

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

Financial Affairs, ordered printed, and sent up for concurrence.

(At Ease)

The House was called to order by the Speaker.

(Off Record Remarks)

On motion of Representative Macomber of South Portland,
Adjourned until Wednesday, April 29, 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 28, 1987

Senate called to Order by the President.

Prayer by Reverend Donald Hinckley of the Unitarian Church in Houlton.

REVEREND HINCKLEY: O Lord, our charge is to answer the demand of our offices. For each of us, governors to the governed, must plot the best ways for all to cooperate in making human life better in our state. There are inequities still crying for correction. We are still dictated to by the traditions of the past, which must modify all of our decisions. There are great unexplored realms waiting, also, to take form. May our governors have great desire to bring before the governed the detail of that better life for all the people of our state.

We are aware, O Lord, of the different voices that speak to each, that side of reality peculiar to each of our own visions. Move us to be sensitive, patient and tolerant. May we understand why we think as we do, discerning the real reasons within our selves for our choices.

May the governed regard us with appropriate honor as they honor their state. May their eyes be open to the vision of the present and the future that is so carefully being pieced together in this arena. As they understand more, may their hearts swell in joy for the insight and concern that You, their servants, have so selflessly expended for all of them and for their future. Move them to express, O Lord, their gratitude to each of their representatives.

As we give thanks, as we must constantly for our freedoms, may our actions and words be a worthy reflection of our heritage and of the highest that we know. Amen.

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE
Non-concurrent Matter

Bill "An Act to Enhance the Productivity of the Workers' Compensation Commission"

H.P. 632 L.D. 855
(C "A" H-64)

In Senate, April 21, 1987, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-64), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-64) AS AMENDED BY HOUSE AMENDMENT "A" (H-75), thereto in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

House Papers

Bill "An Act to Permit the Use of Half Doors or Dutch Doors to Restrain Certain Patients in Skilled Nursing or Intermediate Care Facilities"

H.P. 1005 L.D. 1352

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 Hold Employees of Licensees Criminally Liable for Knowingly Selling Liquor to Minors"

H.P. 1004 L.D. 1351

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

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

Bill "An Act to Refund County Fuel Taxes"

H.P. 1006 L.D. 1353

Bill "An Act to Improve the Method of Calculating Excise Taxes in Fire Control"

H.P. 1007 L.D. 1354

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.

COMMUNICATIONS

The Following Communication: S.P. 442

113th MAINE LEGISLATURE

April 27, 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 Hervey M. Triplett of Bangor 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 READ and referred to the Committee on ENERGY AND NATURAL RESOURCES.

Sent down for concurrence.

The Following Communication:

DEPARTMENT OF LABOR
BUREAU OF LABOR STANDARDS
INDUSTRIAL SAFETY DIVISION
STATE HOUSE STATION 82
AUGUSTA, MAINE 04333

April 23, 1987

The Honorable Charles P. Pray
President of the Senate
State House Station #3
Augusta, ME 04333

Dear Senator Pray:

In accordance with the provisions of Title 26 M.R.S.A. Section 1724 the following report is respectfully submitted to the 113th Legislature for its review and consideration.

This report contains information on the experience of the Bureau of Labor Standards under the Chemical Substance Identification Law.

Attached for your information is a copy of the regulations and a list of applicable chemicals. Please feel free to contact me if I can be of any further assistance.

Sincerely,
S/James H. McGowan
Director

Bureau of Labor Standards

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

SENATE PAPERS

Bill "An Act to Provide a Mechanism for Allocations of the State Ceiling on Private-activity Bonds" (Emergency)

S.P. 444 L.D. 1358

Presented by President PRAY of Penobscot
Cosponsored by: Speaker MARTIN of Eagle Lake,
Senator PERKINS of Hancock
Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 27
Which was referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Amend the Wells-Ogunquit Community School District Charter"

S.P. 446 L.D. 1360

Presented by Senator ESTES of York
Which was referred to the Committee on EDUCATION and ORDERED PRINTED.

Sent down for concurrence.

Resolve, to Create the Commission on Sport Fisheries to Study the Possibility of Enhancing and Upgrading Fishing Opportunities in the State

S.P. 448 L.D. 1362

Presented by Senator TUTTLE of York
Cosponsored by: Representative JACQUES of Waterville, Representative DUFFY of Bangor, Representative GREENLAW of Standish
Which was referred to the Committee on FISHERIES AND WILDLIFE and ORDERED PRINTED.

Sent down for concurrence.

Resolve, to Establish the Joint Select Committee to Study the Benefits and Costs Related to Permanent Impairment Injuries under the Workers' Compensation Act

S.P. 447 L.D. 1361

Presented by Senator DUTREMBLE of York
Cosponsored by: Senator COLLINS of Aroostook, Representative WILLEY of Hampden, Representative MCHENRY of Madawaska
Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 27
Which was referred to the Committee on LABOR and ORDERED PRINTED.

Sent down for concurrence.

Resolve, to Promote On-site Day Care

S.P. 445 L.D. 1359

Presented by Senator BUSTIN of Kennebec
Cosponsored by: Senator GAUVREAU of Androscoggin, Representative CLARK of Brunswick, Representative PINES of Limestone
Which was referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED.

Sent down for concurrence.

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 Allow the Deposition of Sand Along the Shore of Great Ponds"

H.P. 491 L.D. 661

Bill "An Act Regarding the Sunday Closing Law"

H.P. 507 L.D. 680

Bill "An Act to Maintain Itemized Pricing"

H.P. 539 L.D. 723

Bill "An Act Relating to Local School Costs and the Local Subdivision Law"

H.P. 655 L.D. 883

Bill "An Act to Regulate Political Advertising in Public Right-of-way Areas"

H.P. 671 L.D. 904

Bill "An Act Relating to Allowing Local Planning Boards to Require a Subdivision Applicant to Set Aside 20% of Lots to be Sold at 25% Below Fair Market Value"

H.P. 676 L.D. 909

Bill "An Act to Prohibit the Use of Aircraft on Upper Narrows Pond in Kennebec County which is Designated as a Resource for Public Drinking Water"

H.P. 694 L.D. 935

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:

Resolve, to Simplify the Wording on the Ballot of the Proposed Initiative Regarding the Generation of Electric Power and High-level Radioactive Waste

H.P. 109 L.D. 119

Bill "An Act to Continue Community Mental Retardation Services"

H.P. 211 L.D. 263

Bill "An Act Concerning the Wording of Initiative and People's Veto Referendum Questions"

H.P. 251 L.D. 324

Bill "An Act to Provide Funding for Repairs at Montpelier"

H.P. 369 L.D. 483

Bill "An Act to Provide Emergency Housing for Persons Suffering from Mental Illness"

H.P. 526 L.D. 710

Bill "An Act to Limit the Registration Fee on Quasi-municipal and Municipal Dams"

H.P. 575 L.D. 773

Bill "An Act Concerning Hand Fishing for Scallops"

H.P. 661 L.D. 894

Resolve, to Establish the Special Select Committee on Lotteries

H.P. 786 L.D. 1058

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

H.P. 916 L.D. 1228

Change of Reference

The Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act Concerning the Sale of Deferred Compensation"

H.P. 830 L.D. 1121

Reported that the same be REFERRED to the Committee on BANKING AND INSURANCE.

Comes from the House with the Report READ and ACCEPTED and the Bill REFERRED to the Committee on BANKING AND INSURANCE.

Which Report was READ and ACCEPTED, in concurrence.

The Bill REFERRED to the Committee on BANKING AND INSURANCE, in concurrence.

Ought to Pass

The Committee on TRANSPORTATION on Bill "An Act Relating to Historic Bridges"

H.P. 650 L.D. 878

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 TRANSPORTATION on Bill "An Act to Make Technical Adjustments to the Truck Overweight Law" (Emergency)

H.P. 651 L.D. 879

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 TRANSPORTATION on Bill "An Act to Amend the Experimental Vehicle Law"

H.P. 653 L.D. 881

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 JUDICIARY on Bill "An Act to Amend the Marriage Prohibitions Based on Consanguinity"

H.P. 409 L.D. 543

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

H.P. 1002 L.D. 1348

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 JUDICIARY on Bill "An Act to Amend the Maine Tort Claim Relating to Personal Liability of Employees of a Governmental Entity"

H.P. 209 L.D. 261

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act to Amend the Maine Tort Claims Act Relating to Personal Liability of Employees of a Governmental Entity"

H.P. 1000 L.D. 1346

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.

Divided Report

The Majority of the Committee on MARINE RESOURCES on Bill "An Act Relating to the Membership of the Atlantic Sea Run Salmon Commission"

H.P. 422 L.D. 567

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

H.P. 999 L.D. 1345

Signed:

Senators:

MATTHEWS of Kennebec
ESTES of York
CAHILL of Sagadahoc

Representatives:

MITCHELL of Freeport
CROWLEY of Stockton Springs
COLES of Harpswell
RUHLIN of Brewer
KETOVER of Portland
HOLT of Bath
SALSBURY of Bar Harbor
RICE of Stonington
LOOK of Jonesboro

The Minority of the same Committee on the same subject reported that the same Ought Not to Pass.

Signed:

Representative:

SCARPINO of St. George

Comes from the House the Majority OUGHT TO PASS IN NEW DRAFT Report READ and ACCEPTED. Bill in NEW DRAFT PASSED TO BE ENGROSSED.

Which Reports were READ.

The Majority OUGHT TO PASS IN NEW DRAFT Report ACCEPTED, in concurrence.

The Bill in NEW DRAFT READ ONCE.

The Bill in NEW DRAFT TOMORROW ASSIGNED FOR SECOND READING.

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 Concerning Smoking in Restaurants with at Least 50 Seats in the Dining Area"

S.P. 279 L.D. 789

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

S.P. 401 L.D. 1241

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

S.P. 407 L.D. 1258

Ought to Pass As Amended

Senator ESTES for the Committee on EDUCATION on Bill "An Act to Validate and Approve Certain Proceedings Relating to the Otis-Mariaville Union School" (Emergency)

S.P. 140 L.D. 394

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-41).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-41) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass in New Draft

Senator GAUVREAU for the Committee on HUMAN RESOURCES on Bill "An Act to Amend the Definition of Eligibility under the Elderly Low-cost Drug Program"

S.P. 161 L.D. 465

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

S.P. 443 L.D. 1357

Which Report was READ and ACCEPTED.

The Bill in NEW DRAFT READ ONCE.

The Bill in NEW DRAFT TOMORROW ASSIGNED FOR SECOND READING.

Off Record Remarks

SECOND READERS

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

House

Bill "An Act to Ensure Timely Adoption of Revised Solid Waste Rules" (Emergency)

H.P. 890 L.D. 1191

Bill "An Act to Provide Pension Rights to Morris G. Pilot"

H.P. 998 L.D. 1344

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

House As Amended

Bill "An Act to Facilitate Mutual Aid Agreements Between Municipal Police Departments"

H.P. 433 L.D. 579

(C "A" H-72)

Bill "An Act to Establish the Cost of the 1987 Spruce Budworm Management Program" (Emergency)

H.P. 711 L.D. 962

(C "A" H-71)

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

Senate

Bill "An Act Providing Funds for Training and Education for Families of Victims of Alzheimer's Disease"

S.P. 151 L.D. 405

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

Sent down for concurrence.

Senate As Amended

Bill "An Act to Transfer the Maine Fire Training and Education Program from the Department of Educational and Cultural Services to the Maine Vocational-Technical Institute System" (Emergency)

S.P. 251 L.D. 700

(C "A" S-40)

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

Sent down for concurrence.

Bill "An Act Relating to Questions Put to the Electorate at Referendum"

S.P. 116 L.D. 289
(C "A" S-39)

Which was READ A SECOND TIME.

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending PASSAGE TO BE ENGROSSED AS AMENDED.

Day, 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.

23 Senators having voted in the affirmative and 8 Senators having voted in the negative, the motion by Senator PERKINS of Hancock to TABLE 1 Legislative Day, pending PASSAGE TO BE ENGROSSED AS AMENDED, PREVAILED.

ENACTORS

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

An Act to Clarify the Emergency Rule-making Authority of the Commissioner of Marine Resources

H.P. 327 L.D. 426
(C "A" H-67)

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
(S "A" S-31; S "B" S-32)

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

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

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

Off Record Remarks

On motion by Senator DUTREMBLE of York, ADJOURNED until Wednesday, April 29, 1987, at 9:00 in the morning.

An Act to Strengthen Local Planning Abilities Through Regional Councils

H.P. 259 L.D. 342
(C "A" H-66)

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

Resolve

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

Senate at Ease

Senate called to order by the President.

ORDERS OF THE DAY

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

Bill "An Act Relating to Questions Put to the Electorate at Referendum"

S.P. 116 L.D. 289
(C "A" S-39)

Tabled - April 28, 1987, by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENGROSSED AS AMENDED
(In Senate, April 28, 1987, READ A SECOND TIME.)

Senator PERKINS of Hancock moved to TABLE 1 Legislative Day, pending PASSAGE TO BE ENGROSSED AS AMENDED.

Senator KANY of Kennebec requested a Division.

THE PRESIDENT: The pending question before the Senate is the motion of Senator PERKINS of Hancock, to TABLE 1 Legislative Day.

A Division has been requested.

Will all those Senators in favor of the motion of Senator PERKINS of Hancock, to TABLE 1 Legislative