

# 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

Bill "An Act to Amend the Election Laws Regarding Persons Incarcerated in Correctional Facilities" (H.P. 773) (L.D. 1036)

TABLED - April 10, 1987 by Representative PRIEST of Brunswick.

PENDING - Passage to be Engrossed.

On motion of Representative Priest of Brunswick, retabled pending passage to be engrossed and specially assigned for Tuesday, April 14, 1987.

The Chair laid before the House the fourth tabled and today assigned matter:

Bill "An Act to Enable Local School Administrative Units to Support Certain Child Care Programs" (H.P. 906) (L.D. 1218)

(Committee on Education suggested)

TABLED - April 10, 1987 by Representative CARTER of Winslow.

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.

(At Ease)

The House was called to order by the Speaker.

The Chair laid before the House the following matter: Bill "An Act to Encourage Sport Fisheries on the Lower Kennebec and Androscoggin Rivers" (H.P. 937) (L.D. 1253) which was tabled earlier in the day and later today assigned pending the motion of Representative Mitchell of Freeport that the Bill be referred to the Committee on Marine Resources.

(The Committee on Reference of Bills had suggested the Committee on Fisheries and Wildlife.)

Subsequently, on motion of Representative Mitchell of Freeport, was referred to the Committee on Marine Resources, ordered printed and sent up for concurrence.

(Off Record Remarks)

On motion of Representative Clark of Millinocket, Adjourned until Tuesday, April 14, 1987, at nine o'clock in the morning.

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

In Senate Chamber  
Monday  
April 13, 1987

Senate called to Order by the President.

Prayer by Reverend Wilfried Canfijn of the Cornerstone Assembly of God in Windham.

REVEREND CANFIJN: Father we thank You this morning that You are omnipotent, that You reign and that all authority belongs to You. We ask in the name of Jesus, this morning Father, that You would in part to us wisdom to deal with the matters that are at hand. Father Lord, that You would give wisdom in council to the men and women that are here this morning. We ask this in the name of Jesus. Amen.

Reading of the Journal of Friday, April 10, 1987.

THE PRESIDENT: The Chair at this time, would like to thank the Senator from Penobscot, Senator Pearson and the Senator from York, Senator Dutremble for their performance on Thursday and Friday, last week, as Presiding Officer. Thank you.

PAPERS FROM THE HOUSE

Non-concurrent 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  
(S "B" S-26)

In Senate, April 8, 1987, PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "B" (S-26).

Comes from the House PASSED TO BE ENGROSSED in NON-CONCURRENCE.

On motion by Senator PERKINS of Hancock the Senate RECEDED from PASSED TO BE ENGROSSED AS AMENDED.

On further motion by same Senator, the Senate RECEDED from ADOPTION of Senate Amendment "B" (S-26).

On further motion by same Senator, Senate Amendment "B" (S-26) INDEFINITELY POSTPONED, in concurrence.

On further motion by same Senator, Senate Amendment "C" (S-30) READ and ADOPTED.

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

Sent down for concurrence.

Non-concurrent Matter

Bill "An Act to Consolidate and Improve the Administration of Workers' Compensation in State Government"

S.P. 385 L.D. 1162

In Senate, April 9, 1987, referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED.

Comes from the House referred to the Committee on LABOR and ORDERED PRINTED in NON-CONCURRENCE.

On motion by Senator TUTTLE of York the Senate ADHERED.

Sent down for concurrence.

House Papers

Bill "An Act to Change the Lime Laws"

H.P. 925 L.D. 1237

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

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

Bill "An Act to Create a Statewide Reservation System for State Parks that have Overnight Camping Facilities"

H.P. 915 L.D. 1227

Bill "An Act to Provide the State Environmental Resources Volunteer Effort with a Full-time Coordinator"

H.P. 919 L.D. 1231

Bill "An Act to Encourage Postponement of Sexual Activity among Unmarried Teenagers"

H.P. 921 L.D. 1233

Bill "An Act to Fund and Implement Collective Bargaining Agreements with Vocational-technical Institute System Employees Represented by the Maine Teachers Association, the Maine State Employees Association and the American Federation of State, County and Municipal Employees and to Fund and Implement Benefits for Certain Vocational-technical Institute System Employees Excluded from Bargaining" (Emergency)

H.P. 922 L.D. 1234

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 Ban the Use of Plastic Connectors for Containers"

H.P. 912 L.D. 1224

Bill "An Act to Enable Electric Sign Manufacturers to Maintain the Signs they Install"

H.P. 916 L.D. 1228

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 Implement Project ASPIRE for High School Students in the State"

H.P. 897 L.D. 1198

Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS suggested and ORDERED PRINTED.

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 Allow Crossbow Hunting for Handicapped Persons"

H.P. 908 L.D. 1220

Bill "An Act Regarding Posting of Private Land"

H.P. 910 L.D. 1222

Bill "An Act to Require Archery Hunter Training"

H.P. 914 L.D. 1226

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

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

Bill "An Act to Establish the Community Agency Wage Parity Fund"

H.P. 911 L.D. 1223

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

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

Bill "An Act to Apportion Fault under the Comparative Negligence Law"

H.P. 909 L.D. 1221

Bill "An Act to Strengthen the Victim's Ability to Address the Court at a Criminal Sentencing"

H.P. 917 L.D. 1229

Bill "An Act Relating to a Court Appearance by a Property Manager on Behalf of a Landlord"

H.P. 918 L.D. 1230

RESOLUTION, Proposing an Amendment to the Constitution of Maine Relating to Salaries Received by Judges Who have been Relieved of Their Duties

H.P. 920 L.D. 1232

Bill "An Act to Reinstate Capital Punishment in Certain Murder Cases"

H.P. 924 L.D. 1236

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 Allow Drunk Drivers to be Sued for Punitive Damages"

H.P. 879 L.D. 1180

Committee on JUDICIARY suggested and ORDERED PRINTED.

Come from the House referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED.

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

Bill "An Act Concerning Conflicts of Interest Relating to Department of Environmental Protection Employees"

H.P. 907 L.D. 1219

Come 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.

Bill "An Act Authorizing Counties to Choose Alternative Sources of Revenue"

H.P. 913 L.D. 1225

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 Concerning the Harrison Water District"

H.P. 923 L.D. 1235

Come from the House referred to the Committee on UTILITIES and ORDERED PRINTED.

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

SENATE PAPERS

Bill "An Act to Modify the Definition of Sexually Explicit Conduct"

S.P. 402 L.D. 1242

Presented by Senator BRANNIGAN of Cumberland

Cosponsored by: Representative MARSANO of Belfast, Representative PARADIS of Augusta  
Bill "An Act to Clarify the Law Relating to Restitution for Victims of Crime by Expressly Providing that Cities, Counties and other Governmental Entities can be Victims and that Organizations may be Ordered to Pay Restitution" (Emergency)

S.P. 403 L.D. 1243

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

Bill "An Act Relating to the Capitalization of the Maine Capital Corporation"

S.P. 401 L.D. 1241

Presented by Senator TWITCHELL of Oxford  
Cosponsored by: Representative CASHMAN of Old Town  
Which was referred to the Committee on TAXATION 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 Increase the Handling Fees for Returnable Bottles and Cans"

H.P. 47 L.D. 50

Bill "An Act Establishing the Songo Locks Advisory Council"

H.P. 133 L.D. 174

Bill "An Act to make Allocations from the Public Utilities Commission Regulatory Fund and the Public Utilities Commission Reimbursement Fund for the Fiscal Years Ending June 30, 1988, and June 30, 1989" (Emergency)

H.P. 157 L.D. 198

Bill "An Act to Prohibit Tobacco Companies from Sponsoring Community, Sporting, Recreational or Civic Events"

H.P. 273 L.D. 356

Bill "An Act to Amend the Laws Relating to Major Policy-influencing Positions"

H.P. 429 L.D. 574

Bill "An Act to Provide a Waiting Period Prior to Granting of Divorce"

H.P. 566 L.D. 764

Bill "An Act Concerning Support in Cases of Unmarried Persons"

H.P. 567 L.D. 765

Change of Reference

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Establish the Cost of the 1987 Spruce Budworm Management Program" (Emergency)

H.P. 711 L.D. 962

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

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

Which Report was READ and ACCEPTED, in concurrence.

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

Ought to Pass As Amended

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act Concerning the Calculation of the Insured Value Factor in Public Tuition Payments to Private Schools"

H.P. 196 L.D. 248

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-58).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-58)

Which Report was READ.

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending ACCEPTANCE OF THE REPORT.

Ought to Pass in New Draft

The Committee on STATE AND LOCAL GOVERNMENT on Resolve, Clarifying the Harbor Management Jurisdictions of the Towns of Bar Harbor and Gouldsboro

H.P. 295 L.D. 381

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

H.P. 926 L.D. 1238

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

Which Report was READ and ACCEPTED, in concurrence.

The Resolve in NEW DRAFT READ ONCE.

The Resolve in NEW DRAFT TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass in New Draft under New Title

The Committee on FISHERIES AND WILDLIFE on Bill "An Act to Provide Wildlife Education for Secondary Students" (Emergency)

H.P. 320 L.D. 419

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act to Create a Youth Fisheries and Wildlife Conservation Education Program" (Emergency)

H.P. 862 L.D. 1155

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 "A" (H-59).

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT under NEW TITLE READ ONCE.

House Amendment "A" (H-59) READ and ADOPTED, in concurrence.

The Bill in NEW DRAFT under NEW TITLE, 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 Open Maine Libraries to Modern Information Technology"

H.P. 248 L.D. 321

Bill "An Act to Require the Marking of Barriers on Certain Public Ways"

H.P. 861 L.D. 1154

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

Bill "An Act to Strengthen the Efforts of the Maine Potato Industry and the Responsibility of the Maine Potato Board to Improve the Quality of Maine Tablestock Potatoes"

H.P. 856 L.D. 1150

Which was READ A SECOND TIME.

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

Senate

Bill "An Act to Amend the Bank Holding Company Law"

S.P. 388 L.D. 1208

Bill "An Act to Require State Compliance with Municipal Ordinances"

S.P. 399 L.D. 1239

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

Sent down for concurrence.

Senate As Amended

Bill "An Act Providing for Judicial Review of Agency Refusals to Consent to Adoptions"

S.P. 62 L.D. 129

(C "A" S-28)

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 Amend Property Tax Abatement Procedures

H.P. 67 L.D. 70

(C "A" H-51)

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

H.P. 263 L.D. 346

(C "A" H-49)

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

S.P. 145 L.D. 399

(S "A" S-23)

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

Emergency

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

S.P. 372 L.D. 1107

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:

HOUSE REPORT - from the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act Relating to Major Policy-influencing Positions in State Government"

H.P. 175 L.D. 219

Report - Ought to Pass

Tabled - April 10, 1987, by Senator CLARK of Cumberland.

Pending - ACCEPTANCE OF THE REPORT

(In Senate, April 10, 1987, Report READ.)

(In House, April 9, 1987, PASSED TO BE ENGROSSED.)

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending ACCEPTANCE OF THE REPORT.

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

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Franklin County for the Year 1987 (Emergency)

H.P. 858 L.D. 1152

Tabled - April 10, 1987, by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENGROSSED

(In Senate, April 10, 1987 PASSED TO BE ENGROSSED. Subsequently, RECONSIDERED PASSAGE TO BE ENGROSSED.)

(In House, April 8, 1987, PASSED TO BE ENGROSSED.)

On motion by Senator USHER of Cumberland, Senate Amendment "A" (S-29) READ and ADOPTED.

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

Sent down for concurrence.

Off Record Remarks

On motion by Senator CLARK of Cumberland, the Senate removed from the Unassigned Tabled the following:

Bill "An Act Concerning Parking Violations at the Capitol Complex"

H.P. 588 L.D. 799

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

Pending - REFERENCE

(In House, March 17, 1987, 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.

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

Bill "An Act to Allow Drunk Drivers to be Sued for Punitive Damages"

H.P. 879 L.D. 1180

Tabled - April 14, 1987, by Senator CLARK of Cumberland.

Pending - REFERENCE

(Committee on JUDICIARY suggested and ORDERED PRINTED.)

(In House, April 10, 1987, referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED.)

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

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

Off Record Remarks

On motion by Senator THERIAULT of Aroostook,  
ADJOURNED until Tuesday, April 14, 1987, at 9:00 in  
the morning.

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE  
FIRST REGULAR SESSION  
48th Legislative Day  
Tuesday, April 14, 1987

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

Prayer by Reverend Peter Luton, First  
Universalist Church, Yarmouth.

The Journal of Monday, April 13, 1987, was read  
and approved.

Quorum call was held.

SENATE PAPERS

Bill "An Act to Modify the Definition of Sexually  
Explicit Conduct" (S.P. 402) (L.D. 1242)

Bill "An Act to Clarify the Law Relating to  
Restitution for Victims of Crime by Expressly  
Providing that Cities, Counties and other  
Governmental Entities can be Victims and that  
Organizations may be Ordered to Pay Restitution"  
(Emergency) (S.P. 403) (L.D. 1243)

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

Were referred to the Committee on Judiciary in  
concurrence.

Bill "An Act Relating to the Capitalization of  
the Maine Capital Corporation" (S.P. 401) (L.D. 1241)

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

Was referred to the Committee on Taxation in  
concurrence.

Ought to Pass in New Draft

Report of the Committee on Banking and Insurance  
on Bill "An Act to Amend the Bank Holding Company  
Law" (S.P. 105) (L.D. 278) reporting "Ought to Pass"  
in New Draft (S.P. 388) (L.D. 1208)

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 given  
its first reading and assigned for its second reading  
Wednesday, April 15, 1987.

Ought to Pass in New Draft

Report of the Committee on State and Local  
Government on Bill "An Act to Require State  
Compliance with Municipal Ordinances" (S.P. 115)  
(L.D. 288) reporting "Ought to Pass" in New Draft  
(S.P. 399) (L.D. 1239)

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 given  
its first reading and assigned for its second reading  
Wednesday, April 15, 1987.

Non-Concurrent Matter

Later Today Assigned

RESOLVE, for Laying of the County Taxes and  
Authorizing Expenditures of Franklin County for the  
Year 1987 (Emergency) (H.P. 858) (L.D. 1152) which  
was Passed to be Engrossed in House on April 8, 1987.

Came from the Senate, Passed to be Engrossed as  
amended by Senate Amendment "A" (S-29) in  
non-concurrence.

On motion of Representative Armstrong of Wilton,  
tabled pending further consideration and later today  
assigned.