

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
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FIRST SPECIAL SESSION

October 9, 1987 to October 10, 1987
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SECOND SPECIAL SESSION

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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
Wednesday
February 17, 1988

Senate called to Order by the President.

Prayer by Reverend Andrew Kane of the Baptist Church in Oakland.

REVEREND KANE: I would ask that you take this form that is on the desk in front of you please. May we read it together.

Sing to the Lord, all the world! Worship the Lord with joy; come before Him with happy songs! Acknowledge that the Lord is God. He made us, and we belong to Him; we are His people, we are His flock. Enter the Temple gates with thanksgiving; go into its courts with praise. Give thanks to Him and praise Him. The Lord is good; His love is eternal and His faithfulness lasts forever.

May we pray. Lord so many times we ask that our work may be with an attitude of worship as we make decisions this morning, as we go about Your work. May we do that which is best for You knowing what is best for our state, best for our community. We pray oh Lord that the decisions we make here and in the halls may best the best for Your people, the people of our State of Maine. Amen.

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE
House Papers

Bill "An Act to Require Payment for Inland Fisheries and Wildlife Wardens Out of the General Fund"

H.P. 1664 L.D. 2276

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.

Off Record Remarks

Bill "An Act to Restrict the Department of Environmental Protection from Hiring Independent Legal Counsel to Oppose the Attorney General Unless Authorized by the Legislature"

H.P. 1660 L.D. 2270

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 Amend the Fisheries and Wildlife Work Education Program" (Emergency)

H.P. 1661 L.D. 2271

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 Clarify the Law Relating to AIDS"

H.P. 1651 L.D. 2259

Committee on JUDICIARY suggested and ORDERED PRINTED.

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.

Resolve, Authorizing Gary Kelly, Daniel Kelly and the Estate of Cynthia Kelly to Sue the State for Compensation for Wrongful Death and Other Injuries Suffered as a Result of a Motor Vehicle Collision

H.P. 1662 L.D. 2272

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.

Pursuant to the Statutes
Committee on TAXATION

The Committee on TAXATION, pursuant to the Maine Revised Statutes, Title 1 Chapter 2601, ask leave to submit its findings and to report that the accompanying Bill "An Act to Amend Property Tax Exemptions"

H.P. 1657 L.D. 2267

Be referred to the Joint Standing Committee on TAXATION for Public Hearing and printed pursuant to Joint Rule 18.

Comes from the House with the Report READ and ACCEPTED and the Bill referred to the Committee on TAXATION and ORDERED PRINTED, pursuant to Joint Rule 18.

Which Report was READ and ACCEPTED, in concurrence.

The Bill referred to the Committee on TAXATION and ORDERED PRINTED, pursuant to Joint Rule 18, in concurrence.

Pursuant to Resolves
Commission on SPORT FISHERIES

The Commission on SPORT FISHERIES, pursuant to Resolves 1987, Chapter 39, ask leave to submit its findings and to report that the accompanying Resolve, to Change the Reporting Date of the Commission on Sport Fisheries (Emergency)

H.P. 1663 L.D. 2275

Be referred to the Joint Standing Committee on FISHERIES AND WILDLIFE for Public Hearing and printed pursuant to Joint Rule 18.

Comes from the House with the Report READ and ACCEPTED and the Resolve referred to the Committee on FISHERIES AND WILDLIFE and ORDERED PRINTED, pursuant to Joint Rule 18.

Which Report was READ and ACCEPTED, in concurrence.

The Resolve referred to the Committee on FISHERIES AND WILDLIFE and ORDERED PRINTED, pursuant to Joint Rule 18, 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

Enhance the Ability of the State to Respond to the Informational Needs of Maine Businesses"

H.P. 1658 L.D. 2268

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.

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending REFERENCE.

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 Make Housing More Affordable to Maine Citizens"

H.P. 1659 L.D. 2269

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.

Joint Resolution

The Following Joint Resolution: H.P. 1665

JOINT RESOLUTION IN MEMORY OF DANA P. STEVENSON

WHEREAS, great shock and sadness filled our chambers on February 11, 1988, with the untimely passing of Dana P. Stevenson, Representative from Unity; and

WHEREAS, Representative Stevenson was a retired elementary school principal and school superintendent whose career in education spanned 32 years; and

WHEREAS, Dana P. Stevenson was dedicated to his constituents and the cause of good government, having served 14 years as first selectmen of the Town of Unity and 4 consecutive terms in the House of Representatives of the Maine Legislature; and

WHEREAS, he liked to stand tall as "Uncle Sam", reminding us of the greatness of our American heritage and the spirit which has given us strength as a nation and pride as citizens; now, therefore, be it

RESOLVED: That, We the Members of the 113th Legislature of the State of Maine, now assembled in the Second Regular Session, pause in a moment of understanding and prayer to inscribe this token of sympathy and condolence to all who share the loss of our dear colleague and respectfully request that when the Legislature adjourns this date it do so in honor and lasting tribute to the deceased; and be it further

RESOLVED: That this resolution in memory of our friend and colleague be entered into our permanent journals and a copy, duly attested by the Secretary of State, be presented to Madeline, his devoted wife.

Comes from the House READ and ADOPTED.

Which was READ and ADOPTED, in concurrence.

COMMUNICATIONS

The Following Communication: S.P. 881

COMMITTEE ON JUDICIARY

ONE HUNDRED AND THIRTEENTH LEGISLATURE

February 16, 1988

The Hon. Charles P. Pray, Chairman

Legislative Council

State House

Augusta, ME 04333

Dear Mr. President:

The Joint Standing Committee on Judiciary is pleased to submit the attached report of our study of Driving Under the Influence of Illegal Drugs pursuant to the order of the Legislative Council. We hope you find this report a useful tool in our continuing efforts to combat drug abuse and its effects on society.

Sincerely,

S/Sen. Joseph C. Brannigan S/Rep. Patrick E. Paradis
Senate Chair House Chair

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

Sent down for concurrence.

The Following Communication:

COMMISSION ON LAND CONSERVATION

AND ECONOMIC DEVELOPMENT

MAINE STATE LEGISLATURE

AUGUSTA, MAINE 04333

February 15, 1988

President Pray

Speaker Martin

State House

Augusta, ME 04333

Dear President Pray and Speaker Martin:

Maine is today faced with inexorable growth pressures extending up from the south, along the coast and into the western mountains. Even Aroostook County has not escaped the attention of speculative land dealers. Maine, its cities and towns must act together to plan for this growth; channelling its development and capturing its economic benefits for our citizens. At the same time, we must move to preserve those special elements of Maine life that make this state our own. Change is coming and we cannot stop it. However, with all of our concerted efforts, the new Maine of the 1990's will still be a home of which we can all be proud. We feel that there is no issue before the Legislature in this session which has such profound implications for the future of Maine and the well-being of its citizens.

The Commission on Land Conservation and Economic Development is pleased to submit its legislative recommendations to the Legislature pursuant to P.L. 1987, c.514. The Commission is recommending action on the four attached bills to address various aspects of the growth management problem in Maine.

The Commission recommends passage of AN ACT to Promote Orderly Economic Growth and Natural Resource Conservation as the central element in Maine's efforts to effectively manage growth. While individual members differ over specific components of the proposal, the Commission is unanimous in its recommendations to:

1. Establish state goals and guidelines for local planning;
2. Provide a substantial increase in state assistance to municipalities in support of their planning, economic development and growth management activities, and;

3. Provide for state coordination and review of local planning efforts.

The Commission also submits three pieces of tax legislation. The first, a minority report, would place a tax on the capital gains resulting from speculative land transactions. The second, a unanimous report, would provide municipalities with the option of a local tax on the transfer of real estate with an exemption for the first \$77,000 on primary residences. The third, a unanimous report, is recommended for referral to the Joint Standing Committee on Taxation as a vehicle for needed revisions to the Farm and Open Space Tax.

The Commission's final report will be printed and distributed in the near future.

Sincerely,

S/Sen. Donald Twitchell S/Rep. Michael Michaud
Chair Chair

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

SENATE PAPERS

Bill "An Act to Provide Replacement Funding and Capital for the Maine Fire Training and Education Program as offered by the Southern Maine Vocational-Technical Institute"

S.P. 875 L.D. 2278

Presented by Senator PERKINS of Hancock
Cosponsored by: Representative HIGGINS of Scarborough, Representative MACOMBER of South Portland, Representative CHONKO of Topsham
Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 27

Bill "An Act to Provide Volunteer Literacy Services for Maine Citizens"

S.P. 876 L.D. 2279

Presented by Senator CLARK of Cumberland
Cosponsored by: Representative BOST of Orono, Senator PEARSON of Penobscot, Representative FOSTER of Ellsworth

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

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

Sent down for concurrence.

Resolve, to Create A Demonstration Project to Provide for Ladders of Advancement in the Nursing Profession (Emergency)

S.P. 877 L.D. 2280

Presented by Senator GAUVREAU of Androscoggin
Cosponsored by: Senator BUSTIN of Kennebec, Representative LAPOINTE of Auburn, Representative ROLDE 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 to Establish the Maine Elderly Tax Assistance Program"

S.P. 880 L.D. 2283

Presented by Senator KANY of Kennebec
Cosponsored by: Representative GWADOSKY of Fairfield, Representative DIAMOND of Bangor, Representative JOSEPH of Waterville

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 Require Motor Vehicle Ignition Interlock Devices for Persons with Restricted Driving Privileges Involving Drugs or Alcohol"

S.P. 878 L.D. 2281

Presented by Senator KANY of Kennebec
Cosponsored by: Representative ALLEN of Washington, Representative SWAZEY of Bucksport, Representative KETOVER of Portland

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

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

Sent down for concurrence.

Bill "An Act to Enhance Enforcement of the Handicapped Parking Laws"

S.P. 879 L.D. 2282

Presented by Senator BUSTIN of Kennebec
Cosponsored by: Senator ANDREWS of Cumberland, Senator DOW of Kennebec, Representative MCPHERSON of Eliot

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 CLARK of Cumberland (Cosponsored by: Senator PERKINS of Hancock, Representative DIAMOND of Bangor) (Approved for Introduction by the Legislative Council pursuant to Joint Rule 35) the following Joint Resolution:

S.P. 882

JOINT RESOLUTION MEMORIALIZING
THE PRESIDENT OF THE UNITED STATES
AND THE CONGRESS OF THE UNITED STATES
TO URGE THE RETENTION OF MORTGAGE REVENUE BONDS
AS A FINANCIAL MECHANISM AUTHORIZED BY THE FEDERAL
TAX CODE TO ASSIST IN ADDRESSING THE CRITICAL
PROBLEM OF AFFORDABLE SINGLE-FAMILY HOUSING

WE, your Memorialists, the Senate and House of Representatives of the State of Maine in the Second Regular Session of the 113th Legislature, now assembled, most respectfully present and petition the President of the United States and the members of Congress from the several states as follows:

WHEREAS, current federal law provides for the elimination of the tax-exempt status for revenue bonds sold by states to provide affordable mortgage capital to first-time home buyers; and

WHEREAS, the availability of mortgage revenue bonds is a critical element in the State of Maine's ability to address a continuing problem of lack of affordable mortgage capital for Maine's working families; and

WHEREAS, since the sale of its first mortgage revenue bond in 1972, the State of Maine has been able to provide the dream of homeownership to over 16,500 Maine families because of the availability of mortgage revenue bonds; and

WHEREAS, the Maine housing market faces a critical problem of increasing disparity between income and home costs, making the necessary monthly payments on a home too high for thousands of Maine families to afford at conventional interest rates; and

WHEREAS, the availability of affordable housing is recognized as a critical element in the continued economic health and social strength of the State of Maine; and

WHEREAS, the State of Maine has a long-standing financial and programmatic commitment to the provision of affordable housing; and

WHEREAS, the availability of mortgage revenue bonds is essential if Maine working families are to be able to afford to purchase a home of their own and the State of Maine remain able to meet its commitment to assist its people in attaining the dream of homeownership; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge that legislation introduced into the House of Representatives and Senate of the United States Congress be enacted forthwith to extend for at least another 5 years the availability of single-family mortgage revenue bonds; and be it further

RESOLVED: That the Maine Legislature respectfully requests that the Representatives of the several states in Congress of the United States and the President of the United States act to make sure that no interruption in the availability of single-family mortgage revenue bonds will occur; and be it further

RESOLVED: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable Ronald W. Reagan, President of the United States; to the Honorable George Bush, President of the Senate; to the Honorable James Wright, Speaker of the House of Representatives; and to each member of the Maine Congressional Delegation.

Which was READ and ADOPTED.
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 Limit the Purchase of Land by Quasi-Municipal Districts"

H.P. 1531 L.D. 2085

Ought to Pass

The Committee on BANKING AND INSURANCE on Bill "An Act to Clarify the Volume Fee Provision of the Maine Consumer Credit Code" (Emergency)

H.P. 1468 L.D. 1979

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 in New Draft

The Committee on TRANSPORTATION on Bill "An Act to Amend the Notice Provision under the Motor Vehicle Laws"

H.P. 1429 L.D. 1940

Reported that the same Ought to Pass in New Draft under same title.

H.P. 1656 L.D. 2266

Comes from the House, with the Report READ and ACCEPTED and the Bill in NEW DRAFT PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT READ ONCE.

The Bill in NEW DRAFT TOMORROW ASSIGNED FOR SECOND READING.

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 Authorize an Increase in Membership of the Brewer Water District"

S.P. 744 L.D. 2003

Ought to Pass in New Draft

Senator KERRY for the Committee on UTILITIES on Bill "An Act Creating the Fayette Water District"

S.P. 431 L.D. 1311

Reported that the same Ought to Pass in New Draft under same title (Emergency).

S.P. 883 L.D. 2291

Which Report was READ and ACCEPTED.

The Bill in NEW DRAFT READ ONCE.

The Bill in NEW DRAFT TOMORROW ASSIGNED FOR SECOND READING.

SECOND READERS

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

House

Bill "An Act to Exempt from Labeling Requirements Goods Produced Under Certification issued by the United States Department of Justice Pursuant to the Prison Industries Enhancement Act"

H.P. 1471 L.D. 1982

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

House As Amended

Bill "An Act to Adequately Compensate Municipal Agents for Activities Undertaken on Behalf of the State in the Registration of Motor Vehicles"

H.P. 1446 L.D. 1957

(C "A" H-448)

Which was READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended, in concurrence.

ENACTORS

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

An Act to Amend the Membership of the Soil and Water Conservation Commission

S.P. 746 L.D. 2005

(C "A" S-311)

An Act Relating to the Use of Unoccupied Interment Spaces

S.P. 774 L.D. 2031

(S "A" S-313)

Which were PASSED TO BE ENACTED and having been signed by the President, were presented by the Secretary to the Governor for his approval.

Emergency

An Act Concerning Sanitary Conditions on Railroad Property

H.P. 1647 L.D. 2253

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

ORDERS OF THE DAY

The Chair laid before the Senate the Tabled and
Later Today assigned matter:

Bill "An Act to Enhance the Ability of the State
to Respond to the Informational Needs of Maine
Businesses"

H.P. 1658 L.D. 2268

Tabled - February 17, 1988, by Senator CLARK of
Cumberland.

Pending - REFERENCE

(In Senate, February 17, 1988, Study Report READ
and ACCEPTED, in concurrence.)

(In House, February 16, 1988, Study Report READ
and ACCEPTED and the Bill referred to the Committee
on ECONOMIC DEVELOPMENT and ORDERED PRINTED, pursuant
to Joint Rule 19.)

Which was referred to the Committee on
APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED
PRINTED pursuant to Joint Rule 19 in NON-CONCURRENCE.

Sent down for concurrence.

Senate at Ease

Senate called to order by the President.

On motion by Senator DOW of Kennebec, ADJOURNED
until Thursday, February 18, 1988, at 10:00 in the
morning.

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE
SECOND REGULAR SESSION
26th Legislative Day

Thursday, February 18, 1988

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

Prayer by Reverend Carlton Gunn, Pride's Corner
Congregational Church, Westbrook.

The Journal of Wednesday, February 17, 1988, was
read and approved.

Quorum call was held.

SENATE PAPERS

The following Joint Resolution: (S.P. 882)

JOINT RESOLUTION MEMORIALIZING

THE PRESIDENT OF THE UNITED STATES
AND THE CONGRESS OF THE UNITED STATES
TO URGE THE RETENTION OF MORTGAGE REVENUE BONDS
AS A FINANCIAL MECHANISM AUTHORIZED BY THE FEDERAL
TAX CODE TO ASSIST IN ADDRESSING THE CRITICAL
PROBLEM OF AFFORDABLE SINGLE-FAMILY HOUSING

WE, your Memorialists, the Senate and House of
Representatives of the State of Maine in the Second
Regular Session of the 113th Legislature, now
assembled, most respectfully present and petition the
President of the United States and the members of
Congress from the several states as follows:

WHEREAS, current federal law provides for the
elimination of the tax-exempt status for revenue
bonds sold by states to provide affordable mortgage
capital to first-time home buyers; and

WHEREAS, the availability of mortgage revenue
bonds is a critical element in the State of Maine's
ability to address a continuing problem of lack of
affordable mortgage capital for Maine's working
families; and

WHEREAS, since the sale of its first mortgage
revenue bond in 1972, the State of Maine has been
able to provide the dream of homeownership to over
16,500 Maine families because of the availability of
mortgage revenue bonds; and

WHEREAS, the Maine housing market faces a
critical problem of increasing disparity between
income and home costs, making the necessary monthly
payments on a home too high for thousands of Maine
families to afford at conventional interest rates; and

WHEREAS, the availability of affordable housing
is recognized as a critical element in the continued
economic health and social strength of the State of
Maine; and

WHEREAS, the State of Maine has a long-standing
financial and programmatic commitment to the
provision of affordable housing; and

WHEREAS, the availability of mortgage revenue
bonds is essential if Maine working families are to
be able to afford to purchase a home of their own and
the State of Maine remain able to meet its commitment
to assist its people in attaining the dream of
homeownership; now, therefore, be it

RESOLVED: That We, your Memorialists,
respectfully urge that legislation introduced into
the House of Representatives and Senate of the United
States Congress be enacted forthwith to extend for at
least another 5 years the availability of
single-family mortgage revenue bonds; and be it
further

RESOLVED: That the Maine Legislature respectfully
requests that the Representatives of the several
states in Congress of the United States and the
President of the United States act to make sure that
no interruption in the availability of single-family
mortgage revenue bonds will occur; and be it further