindsight you feel it is a bad Bill. A story was related to me, there is a gentleman in the other Body, who I am good friends with, Representative Ridley of Shapleigh, in 1978, in Waterboro, there was a farmer and he didn't get his road repaired that year because the selectmen had run out of money. He petitioned the County Commissioners and it was resolved with the town. This is the reason why I think the Bill should be kept the way it is. If this law had not been into effect, he probably would still have the same situation. As most of you know, I usually take the side of the municipal officers, having been a former selectman in my community, and having chaired the Committee on Local and County Government for the past four years. I think in this case they are wrong.

When I asked at the public hearing, on this Bill, "had there been any particular instances where there was a real problem" and the answer was, "no, not really, only in isolated instances." Essentially what this amendment does, for those of you who want to look, is to replace the entire Bill which would repeal the authority of the County Commissioners to order municipalities to maintain town ways. This amendment restricts the authority of County Commissioners to prohibit and exercise the authority which petitioners are seeking to over turn or otherwise interfere with legal action authorized by town meeting.

The only problem I see with this, in my opinion, it is sort of a lawyers paradise. The only recourse you are going to have are towns going to court and that is not the way I think the law should work. Currently under the petition, the County Commissioners may declare a roadway to be unsafe and access municipality the cost of repairing this. If you repeal this Bill the Bill removes that provision and I think it is a very bad thing to do. I hope that you will go with the Minority Report. I think it does support the peoples right to petition.

THE PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Gould.

Senator GOULD: Thank you Mr. President and Members of the Senate. I have been a city councilman for the city of Belfast for six years and I believe in home rule and I think in this case the municipality should have the final word on what they do with their roads at home. Especially if they have a program where they are going to do repairs and long term repairs. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion of Senator TUTTLE of York to ACCEPT the Minority OUGHT NOT TO PASS REPORT.

A Division has been requested.

Will all those Senators in favor of the motion of Senator TUTTLE of York to ACCEPT the 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.

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator TUTTLE of York to ACCEPT the Minority OUGHT NOT TO PASS Report, PREVAILED in NON-CONCURRENCE.

Sent down for concurrence.

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 to Continue Geological Research and to Monitor Federal Research Regarding High-level Radioactive Waste Disposal" (Emergency)

S.P. 41 L.D. 29

Senator KANY of Kennebec was granted unanimous consent to address the Senate on the Record.

Senator KANY: Thank you Mr. President and Members of the Senate. I wish to speak following the Report of the Ought Not to Pass on L.D. 29, which is item 5-5 on the legislative calendar. I just wanted the Senate to know that the Appropriations Committee did incorporate the request for the geological work into the supplemental budget. I personally appreciate the work of Senator Pearson, of Penobscot, and the other outstanding members of the

Appropriations Committee and would like to thank them for that.

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:

Resolve, Authorizing Use of Certain Proceeds to Rehabilitate the Public Boat Launching Site on Moosehead Lake at Greenville Junction

S.P. 92 L.D. 240

Resolve, to Permit Lucille A. Clavette, Personal Representative of the Estate of Richard J. Clavette, to Sue the State for Wrongful Death

S.P. 156 L.D. 453

SECOND READERS

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

House As Amended

Bill "An Act Regarding Motor Vehicle Accident Reports"

H.P. 49 L.D. 52  
(C "A" H-36)

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

Senate

Bill "An Act to Require Age Limitations Used in Apprenticeship Programs to be Reasonably Related to Legitimate Job Criteria"

S.P. 319 L.D. 945

Bill "An Act to Provide Funds for the Maine State Police Publication and Continuing Education"

S.P. 320 L.D. 949

Which were 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 to Clarify the Penalty Provisions for the Late Filing of Corporation Reports

H.P. 122 L.D. 147  
(H "A" H-20)

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

An Act to Allow Reasonable Attorneys Fees for Court Appointed Counsel on Appeals by the State to any Federal Court

H.P. 249 L.D. 322  
(C "A" H-21)

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

Emergency

An Act to Amend the State Employees Labor Relations Act by Allowing 3-year Labor Contracts

S.P. 135 L.D. 371

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with No Senators having voted in negative, and 34 being more than two-thirds of the entire elected Membership of the Senate, 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 Establish the Maine Business Opportunity and Job Development Program"

S.P. 313 L.D. 915

Tabled - March 25, 1987, by Senator CLARK of Cumberland.

Pending - REFERENCE

(Committee on ECONOMIC DEVELOPMENT suggested and ORDERED PRINTED.)

On motion by Senator CLARK of Cumberland, Tabled Unassigned, pending REFERENCE.

Off Record Remarks

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

Senator ERWIN of Oxford 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 DUTREMBLE of York, ADJOURNED until Tuesday, March 31, 1987, at 10:00 in the morning.