

# 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  
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**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  
Thursday  
January 14, 1988  
Senate called to Order by the President.

Prayer by Reverend Michael Lawry of the Old South Congregational Church in Hallowell.

REVEREND LAWRY: Let us pray together. All Mighty and Most Gracious God You who create us, redeem us, nurture us and set us together as one community of sharing and giving persons. We lift our hearts to You this day and ask Your presence and blessing upon this Session of the State of Maine Senate. Lead the men and women gathered in this room in Your pathway oh God. Guide each one of them in making decisions, forming and approving legislation and developing visions that promote a true sense of unity throughout the whole State of Maine and that uphold the worth, dignity and full potential of each one of it's citizens. And above all Oh God, we pray that You would guide them to actions that shall bring forth in our midst here in our State that which we all hope and pray and labor for in this State as well as in our nation and in our world; a future filled with peace ruled by justice and open to new possibilities and new creativity. Guide all of these leaders that their words and their actions be girded with that same openness, same honesty and that same purpose. We ask all of this in the name of the one who calls us to unity and purpose in all that we do for His name sake, Jesus Christ our Lord. Amen.

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE  
Non-concurrent Matter

Bill "An Act to Provide Elderly Mental Health Service Needs" (Emergency)

S.P. 742 L.D. 2001

In Senate, January 7, 1988, referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

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

On motion by Senator CLARK of Cumberland, the Senate ADHERED.

Sent down for concurrence.

House Papers

Bill "An Act to Ensure the Complete Payment of Health Insurance Premiums for Teachers over a Certain Age"

H.P. 1490 L.D. 2040

Comes from the House referred to the Committee on AGING, RETIREMENT AND VETERANS and ORDERED PRINTED.

Which was referred to the Committee on AGING, RETIREMENT AND VETERANS and ORDERED PRINTED, in concurrence.

Bill "An Act to Allow the Sale of Farm-Raised Venison in Maine"

H.P. 1499 L.D. 2049

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

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

Bill "An Act to Provide Additional Funds for the Maintenance and Repair of Montpelier in Thomaston"  
H.P. 1500 L.D. 2050

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 Amend the Uniform Commercial Code"

H.P. 1504 L.D. 2054

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.

Bill "An Act to Amend Reporting Deadlines under the Therapeutic Pharmaceutical Monitoring Panel" (Emergency)

H.P. 1491 L.D. 2041

Bill "An Act to Require Gasoline Stations which Provide Self-Service at a Lower Rate to Provide Services at the Same Rate for Handicapped Drivers"

H.P. 1497 L.D. 2047

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

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

Bill "An Act to Amend the Law Concerning Alternate Voting Procedures for School Budget Approval"

H.P. 1501 L.D. 2051

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 Amend the Maine Low-Level Radioactive Waste Authority Liability Provisions"

H.P. 1495 L.D. 2045

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 Allow Greater Departmental Input Under Certificate of Need Provisions" (Emergency)

H.P. 1503 L.D. 4953

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 Relating to the Time Limit for Delivering the Warrant or Process by Which a Prisoner is Detained"

H.P. 1492 L.D. 2042

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 Concerning High Speed Chases"

H.P. 1450 L.D. 1961

Committee on LEGAL AFFAIRS 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 Clarify the Authority of Harbor Masters"

H.P. 1493 L.D. 2043

Bill "An Act to Ensure that a Certain Percentage of Public Housing is Handicapped Accessible"

H.P. 1498 L.D. 2048

Bill "An Act to Authorize the City of Old Town to Acquire Land from the University of Maine to Construct a Solid Waste Disposal System" (Emergency)

H.P. 1502 L.D. 2052

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 to Exempt Deeds of Distribution from the Transfer Tax Filing Requirement"

H.P. 1494 L.D. 2044

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 Clarify the Voting Method of Expansion of the Harrison Water District" (Emergency)

H.P. 1496 L.D. 2046

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.

#### Joint Order

The following Joint Order: H.P. 1489

ORDERED, the Senate concurring, that the Joint Standing Committee on State and Local Government report out to the House such legislation as it sees fit to revise the salaries of county officers and lay the county taxes for the year 1988.

Comes from the House READ and PASSED.

Which was READ and PASSED, in concurrence.

#### COMMUNICATIONS

The Following Communication:

COMMISSION TO REVIEW OVERCROWDING AT THE  
AUGUSTA MENTAL HEALTH INSTITUTE  
AND THE  
BANGOR MENTAL HEALTH INSTITUTE

January 13, 1988

President Pray  
Speaker Martin  
State House  
Augusta, ME 04333

Dear President Pray and Speaker Martin:

The Commission to Review Overcrowding at the Augusta Mental Health Institute and the Bangor Mental Health Institute is pleased to submit its report to the Legislature pursuant to Resolves, 1987 c. 56.

Sincerely,

S/Sen. Beverly M. Bustin  
Chair

S/Sen. Barbara A. Gill  
Chair

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

#### SENATE PAPERS

Bill "An Act to Implement the Department of Human Services Long-Term Care Plan for the Elderly, Handicapped and Citizens with Long-Term Care Needs"

S.P. 788 L.D. 2065

Presented by Senator CLARK of Cumberland  
Cosponsored by: Speaker MARTIN of Eagle Lake,  
Senator GILL of Cumberland, Representative  
MANNING of Portland

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

Bill "An Act to Maximize the Effectiveness of Funds Appropriated for Long-Term Care"

S.P. 789 L.D. 2066

Presented by Senator CLARK of Cumberland  
Cosponsored by: Senator BERUBE of Androscoggin,  
Representative MANNING of Portland,  
Representative HICKEY of Augusta

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

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

Sent down for concurrence.

Bill "An Act Concerning Crash Parts Used to Repair Damaged Motor Vehicles"

S.P. 787 L.D. 2064

Presented by Senator BALDACCI of Penobscot  
Cosponsored by: Representative ALLEN of  
Washington

Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 27

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

Sent down for concurrence.

#### COMMITTEE REPORTS

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 Modernize the Definition of Telecommunications Utilities Subject to the Jurisdiction of the Public Utilities Commission"

S.P. 740 L.D. 1999

#### ORDERS OF THE DAY

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

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

S.P. 776 L.D. 2033

Tabled - January 13, 1988, by Senator CLARK of Cumberland.

Pending - REFERENCE

(Committee on EDUCATION suggested and ORDERED PRINTED.)

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

Sent down for concurrence.

On motion by Senator KANY of Kennebec, ADJOURNED until Friday, January 15, 1988, at 11:00 in the morning.

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE  
SECOND REGULAR SESSION  
6th Legislative Day  
Friday, January 15, 1988

The House was called to order by the Speaker Pro Tem.

Prayer by Chaplain James W. Daniels, Green Street Methodist Church, Augusta.

The Journal of Thursday, January 14, 1988, was read and approved.

Quorum call was held.

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SENATE PAPERS

Bill "An Act to Implement the Department of Human Services Long-Term Care Plan for the Elderly, Handicapped and Citizens with Long-Term Care Needs" (S.P. 788) (L.D. 2065)

Bill "An Act to Maximize the Effectiveness of Funds Appropriated for Long-Term Care" (S.P. 789) (L.D. 2066)

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

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

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Bill "An Act Concerning Crash Parts Used to Repair Damaged Motor Vehicles" (S.P. 787) (L.D. 2064)

Came from the Senate, referred to the Committee on Business Legislation and Ordered Printed.

Was referred to the Committee on Business Legislation in concurrence.

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Bill "An Act to Increase the Base Salary of Vocational-Technical Institute Instructors" (S.P. 776) (L.D. 2033)

Came from the Senate, referred to the Committee on Education and Ordered Printed.

Was referred to the Committee on Education in concurrence.

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Unanimous Leave to Withdraw

Report of the Committee on Utilities reporting "Leave to Withdraw" on Bill "An Act to Modernize the Definition of Telecommunications Utilities Subject to the Jurisdiction of the Public Utilities Commission" (S.P. 740) (L.D. 1999)

Was placed in the Legislative Files without further action pursuant to Joint Rule 15 in concurrence.

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Non-Concurrent Matter

Bill "An Act to Provide Elderly Mental Health Service Needs" (Emergency) (S.P. 742) (L.D. 2001) which was referred to the Committee on Human Resources in the House on January 13, 1988.

Came from the Senate with that body having adhered to its former action whereby the Bill was referred to the Committee on Appropriations and Financial Affairs in non-concurrence.

On motion of Representative Gwadlosky of Fairfield, tabled pending further consideration and specially assigned for Tuesday, January 19, 1988.

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COMMUNICATIONS

The following Communication:

MAINE COMMISSION ON OUTDOOR RECREATION  
January 14, 1988