

# 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  
 Wednesday  
 April 8, 1987

Off Record Remarks

Senate called to Order by the President.

Prayer by Reverend James O'Brien, Jr. of the South Parish Congregational Church in Augusta.

REVEREND O'BRIEN: Let us pray. By many and various deeds, Oh God, we are daily reminded that we dwell precariously in the midst of life and death. Guide us in our positions of privilege and responsibility, and against the lures of pride and greed. Keep us free from the false pretensions to power by which we seek to grow great in our own eyes. Grant a generous portion of Your wisdom to those who gather here this day. In their deliberations, reveal to them the joy and success which depend not upon majorities, but in seeking the higher good and welfare of all.

May they walk in the narrow way of deep intent of serious single mindedness and personal integrity. That understanding themselves, they may understand others and thus fulfill the bright hopes of those whose confidence place them here. We seek less to bring You into our midst than to place ourselves in Your presence, where we would gladly serve, seeking always to do Your holy will. Amen.

Reading of the Journal of Yesterday.

Off Record Remarks

PAPERS FROM THE HOUSE

House Papers

Resolve, to Provide a Retirement Benefit to the Beneficiary of Harriet V. P. Kaplan

H.P. 837 L.D. 1128

Comes from the House referred to the Committee on AGING, RETIREMENT AND VETERANS and ORDERED PRINTED.

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

Bill "An Act to Provide Funds to Map Significant Aquifers"

H.P. 826 L.D. 1117

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 to Amend the Teacher Recognition Grants Program"

H.P. 839 L.D. 1130

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

On motion by Senator CLARK of Cumberland, referred to the Committee on EDUCATION and ORDERED PRINTED in NON-CONCURRENCE.

Sent down for concurrence.

Bill "An Act to Require Insurance Companies who Sell Workers' Compensation to Provide Certain Other Services"

H.P. 825 L.D. 1116

Bill "An Act to Establish an Appropriate Penalty for Overcharging Premiums on Workers' Compensation Insurance" (Emergency)

H.P. 841 L.D. 1132

Bill "An Act Requiring that Certain Health Insurance Plans Provide for Cardiac Rehabilitation Expenses"

H.P. 844 L.D. 1135

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 to Establish Class-size Limitations"

H.P. 828 L.D. 1119

Bill "An Act Relating to the Town of York School District" (Emergency)

H.P. 848 L.D. 1139

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 Establish the Indian Point Wildlife Sanctuary in Georgetown"

H.P. 849 L.D. 1140

Comes from the House referred to the Committee on FISHERIES AND WILDLIFE and ORDERED PRINTED.

Which was referred to the Committee on FISHERIES AND WILDLIFE and ORDERED PRINTED, in concurrence.

Bill "An Act Relating to the Narcotics Laws"

H.P. 821 L.D. 1112

Bill "An Act to Require the Payment of Reasonable Attorneys Fees in Successful Libel and Slander Suits"

H.P. 829 L.D. 1120

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 Maximum Benefits under the Workers' Compensation Act"

H.P. 822 L.D. 1113

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 Clarify the Procedure for Voter Registration by Postcard"

H.P. 823 L.D. 1114

Bill "An Act to Require a Candidate's Financial Report to Indicate the Date of Transactions"

H.P. 831 L.D. 1122

Bill "An Act to Prohibit the Gathering of Petition Signatures for Initiated Bills at Voting Places"

H.P. 833 L.D. 1124

Resolve, to Permit Jacqueline A. Caron, Personal Representative of the Estate of Alpee Caron, to Sue

the State for Wrongful Death and for Personal Injuries on Behalf of Herself and Her Minor Child, Jeffrey Caron, in Excess of Statutory Limits of Recovery

H.P. 845 L.D. 1136

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 the Sale of Deferred Compensation"

H.P. 830 L.D. 1121

Bill "An Act Concerning Information on Proposed Agency Rules Provided to Legislative Committee Members"

H.P. 832 L.D. 1123

Resolve, to Create Public Recreation Facilities on Certain State-owned Properties

H.P. 834 L.D. 1125

Resolve, Changing the Name of Jewett Hall at the Maine Criminal Justice Academy in Waterville to Nichols Hall

H.P. 835 L.D. 1126

Resolve, Authorizing the Commissioner of Marine Resources to Convey an Easement over Certain State Land

H.P. 836 L.D. 1127

Bill "An Act Relating to the Membership of the Waldo County Budget Committee"

H.P. 840 L.D. 1131

Come 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 Reduce the Burden of Property Taxes on Persons Who are Elderly and to Count the Years 1983, 1984 and 1985 when the Income Allowance was not Increased with the Increase in Social Security"

H.P. 827 L.D. 1118

Bill "An Act to Provide Property Tax Relief for Homestead Property"

H.P. 838 L.D. 1129

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.

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish a Limit on Increases in the Local Property Tax

H.P. 843 L.D. 1134

Committee on STATE AND LOCAL GOVERNMENT suggested and ORDERED PRINTED.

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

On motion by Senator CLARK of Cumberland, referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED in NON-CONCURRENCE.

Sent down for concurrence.

Bill "An Act to Allow the Department of Transportation to Assist Municipalities Concerning Traffic Control Signals"

H.P. 824 L.D. 1115

Bill "An Act to Ensure Rail Safety When Operating a Freight Train without a Caboose"

H.P. 842 L.D. 1133

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 Alcoholic Beverage Sales"

S.P. 376 L.D. 1141

Presented by Senator GAUVREAU of Androscoggin  
Cosponsored by: Representative PERRY of Mexico,  
Representative MURPHY of Berwick

Bill "An Act Amending the Service of Process Law"

S.P. 377 L.D. 1142

Presented by Senator GAUVREAU of Androscoggin  
Cosponsored by: Senator GOULD of Waldo,  
Representative BOUTILIER of Lewiston

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

Sent down for concurrence.

Bill "An Act Relating to the Debt Limits which may be incurred by a Municipality for Water Purposes" (Emergency)

S.P. 378 L.D. 1143

Presented by Senator PEARSON of Penobscot  
Cosponsored by: Representative HICHBORN of  
LaGrange

Approved for Introduction by a Majority of the  
Legislative Council pursuant to Joint Rule 27

Senate at Ease

Senate called to order by the President.

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

COMMITTEE REPORTS

House

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 Change the Composition of the Board of Trustees of the Maine State Retirement System"

H.P. 278 L.D. 361

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 to Establish New Year's Day as a State Holiday"

S.P. 65 L.D. 132

Bill "An Act to Help Farmers Reduce Their Electric Bills"

S.P. 120 L.D. 319

Ought to Pass

Senator TUTTLE for the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Provide for District Elections in Piscataquis County"

S.P. 166 L.D. 470

Reported that the same Ought to Pass.  
Which Report was READ and ACCEPTED.

The Bill READ ONCE.  
The Bill TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass As Amended

Senator GOULD for the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Establish a Commemorative Day in Honor of Samantha Smith"

S.P. 149 L.D. 403

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-24).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-24) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator BALDACCI of Penobscot was granted unanimous consent to address the Senate on the Record.

Senator BALDACCI: Thank you, Mr. President. Mr. President and Members of the Senate. In regards to L. D. 132, Leave to Withdraw, which is "An Act to Establish New Year's Day as a State Holiday", as a Member of the Committee, there was a workshop and a vote in the Committee. The majority of the Committee felt that it should not be a recognized State Holiday, and if anything we should just watch and see what happens. I took a Leave to Withdraw here, so that if it creates a problem in the future, that we will always have an opportunity to bring it up again in the next Session next January.

Off Record Remarks

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 Debt Limits which may be incurred by a Municipality for Water Purposes" (Emergency)

S.P. 378 L.D. 1143

Tabled - April 8, 1987, by Senator CLARK of Cumberland.

Pending - REFERENCE

(Committee on STATE AND LOCAL GOVERNMENT suggested and ORDERED PRINTED.)

Which was, under suspension of the Rules, READ ONCE, without reference to a Committee.

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

Senator PEARSON: Mr. President, Men and Women of the Senate. This is a Bill sponsored by myself. It is in regard to borrowing for towns, for water purposes. What it had said in the past is that a town could not incur any more debt than 3% of their valuation the last time they had a full State valuation. This allows it to go to 7%, which would be the same as it is now for sewer projects. The reason for rush is because in the last Bond Issue we put out in this State, many of the small communities that had not had sewerage treatment plants and water facilities brought up to date, were included in the Bond Issue. The Town of Howland is in the process of redoing its' water and sewage treatment like a lot of small communities. As a matter of fact, I think Guilford was one of them. They had submitted the Bill because they have to put in a local match on that and it was making its normal course through the Legislature when the flood came. It wiped out their ability to provide their homes with water with the

facilities that they now have. I just talked with the town manager about 10 minutes ago, she said that she has a lot of bills to pay and she needs to get people in to get that going. In any event, it would have been necessary for them to bring the borrowing level up to 7%, like it is for other projects in a municipality. Schools, you can go up to 10%. It became even more of dire straits for them because of the flood this past week.

Under suspension of the Rules, READ A SECOND TIME and PASSED TO BE ENGROSSED, without reference to a Committee, and ORDERED PRINTED.

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

On motion by Senator ESTES of York, RECESSED until the sound of the Bell.

After Recess

Senate called to order by the President.

SECOND READERS

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

House As Amended

Bill "An Act to Amend Property Tax Abatement Procedures"

H.P. 67 L.D. 70

(C "A" H-51)

Bill "An Act Relating to Immunization of Post-secondary Students"

H.P. 182 L.D. 226

(C "A" H-50)

Bill "An Act to Amend the Law Regarding the Medical Certificate Filed After Death"

H.P. 263 L.D. 346

(C "A" H-49)

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

Senate As Amended

Bill "An Act to Repeal the Sunset Provision of the Social Workers Freedom of Choice Law"

S.P. 88 L.D. 209

(C "A" S-20)

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

Sent down for concurrence.

Bill "An Act to Amend the Law Regarding the Organization and Management of Stock Institutions"

S.P. 142 L.D. 396

(C "A" S-21)

Which was READ A SECOND TIME.

On motion by Senator USHER of Cumberland, Senate Amendment "A" (S-25) READ and ADOPTED.

Which was PASSED TO BE ENGROSSED, as Amended.

Sent down for concurrence.

Off Record Remarks

ORDERS OF THE DAY

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

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

S.P. 371 L.D. 1106

Tabled - April 7, 1987, by Senator DUTREMBLE of York.

Pending - PASSAGE TO BE ENGROSSED  
(In Senate, April 7, 1987, READ A SECOND TIME.)

On motion by Senator PERKINS of Hancock, Senate Amendment "B" (S-26) READ.

THE PRESIDENT: The Chair recognizes that same Senator.

Senator PERKINS: Mr. President. Ladies and Gentlemen of the Senate. This makes one slight correction in the Bill, in that it provides for bottle clubs and other establishments who do not require a liquor license and yet allows liquor to be served, to provide the same facilities as those who are licensed and serve alcoholic beverages.

On motion by Senator PERKINS of Hancock Senate Amendment "B" (S-26) ADOPTED.

Which was PASSED TO BE ENGROSSED, as Amended.  
Sent down for concurrence.

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

Joint Order recognizing Orono Boy Scout Troop #48  
HLS 198

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

Pending - PASSAGE  
(In House, April 6, 1987, READ and PASSED.)  
(In Senate, April 7, 1987, READ and PASSED, in concurrence. Subsequently, RECONSIDERED PASSAGE.)

Off Record Remarks

Which was PASSED, in concurrence.

Senate at Ease

Senate called to order by the President.

THE PRESIDENT: At this time, the Chair would like to appoint Senator PEARSON of Penobscot, to serve as President Pro Tem for the Session on April 9, 1987, and appoint Senator DUTREMBLE of York to serve as President Pro Tem for the Session on April 10, 1987.

On motion by Senator TWITCHELL of Oxford, ADJOURNED until Thursday, April 9, 1987, at 9:00 in the morning.

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE  
FIRST REGULAR SESSION  
45th Legislative Day  
Thursday, April 9, 1987

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

Prayer by Reverend David R. Kelly, Hermon Baptist Church, Carmel.

The Journal of Wednesday, April 8, 1987, was read and approved.

Quorum call was held.

SENATE PAPERS

Bill "An Act Relating to Alcoholic Beverage Sales" (S.P. 376) (L.D. 1141)

Bill "An Act Amending the Service of Process Laws" (S.P. 377) (L.D. 1142)

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

Were referred to the Committee on Legal Affairs in concurrence.

Unanimous Leave to Withdraw

Report of the Committee on Appropriations and Financial Affairs reporting "Leave to Withdraw" on Bill "An Act to Help Farmers Reduce Their Electric Bills" (S.P. 120) (L.D. 319)

Report of the Committee on State and Local Government reporting "Leave to Withdraw" on Bill "An Act to Establish New Year's Day as a State Holiday" (S.P. 65) (L.D. 132)

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

Ought to Pass in New Draft/New Title

Report of the Committee on Business Legislation on Bill "An Act to Exempt Certain Eating Places from the Requirement to Provide a Public Rest Room" (Emergency) (S.P. 35) (L.D. 19) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Exempt Certain Eating Establishments from the Requirements to Provide a Public Toilet Facility" (Emergency) (S.P. 371) (L.D. 1106).

Came from the Senate, with the report read and accepted and the New Draft passed to be engrossed as amended by Senate Amendment "B" (S-26).

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

Senate Amendment "B" (S-26) was read by the Clerk.

On motion of Representative Allen of Washington, Senate Amendment "B" was indefinitely postponed.

The Bill was assigned for second reading Friday, April 10, 1987.

Ought to Pass as Amended

Report of the Committee on Banking and Insurance reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-21) on Bill "An Act to Amend the Law Regarding the Organization and Management of Stock Institutions" (S.P. 142) (L.D. 396).

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-21) and Senate Amendment "A" (S-25).

Report was read and accepted, the bill read once.

Committee Amendment "A" (S-21) was read by the Clerk and adopted.