

# 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  
Wednesday  
January 13, 1988

Senate called to Order by the President.

Prayer by Reverend Peter Mars of the United Church of Monmouth in Monmouth.

REVEREND MARS: Good Morning. If all of you would please join me in the spirit of prayer by bowing your heads for just one moment. Our Heavenly Father, it is always good for us to start each and every day by invoking Your presence to be with us to take a moment away from the issues that are at hand to thank You and praise You for all of Your gifts that You give us here in life. We thank You for the goodness of this day. We thank You for the gift of life and breath itself. We thank You for all of those people who are here representing the State of Maine. We thank You for all of the good things that are a part of our living. We know every good thing comes from You. Our Father we ask for Your strength and Your uplifting ways, Your guidance and Your love even as much of the beginning of the year is just routine here in the Senate Chambers, we know that important issues are going to come from this place and important decisions are going to be made. We ask Our Father that You continue to guide each and every one of those who are involved in our Senate that they would continue to make the good decisions that they have been making in the past. For we ask this through Jesus Christ our Lord, we ask this through the power of the Holy Spirit and we ask this through Your love. Amen.

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE  
House Papers

Bill "An Act to Insure Payment of Reasonable Costs of Operating Boarding Care Facilities" (Emergency)

H.P. 1472 L.D. 1983

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 Make Additional Allocations from the Public Utilities Regulatory Fund for the Fiscal Years Ending June 30, 1988, and June 30, 1989" (Emergency)

H.P. 1479 L.D. 2014

Committee on UTILITIES 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 Restore Driver Education Credit in Secondary Schools"

H.P. 1477 L.D. 2012

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 to Clarify the Hazardous Waste Lien Law"

H.P. 1478 L.D. 2013

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

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

Bill "An Act to Increase the Commissioner of Inland Fisheries and Wildlife's Authority to Manage Black Bear Populations"

H.P. 1480 L.D. 2015

Bill "An Act to Require a Turtle Trapping License" (Emergency)

H.P. 1484 L.D. 2018

Come from the House referred to the Committee on FISHERIES AND WILDLIFE and ORDERED PRINTED.

Which were referred to the Committee on FISHERIES AND WILDLIFE and ORDERED PRINTED, in concurrence.

Bill "An Act to Establish a Public Defender Program"

H.P. 1475 L.D. 2010

Bill "An Act to Establish Confidential Communications Between Certified Public Accountants and their Clients"

H.P. 1476 L.D. 2011

Bill "An Act to Amend the Maine Juvenile Code to Expand Notice Provisions"

H.P. 1486 L.D. 2020

Comes 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 Postpone the Effective Date for the Use of Biodegradable Escape Panels on Lobster Traps" (Emergency)

H.P. 1487 L.D. 2021

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

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

Resolve, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Real Estate in the Unorganized Territory

H.P. 1481 L.D. 2016

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 Requiring that Curb Ramps be Constructed in Accordance with the American National Standards Institute Standards"

H.P. 1483 L.D. 2017

Bill "An Act Pertaining to Radar Detectors"

H.P. 1485 L.D. 2019

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. 1482

JOINT RESOLUTION SUPPORTING THE EFFORTS OF THE UNITED STATES SOCCER FEDERATION IN BRINGING THE 1994 WORLD CUP TOURNAMENT TO THE UNITED STATES

WHEREAS, soccer is one of the world's most popular sports; and

WHEREAS, soccer is the fastest growing team sport in the United States; and

WHEREAS, the United States Soccer Federation is an organization supporting and promoting soccer at all levels; and

WHEREAS, soccer provides an excellent opportunity for our youth to develop team and individual athletic skills; and

WHEREAS, the 1994 World Cup Tournament will be a major sporting and tourism event; and

WHEREAS, world-wide interest in the 1994 World Cup Tournament will focus world attention and interest on our nation; and

WHEREAS, the 1994 World Cup would greatly encourage the continued growth of soccer in the United States; now, therefore, be it

RESOLVED: That We, the Members of the House of Representatives and the Senate of the 113th Legislature, on behalf of the people of Maine, declare its full support toward the efforts of the United States Soccer Federation in bringing World Cup play to the United States; and be it further

RESOLVED: That the Legislature wishes to convey its enthusiastic support to the United States Soccer Federation in all its actions before the Federation Internationale de Football Association, with the goal of bringing the 1994 World Cup to our nation; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the United States Soccer Federation headquarters in Colorado Springs, Colorado with the intent that this message be forwarded to appropriate federation members.

Comes from the House READ and ADOPTED.

Which was READ and ADOPTED, in concurrence.

COMMUNICATIONS

The Following Communication: H.P. 1488

STATE OF MAINE

WORKERS' COMPENSATION COMMISSION

STATE HOUSE STATION 27

AUGUSTA, MAINE 04333

January 4, 1988

Honorable John L. Martin, Speaker

House of Representatives

P.O. Box 250

Eagle Lake, ME 04739

RE: Rehabilitation Study -- 39 M.R.S.A. §90 (3) provides that this agency will report to the Legislature on rehabilitation activity under subchapter III-A of the Workers' Compensation Act.

The rehabilitation report, summarizing rehabilitation activities since January 1, 1986, will contain full calendar statistics for 1987, and the results of surveys recently sent to the various parties in the rehabilitation process.

The month-long special session in October and November set back this study by several weeks.

We request until February 15, 1988 to prepare this report.

This agency looks forward to working with the Legislature and the Labor Committee in the coming weeks and months.

Sincerely,

S/Ralph L. Tucker

Chairman

Comes from the House READ and ORDERED PLACED ON FILE.

Which was READ and ORDERED PLACED ON FILE, in concurrence.

The Following Communication: S.P. 784

COMMITTEE ON STATE AND LOCAL GOVERNMENT

ONE HUNDRED AND THIRTEENTH LEGISLATURE

January 11, 1988

Senator Charles P. Pray, Chairman

Legislative Council

State House

Augusta, Maine 04333

Dear Senator Pray:

The Joint Standing Committee on State and Local Government is pleased to submit the attached report of our study of Maine's Conflict of Interest Laws pursuant to the order of the Legislative Council. We hope you find this report useful.

Sincerely,

S/John L. Tuttle, Jr.

Rep. Donnell P. Carroll

Senate Chair

House Chair

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

Sent down for concurrence.

The Following Communication: S.P. 785

113TH MAINE LEGISLATURE

January 12, 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 P. Michaud of Bangor for reappointment 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. 786

113TH MAINE LEGISLATURE

January 12, 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 James F. Cox of Bangor and Paul A. Cote, Jr. of Auburn for appointments to the Workers' Compensation Commission.

Pursuant to 1987 Public Law, Chapter 559, these nominations 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:

COMMITTEE ON TAXATION  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
January 13, 1988

Honorable Charles P. Pray, President  
State Senate

Augusta, Maine 04333

Dear President Pray:

Enclosed are two reports of the Joint Standing Committee on Taxation regarding tax expenditure reviews of property tax exemptions and sales tax exemptions. These reports are required by statute (36 MRSA §195 and 1 MRSA §2601) to be submitted to the Legislature along with any implementing legislation. Only the property tax report has such legislation which is attached as Appendix A and has been submitted to the Office of Revisor of Statutes for processing.

Sufficient copies of these reports have been provided to the House and the Senate and the Law Library to meet their requirements. We hope everyone that reads them finds them to be useful during the debate and discussion to follow.

Respectfully submitted,

S/R. Donald Twitchell S/John A. Cashman  
Senate Chair House Chair

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

SENATE PAPERS

Bill "An Act to Appropriate Funds for Structural Repairs to the Woodbury Pond Dam"

S.P. 771 L.D. 2028

Presented by Senator DOW of Kennebec  
Cosponsored by: Representative DAVIS of Monmouth, Representative WEYMOUTH of West Gardiner, Representative JALBERT of Lisbon  
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 Relating to Requirements for Tenancy in Mobile Home Parks"

S.P. 777 L.D. 2034

Presented by Senator TUTTLE of York  
Cosponsored by: Senator BUSTIN of Kennebec, Senator BALDACCI of Penobscot, Representative WENTWORTH of Wells  
Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26

Committee on BUSINESS LEGISLATION suggested and ORDERED PRINTED.

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

Bill "An Act to Increase the Base Salary of Vocational-Technical Institute Instructors"

S.P. 776 L.D. 2033

Presented by Senator MATTHEWS of Kennebec  
Cosponsored by: Senator ESTES of York, Representative BOST of Orono, Representative JOSEPH of Waterville

Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26  
Committee on EDUCATION suggested and ORDERED PRINTED.

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending REFERENCE.

Bill "An Act to Increase the Eligibility of Juveniles for Attendant Care"

S.P. 768 L.D. 2025

Presented by Senator GILL of Cumberland  
Cosponsored by: Representative STROUT of Windham, Senator GAUVREAU of Androscoggin, Representative MELENDY of Rockland  
Submitted by the Department of Corrections pursuant to Joint Rule 24

Bill "An Act to Include Certain Prisoners within the Provisions of the Workers' Compensation Act"

S.P. 781 L.D. 2038

Presented by Senator BUSTIN of Kennebec  
Cosponsored by: Representative THISTLE of Dover-Foxcroft, Senator GILL of Cumberland, Representative GREENLAW of Standish  
Submitted by the Department of Corrections pursuant to Joint Rule 24

(See Action Later Today)

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

Sent down for concurrence.

Bill "An Act to Establish the Strategic Training for Accelerated Reemployment Program" (Emergency)

S.P. 782 L.D. 2039

Presented by Senator COLLINS of Aroostook  
Cosponsored by: Senator DUTREMBLE of York, Representative HEPBURN of Skowhegan, Representative TAMMARO of Baileyville

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

Sent down for concurrence.

Bill "An Act Pertaining to Fire Permit Enforcement"

S.P. 769 L.D. 2026

Presented by Senator BRAUN of Knox  
Cosponsored by: Representative MELENDY of Rockland, Senator PERKINS of Hancock  
Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26

Bill "An Act Relating to the Use of Unoccupied Interment Spaces"

S.P. 774 L.D. 2031

Presented by Senator KANY of Kennebec  
Cosponsored by: Senator DUTREMBLE of York, Representative TUPPER of Orrington, Representative JALBERT of Lisbon  
Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26

Bill "An Act Concerning the Carrying of Concealed Firearms by Licensed Private Investigators"

S.P. 779 L.D. 2036

Presented by Senator DILLENBACK of Cumberland  
Cosponsored by: Representative BOUTILIER of  
Lewiston, Representative RIDLEY of Shapleigh,  
Senator CAHILL of Sagadahoc  
Submitted by the Department of Public Safety  
pursuant to Joint Rule 24

Which were referred to the Committee on LEGAL  
AFFAIRS and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Conserve Striped Bass"  
(Emergency)

S.P. 780 L.D. 2037

Presented by Senator CAHILL of Sagadahoc  
Cosponsored by: Representative RUHLIN of Brewer,  
Senator ESTES of York, Representative BEGLEY of  
Waldoboro

Submitted by the Department of Marine Resources  
pursuant to Joint Rule 24

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

Sent down for concurrence.

Bill "An Act to Provide for Local Control of  
Watercraft Traffic"

S.P. 770 L.D. 2027

Presented by Senator BLACK of Cumberland  
Cosponsored by: Representative SIMPSON of Casco,  
Representative GREENLAW of Standish

Approved for Introduction by a Majority of the  
Legislative Council pursuant to Joint Rule 26

Bill "An Act to Establish a Commemorative Day for  
Margaret Chase Smith and Edmund S. Muskie"

S.P. 773 L.D. 2030

Presented by Senator KANY of Kennebec  
Cosponsored by: Senator DUTREMBLE of York,  
Representative CARROLL of Gray, Representative  
GWADOSKY of Fairfield

Approved for Introduction by a Majority of the  
Legislative Council pursuant to Joint Rule 26

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

Sent down for concurrence.

Bill "An Act to Permit Regional Variations in  
Circuit Breaker Programs"

S.P. 772 L.D. 2029

Presented by Senator ESTES of York  
Cosponsored by: Senator MATTHEWS of Kennebec

Approved for Introduction by a Majority of the  
Legislative Council pursuant to Joint Rule 26

Bill "An Act to Repeal the Sales Tax Exemption on  
Self-Help Literature on Alcoholism"

S.P. 778 L.D. 2035

Presented by Senator WEBSTER of Franklin  
Approved for Introduction by a Majority of the  
Legislative Council pursuant to Joint Rule 26

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

Sent down for concurrence.

Bill "An Act to Require Collection of  
Reinstatement Fee at the Time of Sentencing under the  
Motor Vehicle Laws"

S.P. 775 L.D. 2032

Presented by Senator LUDWIG of Aroostook

Cosponsored by: Senator CAHILL of Sagadahoc,  
Representative MARSANO of Belfast

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.

#### ORDERS

##### Joint Resolution

On motion by Senator BERUBE of Androscoggin  
(Cosponsored by: Senator PERKINS of Hancock,  
Representative ZIRNKILTON of Mount Desert, Speaker  
MARTIN of Eagle Lake) the following Joint Resolution:

S.P. 783

##### JOINT RESOLUTION

##### IN MEMORY OF MARGUERITE YOURCENAR

WHEREAS, the Legislature has learned with deep  
regret that one of the world's most distinguished  
writers, Marguerite Yourcenar, died on December 17,  
1987, at her Northeast Harbor home; and

WHEREAS, this world traveler, gifted linguist and  
fervent ecologist chose the State of Maine and Mount  
Desert Island as a permanent residence more than 30  
years ago; and

WHEREAS, the name she gave to her island home,  
"Petite Plaisance", indicates the deep attachment she  
felt for the beauty and serenity of the area, a  
setting which nurtured many of her finest works; and

WHEREAS, Marguerite Yourcenar was a recipient of  
numerous literary awards, was a member of the  
American Academy and Institute of Arts and Letters,  
had works translated into 30 languages and had the  
unique distinction of being the first female member  
of the Academie Francaise since its creation in the  
17th Century by Cardinal Richelieu; and

WHEREAS, the endowment which she created to  
assist humanistic and ecological areas is a fitting  
testament to her love for this planet and her  
commitment to its betterment; now, therefore, be it

RESOLVED: That We, the Members of the Second  
Regular Session of the 113th Legislature, now  
assembled, join President Francois Mitterand of  
France and others who share this great loss, in  
paying homage to the strength and independence of her  
spirit which personified irreplaceable values, and  
pause in a moment of understanding and prayer to  
inscribe this token of sympathy and condolence and  
respectfully request that, when the Legislature  
adjourns this date, it do so in honor and lasting  
tribute to Marguerite Yourcenar; and be it further

RESOLVED: That suitable copies of this  
resolution, duly authenticated by the Secretary of  
State, be transmitted forthwith to the family of the  
deceased and the Consul General of France.

Which was READ and ADOPTED.

Sent down for concurrence.

On motion by Senator CLARK of Cumberland, the  
Senate RECONSIDERED whereby it referred to the  
Committee on HUMAN RESOURCES:

Bill "An Act to Include Certain Prisoners within  
the Provisions of the Workers' Compensation Act"

S.P. 781 L.D. 2038

On further motion by same Senator, referred to  
the Committee on LABOR and ORDERED PRINTED.

Sent down for concurrence.

On motion by Senator BERUBE of Androscoggin, ADJOURNED, in memory of Marguerite Yourcenar, until Thursday, January 14, 1988, at 10:00 in the morning.

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE  
SECOND REGULAR SESSION  
5th Legislative Day  
Thursday, January 14, 1988

The House met according to adjournment and was called to order by the Speaker.

Prayer by Reverend Gary Capen, Boothbay Harbor Methodist Church.

The Journal of Wednesday, January 13, 1988, was read and approved.

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At this point, Representative Davis of Monmouth was added to the Roll.

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SENATE PAPERS

The following Joint Resolution: (S.P. 783)

JOINT RESOLUTION

IN MEMORY OF MARGUERITE YOURCENAR

WHEREAS, the Legislature has learned with deep regret that one of the world's most distinguished writers, Marguerite Yourcenar, died on December 17, 1987, at her Northeast Harbor home; and

WHEREAS, this world traveler, gifted linguist and fervent ecologist chose the State of Maine and Mount Desert Island as a permanent residence more than 30 years ago; and

WHEREAS, the name she gave to her island home, "Petite Plaisance", indicates the deep attachment she felt for the beauty and serenity of the area, a setting which nurtured many of her finest works; and

WHEREAS, Marguerite Yourcenar was a recipient of numerous literary awards, was a member of the American Academy and Institute of Arts and Letters, had works translated into 30 languages and had the unique distinction of being the first female member of the Academie Francaise since its creation in the 17th Century by Cardinal Richelieu; and

WHEREAS, the endowment which she created to assist humanistic and ecological areas is a fitting testament to her love for this planet and her commitment to its betterment; now, therefore, be it

RESOLVED: That We, the Members of the Second Regular Session of the 113th Legislature, now assembled, join President Francois Mitterand of France and others who share this great loss, in paying homage to the strength and independence of her spirit which personified irreplaceable values, and pause in a moment of understanding and prayer to inscribe this token of sympathy and condolence and respectfully request that, when the Legislature adjourns this date, it do so in honor and lasting tribute to Marguerite Yourcenar; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted forthwith to the family of the deceased and the Consul General of France.

Came from the Senate, read and adopted.

Was read and adopted in concurrence.

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Bill "An Act to Appropriate Funds for Structural Repairs to the Woodbury Pond Dam" (S.P. 771) (L.D. 2028)

Came from the Senate, referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Was referred to the Committee on Appropriations and Financial Affairs in concurrence.

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Bill "An Act to Increase the Eligibility of Juveniles for Attendant Care" (S.P. 768) (L.D. 2025)