

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 31, 1987

Senate called to Order by the President.

Prayer by the Honorable Edwin C. Randall of Washington.

SENATOR RANDALL: Let us pray. Oh great God of life, let us keep in mind that our mortal body is but the servant of our immortal soul. Let us keep in mind how uncertain is our hold upon our bodily life. Let me remember that here, I have no continuing city, but only a place of sojourn and a time of testing and of training.

Let us use this world and not abuse it. Let us be in this world but not of it. Let us be as having nothing, yet possessing all things. Let us understand the vanity of the temporal and the glory of the eternal. Let our world be centered not in ourselves, but in Thee. In Jesus Name. Amen.

Reading of the Journal of Friday, March 27, 1987.

PAPERS FROM THE HOUSE
Non-concurrent Matter

Bill "An Act Relating to the Administration of the Maine Children's Trust Fund"

S.P. 315 L.D. 917

In Senate, March 25, 1987, referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED.

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

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

Off Record Remarks

House Papers

Bill "An Act to Amend the Laws Relating to the Maine State Retirement System"

H.P. 724 L.D. 975

Bill "An Act Concerning Marital Property Relative to Retirement Benefits"

H.P. 727 L.D. 979

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.

Bill "An Act to Develop a Coordinated Local Response to Adolescent Pregnancy"

H.P. 700 L.D. 941

Bill "An Act to Establish the Cost of the 1987 Spruce Budworm Management Program" (Emergency)

H.P. 711 L.D. 962

Bill "An Act Relating to Court Appointed Attorneys"

H.P. 717 L.D. 968

Bill "An Act to Improve Funding for Communicatively Impaired Maine Residents Served by

Community-based, Private Nonprofit Speech and Hearing Centers"

H.P. 722 L.D. 973

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 Provide Health Care Benefits to Uninsured Individuals"

H.P. 723 L.D. 974

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 Radon Gas"

H.P. 714 L.D. 965

Bill "An Act Relating to the Uniform Trade Secrets Act"

H.P. 719 L.D. 970

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 to Change the Water Quality Classification of the Carrabassett River to Class A"

H.P. 710 L.D. 961

Bill "An Act to Regulate Discharges from Vehicular Holding Tanks"

H.P. 730 L.D. 982

Bill "An Act Concerning Fees Imposed on the Generation of Hazardous Waste"

H.P. 731 L.D. 983

Bill "An Act Creating the St. Croix International Waterway Commission"

H.P. 733 L.D. 985

Come 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 Consolidate Family Cases in a Family Court within the District Court and to Establish Full-time Appointed Probate Judges"

H.P. 725 L.D. 976

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

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

Bill "An Act to Provide for Removal and Sale of Abandoned Motor Vehicles on Public Property"

H.P. 712 L.D. 963

Resolve, to Establish a Study to Set Standards for Driving when Under the Influence of Drugs Other than Alcohol

H.P. 713 L.D. 964

Bill "An Act Relating to Political Action Committees under the Campaign Financing Laws"

H.P. 715 L.D. 966

Bill "An Act Concerning the Forfeiture of Vehicles of Persons Operating after License Suspension Who are Operating Under the Influence"

H.P. 720 L.D. 971

Bill "An Act to Create Minimum Safety Standards for Firefighters"

H.P. 721 L.D. 972

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 Concerning Residency Requirements for Clam Licenses"

H.P. 732 L.D. 984

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 to Repeal the Commercial Forestry Excise Tax"

H.P. 708 L.D. 959

Bill "An Act Relating to Supplemental Assessments under the Taxation Laws"

H.P. 709 L.D. 960

Bill "An Act to Provide a Sales Tax Trade-in Credit for Loaders used to Harvest Lumber"

H.P. 728 L.D. 980

Bill "An Act to Provide an Exemption on Personal Property Tax for Handicapped Individuals Running a Business"

H.P. 729 L.D. 981

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 Promote Public Safety in Maine Through the Greater Use of Seat Belts"

H.P. 716 L.D. 967

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

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

Pursuant to Resolves

Joint Select Committee on Economic Development
The JOINT SELECT COMMITTEE ON ECONOMIC DEVELOPMENT, pursuant to Resolves 1985, Chapters 45 and 53 ask leave to submit its findings and to report that the accompanying Resolve, Requiring the Commissioner of Educational and Cultural Services to Develop a Plan to Improve Elementary and Secondary Curriculum to Better Prepare Maine Students for the World of Work (Emergency)

H.P. 726 L.D. 977

Be referred to the Joint Standing Committee on ECONOMIC DEVELOPMENT for Public Hearing and printed pursuant to Joint Rule 18.

Comes from the House with the Report READ and ACCEPTED and the Resolve referred to the Committee on ECONOMIC DEVELOPMENT and ORDERED PRINTED, pursuant to Joint Rule 18.

Which Report was READ and ACCEPTED, in concurrence.

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending REFERENCE.

COMMUNICATIONS

The Following Communication:
MAINE STATE RETIREMENT SYSTEM
STATE HOUSE STATION 46

AUGUSTA, MAINE 04333

November 1, 1986

Honorable Joseph E. Brennan
Governor of Maine
State of Maine, Augusta
Members, 113th Legislature

Dear Governor Brennan and Members of the Legislature:
Enclosed herewith is a copy of the 1986 Annual Report of the Maine State Retirement System as required by law (5 MRSA, Section 1031, subsection 9) and addressed to its members.

Sincerely,
S/Richard J. McDonough
Chairman
Board of Trustees,
Maine State Retirement System

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

SENATE PAPERS

Bill "An Act to Amend Benefits Under the Maine State Retirement System for Members of the State Police"

S.P. 343 L.D. 998

Presented by Senator CLARK of Cumberland
Cosponsored by: Representative MCGOWAN of Canaan, Representative MCSWEENEY of Old Orchard Beach, Speaker MARTIN of Eagle Lake
Bill "An Act Concerning Veterans' Benefits"

S.P. 344 L.D. 999

Presented by Senator WEBSTER of Franklin
Cosponsored by: Representative BAILEY of Farmington
Which were referred to the Committee on AGING, RETIREMENT AND VETERANS and ORDERED PRINTED.
Sent down for concurrence.

Bill "An Act to Provide Funding for Drug Task Forces"

S.P. 334 L.D. 989

Presented by President PRAY of Penobscot
Cosponsored by: Senator ESTES of York, Representative PARADIS of Frenchville, Representative DIAMOND of Bangor
Bill "An Act to Provide Funds for Epilepsy Education and Support of Satellite Service Centers"

S.P. 342 L.D. 997

Presented by Senator LUDWIG of Aroostook
Cosponsored by: Senator BALDACCI of Penobscot, Representative INGRAHAM of Houlton, Representative ERWIN of Rumford
Which were referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Allow Organizations to Sell Insurance to a Limited Membership"

S.P. 341 L.D. 996

Presented by Senator BRANNIGAN of Cumberland
Cosponsored by: Senator BUSTIN of Kennebec, Representative MICHAUD of East Millinocket, Representative RACINE of Biddeford
Which was referred to the Committee on BANKING AND INSURANCE and ORDERED PRINTED.
Sent down for concurrence.

Resolve, to Create a Commission to Study Special Education Programs

S.P. 333 L.D. 988

Presented by Senator BALDACCI of Penobscot
 Cosponsored by: Representative NORTON of Winthrop
 Which was referred to the Committee on EDUCATION
 and ORDERED PRINTED.
 Sent down for concurrence.

Resolve, Authorizing the State to Convey its
 Interest in the Public Lots in the Town of
 Westmanland to the Inhabitants of Westmanland
 S.P. 335 L.D. 990

Presented by Senator COLLINS of Aroostook
 Cosponsored by: Representative MCHENRY of
 Madawaska, Senator TUTTLE of York
 Bill "An Act to Coordinate the Review Process of
 the Department of Environmental Protection and Maine
 Land Use Regulation Commission"
 S.P. 339 L.D. 994

Presented by Senator KANY of Kennebec
 Cosponsored by: Speaker MARTIN of Eagle Lake,
 Representative MITCHELL of Freeport,
 Representative HOGLUND of Portland
 Which were referred to the Committee on ENERGY
 AND NATURAL RESOURCES and ORDERED PRINTED.
 Sent down for concurrence.

Bill "An Act to Require Roll Bars on Police
 Vehicles"
 S.P. 340 L.D. 995

Presented by Senator BUSTIN of Kennebec
 Which was referred to the Committee on LEGAL
 AFFAIRS and ORDERED PRINTED.
 Sent down for concurrence.
 (See Action Later Today)

Bill "An Act to Exempt Income of National Guard
 Members from the State Income Tax"
 S.P. 336 L.D. 991

Presented by Senator TUTTLE of York
 Cosponsored by: Representative DUFFY of Bangor
 Which was referred to the Committee on TAXATION
 and ORDERED PRINTED.
 Sent down for concurrence.

Bill "An Act Relating to the Use of Antibackflow
 Devices on Public Water Supply Systems"
 S.P. 337 L.D. 992

Presented by Senator BALDACCI of Penobscot
 Bill "An Act Relating to Significant Energy
 Agreements and Contracts by Electric Utilities"
 S.P. 338 L.D. 993

Presented by Senator KANY of Kennebec
 Cosponsored by: Senator KERRY of York, Senator
 ERWIN of Oxford, Representative RICHARD of Madison
 Which were referred to the Committee on UTILITIES
 and ORDERED PRINTED.
 Sent down for concurrence.

COMMITTEE REPORTS

House

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 Allow for Alternates on the Maine
 Potato Board"

H.P. 181 L.D. 225

Bill "An Act to Provide for Emergency Funding for
 Home-based Family Services" (Emergency)

H.P. 282 L.D. 365

Bill "An Act to Require an Election Coordinator
 for Absentee Balloting in Housing Facilities for the
 Elderly"

H.P. 288 L.D. 373

Bill "An Act Relating to Judgment Liens and
 Divorce Liens"

H.P. 349 L.D. 448

Bill "An Act to Require Candidates for Political
 Office to be Residents of the District and Enrolled
 in the Party which they seek to Represent by January
 1st, Prior to the General Election"

H.P. 352 L.D. 455

Bill "An Act to Require Voters to Register at
 Least 7 Days Prior to Elections"

H.P. 357 L.D. 460

Bill "An Act to Fund the Reconstruction of the
 Entrance to the Maine State Cultural Building"
 (Emergency)

H.P. 372 L.D. 493

Ought to Pass As Amended

The Committee on STATE AND LOCAL GOVERNMENT on
 Bill "An Act Defining Terms in the Manufactured
 Housing Zoning Laws"

H.P. 187 L.D. 231

Reported that the same Ought to Pass as Amended
 by Committee Amendment "A" (H-38).

Comes from the House, with the Report READ and
 ACCEPTED and the Bill PASSED TO BE ENGROSSED AS
 AMENDED BY COMMITTEE AMENDMENT "A" (H-38)

Which Report was READ and ACCEPTED, in
 concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-38) READ and ADOPTED,
 in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND
 READING.

The Committee on TRANSPORTATION on Bill "An Act
 to Exempt Municipal Combination Snowplows and Dump
 Trucks from the Weight Limitations Imposed on Other
 Highway Vehicles"

H.P. 69 L.D. 72

Reported that the same Ought to Pass as Amended
 by Committee Amendment "A" (H-39).

Comes from the House, with the Report READ and
 ACCEPTED and the Bill PASSED TO BE ENGROSSED AS
 AMENDED BY COMMITTEE AMENDMENT "A" (H-39)

Which Report was READ and ACCEPTED, in
 concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-39) READ and ADOPTED,
 in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND
 READING.

The Committee on TRANSPORTATION on Bill "An Act
 to Prohibit the Movement of Mobile Homes without
 Reasonable Assurance that all Drain and Sewer
 Assessments have been Paid"

H.P. 70 L.D. 73

Reported that the same Ought to Pass as Amended
 by Committee Amendment "A" (H-40).

Comes from the House, with the Report READ and
 ACCEPTED and the Bill PASSED TO BE ENGROSSED AS
 AMENDED BY COMMITTEE AMENDMENT "A" (H-40)

Which Report was READ and ACCEPTED, in
 concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-40) READ and ADOPTED,
 in concurrence.

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The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass in New Draft

The Committee on LEGAL AFFAIRS on Bill "An Act to Amend the Law Concerning Frequency of Local Option Question Elections"

H.P. 309 L.D. 408

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

H.P. 704 L.D. 946

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

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT READ ONCE.

The Bill in NEW DRAFT TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass in New Draft under New Title

The Committee on LEGAL AFFAIRS on Bill "An Act Relating to Drinking on Public Streets"

H.P. 152 L.D. 193

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act Relating to Drinking on Public Beaches"

H.P. 706 L.D. 948

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

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT under NEW TITLE READ ONCE.

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

Senate

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 Relating to the Review of Benefits under the Workers' Compensation Act"

S.P. 119 L.D. 318

Bill "An Act to Amend the University of Maine System Labor Relations Act"

S.P. 130 L.D. 335

Bill "An Act to Amend the State Employee Collective Bargaining Act"

S.P. 131 L.D. 336

Bill "An Act Relating to Medical Evidence and Costs in Workers' Compensation Cases"

S.P. 186 L.D. 513

Bill "An Act Relating to Notice of Injury for Purposes of Workers' Compensation and Occupational Disease Claims"

S.P. 237 L.D. 631

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 Amend the State Employee Collective Bargaining Act"

S.P. 128 L.D. 333

Bill "An Act to Amend the Municipal Public Employees Labor Relations Law Regarding the Negotiation of Union Security Clauses"

S.P. 129 L.D. 334

Bill "An Act to Prohibit the Shooting of Immature Deer"

S.P. 181 L.D. 508

Ought to Pass As Amended

Senator BLACK for the Committee on JUDICIARY on Bill "An Act to Measure Mileage Payments to Jurors"

S.P. 144 L.D. 398

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-16).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-16) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator KANY for the Committee on LEGAL AFFAIRS on Bill "An Act Concerning Notice of Evictions for Cause in Mobile Home Parks"

S.P. 59 L.D. 126

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-15).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-15) 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 to Validate and Approve the School Construction Proceedings of Maine School Administrative District No. 42" (Emergency)

H.P. 365 L.D. 479

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

House As Amended

Bill "An Act to Provide a Trade-in-credit for Camper Trailers"

H.P. 104 L.D. 114

(C "A" H-37)

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

ENACTORS

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

An Act to Amend the Preferred Provider Arrangement Laws of Maine

H.P. 30 L.D. 31

(C "A" H-30)

An Act Relating to Building Inspections

H.P. 84 L.D. 87

(C "A" H-27)

An Act to Amend the Piscataquis County Budget Committee Procedures

S.P. 77 L.D. 163

(C "A" S-6)

An Act Concerning Public Utilities Commission Approval of Transfer of Utility Property

H.P. 139 L.D. 180

An Act to Clarify the Law Regarding Expedited Charter Conversions, Mergers and Consolidations

S.P. 106 L.D. 279

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An Act Relating to the Amount of Civil Penal Damages to be Awarded in Cases of Unlawful Discrimination

H.P. 271 L.D. 354

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

An Act to Clarify the Benefits under State Group Life Insurance

H.P. 465 L.D. 632

An Act to Permit the Disclosure of Information on a Real Estate Transfer Tax Declaration of Value Form

H.P. 553 L.D. 740

(H "B" H-26)

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

An Act Concerning the Purchase of School Buses

S.P. 97 L.D. 244

(C "A" S-4)

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

An Act Relating to the State Board of Arbitration and Conciliation

H.P. 300 L.D. 386

(S "A" S-11)

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

An Act to Extend Certain Privileges to Disabled American Veterans

H.P. 367 L.D. 481

On motion by Senator ERWIN of Oxford, placed on the SPECIAL FISHERIES AND WILDLIFE TABLE, pending ENACTMENT.

Emergency

An Act Relating to the Social Services Transportation Review Committee

H.P. 99 L.D. 109

(S "A" S-9)

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.

Emergency

An Act to Increase the Annual Public Utilities Commission Regulatory Fund Assessment

H.P. 203 L.D. 255

(C "A" H-31)

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

Emergency

An Act to Improve the Informal Conference Process for Workers' Compensation Claims

H.P. 229 L.D. 297

(S "A" S-10 to C

"A" H-22)

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

Emergency Resolve

Resolve, to Continue the Commission to Study the Integration of the Maine State Retirement System with the United States Social Security System

S.P. 187 L.D. 514

(C "A" S-5)

On motion by Senator PEARSON of Penobscot, placed upon the SPECIAL APPROPRIATIONS TABLE, pending FINAL PASSAGE.

On motion by Senator CLARK of Cumberland, the Senate RECONSIDERED whereby it referred to the Committee on LEGAL AFFAIRS:

Bill "An Act to Require Roll Bars on Police Vehicles"

S.P. 340 L.D. 995

(In Senate, March 31, 1987, referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED.)

On further motion by the same Senator, referred to the Committee on TRANSPORTATION and ORDERED PRINTED.

Sent down for concurrence.

ORDERS OF THE DAY

On motion by Senator CLARK of Cumberland, the Senate removed from the Tabled and Later Today Assigned matter:

Bill "An Act Relating to the Administration of the Maine Children's Trust Fund"

S.P. 315 L.D. 917

Tabled - March 31, 1987, by Senator CLARK of Cumberland.

Pending - FURTHER CONSIDERATION

(In Senate, March 25, 1987, referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED.)

(In House, March 26, 1987, referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED in NON-CONCURRENCE.)

On further motion by same Senator, the Senate RECEDED and CONCURRED.

Off Record Remarks

On motion by Senator BERUBE of Androscoggin, ADJOURNED until Wednesday, April 1, 1987, at 9:00 in the morning.