

# 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 21, 1987

Senate called to Order by the Secretary, Joy J. O'Brien.

The Secretary requested the Sergeant-At-Arms to escort the Senator from Cumberland, Senator CLARK to the Rostrum where she assumed the duties as President Pro Tem.

Senate called to order by the President Pro Tem.

Prayer by Reverend Grace Bartlett of the Hodgdon United Methodist Church in Houlton.

REVEREND BARTLETT: Shall we be in the spirit of prayer. Almighty God, You govern the world with righteousness, Your judgments are true and righteous altogether. Grant You beseech You that those who legislate for us, may be of one mind to establish justice and promote the welfare of all our people. Endow all the members of this Body with a right understanding, pure purposes and sound speech. Enable them to rise above all self-interest and parties to the noble concerns of public good and human equality. Cleanse us and cleanse the public life of every evil. Subdue in our land all that is harmful and make us disciplined and devoted people that we may do Your will on earth as it is done in heaven. Through Jesus Christ, our Lord, we pray. Amen.

Reading of the Journal of Thursday, April 16, 1987.

Off Record Remarks

PAPERS FROM THE HOUSE  
Non-concurrent Matter

Bill "An Act Concerning Radioactive Waste Disposal Facilities on Indian Territory"

S.P. 416 L.D. 1274

In Senate, April 15, 1987, referred to the Committee on JUDICIARY and ORDERED PRINTED.

Comes from the House referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED in NON-CONCURRENCE.

Senate at Ease

Senate called to order by the President.

On motion by Senator DUTREMBLE of York, the Senate RECEDED and CONCURRED.

COMMUNICATIONS

The Following Communication:

EXECUTIVE DEPARTMENT  
DIVISION OF COMMUNITY SERVICES  
STATE HOUSE STATION 73  
AUGUSTA, MAINE 04333

April 16, 1987

The Honorable Charles P. Pray  
President of the Senate  
State House

Augusta, ME 04333

Dear President Pray:

In accordance with Title 22 M.R.S.A. Section 5204(3), I am submitting to the 113th Legislature a report on Maine's Home Energy Assistance Program for the year 1985-86.

I would be happy to answer any questions you may have concerning this report.

Sincerely,  
S/Nicola C. Kobritz  
Director

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

SENATE PAPERS

Bill "An Act to Revise the Allocations for the Alcohol Premium Fund"

S.P. 426 L.D. 1306

Presented by Senator BUSTIN of Kennebec

Cosponsored by: Representative ROLDE of York, Senator GILL of Cumberland, Representative CARROLL of Gray

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

Sent down for concurrence.

Bill "An Act to Extend the Reporting Deadline for the Teacher and Administrator Certification Study" (Emergency)

S.P. 420 L.D. 1300

Presented by Senator ESTES of York

Cosponsored by: Representative BOST of Orono  
Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 27  
Committee on EDUCATION suggested and ORDERED PRINTED.

Under suspension of the Rules, the Bill READ ONCE.  
THE PRESIDENT PRO TEM: The Chair recognizes the Senator from York, Senator Estes.

Senator ESTES: Thank you Madam President, ladies and gentlemen of the Senate. It was back in mid February that we became aware of the statutory deadline to report back on the Education Committee's recommendations for certification to the Legislature. At the request of the co-chairs of the Joint Standing Committee, the Board of Education reported to the Committee on March 13, 1987 with its recommendations for teacher and administrative certification. A largely attended public hearing on the recommendations was held March 24. That evening the Education Committee also held a hearing on L.D. 635, to delete the third tier or master teacher level of the teacher certification proposal. The Committee has held six work sessions to date. There have been pages of testimony and numerous assessment reports that have been read and discussed by Committee members.

The big picture of teacher and administrative certification is far from complete, as has been suggested by the recommendations of the Board of Education, the pilot site studies and the multitude of all the written testimony, despite the judgment and editorial positions of the press. The study of certification needs a little more time to become the resource to reinforcing teaching as a profession. What the Education Committee asks in this Bill is to extend our report back deadline to the Legislature by one month, to May 1, 1987. The Committee still has three more work sessions planned on the issues of certification and we need this realistic amount of time to finish assessing, refining and, finally,

defining our recommendations to you. Recommendations that will establish the direction that teachers and administrative certification can, and should, go to enhance Maine's very credible education reform movement. The jury needs a little more time to reach any verdict, regardless of the presumption of the press and even the Secretary of Education, William Bennett. Publicly, they have suggested that our deliberations to date strongly indicate retreat from the principals of education reform. Might I suggest that another jury, two weeks ago, has indicated a retreat from education reform with the proposed budgeting of only 6.3 million dollars for the third year of the estimated 22 million dollar cost for education reform.

Frankly, the education budget proposal we heard from the administration undermines a key foundation of the reform. Decent salary funding for teachers to enhance the profession, especially when the State has mandated accountability through teacher preparation and testing requirements for level entry. New certification requirements for continued teaching in the profession and students assessment through state-wide testing. With the time extension requested, the Education Committee can and will come back to you with sound recommendations for education by May 1, 1987. I only ask that you seriously consider our other obligations to education reform and that means more than adequate funding of the reform cost. Thank you.

Which was, 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.

Bill "An Act to Establish Capacity Controls on Commercial Solid Waste Disposal Facilities"

S.P. 423 L.D. 1303

Presented by Senator KANY of Kennebec  
Cosponsored by: Senator TUTTLE of York,  
Representative MURPHY of Berwick, Representative  
RICHARD of Madison

Bill "An Act to Enhance Public Access and Outdoor Recreation Opportunities"

S.P. 427 L.D. 1307

Presented by Senator MATTHEWS of Kennebec  
Cosponsored by: Representative MAYO of  
Thomaston, Representative WEYMOUTH of West  
Gardiner

Bill "An Act to Amend the Laws Regarding the Regulation of Landfills and other Waste Disposal Facilities"

S.P. 430 L.D. 1310

Presented by Senator TUTTLE of York  
Cosponsored by: Representative MURPHY of  
Berwick, Representative LORD of Waterboro,  
Senator ESTES of York

Which were referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED.  
Sent down for concurrence.

Bill "An Act Concerning the Hunting of Antlerless Deer by Certain Property Owners"

S.P. 424 L.D. 1304

Presented by Senator MATTHEWS of Kennebec  
Cosponsored by: Senator ERWIN of Oxford,  
Representative WEYMOUTH of West Gardiner,  
Representative DUFFY of Bangor

Which was referred to the Committee on FISHERIES AND WILDLIFE and ORDERED PRINTED.  
Sent down for concurrence.

Bill "An Act Relating to State Involvement in Inspections and Enforcement Activities of Nuclear Power Plants and Evacuation Plans"

S.P. 429 L.D. 1309

Presented by Senator KANY of Kennebec  
Cosponsored by: Senator MATTHEWS of Kennebec,  
Representative MAHANY of Easton, Representative  
HOLT of Bath

Committee on HUMAN RESOURCES suggested and ORDERED PRINTED.

On motion by Senator DUTREMBLE of York, Tabled 1 Legislative Day, pending REFERENCE.

Bill "An Act to Modify the State's Appeal Law to Permit Appeals of Adverse Intermediate Appellate Court Rulings by the State" (Emergency)

S.P. 422 L.D. 1302

Presented by Senator BRANNIGAN of Cumberland  
Cosponsored by: Representative PARADIS of  
Augusta, Senator BLACK of Cumberland,  
Representative COTE of Auburn

Bill "An Act to Modify the Statute of Limitations' Provision of the Maine Criminal Code and Maine Juvenile Code so they Clearly Cross-reference One Another"

S.P. 425 L.D. 1305

Presented by Senator BRANNIGAN of Cumberland  
Cosponsored by: Representative PARADIS of  
Augusta, Representative THISTLE of  
Dover-Foxcroft, Representative HANDY of Lewiston

Which were referred to the Committee on JUDICIARY and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act Providing Collective Bargaining Rights to Legislative Employees"

S.P. 432 L.D. 1312

Presented by Senator TUTTLE of York  
Cosponsored by: Representative MCHENRY of  
Madawaska, Senator ANDREWS of Cumberland

Which was referred to the Committee on LABOR and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act Concerning the Boundary Between the Towns of Machias and Machiasport"

S.P. 421 L.D. 1301

Presented by Senator RANDALL of Washington  
Cosponsored by: Representative LOOK of  
Jonesboro, Representative VOSE of Eastport

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

Sent down for concurrence.

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

S.P. 419 L.D. 1299

Presented by Senator TWITCHELL of Oxford  
Which was referred to the Committee on TAXATION and ORDERED PRINTED.

Sent down for concurrence.

Resolve, to Establish the Commission to Examine Alternative Uses for the Augusta to Topsham Railroad Right-of-way (Emergency)

S.P. 428 L.D. 1308

Presented by Senator DOW of Kennebec

Cosponsored by: Senator CAHILL of Sagadahoc,  
 Representative DELLERT of Gardiner,  
 Representative CHONKO of Topsham  
 Approved for Introduction by a Majority of the  
 Legislative Council pursuant to Joint Rule 27  
 Which was referred to the Committee on  
 TRANSPORTATION and ORDERED PRINTED.  
 Sent down for concurrence.

Reported that the same Ought to Pass.  
 Comes from the House with the Report READ and  
 ACCEPTED and the Bill PASSED TO BE ENGROSSED.  
 Which Report was READ and ACCEPTED, in  
 concurrence.  
 The Bill READ ONCE.  
 The Bill TOMORROW ASSIGNED FOR SECOND READING.

Bill "An Act Creating the Fayette Water District"  
 S.P. 431 L.D. 1311  
 Presented by Senator KANY of Kennebec  
 Cosponsored by: Representative NORTON of Winthrop  
 Approved for Introduction by a Majority of the  
 Legislative Council pursuant to Joint Rule 27  
 Which was referred to the Committee on UTILITIES  
 and ORDERED PRINTED.  
 Sent down for concurrence.

Ought to Pass As Amended  
 The Committee on LEGAL AFFAIRS on Bill "An Act  
 Concerning the Approval of Voting Devices"  
 H.P. 71 L.D. 74  
 Reported that the same Ought to Pass as Amended  
 by Committee Amendment "A" (H-65).  
 Comes from the House, with the Report READ and  
 ACCEPTED and the Bill PASSED TO BE ENGROSSED AS  
 AMENDED BY COMMITTEE AMENDMENT "A" (H-65)  
 Which Report was READ and ACCEPTED, in  
 concurrence.  
 The Bill READ ONCE.  
 Committee Amendment "A" (H-65) READ and ADOPTED,  
 in concurrence.  
 The Bill as Amended, TOMORROW ASSIGNED FOR SECOND  
 READING.

COMMITTEE REPORTS

House

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 to Reconstruct the Toll Bridge  
 Between Perry and Eastport"

H.P. 376 L.D. 497

Bill "An Act to Permit the Use of Speed Bumps"

H.P. 424 L.D. 569

Bill "An Act to Create a Municipal Designation of  
 Scenic Roads"

H.P. 556 L.D. 754

Bill "An Act to Amend the Marine Licensing Law"

H.P. 564 L.D. 762

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 Creating a Deer Allowance During  
 Archery Season"

H.P. 120 L.D. 145

Bill "An Act Providing for a Deer Allowance  
 During Muzzle-loading Rifle Season"

H.P. 123 L.D. 148

Bill "An Act Relating to Biodegradable Lobster  
 Trap Vents" (Emergency)

H.P. 311 L.D. 410

Bill "An Act Concerning Probation Revocation  
 Proceedings in Maine"

H.P. 597 L.D. 808

Ought to Pass

The Committee on EDUCATION on Bill "An Act  
 Relating to Conferring Degrees by the University of  
 New England in Biddeford"

H.P. 466 L.D. 633

Reported that the same Ought to Pass.

Comes from the House with the Report READ and  
 ACCEPTED and the Bill PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in  
 concurrence.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

The Committee on UTILITIES on Bill "An Act for  
 Timely Construction of Water Main Extensions"

H.P. 218 L.D. 270

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

SENATE PAPERS

Bill "An Act to Provide Required Matching Funds  
 for Federal Disaster Assistance Funds Expected to be  
 Available to the State" (Emergency)

S.P. 434 L.D. 1313

Presented by Senator PEARSON of Penobscot  
 Cosponsored by: Senator EMERSON of Penobscot,  
 Representative CARTER of Winslow, Representative  
 HIGGINS of Scarborough  
 Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS  
 suggested.

Which was, under suspension of the Rules, READ  
 TWICE and PASSED TO BE ENGROSSED, without reference  
 to a Committee, and ORDERED PRINTED.

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

Ought to Pass in New Draft

The Committee on EDUCATION on Bill "An Act  
 Relating to a Vocational Region as Defined by Law"

H.P. 134 L.D. 175

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

H.P. 957 L.D. 1286

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.

Senate

Change of Reference

Senator BRANNIGAN for the Committee on JUDICIARY  
 on Resolve, to Compensate Thomas P. Peters, II,  
 Attorney-at-law, for Professional Services Rendered  
 in the Adoption of Benjamin B., Heather B. and Lucas  
 B.

S.P. 287 L.D. 814

Reported that the same be REFERRED to the  
 Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS.

Which Report was READ.  
On motion by Senator BRANNIGAN of Cumberland, the  
Resolve RECOMMITTED to the Committee on JUDICIARY.  
Sent down for concurrence.

SECOND READERS

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

House

Bill "An Act to Make Allocations for the  
Administrative Expenses of the Bureau of Lottery,  
Department of Finance, for the Fiscal Years Ending  
June 30, 1988, and June 30, 1989" (Emergency)  
H.P. 387 L.D. 521

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

House As Amended

Bill "An Act to Enhance the Productivity of the  
Workers' Compensation Commission"  
H.P. 632 L.D. 855  
(C "A" H-64)

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

Senate

Resolve, to Establish a Commission to Study the  
Feasibility of Constructing a 4-lane Highway from  
Interstate 95 to the St. John Valley  
S.P. 167 L.D. 471

Which was READ A SECOND TIME.  
On motion by Senator DUTREMBLE of York, Tabled 1  
Legislative Day, pending PASSAGE TO BE ENGROSSED.

Senate As Amended

Bill "An Act to Make Additional Allocations for  
the Administrative Expenses of the Department of  
Finance, the Bureau of Alcoholic Beverages and the  
State Liquor Commission, for the Fiscal Year Ending  
June 30, 1987" (Emergency)  
S.P. 180 L.D. 507  
(C "A" S-34)

Resolve, to Designate a Portion of Route 9 in  
Clifton the R. Leon Williams Highway  
S.P. 275 L.D. 785  
(C "A" S-35)

Which were 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 Relating to Active Retired Judges in the  
Administrative Court

S.P. 190 L.D. 517  
(C "A" S-27)

Which 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 Exempt Certain Eating Establishments  
from the Requirements to Provide a Public Toilet  
Facility

S.P. 371 L.D. 1106  
(S "C" S-30)

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

An Act to Create a Youth Fisheries and Wildlife  
Conservation Education Program

H.P. 862 L.D. 1155  
(H "A" H-59)

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

Emergency Resolve

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

H.P. 858 L.D. 1152  
(S "A" S-29)

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

Emergency Resolve

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

H.P. 926 L.D. 1238

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

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

COMMUNICATIONS

The Following Communication: S.P. 433  
113th MAINE LEGISLATURE

April 17, 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 Stephen W. Wight of Bethel for  
appointment to the Land Use Regulation Commission.

Pursuant to Title 12, M.R.S.A. Section 683, this  
nomination will require review by the Joint Standing  
Committee on Energy and Natural Resources and  
confirmation by the Senate.

Please be advised that Governor John R. McKernan, Jr. has nominated Carol A. Tracy of Lewiston 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 referred to the Committee on ENERGY AND NATURAL RESOURCES.

Sent down for concurrence.

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ORDERS OF THE DAY

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

Resolve, to Establish the Juvenile Corrections Planning Commission

H.P. 951 L.D. 1280

Tabled - April 16, 1987, by Senator CLARK of Cumberland.

Pending - REFERENCE

(Committee on JUDICIARY suggested and ORDERED PRINTED.)

(In House, April 15, 1987, referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED.)

On motion by Senator DUTREMBLE of York, Tabled 1 Legislative Day, pending REFERENCE.

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

Bill "An Act Concerning the Calculation of the Insured Value Factor in Public Tuition Payments to Private Schools"

H.P. 196 L.D. 248

(C "A" H-58)

Tabled - April 16, 1987, by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENGROSSED AS AMENDED.

(In Senate, April 15, 1987, READ A SECOND TIME.)

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

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

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Senate at Ease

Senate called to order by the President.

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

ENACTORS

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

Emergency

An Act to Extend the Reporting Deadline for the Teacher and Administrator Certification Study

S.P. 420 L.D. 1300

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with No Senators having voted in negative, and 27 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.

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

ENACTORS

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

Emergency

An Act to Provide Required Matching Funds for Federal Disaster Assistance Funds Expected to be Available to the State

S.P. 434 L.D. 1313

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.

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

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On motion by Senator MATTHEWS of Kennebec, ADJOURNED until Wednesday, April 22, 1987, at 9:00 in the morning.