

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

The Chair laid before the House the following 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) which was tabled earlier in the day and later today assigned pending further consideration.

Subsequently, the House voted to recede and concur.

(Off Record Remarks)

On motion of Representative Gould of Greenville,
Adjourned until Wednesday, April 15, 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
Tuesday
April 14, 1987

Senate called to Order by the President.

Prayer by the Honorable Georgette B. Berube of Androscoggin.

SENATOR BERUBE: Let us share the beautiful prayer of Saint Francis of Assisi. "Lord, make us an instrument of Your peace. Where there is hatred, let us so love, where there is injury, pardon; where there is doubt, faith; where there is despair, hope; where there is darkness, light; where there is sadness, joy. Grant that we may not so much seek to be consoled, as to console. To be understood, as to understand. To be loved, as to love, for it is in giving that we receive. It is pardoning that we are pardoned and it is in dying that we are born to eternal life." Amen.

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Allow the Treasurer of State to Vote on Certain State Boards"

H.P. 902 L.D. 1203

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

In Senate, April 10, 1987, referred to the Committee on AGING, RETIREMENT AND VETERANS and ORDERED PRINTED in NON-CONCURRENCE.

Comes from the House, that Body INSISTED.
The Senate RECEDED and CONCURRED.

House Papers

Bill "An Act to Ensure Employment Opportunities for Older Citizens in State Supported Agencies Serving Senior Citizens"

H.P. 931 L.D. 1247

Bill "An Act to Provide More Equitable Benefits for the Surviving Spouse and Children of Deceased Members of the Maine State Retirement System"

H.P. 935 L.D. 1251

Bill "An Act to Equalize Retirement Credits for Air and Army National Guardsmen"

H.P. 936 L.D. 1252

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 Enable Local School Administrative Units to Support Certain Child Care Programs"

H.P. 906 L.D. 1218

Committee on EDUCATION suggested and ORDERED PRINTED.

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 Create the Maine Choice Scholarship Fund"

H.P. 927 L.D. 1240

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 Relating to Criminal Restraint under the Kidnapping and Restraint Laws"

H.P. 930 L.D. 1246

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 Encourage Sport Fisheries on the Lower Kennebec and Androscoggin Rivers"

H.P. 937 L.D. 1253

Committee on FISHERIES AND WILDLIFE suggested and ORDERED PRINTED.

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

Which was referred to the Committee on FISHERIES AND WILDLIFE and ORDERED PRINTED in NON-CONCURRENCE.

Sent down for concurrence.

Bill "An Act to Amend the Law Relating to Unitary Taxation of Corporations"

H.P. 928 L.D. 1244

Bill "An Act to Increase the State's Personal Income Tax Exemption for Dependents"

H.P. 933 L.D. 1249

Bill "An Act to Create a Tax on Meals"

H.P. 934 L.D. 1250

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 Amend the Traffic-control Signal Law"

H.P. 929 L.D. 1245

Bill "An Act Relating to the Maine State Ferry Service"

H.P. 932 L.D. 1248

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.

Joint Resolution

The Following Joint Resolution: H.P. 939

JOINT RESOLUTION EXPRESSING THE GRATITUDE OF THE MAINE LEGISLATURE AND THE COMMUNITIES OF MAINE TO THOSE RESPONSIBLE FOR PROMPT FEDERAL FLOOD ASSISTANCE

WHEREAS, the Legislature has learned with deep appreciation of President Ronald W. Reagan's expeditious action in declaring, within 8 days, Maine's eligibility for federal relief for the worst flooding on record in the State; and

WHEREAS, members of the Maine Congressional delegation deserve special merit in seeking a rapid response from federal authorities; and

WHEREAS, Elizabeth Dole, United States Secretary of Transportation, who came to Maine at the invitation of Senator William S. Cohen and officials of the Federal Emergency Management Agency are to be cited for their untiring and accurate assessment of the massive loss and devastation; and

WHEREAS, Governor John R. McKernan, Jr., acted quickly and commendably in declaring a "state of emergency," mobilizing forces to prevent loss of life and by formally requesting federal aid; now, therefore, be it

RESOLVED: That We, the Members of the 113th Legislature of the State of Maine, pause to recognize and extend this resolve of gratitude to each of those responsible for the immediate action of our Federal Government in granting relief at a time of great need; and be it further

RESOLVED: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the President of the United States, the Honorable Ronald W. Reagan; Elizabeth Dole, United States Secretary of Transportation; Governor John R. McKernan, Jr.; and the Maine Congressional Delegation.

Comes from the House READ and ADOPTED.

Which was READ.

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

Off Record Remarks

COMMUNICATIONS

The Following Communication:

DEPARTMENT OF
EDUCATIONAL & CULTURAL SERVICES
STATE HOUSE STATION 23
AUGUSTA, MAINE 04333

April 9, 1987

Joy O'Brien
Secretary of the Senate
State House - Station #3
Augusta, ME 04333

Dear Ms. O'Brien:
Subject: Revised Certification for 1987-1988 Funding Levels for

Adult Education

Pursuant to the provision of Title 20-A, M.R.S.A., Chapter 315, Section 8606, I certified prior to February 1, 1987 to the Legislature and to the Bureau of the Budget a recommendation for the funding level for the various program categories in Adult Education. Based on the review of final submissions of local expenditures, I am forwarding a final revised certification.

Please see the recommendation below:

EDUCATION: ADULT EDUCATION

1987 - 1988

All Other (Category 6300-Grants to Cities and Towns) \$2,981,713 *

(This includes grants to programs for High School Completion, Adult Literacy, General Adult Ed., Adult Handicapped, Adult Voc. Ed., and Administration)

* For FY 88, the current budget allocation for grants to cities and towns is \$2,583,018 which reflects a need of \$398,695 to provide full subsidy.

Sincerely,
S/Eve M. Bither
Commissioner

Which was READ and ORDERED PLACED ON FILE.

(See Action Later Today)

SENATE PAPERS

Bill "An Act to Make Adjustments in the School Finance Act"

S.P. 405 L.D. 1256

Presented by Senator CLARK of Cumberland
Cosponsored by: Representative GOULD of Greenville, Senator MAYBURY of Penobscot, Representative LAWRENCE of Parsonsfield
Bill "An Act to Assure Accessibility to Newly Constructed and Renovated Educational Facilities"

S.P. 408 L.D. 1259

Presented by Senator ANDREWS of Cumberland
Cosponsored by: Senator THERIAULT of Aroostook, Representative HANDY of Lewiston, Representative LACROIX of Oakland
Which were referred to the Committee on EDUCATION and ORDERED PRINTED.
Sent down for concurrence.

Bill "An Act to Prohibit any Solid Waste or Hazardous Waste Dump within 5 Miles of any Municipal Water Supply or within One Mile of any Major River"

S.P. 409 L.D. 1260

Presented by Senator BLACK of Cumberland
Cosponsored by: Senator DUTREMBLE of York, Representative RIDLEY of Shapleigh, Representative MURPHY of Berwick
Which was referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED.
Sent down for concurrence.

Bill "An Act Relating to Alcohol-related Birth Defects"

S.P. 411 L.D. 1262

Presented by Senator BUSTIN of Kennebec
Cosponsored by: Representative ROLDE of York, Senator GILL of Cumberland, Representative PINES of Limestone
Which was referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED.
Sent down for concurrence.

Bill "An Act to Modify Certain Criminal Appeal Laws"

S.P. 406 L.D. 1257

Presented by Senator BRANNIGAN of Cumberland
Cosponsored by: Representative PARADIS of Augusta, Representative CONLEY of Portland
Bill "An Act Relating to a Court Granting Continuance under the Corrections Law"

S.P. 410 L.D. 1261

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

Bill "An Act Requiring State Troopers to Engage in Traffic Control Detail During Highway Construction"

S.P. 404 L.D. 1255

Presented by Senator USHER of Cumberland
Cosponsored by: Senator TUTTLE of York, Representative O'GARA of Westbrook
Which was referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED.
Sent down for concurrence.

Bill "An Act Relating to the State Health Insurance Program and the Bureau of State Employee Health"

S.P. 407 L.D. 1258

Presented by Senator BUSTIN of Kennebec
Cosponsored by: Senator TUTTLE of York, Representative CARROLL of Gray
Which was referred to the Committee on STATE AND LOCAL GOVERNMENT 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 Concerning Use of Department of Inland Fisheries and Wildlife Revenues in the Caribou Restoration Project"

H.P. 43 L.D. 46

Bill "An Act to Protect the Ownership of Land held by Legal Title"

H.P. 480 L.D. 647

Ought to Pass in New Draft

The Committee on FISHERIES AND WILDLIFE on Bill "An Act Concerning Snowmobile Registration Fees"

H.P. 174 L.D. 218

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

H.P. 904 L.D. 1206

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 FISHERIES AND WILDLIFE on Bill "An Act Concerning Penalties for Molesting, Killing or Possessing Caribou"

H.P. 42 L.D. 45

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act Concerning Penalties for Caribou and Big Game Violations"

H.P. 905 L.D. 1207

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-62).

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT under NEW TITLE READ ONCE.

House Amendment "A" (H-62) READ and ADOPTED, in concurrence.

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

Divided Report

The Majority of the Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act Regarding the Generation of Electric Power and High-level Radioactive Waste"

I.B. 1 L.D. 20

Reported that the same Ought Not to Pass.

Signed:

Senators:

USHER of Cumberland
TUTTLE of York
LUDWIG of Aroostook

Representatives:

MICHAUD of East Millinocket
JACQUES of Waterville
RIDLEY of Shapleigh
HOGLUND of Portland
DEXTER of Kingfield
LORD of Waterboro
ANDERSON of Woodland

The Minority of the same Committee on the same subject reported that the same Ought to Pass.

Signed:

Representatives:

MITCHELL of Freeport
COLES of Harpswell
HOLLOWAY of Edgecomb

Comes from the House the Majority OUGHT NOT TO PASS Report READ and ACCEPTED.

Which Reports were READ.

The Majority OUGHT NOT TO PASS Report was ACCEPTED, in concurrence.

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 Amend Benefits Under the Maine State Retirement System for Members of the State Police"

S.P. 343 L.D. 998

Ought to Pass in New Draft

Senator THERIAULT for the Committee on BANKING AND INSURANCE on Bill "An Act to Amend the Requirements for Individual Public Self-insurers under the Workers' Compensation Act"

S.P. 63 L.D. 130

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

S.P. 412 L.D. 1270

Which Report was READ and ACCEPTED.

The Bill in NEW DRAFT READ ONCE.

The Bill in NEW DRAFT TOMORROW ASSIGNED FOR SECOND READING.

SECOND READERS

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

House

Resolve, Clarifying the Harbor Management Jurisdictions of the Towns of Bar Harbor and Gouldsboro (Emergency)

H.P. 926 L.D. 1238

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

House As Amended

Bill "An Act to Create a Youth Fisheries and Wildlife Conservation Education Program" (Emergency)

H.P. 862 L.D. 1155

(H "A" H-59)

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 Relating to Immunization of Post-secondary Students

H.P. 182 L.D. 226
(C "A" H-50)

An Act to Increase the Fees for Examination and Licensure for Chiropractors

S.P. 96 L.D. 243
(H "A" H-55)

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 to Measure Mileage Payments to Jurors

S.P. 144 L.D. 398
(H "A" H-54 to C "A" S-16)

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

Emergency Resolve

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

S.P. 154 L.D. 451
(C "A" S-18)

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

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

Bill "An Act Requiring State Troopers to Engage in Traffic Control Detail During Highway Construction"

S.P. 404 L.D. 1255

(In Senate, April 14, 1987, referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED.)

On motion by Senator CLARK of Cumberland, Referred to Committee on TRANSPORTATION and ORDERED PRINTED.

Sent down for concurrence.

ORDERS OF THE DAY

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

HOUSE REPORT - from 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

Report - Ought to Pass As Amended by Committee Amendment "A" (H-58)

Tabled - April 13, 1987, by Senator CLARK of Cumberland.

Pending - ACCEPTANCE OF THE REPORT

(In Senate, April 13, 1987, Report READ.)

(In House, April 10, 1987, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-58).)

Which Report was ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-58) READ and ADOPTED, in concurrence.

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The Bill, as Amended, TOMORROW ASSIGNED FOR SECOND READING.

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

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

Tabled - April 13, 1987, by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENGROSSED

(In Senate, April 13, 1987, READ A SECOND TIME.)

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

On motion by Senator MATTHEWS of Kennebec, Senate Amendment "A" (S-31) READ and ADOPTED.

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

Sent down for concurrence.

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 13, 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.)

Which Report was ACCEPTED, in concurrence.

The Bill READ ONCE.

The Bill, TOMORROW ASSIGNED FOR SECOND READING.

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

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

H.P. 879 L.D. 1180

Tabled - April 13, 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.

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

COMMITTEE REPORTS

Senate

Ought to Pass in New Draft

Senator ANDREWS for the Committee on LABOR on Bill "An Act to Assure Proper Notice of Workers' Compensation Claims"

S.P. 79 L.D. 165

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

S.P. 413 L.D. 1271

Which Report was READ and ACCEPTED.

The Bill in NEW DRAFT READ ONCE.

The Bill in NEW DRAFT TOMORROW ASSIGNED FOR SECOND READING.

ORDERS OF THE DAY

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

JOINT RESOLUTION EXPRESSING THE GRATITUDE OF THE MAINE LEGISLATURE AND THE COMMUNITIES OF MAINE TO THOSE RESPONSIBLE FOR PROMPT FEDERAL FLOOD ASSISTANCE
H.P. 939

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

Pending - ADOPTION

(In Senate, April 14, 1987, READ.)

(In House, April 13, 1987, READ and ADOPTED.)

Which was ADOPTED, in concurrence.

Off Record Remarks

On motion by Senator WHITMORE of Androscoggin, ADJOURNED until Wednesday, April 15, 1987, at 9:30 in the morning.