

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

PASSED TO BE ENACTED
Emergency Measure

An Act Concerning the Reporting Deadline for a Study by the Land Use Regulation Commission (H.P. 1583) (L.D. 2161)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 123 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

(At Ease)

The House was called to order by the Speaker.

ORDERS OF THE DAY
TABLED AND TODAY ASSIGNED

The Chair laid before the House the first tabled and today assigned matter:

Bill "An Act to Provide Challenge Grants for the Development of Municipal and Regional Economic Development Strategies" (H.P. 1590) (L.D. 2171)
(Committee on Economic Development suggested)

TABLED - February 1, 1988 by Representative CARTER of Winslow.

PENDING - Reference.

On motion of Representative Diamond of Bangor, retabled pending reference and specially assigned for Wednesday, February 3, 1988.

Representative Lacroix of Oakland was granted unanimous consent to address the House:

Representative LACROIX: Mr. Speaker, Ladies and Gentlemen of the House: Beginning Sunday of this week and ending today, a very fantastic thing has been going on -- it is called "The Winter Special Olympics at Sugarloaf" and I would like you to join me in saying thank you to all of those many volunteers who give their time, energy, money and, most of all, their love to these very special contestants. Please join me in saying congratulations to each and every one of the participants and particularly my very, very special Olympian, Heidi Stedman. (applause)

On motion of Representative Strout of Corinth, Adjourned until Wednesday, February 3, 1988, at ten o'clock in the morning.

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

In Senate Chamber
Tuesday
February 2, 1988

Senate called to Order by the President.

Prayer by Reverend Robert Leon of the United Methodist Church in Randolph.

REVEREND LEON: Let us pray. Almighty God truly You have blessed us. We praise You and bring to mind again all that You have done for us. We thank You especially for the great gift of community, for the mutual support of our life together. May the task You have set, the guiding of that community and responsible service be performed in the pattern You have given us; compassion, toleration and love. Being human we shall make mistakes. We pray that if we must air we may be airing in the direction of love, for You are love. Amen.

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE
Non-concurrent Matter

Bill "An Act to Expand and Clarify the Jurisdiction of the Maine State Pilotage Commission" S.P. 821 L.D. 2143

In Senate, January 26, 1988, referred to the Committee on MARINE RESOURCES and ORDERED PRINTED.

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

The Senate RECEDED and CONCURRED.

House Papers

Bill "An Act to Provide a More Equitable Distribution of Homemaker Funds" H.P. 1580 L.D. 2158

Bill "An Act to Provide Funding for the Bangor Dental Clinic" H.P. 1582 L.D. 2160

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

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

Bill "An Act to Allow for Service Payments to Municipalities with Significant Amounts of State-Owned Property" H.P. 1589 L.D. 2173

Committee on STATE AND LOCAL GOVERNMENT 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 Relating to Special Education in Maine Schools" H.P. 1588 L.D. 2172

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 Endangered Species Act to Provide for Injunctive Relief and Other Enforcement Remedies"

H.P. 1586 L.D. 2164

Committee on FISHERIES AND WILDLIFE suggested and ORDERED PRINTED.

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

Bill "An Act to Regulate Use of Jet Skis Within Water Bodies"

H.P. 1587 L.D. 2165

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 Amend the Harassment Law"

H.P. 1579 L.D. 2157

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 Amend the Regulation of Lobster Parts"

H.P. 1584 L.D. 2162

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.

Bill "An Act to Establish a Excise Tax on Cargo Trailers"

H.P. 1581 L.D. 2159

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.

Off Record Remarks

COMMUNICATIONS

The Following Communication: S.P. 842

COMMITTEE ON MARINE RESOURCES
ONE HUNDRED AND THIRTEENTH LEGISLATURE
January 20, 1988

Senator Charles P. Pray, Chairman
Legislative Council
State House
Augusta, ME 04333
Dear Senator Pray:

The Joint Standing Committee on Marine Resources is pleased to submit the attached report of our study of shellfish monitoring pursuant to the order of the Legislative Council. We hope you find this report a useful tool in our continuing efforts to ensure adequate protection of Maine's shellfish resource.

Sincerely,

S/Sen. John L. Tuttle, Jr. S/Rep. James Mitchell
Chair Chair

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

Sent down for concurrence.

The Following Communication:

COMMITTEE ON STATE AND LOCAL GOVERNMENT
ONE HUNDRED AND THIRTEENTH LEGISLATURE
February 1, 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 State and Local Government has had under consideration the nomination of Annalee Rosenblatt of Scarborough, for appointment to the State Civil Service Appeals Board.

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 8
NAYS: 0

ABSENT: 3 Sen. Baldacci of Penobscot, Rep. Anthony of South Portland Rep. Boutilier of Lewiston

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 Annalee Rosenblatt of Scarborough, for appointment to the State Civil Service Appeals Board be confirmed.

Sincerely,
S/John L. Tuttle
Senate Chair
S/Donnell P. Carroll
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on STATE AND LOCAL GOVERNMENT has recommended the nomination of Annalee Rosenblatt of Scarborough, for appointment to the State Civil Service Appeals Board be confirmed.

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

No Senators having voted in the affirmative and Senators

having voted in the negative, with 5 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 Annalee Rosenblatt, for appointment to the State Civil Service Appeals Board was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:
 COMMITTEE ON STATE AND LOCAL GOVERNMENT
 ONE HUNDRED AND THIRTEENTH LEGISLATURE
 February 1, 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 State and Local Government has had under consideration the nomination of Peter G. Merrill of Portland, for appointment to the Maine State Housing Authority.

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 8

NAYS: 0

ABSENT: 3 Sen. Baldacci of Penobscot, Rep.
 Anthony of South Portland, Rep.
 Boutilier of Lewiston

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 Peter G. Merrill of Portland, for appointment to the Maine State Housing Authority be confirmed.

Sincerely,
 S/John L. Tuttle
 Senate Chair
 S/Donnell P. Carroll
 House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on STATE AND LOCAL GOVERNMENT has recommended the nomination of Peter G. Merrill of Portland, for appointment to the Maine State Housing Authority be confirmed.

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

ABSENT: Senators ANDREWS, CAHILL, DUTREMBLE,
 KERRY, SEWALL

No Senators having voted in the affirmative and 30 Senators having voted in the negative, with 5 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 Peter G. Merrill, for appointment to the Maine State Housing Authority was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:
 DEPARTMENT OF CONSERVATION
 STATE HOUSE STATION 22
 AUGUSTA, MAINE 04333

January 26, 1988
 The Honorable Charles Pray
 President of the Senate
 State House Station 3
 Augusta, ME 04333
 Dear Senator Pray:

Enclosed is a copy of the Study of the Problem of Submerged Watercraft in Coastal Waters of Maine, prepared in accordance with L.D. 1795, Chaptered Resolve 42, "Resolve, Requiring the Department of Conservation to Study the Problem of Submerged Watercraft in Coastal Waters of the State."

The Department of Conservation, Bureau of Public Lands would be pleased to discuss any aspect of the report with the Legislature.

Thank you.

Sincerely,
 S/Robert L. LaBonta, Commissioner
 Department of Conservation

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

The Following Communication:
 MAINE STATE RETIREMENT SYSTEM
 STATE HOUSE STATION 46
 AUGUSTA, MAINE 04333

January 27, 1988

Senator Charles P. Pray
 President of the Senate
 Station #3

Re: Amortization Period for Funding the System's Unfunded Liability

Dear Senator Pray:

At its January 14, 1988 meeting, the Board of Trustees of the Maine State Retirement System reconsidered its previous decision to set the amortization period at 25 years. In the course of its deliberations, members of the Board determined that extending the amortization period to 30 years would be an acceptable alternative for the System while remaining in compliance with recommendations made by the System's actuary.

The effect of the redetermination by the Board will be to lower the employer contribution rates for both state employees and teachers.

Please feel free to contact my office should you have any questions.

Yours truly,
 S/Claude R. Perrier
 Executive Director

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:
 COMMISSION TO REVIEW THE LAWS RELATING TO

REGISTERED MAINE GUIDES
AUGUSTA, MAINE 04333
January 29, 1988

President Pray
Speaker Martin
State House
Augusta, Maine 04333

Dear President Pray and Speaker Martin:

The Commission to Review the Laws Relating to Registered Maine Guides is pleased to submit its report to the Legislature pursuant to Resolve 1987, c. 17. Additional copies will be forthcoming for all legislators.

Sincerely,
S/Rep. Paul Jacques
Chair

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

SENATE PAPERS

Bill "An Act to Create a Manufactured Housing Deed"

S.P. 843 L.D. 2187

Presented by Senator BALDACCI of Penobscot
Cosponsored by: Senator TUTTLE of York
Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26
Which was referred to the Committee on BUSINESS LEGISLATION and ORDERED PRINTED.
Sent down for concurrence.

Bill "An Act Providing for the 1988 Amendments to the Maine Housing Authorities Act"

S.P. 841 L.D. 2186

Presented by Senator CLARK of Cumberland
Cosponsored by: Senator BLACK of Cumberland, Representative ERWIN of Rumford, Representative STEVENS of Sabattus
Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 27
Which was referred to the Committee on ECONOMIC DEVELOPMENT and ORDERED PRINTED.
Sent down for concurrence.

Bill "An Act to Ban Importing of All Waste"

S.P. 840 L.D. 2185

Presented by Senator GOULD of Waldo
Cosponsored by: Representative MARSANO of Belfast, Senator RANDALL of Washington, Senator WEBSTER of Franklin
Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 27
Which was referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED.
Sent down for concurrence.

COMMITTEE REPORTS

House
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 Authorizing Husson College to Confer the Degree of Bachelor of Science"

H.P. 121 L.D. 146

Bill "An Act to Amend the Tree Growth Tax Law"

H.P. 192 L.D. 236

Bill "An Act to Amend the Maine Tort Claims Act to Remove Joint and Several Liability for Government Entities"

H.P. 275 L.D. 358
Bill "An Act Regarding Liability for Foster Parents for Children and Adults"

H.P. 401 L.D. 535
Bill "An Act Relating to the Elderly Rent and Refund Act"

H.P. 527 L.D. 711
Bill "An Act to Enable Municipalities to Assess Impact Taxes on Development"

H.P. 878 L.D. 1179

Bill "An Act Concerning the Sale of Dessert Wine"

H.P. 946 L.D. 1269

Bill "An Act to Create a Maine Dairy Stabilization Fund"

H.P. 1015 L.D. 1368

Bill "An Act Concerning the Taxation of Lottery Winnings"

H.P. 1448 L.D. 1959

Senate
Ought Not to Pass

The following Ought Not to Pass Report shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Resolve, Authorizing Alton Dishon to Bring Civil Action Against the Maine State Retirement System
S.P. 622 L.D. 1829

Ought to Pass in New Draft under New Title
Senator WHITMORE for the Committee on BUSINESS LEGISLATION on Bill "An Act to Establish a Voluntary Statewide Building Code and Require Basic Written Contracts for Home Construction Work"

S.P. 352 L.D. 1044

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act to Require Basic Written Contracts for Home Construction Work"

S.P. 838 L.D. 2175

Which Report was READ and ACCEPTED.

The Bill in NEW DRAFT under NEW TITLE READ ONCE

The Bill in NEW DRAFT under NEW TITLE TOMORROW ASSIGNED FOR SECOND READING.

Senator KANY for the Committee on LEGAL AFFAIRS on Bill "An Act to Clarify the Laws Relating to Notary Public"

S.P. 450 L.D. 1377

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act to Clarify the Laws Relating to Notaries Public"

S.P. 839 L.D. 2176

Which Report was READ and ACCEPTED.

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 TAXATION on Bill "An Act Concerning Access Fees"

S.P. 297 L.D. 847

Reported that the same Ought Not to Pass.

Signed:

Senators:

TWITCHELL of Oxford

SEWALL of Lincoln

Representatives:

CASHMAN of Old Town

NADEAU of Saco

SEAVEY of Kennebunkport

SWAZEY of Bucksport

WHITCOMB of Waldo
DORE of Auburn
ZIRNKILTON of Mount Desert
JACKSON of Harrison

The Minority of the same Committee on the same subject reported that the same Ought to Pass.

Signed:

Senator:

DOW of Kennebec

Representatives:

DUFFY of Bangor

MAYO of Thomaston

Which Reports were READ.

On motion by Senator CLARK of Cumberland, Tabled Unassigned, pending ACCEPTANCE OF EITHER REPORT.

(In Senate, January 27, 1988, READ.)

Pursuant to Joint Rule 15, this Joint Order requires the affirmative vote of two-thirds of the members present and voting. 30 Senators having voted in the affirmative and No Senators having voted in the negative, and 30 being more than two-thirds of the members present and voting, the Joint Order was PASSED, in concurrence.

Off Record Remarks

On motion by Senator PEARSON of Penobscot, ADJOURNED until Wednesday, February 3, 1988, at 10:00 in the morning.

SECOND READERS

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

Senate

Resolve, to Extend the Deadline for the Study of the Relationship between Nonprofit Service Agencies and Professional Liability and Other Hard-to-Obtain Lines of Liability Insurance (Emergency)

S.P. 807 L.D. 2116

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

Sent down for concurrence.

Senate As Amended

Bill "An Act to Clarify the Authority for Judicial Suspension of Motor Vehicle Licenses" (Emergency)

S.P. 656 L.D. 1879

(C "A" S-309)

Which was READ A SECOND TIME.

On motion by Senator USHER of Cumberland, Senate Amendment "A" (S-310) READ and ADOPTED.

Which was PASSED TO BE ENGROSSED, as amended.

Sent down for concurrence.

ORDERS OF THE DAY

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

Bill "An Act to Make Interim Adjustments and Establish a Prospective Reimbursement System for Boarding Care Facilities Serving the Mentally Retarded"

S.P. 834 L.D. 2168

Tabled - February 1, 1988, by Senator CLARK of Cumberland.

Pending - REFERENCE

(Committee on HUMAN RESOURCES suggested and ORDERED PRINTED.)

On motion by Senator CLARK of Cumberland, referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

Sent down for concurrence.

On motion by Senator CLARK of Cumberland, the Senate removed from the Unassigned Table the following:

JOINT ORDER - recalling Bill "An Act Relating to the Maine Uniform Transfers to Minors Act", H.P. 642 L.D. 865, from the legislative files to the House.

H.P. 1573

Tabled - January 27, 1988, by Senator CLARK of Cumberland.

Pending - PASSAGE

(In House, January 27, 1988, READ and PASSED.)