

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
 Friday
 April 24, 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 Father Lionel G. Chouinard of St. Theresa's Catholic Church in Mexico.

FATHER CHOQUINARD: Lord God, the Father of us all, we humbly pray. Grant Your blessing to the people of our state and especially the representatives here assembled. Inspire and guide these men and women in their deliberations so that their decisions might appeal to that which is noble and good in all of us. Lead them that they may seek, not expedient, the quick and easy solution, but rather the just and equitable decision that will rebound to Your welfare and satisfied children. We humbly pray for Your guidance and seek Your blessings. In Jesus name. Amen.

Reading of the Journal of Yesterday.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-concurrent Matter

HOUSE REPORTS - from the Committee on JUDICIARY on Bill "An Act to Aid in Enforcement of Child Support Payments"

H.P. 258 L.D. 341

Majority - Ought Not to Pass

Minority - Ought to Pass in New Draft under same title.

H.P. 958 L.D. 1287

In House, April 16, 1987, Minority OUGHT TO PASS IN NEW DRAFT Report READ and ACCEPTED and the Bill in NEW DRAFT PASSED TO BE ENGROSSED.

In Senate, April 22, 1987, the Majority OUGHT NOT TO PASS Report READ and ACCEPTED in NON-CONCURRENCE.

Comes from the House, that Body INSISTED.

Senator DUTREMBLE of York moved that the Senate INSIST.

Senator PERKINS of Hancock moved that the Senate RECEDE and CONCUR.

Senator DUTREMBLE of York requested a Division.

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

Senator PEARSON: Thank you Madam President and members of the Senate. I understand that this is the Bill that would publicize the names of people who have not paid their support payments in the media. I was actually caught a little off guard here, but I have a thought I would like to share with you. I think maybe most of you got a letter, as a matter of fact, at one time or another, from a man in Old Town, who was told by the Department of Human Services that he had to make child support payments for a child that he was alleged to have fathered. I guess it was

fourteen or fifteen years before. At the time that the child was born, he told the mother that he would do what was considered, at that time, the noble thing, which was to marry her and support the child. She said no, she didn't want anything to do with him and I guess, at one point, he even indicated that he wasn't the father. He made a number of appeals to do what he thought was the responsible thing, which was to support the child. He was rebuffed at every turn.

Over a decade later, someone from Human Services said to her, she was on AFDC, who is the father? We can get money from him to pay for your child. She named him as the father and he was told that he had to pay all the back money that had been paid for by the state, plus payments in the future. When I read this particular Bill, that bothered me.

I think that was the jest of what he had to say in the letter. I know that he has seen me two or three times and there seems to be little or nothing that I can do about it. I do sympathize with the fellow who wanted to fulfill what he considered to be his obligations and was rebuffed and then ten years later is told that he must pay all of those back payments. Does a person like that get publicized in the paper for nonsupport for all those years in the past? He is now remarried and wants to get on with his life, this is causing him problems with his present spouse and he is really pretty down about it.

If you publicized his name, does that help the situation? I understand that is only one situation, but it is real thing to him. I think he would be caught up in this publicizing of names, just as he has been caught up in a blanket action of the Department of Human Services to collect on back payments, which he wanted to do, but now can't afford to because it would take so many years back. I am troubled by that.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Cumberland, Senator Brannigan.

Senator BRANNIGAN: Thank you Madam President and members of the Senate. Probably this gentlemen would be caught up in this blanket if he owes over \$5,000 and has not made payments in three years. This Bill, as Amended, would require those people who have not made those payments in those categories, \$5,000 and not made payments for three years, their names would be published in the papers. The reason that all of the Senators in the majority of the Committee agreed that this Bill should not pass, because we felt it would really not do a great deal of good in the collection efforts. Our state, by the way, is doing an excellent job in collecting and we felt that harm would be done to the children whose names would be published. We feel that the chances are that many of the people who have not paid over that length of time have with left the state or are totally unable to pay for financial reasons, and that someone in Seattle Washington or Portland Oregon, would not be much effected by their names being placed in Maine media, but their children's names would be. It was mainly on that issue that our decision turned. I would ask you to defeat the pending motion to Recede and Concur and go on to Insist on our previous action. Thank you.

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion of Senator PERKINS of Hancock to RECEDE and CONCUR.

A Division has been requested.

Will all those Senators in favor of the motion of Senator PERKINS of Hancock to RECEDE and CONCUR, please rise in their places and remain standing until counted.

Will all those Senators opposed please rise in their places and remain standing until counted.

8 Senators having voted in the affirmative and 19 Senators having voted in the negative, the motion of Senator PERKINS of Hancock to RECEDE and CONCUR FAILED.

Senator PERKINS of Hancock moved that the Senate INSIST and ASK FOR A COMMITTEE OF CONFERENCE.

THE PRESIDENT PRO TEM: The Chair would rule that the motion to Insist takes precedence in that it stands alone, without the accompanying request, to ask for a Committee of Conference.

On motion by Senator DUTREMBLE of York, the Senate INSISTED.

The Secretary has so informed the Speaker of the House.

Non-concurrent Matter

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

Committee on HUMAN RESOURCES suggested and ORDERED PRINTED.

In Senate, April 22, 1987, referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED.

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

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

House Papers

Bill "An Act to Establish the Maine Recreation and Natural Heritage Fund"

H.P. 995 L.D. 1341

Committee on ENERGY AND NATURAL RESOURCES 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 Concerning the Construction of Public Assembly Buildings"

H.P. 996 L.D. 1342

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

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

Bill "An Act Concerning Road Improvement Costs Related to Private Development Projects"

H.P. 989 L.D. 1335

Bill "An Act to Require Recording of Certain Subdivision and Zoning Variances"

H.P. 990 L.D. 1336

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

Which were referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED, in concurrence.

Resolve, to Create a Commission to Review the Laws Relating to Registered Maine Guides" (Emergency)

H.P. 993 L.D. 1339

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 Concerning Removal of Submerged Watercraft in Coastal Waters of this State"

H.P. 992 L.D. 1338

Committee on MARINE RESOURCES suggested and ORDERED PRINTED.

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

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

Bill "An Act to Increase Maine's Sales Tax to 6% and to use the Funds Generated to Support the University of Maine System, the Maine Vocational-Technical Institute System and Immediately Increase the State's Share of Education Funding to 65%"

H.P. 991 L.D. 1337

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 to Limit the Authority of the Public Utilities Commission to Regulate Municipal or Quasi-municipal Water Utilities with Less than 1,000 Customers"

H.P. 994 L.D. 1340

Comes 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.

COMMUNICATIONS

The Following Communication:

RURAL PUBLIC AND SOCIAL SERVICES TRANSPORTATION
153 ILLINOIS AVE
BANGOR, MAINE 04401

April 1, 1987

The Honorable Charles Pray
President of the Senate

The Honorable John L. Martin
Speaker, House of Representatives

Dear President Pray and Speaker Martin:

Pursuant to Resolves of 1985, Chapter 46, as amended, the Social Services Transportation Review Committee submitted an interim report to the Legislature last year. At that time we indicated that the Department of Transportation had funded a study of surface passenger transportation in Maine. That study has been completed and copies of the study report entitled "An Analysis and Action Strategy for Select Surface Passenger Transportation Services in Maine" are included for your review.

Sincerely,

S/Willis P. Spaulding
Social Services Transportation
Review Committee

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

The Following Communication:

COMMITTEE ON ENERGY AND NATURAL RESOURCES
ONE HUNDRED AND THIRTEENTH LEGISLATURE

April 23, 1987

The Honorable Charles P. Pray
President of the Senate of Maine

State House
 Augusta, Maine 04333
 Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 113th Maine Legislature, the Joint Standing Committee on Energy and Natural Resources has had under consideration the nomination of Linda I. Alverson of Oxbow, for appointment to the Land Use Regulation Commission.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS: Senators 2
 Representatives 9
 NAYS: 1
 ABSENT: 1 Sen. Ludwig of Aroostook

Eleven members of the Committee having voted in the affirmative and one in the negative, it was the vote of the Committee that the nomination of Linda I. Alverson of Oxbow, for appointment to the Land Use Regulation Commission be confirmed.

Sincerely,
 S/Ronald E. Usher
 Senate Chair
 S/Michael H. Michaud
 House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on ENERGY AND NATURAL RESOURCES has recommended the nomination of Linda I. Alverson of Oxbow for appointment to the Land Use Regulation Commission be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on ENERGY AND NATURAL RESOURCES be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 113th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

At this time, the Chair noted the absence of the Senator from Androscoggin, Senator GAUVREAU, the Senator from Cumberland, Senator GILL and the Senator from Aroostook, Senator LUDWIG and further excused the same Senators from today's Roll Call votes.

Is the Senate ready for the question?
 The Doorkeepers will secure the Chamber.
 The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None
 NAYS: Senators ANDREWS, BERUBE, BLACK, BRANNIGAN, BRAWN, BUSTIN, CAHILL, COLLINS, DILLENBACK, DOW, DUTREMBLE, EMERSON, ERWIN, ESTES, GOULD, KANY, KERRY, MATTHEWS, MAYBURY, PEARSON, PERKINS, RANDALL, SEWALL, THERIAULT, TUTTLE, TWITCHELL, USHER, WEBSTER, WHITMORE, THE PRESIDENT PRO TEM - NANCY RANDALL CLARK

ABSENT: Senators BALDACCI, PRAY
 EXCUSED: Senators GAUVREAU, GILL, LUDWIG

No Senators having voted in the affirmative and 30 Senators having voted in the negative, with 2 Senators being absent, and 3 Senators having been excused, and None being less than two-thirds of the Membership present, it was the vote of the Senate

that the Committee's recommendation be ACCEPTED and the nomination of Linda I Alverson for appointment to the Land Use Regulation Commission, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:
 COMMITTEE ON ENERGY AND NATURAL RESOURCES
 ONE HUNDRED AND THIRTEENTH LEGISLATURE
 April 23, 1987

The Honorable Charles P. Pray
 President of the Senate of Maine
 State House
 Augusta, Maine 04333
 Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 113th Maine Legislature, the Joint Standing Committee on Energy and Natural Resources has had under consideration the nomination of Robert C. Hazelwood of Grand Lake Stream, for appointment to the Land Use Regulation Commission.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS: Senators 2
 Representatives 9
 NAYS: 0
 ABSENT: 2 Sen. Ludwig of Aroostook, Rep. Mitchell of Freeport

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Robert C. Hazelwood of Grand Lake Stream, for appointment to the Land Use Regulation Commission be confirmed.

Sincerely,
 S/Ronald E. Usher
 Senate Chair
 S/Michael H. Michaud
 House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on ENERGY AND NATURAL RESOURCES has recommended the nomination of Robert C. Hazelwood of Grand Lake Stream for appointment to the Land Use Regulation Commission be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on ENERGY AND NATURAL RESOURCES be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 113th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?
 The Doorkeepers will secure the Chamber.
 The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None
 NAYS: Senators ANDREWS, BERUBE, BLACK, BRANNIGAN, BRAWN, BUSTIN, CAHILL, COLLINS, DILLENBACK, DOW, DUTREMBLE, EMERSON, ERWIN, ESTES, GOULD, KANY, KERRY, MATTHEWS, MAYBURY, PEARSON, PERKINS, RANDALL, SEWALL, THERIAULT, TUTTLE, TWITCHELL, USHER, WEBSTER, WHITMORE, THE PRESIDENT PRO TEM - NANCY RANDALL CLARK

ABSENT: Senators BALDACCI, PRAY

EXCUSED: Senators GAUVREAU, GILL, LUDWIG
 No Senators having voted in the affirmative and 30 Senators having voted in the negative, with 2 Senators being absent, and 3 Senators having been excused, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Robert C. Hazelwood for appointment to the Land Use Regulation Commission, was CONFIRMED.
 The Secretary has so informed the Speaker of the House.

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 Income Tax Exemption for Taxpayers Who Support Elderly Relatives"
 H.P. 589 L.D. 800

Bill "An Act Concerning the Amount of Extended Benefits under the Employment Security Law"
 H.P. 688 L.D. 929

Ought to Pass

The Committee on UTILITIES on Bill "An Act to Extend the Time for the Rangeley Water District to Purchase the Rangeley Water Company Plant"
 H.P. 613 L.D. 831

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.

Ought to Pass in New Draft

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Make Allocations from the Public Utilities Commission Regulatory Fund and the Public Utilities Reimbursement Fund for the Fiscal Year Ending June 30, 1988, and June 30, 1989" (Emergency)
 H.P. 406 L.D. 540

Reported that the same Ought to Pass in New Draft under same title (Emergency).
 H.P. 988 L.D. 1333

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 LEGAL AFFAIRS on Bill "An Act Concerning Housing Coverage for Hearing Ear Dogs"
 H.P. 145 L.D. 186

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act Concerning Housing for Hearing Ear Dogs and Seeing Eye Dogs"
 H.P. 971 L.D. 1314

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

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT under NEW TITLE READ ONCE.

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

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 Restrict the Transport of Hazardous Materials during Inclement Weather"
 S.P. 61 L.D. 128

Ought to Pass

Senator ESTES for the Committee on EDUCATION on Bill "An Act Relating to the Issuance of Bonds or Notes for Union Schools"
 S.P. 317 L.D. 919

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 BLACK for the Committee on AGRICULTURE on Bill "An Act to Revise the Law Prohibiting the Use of Drugs in Animals Competing in Pulling Events" (Emergency)
 S.P. 266 L.D. 747

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-37).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-37) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass in New Draft

Senator BRANNIGAN for the Committee on JUDICIARY on Bill "An Act Relating to Enforcement of Accessibility Standards for Places of Public Accommodations"
 S.P. 109 L.D. 282

Reported that the same Ought to Pass in New Draft under same title.
 S.P. 440 L.D. 1349

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

Bill "An Act to Recognize Foreign Adoption Decrees"
 H.P. 356 L.D. 459

Bill "An Act to Amend the Interpreter Law for Coverage in Medical and Paramedical Areas"
 H.P. 961 L.D. 1290

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

House As Amended

Bill "An Act Concerning the Use of County Facilities"

H.P. 224 L.D. 292
(C "A" H-68)

Bill "An Act Relating to Lobster Trap Vents"

H.P. 322 L.D. 421
(H "A" H-70)

Bill "An Act to Include the Tacoma Lakes in the Valuation of the Cobbossee Watershed District"

H.P. 440 L.D. 593
(C "A" H-69)

Which were 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:

Emergency

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

H.P. 387 L.D. 521

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.

ORDERS OF THE DAY

On motion by Senator ERWIN of Oxford, the Senate removed from the SPECIAL FISHERIES AND WILDLIFE TABLE the following:

Emergency

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

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

Tabled - April 21, 1987, by Senator ERWIN of Oxford.

Pending - ENACTMENT

(In House, April 15, 1987, PASSED TO BE ENACTED.)

(In Senate, April 14, 1987, PASSED TO BE ENGROSSED AS AMENDED, in concurrence.)

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with No Senators having voted in negative, and 30 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.

On motion by Senator DUTREMBLE of York, the Senate removed from the Unassigned Table the following:

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

Tabled - April 22, 1987, by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENGROSSED.

(In Senate, April 21, 1987, READ A SECOND TIME.)

On motion by Senator DOW of Kennebec, Senate Amendment "A" (S-38) READ and ADOPTED.

Senator DUTREMBLE of York, moved that the Bill be placed on the SPECIAL HIGHWAY TABLE, pending PASSAGE

TO BE ENGROSSED AS AMENDED. Subsequently, Senator DUTREMBLE of York withdrew his motion. Which was PASSED TO BE ENGROSSED AS AMENDED. Sent down for concurrence.

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

Bill "An Act Concerning Removal of Submerged Watercraft in Coastal Waters of this State"

H.P. 992 L.D. 1338

Tabled - April 24, 1987, by Senator DUTREMBLE of York.

Pending - REFERENCE

(Committee on MARINE RESOURCES suggested and ORDERED PRINTED.)

(In House, April 23, 1987, referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED.)

On motion by Senator DUTREMBLE of York, referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED, in concurrence.

On motion by Senator USHER of Cumberland, ADJOURNED until Monday, April 27, 1987, at 10:00 in the morning.