

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
April 7, 1987

Senate called to Order by the President.

Prayer by Reverend Richard Hasty of the First Parish Church in Portland.

REVEREND HASTY: O Thou whom we call God, we ask Thy blessing on each and everyone of us. Bless our nation and this great state of Maine, the sea, the land and its' people. Bless this Senate Chamber, these Senators and all who make it work, their families and loved ones. Most especially we ask that these women and men, servants of the people, rise above the pettiness of politics and work for the best interest of the people. Amen.

Reading of the Journal of Yesterday.

Out of order and under suspension of the Rules, on motion by Senator CLARK of Cumberland, the following Senate Order:

ORDERED, that a message be sent to the House of Representatives proposing a Convention of both Branches in the Hall of the House at 11:00 in the morning, for the purpose of extending to His Excellency, Governor John R. McKernan, Jr., an invitation to attend the Convention and make such communication as pleases him.

Which was READ and PASSED.

The Chair appointed the Senator from Cumberland, Senator CLARK, to deliver the message. The Sergeant-At-Arms escorted the Senator to the House of Representatives.

Senate at Ease

Senate called to order by the President.

Subsequently, Senator CLARK of Cumberland reported she had delivered the message with which she was charged.

PAPERS FROM THE HOUSE

House Papers

Bill "An Act Relating to the Issuance of Bonds"
H.P. 800 L.D. 1074

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 Relating to the Maine State Lottery and the Tri-state Lottery"

H.P. 819 L.D. 1105

Comes 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.

Bill "An Act Requiring Funding of State-mandated Programs"

H.P. 804 L.D. 1078

Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS suggested and ORDERED PRINTED.

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

Which was referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED, in concurrence.

COMMUNICATIONS

The Following Communication: S.P. 375
113th MAINE LEGISLATURE

April 6, 1987

Senator Ronald E. Usher
Representative Michael H. Michaud
Chairpersons
Joint Standing Committee on
Energy and Natural Resources
113th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Hervey M. Triplett of Bangor for appointment to the Board of Environmental Protection.

Pursuant to Title 38, M.R.S.A. Section 361, this nomination will require review by the Joint Standing Committee on Energy and Natural Resources and confirmation by the Senate.

Sincerely,
S/Charles P. Pray
President of the Senate
S/John L. Martin
Speaker of the House

Which was READ and referred to the Committee on ENERGY AND NATURAL RESOURCES.

Sent down for concurrence.

SENATE PAPERS

Bill "An Act to Provide Funds to Encourage the Maine Family Farm"

S.P. 368 L.D. 1109

Presented by Senator THERIAULT of Aroostook
Cosponsored by: Representative MARTIN of Van Buren, Representative MCHENRY of Madawaska, Representative PARADIS of Frenchville

Which was referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Authorize Financial Institutions and Credit Unions to Sell Annuities"

S.P. 373 L.D. 1110

Presented by Senator BRANNIGAN of Cumberland
Cosponsored by: Representative RYDELL of Brunswick, Representative CURRAN of Westbrook
Bill "An Act Concerning Liability Insurance Coverage for Amusement Devices"

Which was referred to the Committee on BANKING AND INSURANCE 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 Permit Ownership of Telephone Pay Stations by Persons other than Public Utilities"

H.P. 208 L.D. 260

Bill "An Act to Establish Rates for Human Services WATS Lines"

H.P. 461 L.D. 616

Change of Reference

The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Insure Clean-up Capability by Persons Undertaking Movement of Hazardous Materials"

H.P. 667 L.D. 900

Reported that the same be REFERRED to the Committee on AGRICULTURE.

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

Which Report was READ and ACCEPTED, in concurrence.

The Bill REFERRED to the Committee on AGRICULTURE, in concurrence.

Ought to Pass As Amended

The Committee on HUMAN RESOURCES on Bill "An Act Relating to Immunization of Post-secondary Students"

H.P. 182 L.D. 226

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-50).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-50)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-50) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on HUMAN RESOURCES on Bill "An Act to Amend the Law Regarding the Medical Certificate Filed After Death"

H.P. 263 L.D. 346

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-49).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-49)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-49) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on TAXATION on Bill "An Act to Amend Property Tax Abatement Procedures"

H.P. 67 L.D. 70

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-51).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-51)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-51) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senate

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 Relating to the Purchase of Military Service Time"

S.P. 308 L.D. 887

Bill "An Act to Extend Medical Benefits to Permanently Laid-off Employees"

S.P. 257 L.D. 728

SECOND READERS

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

House

Bill "An Act Concerning Mandatory Workfare Participants"

H.P. 798 L.D. 1070

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

Bill "An Act to Exempt Certain Eating Establishments from the Requirements to Provide a Public Toilet Facility" (Emergency)

S.P. 371 L.D. 1106

Which was READ A SECOND TIME.

On motion by Senator DUTREMBLE of York, Tabled 1 Legislative Day, pending PASSAGE TO BE ENGROSSED.

Senate

Bill "An Act Making Additional Appropriations from the General Fund and Allocations from Other Funds for the Expenditures of State Government for the Fiscal Year Ending June 30, 1987" (Emergency)

S.P. 372 L.D. 1107

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

Sent down for concurrence.

Senate As Amended

Resolve, to Establish a Commission to Study Treatment Protocol for Severely Injured or Extremely Ill Patients (Emergency)

S.P. 154 L.D. 451

(C "A" S-18)

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 Prohibit the Movement of Mobile Homes without Reasonable Assurance that all Drain and Sewer Assessments have been Paid

H.P. 70 L.D. 73

(C "A" H-40)

An Act to Amend the Law Concerning Handicapped Motor Vehicle Registrations

H.P. 135 L.D. 176

(C "A" H-42)

An Act Defining Terms in the Manufactured Housing Zoning Laws

H.P. 187 L.D. 231
(C "A" H-38)

An Act to Amend the Divorce Laws Regarding Custody to the Department of Human Services

H.P. 347 L.D. 446

An Act Regarding the Membership of the Maine Committee on Aging

H.P. 582 L.D. 780
(H "A" H-25; H "B" H-47)

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

S.P. 319 L.D. 945

An Act Relating to Drinking on Public Beaches

H.P. 706 L.D. 948

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 in Support of Statewide Music Lending Services

H.P. 261 L.D. 344

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

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

S.P. 320 L.D. 949

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

At this point, a message was received from the House of Representatives, borne by Representative DIAMOND of Bangor, informing the Senate that the House of Representatives concurs with the proposition for a Joint Convention, to be held in the Hall of the House, at 11:00 o'clock, for the purpose of extending to His Excellency, Governor John R. McKernan, Jr., an invitation to attend the Convention and make such communication as pleases him.

Emergency

An Act to Amend the Law Concerning Frequency of Local Option Question Elections

H.P. 704 L.D. 946

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with No Senators having voted in negative, and 32 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 Resolve

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

H.P. 797 L.D. 1069

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with No Senators having voted in negative, and 33 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:

An Act to Require Greater Specificity in the Annual Reports of the Maine Health Care Finance Commission

S.P. 145 L.D. 399

Tabled - April 6, 1987, by Senator CLARK of Cumberland.

Pending - ENACTMENT

(In House, April 2, 1987, PASSED TO BE ENACTED.)

(In Senate, March 25, 1987, PASSED TO BE ENCLOSED.)

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

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

COMMITTEE REPORTS

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 Ensure Access to the Mental Health and Substance Abuse Treatment Systems Through Health Maintenance Organizations"

S.P. 216 L.D. 583

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator COLLINS for the Committee on BANKING AND INSURANCE on Bill "An Act to Repeal the Sunset Provision of the Social Workers Freedom of Choice Law"

S.P. 88 L.D. 209

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-20).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-20) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator BUSTIN for the Committee on BANKING AND INSURANCE on Bill "An Act to Amend the Law Regarding the Organization and Management of Stock Institutions"

S.P. 142 L.D. 396

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-21).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-21) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

On motion by Senator CLARK of Cumberland, the Senate RECONSIDERED its action whereby it PASSED:

Joint Order recognizing Orono Boy Scout Troop #48

HLS 198

(In House, April 6, 1987, READ and PASSED.)

(In Senate, April 7, 1987, READ and PASSED, in concurrence.)
On further motion by same Senator, Tabled 1 Legislative Day, pending PASSAGE.

Senate at Ease
Senate called to order by the President.

On motion by Senator CLARK of Cumberland, RECESSED until 10:45 this morning.
After Recess

Senate called to order by the President.
At this point, the Senate retired to the Hall of the House, where a Joint Convention was formed.

AFTER CONVENTION
IN SENATE
Senate called to order by the President.

ORDERS OF THE DAY

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

An Act to Require Greater Specificity in the Annual Reports of the Maine Health Care Finance Commission

S.P. 145 L.D. 399

Tabled - April 7, 1987, by Senator CLARK of Cumberland.

Pending - ENACTMENT
(In House, April 2, 1987, PASSED TO BE ENACTED.)
(In Senate, March 25, 1987, PASSED TO BE ENGROSSED.)

On motion by Senator GAUVREAU of Androscoggin, the Senate SUSPENDED THE RULES.

On further motion by same Senator, the Senate RECONSIDERED its action whereby the Bill was PASSED TO BE ENGROSSED.

On further motion by same Senator, Senate Amendment "A" (S-23) READ and ADOPTED.

Which was PASSED TO BE ENGROSSED, as Amended in NON-CONCURRENCE.

Sent down for concurrence.

Off Record Remarks

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

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

Off Record Remarks

On motion by Senator EMERSON of Penobscot, ADJOURNED until Wednesday, April 8, 1987, at 9:00 in the morning.

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
44th Legislative Day
Wednesday, April 8, 1987

The House met according to adjournment and was called to order by the Speaker.

Prayer by Reverend Earl Gray, Riverside United Methodist Church, Kezar Falls.

The Journal of Tuesday, April 7, 1987, was read and approved.

Quorum call was held.

SENATE PAPERS

Bill "An Act to Provide Funds to Encourage the Maine Family Farm" (S.P. 368) (L.D. 1109)

Came from the Senate, referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Was referred to the Committee on Appropriations and Financial Affairs in concurrence.

Bill "An Act to Authorize Financial Institutions and Credit Unions to Sell Annuities" (S.P. 373) (L.D. 1110)

Bill "An Act Concerning Liability Insurance Coverage for Amusement Devices" (S.P. 374) (L.D. 1111)

Came from the Senate, referred to the Committee on Banking and Insurance and Ordered Printed.

Were referred to the Committee on Banking and Insurance in concurrence.

Unanimous Leave to Withdraw

Report of the Committee on Aging, Retirement and Veterans reporting "Leave to Withdraw" on Bill "An Act Relating to the Purchase of Military Service Time" (S.P. 308) (L.D. 887)

Report of the Committee on Labor reporting "Leave to Withdraw" on Bill "An Act to Extend Medical Benefits to Permanently Laid-off Employees" (S.P. 257) (L.D. 728)

Report of the Committee on Banking and Insurance reporting "Leave to Withdraw" on Bill "An Act to Ensure Access to the Mental Health and Substance Abuse Treatment Systems Through Health Maintenance Organizations" (S.P. 216) (L.D. 583)

Were placed in the Legislative Files without further action pursuant to Joint Rule 15 in concurrence.

Ought to Pass in New Draft

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act Making Additional Appropriations from the General Fund and Allocations from Other Funds for the Expenditures of State Government for the Fiscal Year Ending June 30, 1987" (Emergency) (S.P. 200) (L.D. 557) reporting "Ought to Pass" in New Draft (Emergency) (S.P. 372) (L.D. 1107)

Came from the Senate, with the report read and accepted and the New Draft passed to be engrossed.

Report was read and accepted, the New Draft read once.

Under suspension of the rules, the New Draft was read a second time and passed to be engrossed in concurrence.

Non-Concurrent Matter

Bill "An Act to Require Greater Specificity in the Annual Reports of the Maine Health Care Finance