

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred And Thirteenth Legislature
OF THE
State Of Maine

VOLUME III

FIRST CONFIRMATION SESSION

August 21, 1987
Index

FIRST SPECIAL SESSION

October 9, 1987 to October 10, 1987
Index

SECOND SPECIAL SESSION

October 21, 1987 to November 20, 1987
Index

SECOND REGULAR SESSION

January 6, 1988 to March 24, 1988

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

In Senate Chamber
Tuesday
January 12, 1988

Senate called to Order by the President.

Prayer by Reverend Bruce Felt of the Augusta Baptist Church in Augusta.

REVEREND FELT: Let us Pray. Our Father in Heaven, we thank You for this Body of men and women who serve our state. And as this day's activities begin, we ask You to provide wisdom and accurate knowledge in all discussions and decisions; may kindness and courtesy prevail among all. And Father, help us to remember that the life work of all of us will one day be examined before Your throne. Through Jesus Christ our Lord, Amen.

Reading of the Journal of Thursday, January 7, 1988.

Out of order and under suspension of the Rules, on motion by Senator CLARK of Cumberland, the following Senate Order:

ORDERED, that a message be sent to the House of Representatives proposing a Convention of both branches in the Hall of the House of Representatives at 6:30 p.m. for the purpose of extending to His Excellency, Governor John R. McKernan, Jr., an invitation to attend the Convention and make such communication as pleases him.

Which was READ and PASSED.

The Chair appointed the Senator from Cumberland, Senator CLARK, to deliver the message. The Sergeant-At-Arms escorted the Senator to the House of Representatives.

Subsequently, Senator CLARK of Cumberland reported she had delivered the message with which she was charged.

PAPERS FROM THE HOUSE
House Papers

Bill "An Act to Provide for Retail Inspection of Potatoes"

H.P. 1447 L.D. 1958

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

On motion by Senator PEARSON of Penobscot, referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED in NON-CONCURRENCE.

Sent down for concurrence.

Bill "An Act to Allow the Interest Earned on the Stripper Well Fund to be used by Nonprofit Groups for Emergency Conservation Projects"

H.P. 1443 L.D. 1954

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.

Resolve, to Protect Against Property Tax Losses Resulting from Transfers Under Provisions of Certain Land Trust Transfers

H.P. 1445 L.D. 1956

Comes from the House referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

On motion by Senator DUTREMBLE of York, referred to the Committee on TAXATION and ORDERED PRINTED in NON-CONCURRENCE.

Sent down for concurrence.

Bill "An Act to Clarify the Volume Fee Provision of the Maine Consumer Credit Code" (Emergency)

H.P. 1468 L.D. 1979

Comes from the House referred to the Committee on BANKING AND INSURANCE and ORDERED PRINTED.

Which was referred to the Committee on BANKING AND INSURANCE and ORDERED PRINTED, in concurrence.

Resolve, to Increase the Supply of Reimbursable Mental Health Professionals

H.P. 1453 L.D. 1964

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 to Provide for Identification and Application to Appropriate Accounts of School Reimbursement Funds"

H.P. 1452 L.D. 1963

Bill "An Act to Repeal the Commissioner of Educational and Cultural Services' Access to Employee Records for Certification of Educational Personnel"

H.P. 1455 L.D. 1966

Bill "An Act to Clarify the Method of Computing Unusual Enrollment Adjustments"

H.P. 1469 L.D. 1980

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

Which were referred to the Committee on EDUCATION and ORDERED PRINTED, in concurrence.

At this point a message was received from the House of Representatives, borne by Representative DIAMOND of Bangor, informing the Senate that the House of Representatives Concurs with the proposition for a Joint Convention, to be held in the Hall of the House, at 6:30 p.m., for the purpose of extending to His Excellency, Governor John R. McKernan, Jr., an invitation to attend the Convention and make such communication as pleases him.

Bill "An Act to Amend the Framework Within Which the Commissioner of Inland Fisheries and Wildlife May Establish Deer Hunting Seasons"

H.P. 1459 L.D. 1970

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 to Add the Commissioner of Public Safety to the Alcohol and Drug Abuse Planning Committee"

H.P. 1461 L.D. 1972

Bill "An Act to Exempt from Labeling Requirements Goods Produced Under Certification issued by the United States Department of Justice Pursuant to the Prison Industries Enhancement Act"

H.P. 1471 L.D. 1982

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

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

Bill "An Act to Authorize the Use of Electronic Recording of Nonjury Superior Court Proceedings"

H.P. 1444 L.D. 1955

Bill "An Act to Provide for a Record of the Facility Designated for Confinement in Criminal Cases"

H.P. 1457 L.D. 1968

Bill "An Act to Authorize a Probation Officer to Bring an Ex Parte Motion to Change the Conditions of Probation"

H.P. 1460 L.D. 1971

Bill "An Act to Amend the Law Pertaining to Commitment of a Juvenile to the Department of Corrections"

H.P. 1464 L.D. 1975

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 Permit Sharing of Confidential Information between Criminal Justice Agencies at all Governmental Levels"

H.P. 1467 L.D. 1978

Committee on HUMAN RESOURCES suggested and ORDERED PRINTED.

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 Ensure Family Medical Leave in the State"

H.P. 1473 L.D. 1984

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

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

Bill "An Act to Provide Protection from Molestation to Fixed Fishing Gear"

H.P. 1458 L.D. 1969

Bill "An Act Concerning the Volunteer Marine Patrol Program"

H.P. 1465 L.D. 1976

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

Which were referred to the Committee on MARINE RESOURCES and ORDERED PRINTED, in concurrence.

Bill "An Act to Strengthen Boating Safety Enforcement"

H.P. 1463 L.D. 1974

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

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

Bill "An Act to Amend the Rules of Construction to Permit Use of Gender-Neutral Language in Maine Statutes"

H.P. 1449 L.D. 1960

Bill "An Act to Increase the Indebtedness of Frye Island Municipal Corporation"

H.P. 1454 L.D. 1965

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

Which were referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED, in concurrence.

Bill "An Act Concerning the Taxation of Lottery Winnings"

H.P. 1448 L.D. 1959

Bill "An Act to Provide a Sales Tax Exemption for Charitable Suppliers of Medical Equipment"

H.P. 1451 L.D. 1962

Bill "An Act to Replace the Sales Tax with an Excise Tax on Jet Fuel Used by Turbine-Powered Aircraft Providing Commercial Air Service in Maine"

H.P. 1470 L.D. 1981

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 Adequately Compensate Municipal Agents for Activities Undertaken on Behalf of the State in the Registration of Motor Vehicles"

H.P. 1446 L.D. 1957

Bill "An Act to Control Vehicle Speeds on Public Easements"

H.P. 1462 L.D. 1973

Bill "An Act Concerning Recertification of Handicap in the Motor Vehicle Registration Laws"

H.P. 1466 L.D. 1977

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.

Bill "An Act to Clarify the Status of Meetings and Records of the Public Utilities Commission Under the Freedom of Access Law"

H.P. 1456 L.D. 1967

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.

Joint Resolution

The Following Joint Resolution:, H.P. 1474

JOINT RESOLUTION ENCOURAGING MUNICIPALITIES TO FLY PRISONER-OF-WAR AND MISSING IN ACTION FLAGS

WHEREAS, the whereabouts of many American military personnel who served in the Vietnam War are still unknown; and

WHEREAS, these veterans served their country with distinction and deserve our deepest gratitude; and

WHEREAS, at times Vietnam veterans have not received appropriate recognition for their services and memory of their service can fade with the passing of time; and

WHEREAS, the unknown status of Prisoners-of-War and Missing-in-Action personnel is a continuing source of sorrow to their families; and

WHEREAS, the current government of Vietnam needs to be reminded of the continuing concern of the American people with these missing veterans; now, therefore, be it

RESOLVED: That We, the Members of the 113th Legislature, do hereby respectfully encourage the elected and appointed officials of the municipalities of the State to display flags commemorating Americans

who continue to be unaccounted for from the Vietnam War and who are generally referred to as Prisoners-of-War and Missing-in-Action; and be it further

RESOLVED: That, organizations interested in the plight of these veterans are hereby encouraged to provide suitable flags to municipal governments to be displayed by them; and be it further

RESOLVED: That, the municipal governments are encouraged to make use of the flags provided by private organizations and to purchase flags with municipal funds when they are not otherwise available; and be it further

RESOLVED: That, suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to municipal officials of this State and to appropriate veterans organizations.

Comes from the House READ and ADOPTED.

Which was READ and ADOPTED, in concurrence.

COMMUNICATIONS

The Following Communication: S.P. 762

113TH MAINE LEGISLATURE

January 11, 1988

Senator John L. Tuttle, Jr.
Representative Donnell P. Carroll
Chairpersons
Joint Standing Committee on State and Local Government
113th Legislature
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Peter G. Merrill of Portland for appointment to the Maine State Housing Authority.

Pursuant to Title 30, M.R.S.A. Section 4602, this nomination will require review by the Joint Standing Committee on State and Local Government 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 STATE AND LOCAL GOVERNMENT.
Sent down for concurrence.

The Following Communication: S.P. 763

113TH MAINE LEGISLATURE

January 11, 1988

Senator Joseph C. Brannigan
Representative Patrick E. Paradis
Chairpersons
Joint Standing Committee on Judiciary
113th Legislature
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Dawn Pelletier of Winterport for appointment to the Workers' Compensation Commission.

Pursuant to Title 39, M.R.S.A. Section 91, this nomination will require review by the Joint Standing Committee on Judiciary 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 JUDICIARY.
Sent down for concurrence.

The Following Communication: S.P. 764

113TH MAINE LEGISLATURE

January 11, 1988

Senator Joseph C. Brannigan
Representative Patrick E. Paradis
Chairpersons
Joint Standing Committee on Judiciary
113th Legislature
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Peter J. Goranites of Falmouth for appointment as Judge-at-Large of the Maine District Court.

Pursuant to Title 4, M.R.S.A. Section 157, this nomination will require review by the Joint Standing Committee on Judiciary 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 JUDICIARY.

Sent down for concurrence.

The Following Communication: S.P. 765

113TH MAINE LEGISLATURE

January 11, 1988

Senator Joseph C. Brannigan
Representative Patrick E. Paradis
Chairpersons
Joint Standing Committee on Judiciary
113th Legislature
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated John B. Beliveau of Lewiston for appointment as Judge of the Maine District Court.

Pursuant to Title 4, M.R.S.A. Section 157, this nomination will require review by the Joint Standing Committee on Judiciary 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 JUDICIARY.

Sent down for concurrence.

The Following Communication: S.P. 766

113TH MAINE LEGISLATURE

January 11, 1988

Senator John L. Tuttle, Jr.
Representative Donnell P. Carroll
Chairpersons
Joint Standing Committee on State and Local Government
113th Legislature
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Annalee Rosenblatt of Scarborough for reappointment to the Civil Service Appeals Board.

Pursuant to Title 5, M.R.S.A. Section 7081, this nomination will require review by the Joint Standing Committee on State and Local Government 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
STATE AND LOCAL GOVERNMENT.
Sent down for concurrence.

The Following Communication: S.P. 767
113TH MAINE LEGISLATURE
January 11, 1988

Senator John L. Tuttle, Jr.
Representative Donnell Carroll
Chairpersons
Joint Standing Committee on State and Local Government
113th Legislature
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Colin C. Hampton of Cape Elizabeth, Mark A. Kearns, Esq. of Kennebunk, Howard Goldenfarb of Portland and J. Benjamin Wootten of Bangor for appointments to the Maine Court Facilities Authority. Pursuant to P.L. 1987, Chapter 438, Section 1602, these nominations will require review by the Joint Standing Committee on State and Local Government 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
STATE AND LOCAL GOVERNMENT.
Sent down for concurrence.

The Following Communication:
BUREAU OF TAXATION
STATE OFFICE BUILDING
AUGUSTA, MAINE 04333
January 5, 1988

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

Enclosed please find the annual report evaluating the loss due to the tax exemption on ethanol-blended fuel. This report is required by 36 MRSA §2915.

For the 1987 calendar year, the tax rate on ethanol-blended fuel was 12 cents per gallon. This rate reflects a 2 cent exemption from the 14 cent per gallon gasoline tax rate.

There was no reported sales of ethanol-blended fuel in Maine for this period. Therefore, there was no loss of highway fund revenue attributable to this exemption.

This report was prepared with the assistance of the Office of Energy Resources.

Respectfully submitted,
S/Anthony J. Neves,
State Tax Assessor
Bureau of Taxation

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

The Following Communication:
SPECIAL COMMISSION TO STUDY
TEACHER TRAINING IN THE
UNIVERSITY OF MAINE SYSTEM
January 8, 1988

President Pray
Speaker Martin
State House

Augusta, Maine 04333

Dear President Pray and Speaker Martin:

The Special Commission to Study Teacher Training in the University of Maine System is pleased to submit its report to the Legislature pursuant to Resolves 1986, c. 52.

Sincerely,
S/Rep. Stephen Bost
Chair

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

SENATE PAPERS

Bill "An Act Concerning Investment of State Funds in Corporations Doing Business in Northern Ireland"
S.P. 757 L.D. 2008

Presented by Senator KERRY of York
Cosponsored by: Representative CURRAN of Westbrook, Representative CONLEY of Portland, Senator BRANNIGAN of Cumberland
Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26
Which was referred to the Committee on AGING, RETIREMENT AND VETERANS and ORDERED PRINTED.
Sent down for concurrence.

Bill "An Act to Provide Emergency Shelter Services to Homeless Youth" (Emergency)
S.P. 760 L.D. 2023

Presented by Senator BRANNIGAN of Cumberland
Cosponsored by: Senator GAUVREAU of Androscoggin, Representative THISTLE of Dover-Foxcroft, Representative CHONKO of Topsham
Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26
Which was referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.
Sent down for concurrence.

Bill "An Act to Enforce 3rd-Party Liability Reimbursement for Medicaid Recipients as Required by Title XIX of the Social Security Act"
S.P. 759 L.D. 2022

Presented by Senator GILL of Cumberland
Cosponsored by: Representative TAYLOR of Camden, Senator GAUVREAU of Androscoggin, Representative FARNUM of South Berwick
Submitted by the Department of Human Services pursuant to Joint Rule 24

Bill "An Act to Prohibit the Sale of the Substance Amyl Nitrite, Commonly Referred to as "Rush" or "Lockerroom," to Minors"
S.P. 761 L.D. 2024

Presented by Senator GAUVREAU of Androscoggin
Cosponsored by: Senator BLACK of Cumberland, Representative PARADIS of Augusta
Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26
Which were referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED.
Sent down for concurrence.

Bill "An Act Relating to Unlawful Passing of School Buses"
S.P. 758 L.D. 2009

Presented by Senator DOW of Kennebec
Cosponsored by: Representative MOHOLLAND of Princeton
Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26

Which was referred to the Committee on
TRANSPORTATION and ORDERED PRINTED.
Sent down for concurrence.

Off Record Remarks

ORDERS OF THE DAY

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

Bill "An Act Relating to Sentences with Intensive
Supervision"

S.P. 728 L.D. 1987

Tabled - January 7, 1988 by Senator CLARK of
Cumberland.

Pending - REFERENCE
(Reference to the Committee on JUDICIARY
suggested and ORDERED PRINTED.)

On motion by Senator CLARK of Cumberland,
referred to the Committee on HUMAN RESOURCES and
ORDERED PRINTED.

Sent down for concurrence.

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

Bill "An Act Concerning Sale or Removal of Homes
from Mobile Home Parks and to Encourage Competition
in the Mobile Home Park Industry"

S.P. 731 L.D. 1990

Tabled - January 7, 1988 by Senator CLARK of
Cumberland.

Pending - REFERENCE
(In Senate, January 7, 1988, RECONSIDERED
reference to the Committee on BUSINESS LEGISLATION.)

On motion by Senator CLARK of Cumberland, Tabled
Unassigned, pending REFERENCE.

Senate at Ease

Senate called to order by the President.

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

Bill "An Act to Strengthen Boating Safety
Enforcement"

H.P. 1463 L.D. 1974

Tabled - January 12, 1988, by Senator CLARK of
Cumberland.

Pending - REFERENCE
(In House, January 7, 1988, referred to the
Committee on MARINE RESOURCES and ORDERED PRINTED.)

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

Off Record Remarks

Senator PERKINS of Hancock 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.

On motion by Senator BRANNIGAN of Cumberland,
RECESSED until 6:30 p.m.

After Recess

Senate called to order by the President.

At this point, the Senate retired to the Hall of
the House, where a Joint Convention was formed.

AFTER CONVENTION

IN SENATE

Senate called to order by the President.

On motion by Senator PERKINS of Hancock,
ADJOURNED until Wednesday, January 13, 1988, at 10:00
in the morning.