

# 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  
February 4, 1988

Senate called to Order by the President.

Prayer by Reverend Terence McKinley of the Winthrop United Methodist Church.

REVEREND MCKINLEY: Earlier this week I had occasion to attend an event at the seminary where I trained and as is often the case when we go back to a place of our past there is a time of remembering. I remember an encounter with one of the professors as we walked toward one another in the hall. He said good morning Mr. McKinley in his hungarian accent, how are you? I said I am good Doctor and he stopped and gestured for me to stop. He placed his hand on my arm and said Mr. McKinley, only God is good. You may be fine, but only God is good. It is to your credit that you pause in the days activities to seek the presence of God's goodness and God's grace.

Let us pray. Good and Gracious God, we bow before You in the spirit of thankfulness. There are many reasons almighty and ever present God why we owe You thanks. You are our past, present and future. The mover of time and the energy of every act, the insight of every decision. You are the source of our being and we trust You completely with our lives and our deaths. For all these reasons we are grateful to You oh Lord our God. We thank You because You continue to love us. We do not deserve Your love, it comes from the overflow of Your own divine goodness. You first loved us and made known to us that You are more than maker and preserver, that You are pusher and prodder. We pray Oh God on this day that You might push us to new heights of understanding and prod us to bold decisions. You have made us free to serve You in a spirit of love, not in a spirit of terror and fear. You alone are holy, Lord God of hosts and the earth and the heavens show Your splendor and Your goodness. For this we praise Your name and pray Your presence within us and among us. Bless us we pray in all things. Amen.

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE  
Non-concurrent Matter

Bill "An Act Relating to the Maine Uniform Transfers to Minors Act"

H.P. 642 L.D. 865

RECALLED from the Legislative Files pursuant to Joint Order H.P. 1573, in concurrence.

Comes from the House, Bill and Accompanying Papers RECOMMITTED to the Committee on JUDICIARY in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

Bill "An Act to Clarify the Status of Police Officers Assigned to the Bureau of Intergovernmental Drug Enforcement and to Add a District Attorney to the Bureau's Policy Board" (Emergency)

S.P. 832 L.D. 2166

In Senate, February 1, 1988, referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED.

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

The Senate RECEDED and CONCURRED.

House Papers

Bill "An Act to Amend the Laws Governing Absentee Balloting"

H.P. 1600 L.D. 2189

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

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

Bill "An Act to Require Supervisory Auditors to Obtain Professional Certification within 3 Years"

H.P. 1594 L.D. 2180

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.

Study Report

Committee on ECONOMIC DEVELOPMENT

Report of the Committee on ECONOMIC DEVELOPMENT to which was referred by the Legislative Council the Study Relative to Regional Economic Development Strategies and Policies and the Implementation of these Strategies have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Provide Challenge Grants for the Development of Municipal and Regional Economic Development Strategies"

H.P. 1590 L.D. 2171

Be referred to the Joint Standing Committee on ECONOMIC DEVELOPMENT for Public Hearing and printed pursuant to Joint Rule 19.

Comes from the House with the Report READ and ACCEPTED and the Bill referred to the Committee on ECONOMIC DEVELOPMENT and ORDERED PRINTED, pursuant to Joint Rule 19.

Which Report was READ and ACCEPTED, in concurrence.

The Bill referred to the Committee on ECONOMIC DEVELOPMENT and ORDERED PRINTED, pursuant to Joint Rule 19, in concurrence.

Study Report

Committee on MARINE RESOURCES

Report of the Committee on MARINE RESOURCES to which was referred by the Legislative Council the Study Relative to Establishing a Tax to Provide for the Comprehensive Monitoring of Paralytic Shellfish Poison have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act Relating to Shellfish Sanitation and Monitoring"

H.P. 1599 L.D. 2188

Be referred to the Joint Standing Committee on MARINE RESOURCES for Public Hearing and printed pursuant to Joint Rule 19.

Comes from the House with the Report READ and ACCEPTED and the Bill referred to the Committee on MARINE RESOURCES and ORDERED PRINTED, pursuant to Joint Rule 19.

Which Report was READ and ACCEPTED, in concurrence.

The Bill referred to the Committee on MARINE

RESOURCES and ORDERED PRINTED, pursuant to Joint Rule 19, in concurrence.

COMMUNICATIONS

The Following Communication:

DEPARTMENT OF  
MENTAL HEALTH AND MENTAL RETARDATION  
STATE HOUSE STATION 40  
AUGUSTA, MAINE 04333

February 1, 1988

Senator Charles P. Pray  
President of the Senate  
State House  
Augusta, Maine 04333

RE: Report on Mental Health Services to Deaf Persons in Maine

Dear Senator Pray:

It is with pleasure that I present this first biennial report describing developments over the past five years in mental health services for Maine deaf citizens. This report was presented to the Joint Standing Committee on Human Resources pursuant to P.L. 1987, Ch. 331.

As the report demonstrates, there has been considerable progress made in this specialty area. Specifically, programs funded through Legislative appropriations have been implemented and are addressing ongoing mental health needs of the deaf community.

I hope that you find this report both informative and enjoyable to read. Should you require clarification regarding any section of the report, we stand ready to assist as needed.

Sincerely,  
S/Susan B. Parker  
Commissioner  
Department of Mental

Health

and Mental Retardation

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

The Following Communication:

STATE OF MAINE  
OFFICE OF THE PRESIDENT  
AUGUSTA, MAINE 04333

February 2, 1988

Honorable Joy J. O'Brien  
Secretary of the Senate  
State House  
Augusta, Maine 04333

Dear Madam Secretary:

Pursuant to my authority under M.R.S.A. 38, Section 1453, I have reappointed Mr. Charles Frizzle to the Advisory Commission on Radioactive Waste.

Please let me know if you have any questions about this appointment.

Sincerely,  
S/Charles P. Pray  
President of the Senate

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

CITIZENS' FORESTRY ADVISORY COUNCIL  
February 2, 1988

The Honorable John R. McKernan, Jr.  
Governor of the State of Maine  
Station 1  
Augusta, Maine 04333  
The Honorable Charles P. Pray  
President of the Senate

Senate Chambers  
Station 3

Augusta, Maine 04333  
The Honorable John L. Martin  
Speaker of the House of Representatives  
House of Representatives  
Station 2

Augusta, Maine 04333  
Dear Governor McKernan, President Pray, Speaker Martin:

The Citizens' Forestry Advisory Council by this letter transmits to you its annual report for 1987 as required under Title 12 MRSA Section 5101-B, Paragraph C.

This report summarizes the Council's activities and comments on the Forests For the Future Report, submitted under separate copy.

Respectfully submitted,  
S/Howard Spencer  
Chairman

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

COMMITTEE REPORTS

House

Ought Not to Pass

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

Bill "An Act to Provide Free Access to Certain State Lands by Disabled Persons"

H.P. 1434 L.D. 1951

Bill "An Act Relating to the Expiration of a Valid Certificate of Inspection on a New or Used Motor Vehicle"

H.P. 1423 L.D. 1934

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 Deorganize the Town of Atkinson"

H.P. 1433 L.D. 1950

Ought to Pass

The Committee on EDUCATION on Bill "An Act Relating to Kents Hill School"

H.P. 1437 L.D. 1953

Reported that the same Ought to Pass.

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass As Amended

The Committee on TAXATION on 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

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-439).

Comes from the House, with the Report READ and ACCEPTED and the Resolve PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-439)

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

Committee Amendment "A" (H-439) READ and ADOPTED, in concurrence.  
The Resolve as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on UTILITIES on Bill "An Act to Extend the Sunset Review Period for Rate Regulation Reform for Certain Electric Utilities"  
H.P. 1425 L.D. 1936

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-438).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-438)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-438) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act Requiring Fiscal Impact Statements Describing the Costs and Benefits Associated with Each Legislative Document and Agency Rule that Affect Political Subdivisions of the State"  
H.P. 855 L.D. 1149

Reported that the same Ought Not to Pass.

Signed:

Senators:

- TUTTLE of York
- BALDACCI of Penobscot

Representatives:

- HUSSEY of Milo
- ROTONDI of Athens
- ANTHONY of South Portland
- CARROLL of Gray
- LACROIX of Oakland
- BOUTILIER of Lewiston

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

Signed:

Senator:

- GOULD of Waldo

Representatives:

- STROUT of Windham
- WENTWORTH of Wells
- BICKFORD of Jay
- LOOK of Jonesboro

Comes from the House the Majority OUGHT NOT TO PASS Report READ and ACCEPTED.

Which Reports were READ.

Senator TUTTLE of York, moved that the Senate ACCEPT the Majority OUGHT NOT TO PASS Report.

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending the motion of Senator TUTTLE of York to ACCEPT the Majority OUGHT NOT TO PASS Report, in concurrence.

Senate

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 to Ban Importing Solid Waste"

S.P. 743 L.D. 2002

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

Ought to Pass

Senator BRANNIGAN for the Committee on JUDICIARY on Bill "An Act Clarifying the Authority of Superior Court Justices to Sit in District Court"

S.P. 714 L.D. 1944

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

SECOND READERS

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

House

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

H.P. 1494 L.D. 2044

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

H.P. 1591 L.D. 2177

Which were READ A SECOND TIME and PASSED TO BE ENGROSSED, in concurrence.

Senate

Bill "An Act to Clarify the Offense of Furnishing Liquor to a Minor"

S.P. 736 L.D. 1995

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

Sent down for concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Extend Unemployment Benefits Under Certain Economic Conditions" (Emergency)

H.P. 1603 L.D. 2194

Comes 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.

ORDERS OF THE DAY

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

Bill "An Act to Establish a Detention and Rehabilitation System for Chronic Operating-Under-the-Influence Offenders"

H.P. 1597 L.D. 2183

Tabled - February 3, 1988, by Senator CLARK of Cumberland.

Pending - REFERENCE

(Committee on LEGAL AFFAIRS suggested and ORDERED PRINTED.)

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

Off Record Remarks

On motion by Senator PERKINS of Hancock, RECESSED until 12:00.

After Recess

Senate called to order by the President.

Senator KERRY was granted unanimous consent to address the Senate on the record.

Senator KERRY: Thank you very much Mr. President and ladies and gentlemen of the Senate. I apologize for my cold which I am sure many others share the same infliction, but this morning I would like to speak to you regarding the resolution that we passed honoring Mr. Sean MacBride, the individual who was the Nobel Peace Prize Laureate and the founder of Amnesty International.

In addition to these worthy causes of which he worked for he was an Irish patriot who worked very hard for the people of Ireland, both North and South to eliminate discrimination and to improve the social economic circumstances of the Irish people.

Recently, when I traveled to Ireland to research the MacBride Principles which deals with fair employment and discrimination in that country, I was scheduled to meet with Mr. MacBride. Unfortunately, the day before I arrived he became very ill and he was unable to keep his appointment with me and subsequently, a week later he passed away.

I had this article from the Wall Street Journal passed around to you for your edification only because I feel that the Wall Street Journal would probably treat a person like Sean MacBride with a great deal of scrutiny. We will soon be addressing in this Senate and in this Legislature a series of principles that I think are extremely important to the advocacy of human rights throughout the world. I would like to say that the United States is very well respected throughout the world for its promotion and advocacies of human and civil rights. Mr. Sean MacBride lived his life for the people of his nation very much like the Martin Luther King's, the Kennedy's and other great Americans did during our Civil Rights Movement here in the United States.

I would like to say also that I, as an American legislator, was very pleased to think that the Irish and the British Governments hold our government in such high esteem. Unfortunately, I find myself on a different side of the British Government on the MacBride principles which essentially will advance the principles of equal opportunity employment in Ireland and hopefully, erradicate much of the discrimination that exists there. I won't take any more of your time Mr. President and ladies and gentlemen of the Senate, but I would let you know that it is very important that we take this issue very seriously and we certainly give it every due consideration. I think a lot of people in Northern Ireland are banking on our Legislature and other legislatures throughout the country to address this issue on their behalf. Thank you.

Off Record Remarks

The Senator from Kennebec, Senator MATTHEWS was granted unanimous consent to address the Senate off the record.

On motion by Senator DUTREMBLE of York, ADJOURNED until Friday, February 5, 1988, at 12:00.

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE  
SECOND REGULAR SESSION  
18th Legislative Day  
Friday, February 5, 1988

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

Prayer by Major Walter Douglass, Salvation Army, Augusta.

The Journal of Thursday, February 4, 1988, was read and approved.

Quorum call was held.

SENATE PAPERS

Unanimous Leave to Withdraw

Report of the Committee on Transportation reporting "Leave to Withdraw" on 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)

Report of the Committee on Energy and Natural Resources reporting "Leave to Withdraw" on Bill "An Act to Ban Importing Solid Waste" (S.P. 743) (L.D. 2002)

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

COMMUNICATIONS

The following Communication: (H.P. 1611)

STATE OF MAINE  
DEPARTMENT OF STATE  
AUGUSTA, MAINE 04333

February 3, 1988

Hon. John L. Martin  
Speaker of the House  
Maine State Legislature  
State House  
Augusta, Maine 04333  
Dear Speaker Martin:

In accordance with the provisions of Title 30, Section 253 of the Revised Statutes, as amended, I have the honor to transmit herewith the budget estimates of expenses of the counties within the State for the year 1988.

They are as follows:

Aroostook  
Franklin  
Hancock  
Kennebec  
Knox  
Lincoln  
Oxford  
Penobscot  
Piscataquis  
Sagadahoc  
Somerset  
Washington  
York

Respectfully,  
s/Rodney S. Quinn

Was read and with accompanying papers referred to the Committee on State and Local Government and sent up for concurrence.

PETITIONS, BILLS AND RESOLVES  
REQUIRING REFERENCE

The following Bills were received and, upon the recommendation of the Committee on Reference of Bills, were referred to the following Committees, Ordered Printed and Sent up for Concurrence:

Agriculture