

# 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

members present and voting. Those in favor of passage will vote yes; those opposed will vote no.

A vote of the House was taken.

110 having voted in the affirmative and 1 in the negative, L.D. 865 was passed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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

In Senate Chamber  
Wednesday  
January 27, 1988

Senate called to Order by the President.

The following item appearing on Supplement No. 1 was taken up out of order by unanimous consent:

SENATE PAPER

The following Joint Order: (S.P. 830)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Monday, February 1, 1988, at 10 o'clock in the morning.

Came from the Senate, read and passed.

Was read and passed in concurrence.

(Off Record Remarks)

On motion of Representative Ruhlin of Brewer, Adjourned until Monday, February 1, 1988, at ten o'clock in the morning pursuant to Joint Order S.P. 830.

Prayer by Reverend Victor Stanley of the First Baptist Church in Gardiner.

REVEREND STANLEY: Let's unite in prayer. Our gracious God, we ask that You will open our eyes to see the beauty of this beautiful State. The beauty of nature and the beauty of the people who live here. May this beauty inspire us today. We ask that You will open our ears to hear the many voices of Maine, those lifted in glorious song and those calling out to us for help. Open our minds to think good thoughts for Maine, help us to explore new ideas while remembering the many ways You have helped us in the past. And then open our mouths, help us to join the needy as they pray and the blessed as they sing. We thank You for this great community, help us in this day to be good neighbors. We pray these things in the power of Your love. Amen.

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE

House Papers

Bill "An Act Relating to Nonforfeiture and Valuation Standards for Fraternal Benefit Societies"

H.P. 1571 L.D. 2142

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.

Out of order and under suspension of the Rules, on motion by Senator DUTREMBLE of York, the following Joint Order:

S.P. 830

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Monday, February 1, 1988, at 10 o'clock in the morning.

Which was READ and PASSED.

Under suspension of the Rules, ordered sent down forthwith for concurrence.

Bill "An Act to Increase Reimbursement Levels to Respite and Foster Care Providers"

H.P. 1569 L.D. 2140

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 Regarding Amendments to the Kennebec County Budget"

H.P. 1570 L.D. 2141

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

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

Joint Resolutions

The Following Joint Resolution: H.P. 1537  
 JOINT RESOLUTION IN SUPPORT OF THE NORTH AMERICAN  
 OPEN ICE-SNOW SAILING CHAMPIONSHIP AT SABATTUS LAKE

WHEREAS, World Cup Ice Sailing is an international sport consisting of 4 events held around the world each year; and

WHEREAS, the North American Open Ice-Snow Sailing Championship will be hosted this year by the Town of Sabattus on Sabattus Lake, January 29 to January 31, 1988; and

WHEREAS, competitors from 6 European countries, Canada and the United States will attain speeds of up to 50 m.p.h. on sailboard rigs adapted for travel on ice and snow; and

WHEREAS, this international sport, which originated in Sweden and Finland, is now growing in popularity in the United States; now, therefore, be it

RESOLVED: That, We the Members of the 113th Legislature of the great and sovereign State of Maine, now assembled in Second Regular Session, take this opportunity to welcome the members of the World Ice and Snow Sailing Association and to extend to each competitor and the Town of Sabattus our very best wishes for success in this spectacular event; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to appropriate race and town officials in honor of this occasion.

Comes from the House READ and ADOPTED.  
 Which was READ and ADOPTED, in concurrence.

The Following Joint Resolution: H.P. 1572  
 JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE  
 UNITED STATES URGING THE FEDERAL GOVERNMENT TO TAKE  
 PROMPT ACTION ON PENDING PERMITS AND REQUESTS FOR  
 FEDERAL AID FOR THE SEARSPORT DRY CARGO TERMINAL  
 PROJECT IN SEARSPORT, MAINE

WHEREAS, for nearly a decade, the State has sought to develop a new marine dry cargo terminal with rail and highway access on Sears Island in SearSPORT; and

WHEREAS, the project is designed to meet certain specific objectives of the State and its export-import dependent industries. These objectives are:

1. To provide transportation cost savings to Maine-based industries, especially the forest products industry, through reduced overland travel distances to a port;

2. To generate jobs and other economic activity within Maine directly related to the export-import traffic;

3. To induce jobs and economic activity in Maine-based industries indirectly benefiting by proximity to a modern port;

4. To target state investments in port facilities where new jobs and economic activity is most needed; and

5. To concentrate economic development along Maine's coastline in localized areas to protect the environmental values of the coastline consistent with state environmental and conservationist objectives; and

WHEREAS, the encouragement of exporting by United States business and industry is a national priority due to this nation's serious foreign trade imbalance; and

WHEREAS, the value of the American dollar is at a record low, offering United States exporters an excellent opportunity to establish new foreign

markets and to recapture markets lost when the dollar was at a record high; and

WHEREAS, the Federal Highway Administration, acting as lead agency, has recently issued and approved a Final Environmental Impact Statement on the Sears Island Project and this document now serves as a basis for review of application to the United States Army Corps of Engineers and the United States Coast Guard for permits to proceed with the project; and

WHEREAS, the proposed Sears Island cargo terminal is strongly supported by Governor McKernan, the entire Maine Congressional Delegation, the Waldo County Commissioners and the Town of SearSPORT and in 2 separate bond issues the voters of Maine have also given their approval to this project; and

WHEREAS, the proposed dry cargo terminal for Sears Island would make a valuable contribution toward the expansion of export trade and thereby greatly assist the Maine and national economy; now, therefore, be it

RESOLVED: That the 113th Maine Legislature calls upon President Ronald W. Reagan to request immediate assistance and support in securing prompt action by the Federal Government on all pending permits and requests for federal aid associated with the construction of the proposed Sears Island Dry Cargo Terminal Project.

RESOLVED: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the President of the Senate and the Speaker of the House of Representatives in the Congress of the United States and to each Member of the Maine Congressional Delegation.

Comes from the House READ and ADOPTED.  
 Which was READ and ADOPTED, in concurrence.

COMMUNICATIONS

The Following Communication:  
 COMMITTEE ON JUDICIARY  
 ONE HUNDRED AND THIRTEENTH LEGISLATURE  
 January 25, 1988

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 Judiciary has had under consideration the nomination of L. Damon Scales, Jr. of Auburn for appointment as Active Retired Judge of the Maine District Court.

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	3	
Representatives	7	
NAYS:	0	
ABSENT:	3	Rep. Warren of Scarborough, Rep. Vose of Eastport, Rep. Marsano of Belfast

Ten 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 L. Damon Scales Jr. of Auburn, for appointment as Active Retired Judge of the Maine District Court, be confirmed.

Sincerely,  
 S/ Joseph C. Brannigan

Senate Chair  
S/Patrick E. Paradis  
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on JUDICIARY has recommended the nomination of L. Damon Scales, Jr. of Auburn, for appointment as Active Retired Judge of the Maine District Court, be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on JUDICIARY 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, BALDACCI, BERUBE, BLACK, BRANNIGAN, BRAWN, BUSTIN, CAHILL, CLARK, COLLINS, DILLENBACK, DOW, DUTREMBLE, EMERSON, ERWIN, ESTES, GAUVREAU, GILL, GOULD, KANY, KERRY, LUDWIG, MATTHEWS, MAYBURY, PEARSON, PERKINS, RANDALL, SEWALL, THERIAULT, TUTTLE, TWITCHELL, USHER, WEBSTER, WHITMORE, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators None  
No Senators having voted in the affirmative and 35 Senators having voted in the negative, with No Senators being absent, 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 L. Damon Scales, Jr., for appointment as Active Retired Judge of the Maine District Court, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:  
COMMITTEE ON JUDICIARY  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
January 25, 1988

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 Judiciary has had under consideration the nomination of Harriet P. Henry of Standish, for reappointment as Judge-at-Large of the Maine District Court.

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 7  
NAYS: 0  
ABSENT: 4 Sen. Gauvreau of Lewiston, Rep. Warren of Scarborough, Rep. Vose of Eastport, Rep. Marsano of Belfast

Nine 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 Harriet P. Henry of Standish, for reappointment as Judge-at-Large of the Maine District Court be confirmed.

Sincerely,  
S/Joseph C. Brannigan  
Senate Chair  
S/Patrick E. Paradis  
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on JUDICIARY has recommended the nomination of Harriet P. Henry of Standish, for reappointment as Judge-At-Large of the Maine District Court, be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on JUDICIARY 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, BALDACCI, BERUBE, BLACK, BRANNIGAN, BRAWN, BUSTIN, CAHILL, CLARK, COLLINS, DILLENBACK, DOW, DUTREMBLE, EMERSON, ERWIN, ESTES, GAUVREAU, GILL, GOULD, KANY, KERRY, LUDWIG, MATTHEWS, MAYBURY, PEARSON, PERKINS, RANDALL, SEWALL, THERIAULT, TUTTLE, TWITCHELL, USHER, WEBSTER, WHITMORE, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators None  
No Senators having voted in the affirmative and 35 Senators having voted in the negative, with No Senators being absent, 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 Harriet P. Henry, for reappointment as Judge-At-Large of the Maine District Court, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:  
COMMITTEE ON JUDICIARY  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
January 25, 1988

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 Judiciary has had under consideration the nomination of John B. Beliveau of Lewiston, for appointment as Judge of the Maine District Court.

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 3  
Representatives 6

NAYS: 0

ABSENT: 4 Rep. Warren of Scarborough, Rep. Vose of Eastport, Rep. Conley of Portland, Rep. Marsano of Belfast

Nine 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 John B. Beliveau of Lewiston, for appointment as Judge of the Maine District Court be confirmed.

Sincerely,  
S/ Joseph C. Brannigan  
Senate Chair  
S/ Patrick E. Paradis  
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on JUDICIARY has recommended the nomination of John B. Beliveau of Lewiston, for appointment as Judge of the Maine District Court, be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on JUDICIARY 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, BALDACCI, BERUBE, BLACK, BRANNIGAN, BRAWN, BUSTIN, CAHILL, CLARK, COLLINS, DILLENBACK, DOW, DUTREMBLE, EMERSON, ERWIN, ESTES, GAUVREAU, GILL, GOULD, KANY, KERRY, LUDWIG, MATTHEWS, MAYBURY, PEARSON, PERKINS, RANDALL, SEWALL, THERIAULT, TUTTLE, TWITCHELL, USHER, WEBSTER, WHITMORE, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators None

No Senators having voted in the affirmative and 35 Senators having voted in the negative, with No Senators being absent, 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 John B. Beliveau, for appointment as Judge of the Maine District Court, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

SENATE PAPERS

Bill "An Act to Establish Minimum Mandatory Energy Standards for Residential Buildings"

S.P. 829 L.D. 2155

Presented by Senator KERRY of York  
Cosponsored by: Representative HOLLOWAY of Edgecomb, Senator LUDWIG of Aroostook, Representative MICHAUD of East Millinocket  
Which was referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED.  
Sent down for concurrence.

Bill "An Act to Modify the Law Regarding the Androscoggin County Budget Committee" (Emergency)  
S.P. 828 L.D. 2154

Presented by Senator GAUVREAU of Androscoggin  
Cosponsored by: Representative CALLAHAN of Mechanic Falls, Representative COTE of Auburn  
Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26  
Which was referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED.  
Sent down for concurrence.

COMMITTEE REPORTS

House

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 Establish a 10% Surtax on Fines to be Dedicated to the Maine Criminal Justice Academy in Lieu of Tuition Paid by Municipalities"

H.P. 1069 L.D. 1452

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 Establish the State Bureau of Identification as an Independent Bureau within the Department of Public Safety"

S.P. 68 L.D. 135

ENACTORS

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

Emergency

An Act to Correct the Implementation of the New Corporate Filing Fees

S.P. 748 L.D. 2007

(C "A" S-308)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with No Senators having voted in negative, and 33 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.

Emergency

An Act Relating to the Tax Exempt Status of Anson Academy Association

H.P. 1523 L.D. 2076

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with No Senators having voted in negative, and 33 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.

Emergency Resolve

Resolve, to Extend the Reporting Deadline of the Commission to Study the Use of Involuntary Services for Substance Abusers

S.P. 808 L.D. 2117

LEGISLATIVE RECORD - HOUSE, FEBRUARY 1, 1988

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with No Senators having voted in negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was FINALLY PASSED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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Off Record Remarks

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Senate at Ease  
Senate called to order by the President.

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Out of order and under suspension of the Rules, the Senate considered the following:

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order: H.P. 1573  
ORDERED, the Senate concurring, that "An Act Relating to the Maine Uniform Transfers to Minors Act", H.P. 642, L.D. 865, be recalled from the legislative files to the House.

Comes from the House READ and PASSED.

Which was READ.

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

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Off Record Remarks

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The ADJOURNMENT ORDER having been returned from the House READ and PASSED, in concurrence, on motion by Senator PEARSON of Penobscot, ADJOURNED until Monday, February 1, 1988, at 10:00 in the morning.

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE

SECOND REGULAR SESSION

14th Legislative Day

Monday, February 1, 1988

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

Prayer by Reverend Dr. Peter Misner, Wayne-North Wayne Community Church, Wayne.

National Anthem by Cony High School Band.

The Journal of Wednesday, January 27, 1988, was read and approved.

Quorum call was held.

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SENATE PAPERS

The following Communication:

The Senate of Maine

Augusta

January 27, 1988

The Honorable John L. Martin

Speaker of the House

113th Legislature

Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Judiciary, the Governor's nomination of John B. Beliveau of Lewiston for appointment as Judge of the Maine District Court.

John B. Beliveau is replacing L. Damon Scales, Jr.

Sincerely,

s/Joy J. O'Brien

Secretary of the Senate

Was read and ordered placed on file.

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The following Communication:

The Senate of Maine

Augusta

January 27, 1988

The Honorable John L. Martin

Speaker of the House

113th Legislature

Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Judiciary, the Governor's nomination of Harriet P. Henry of Standish for reappointment as Judge-at-Large of the Maine District Court.

Sincerely,

s/Joy J. O'Brien

Secretary of the Senate

Was read and ordered placed on file.

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The following Communication:

The Senate of Maine

Augusta

January 27, 1988

The Honorable John L. Martin

Speaker of the House

113th Legislature

Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Judiciary, the Governor's nomination of L. Damon Scales, Jr. of Auburn for appointment as Active Retired Judge of the Maine District Court.

Sincerely,