

# 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  
Friday  
February 19, 1988

Senate called to Order by the President.

Prayer by Reverend Robert Hargreaves of St. Mark's Episcopal Church in Augusta.

(Due to a technical malfunction, the prayer cannot be transcribed at this time.)

ROLL CALL

The Roll being called, the following Senators answered to their name:

Senators ANDREWS, BALDACCI, BERUBE, BLACK, BRAWN, BUSTIN, CAHILL, CLARK, COLLINS, DILLENBACK, DOW, DUTREMBLE, EMERSON, ERWIN, ESTES, GILL, GOULD, KANY, LUDWIG, MATTHEWS, MAYBURY, PEARSON, RANDALL, THERIAULT, TWITCHELL, USHER, WEBSTER, WHITMORE, THE PRESIDENT - CHARLES P. PRAY

29 Senators having answered to the Roll, the President declared that a quorum was present.

Off Record Remarks

Reading of the Journal of Yesterday.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Remove the Statutory Loan Guarantee Ceiling on the Small Business Mortgage Insurance Program of the Finance Authority of Maine" (Emergency)

H.P. 1680 L.D. 2309

Committee on ECONOMIC DEVELOPMENT suggested and ORDERED PRINTED.

Comes from the House, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, without reference to a Committee.

Which was, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, without reference to a Committee, and ORDERED PRINTED, in concurrence.

Under suspension of the Rules, ordered sent forthwith to the Engrossing Department.

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Establish an Occupational Health Program"

H.P. 1676 L.D. 2295

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.

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 Determine the Extent and Impact of Unemployed Persons No Longer Eligible for Unemployment Insurance Upon the State of Maine" (Emergency)

H.P. 1674 L.D. 2293

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. 1654

JOINT RESOLUTION IN HONOR OF CARRIE S. BERRY

WHEREAS, "the work of the individual still remains the spark that moves mankind forward"; and WHEREAS, among those workers who have contributed to the forward movement in no small way is Carrie Smith Berry of Manchester; and

WHEREAS, she is a very dedicated individual who has worked hard behind the scenes of State Government for the public betterment for the past 30 years; and

WHEREAS, the very happiest of our privileges is the privilege of rewarding labor that deserves reward; now, therefore, be it

RESOLVED: That We, the members of the 113th Legislature now convened in Second Regular Session, pause in our deliberations to honor Carrie S. Berry on the eve of her retirement and to express our sincere thanks for her many years of distinguished service as head of the State Elections Bureau and the Engrossing Division; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to Carrie S. Berry with our deep appreciation and very best wishes for her future.

Comes from the House READ and ADOPTED.

Which was READ.

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

COMMUNICATIONS

The Following Communication:

SPECIAL COMMISSION TO STUDY THE USE OF STATE VALUATION IN THE ALLOCATION OF STATE FUNDING AMONG MUNICIPALITIES

February 18, 1988

President Pray  
Speaker Martin  
State House  
Augusta, ME 04333

Dear President Pray and Speaker Martin:

The Special Commission to Study the Use of State Valuation in the Allocation of State Funding Among Municipalities is pleased to submit its report to the Legislature pursuant to Resolve, c. 63.

Sincerely,  
S/Sen. R. Donald Twitchell  
Chairman

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

SENATE PAPERS

Bill "An Act to Provide for Payment of Contributions by Employers Under the Maine State Retirement System"

S.P. 887 L.D. 2299

Presented by Senator DOW of Kennebec  
Cosponsored by: Senator TWITCHELL of Oxford,  
Representative MAYO of Thomaston, Representative  
HICKEY of Augusta

Approved for Introduction by a Majority of the  
Legislative Council pursuant to Joint Rule 26  
Which was referred to the Committee on AGING,  
RETIREMENT AND VETERANS and ORDERED PRINTED.  
Sent down for concurrence.

Bill "An Act to Develop a Program for Prenatal  
Detection of Handicapping Conditions"

S.P. 890 L.D. 2302

Presented by Senator GILL of Cumberland  
Cosponsored by: Senator CLARK of Cumberland,  
Representative HIGGINS of Scarborough,  
Representative DIAMOND of Bangor

Approved for Introduction by a Majority of the  
Legislative Council pursuant to Joint Rule 27  
Bill "An Act to Respond to Health Care Occupation  
Shortages in Maine through the Health Occupations  
Training Project"

S.P. 892 L.D. 2304

Presented by Senator GILL of Cumberland  
Cosponsored by: Representative MANNING of  
Portland, Senator GAUVREAU of Androscoggin,  
Representative PINES of Limestone

Which were referred to the Committee on HUMAN  
RESOURCES and ORDERED PRINTED.  
Sent down for concurrence.

Bill "An Act Concerning Legislative Review of  
Nominations to the Maine State Housing Authority  
Board and the Board of Directors of the Finance  
Authority of Maine"

S.P. 891 L.D. 2303

Presented by President PRAY of Penobscot  
Approved for Introduction by a Majority of the  
Legislative Council pursuant to Joint Rule 27

Committee on STATE AND LOCAL GOVERNMENT suggested  
and ORDERED PRINTED.  
Which was, under suspension of the Rules, READ  
ONCE, without reference to a Committee and TOMORROW  
ASSIGNED FOR SECOND READING.

Bill "An Act to Capture Sales Tax Revenues on  
Manufactured Housing Purchased Outside the State"

S.P. 888 L.D. 2300

Presented by Senator TUTTLE of York  
Cosponsored by: Senator TWITCHELL of Oxford,  
Representative CASHMAN of Old Town, Senator  
SEWALL of Lincoln

Approved for Introduction by a Majority of the  
Legislative Council pursuant to Joint Rule 27  
Which was referred to the Committee on TAXATION  
and ORDERED PRINTED.  
Sent down for concurrence.

Pursuant to Private and Special Laws  
Maine Commission on OUTDOOR RECREATION

Senator MATTHEWS for the Maine Commission on  
OUTDOOR RECREATION, pursuant to P&SL 1987, Chapter  
68. ask leave to submit its findings and to report

that the accompanying Bill "An Act to Enhance Outdoor  
Recreation Opportunities"

S.P. 889 L.D. 2301

Be referred to the Joint Standing Committee on  
ENERGY AND NATURAL RESOURCES for Public Hearing and  
printed pursuant to Joint Rule 18.

Which Report was READ and ACCEPTED.

The Bill referred to the Committee on ENERGY AND  
NATURAL RESOURCES and ORDERED PRINTED, pursuant to  
Joint Rule 18.

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 Affecting Joint and Several  
Liability"

H.P. 198 L.D. 250

Bill "An Act to Exempt Directors of Credit Unions  
from Liability on Certain Matters"

H.P. 255 L.D. 338

Bill "An Act Limiting the Liability of Directors  
and Officers of Charitable Organizations"

H.P. 467 L.D. 634

RESOLUTION, Proposing an Amendment to the  
Constitution of Maine to Permit Municipalities to  
Waive Property Taxes for Residents who are 70 Years  
or Older

H.P. 1564 L.D. 2131

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

H.P. 1603 L.D. 2194

Change of Reference

The Committee on APPROPRIATIONS AND FINANCIAL  
AFFAIRS on Bill "An Act to Provide Funds for the Seed  
Potato Breeding Program"

H.P. 1605 L.D. 2196

Reported that the same be REFERRED to the  
Committee on AGRICULTURE.

Comes from the House with the Report READ and  
ACCEPTED and the Bill REFERRED to the Committee on  
AGRICULTURE.

Which Report was READ and ACCEPTED, in  
concurrence.

The Bill REFERRED to the Committee on  
AGRICULTURE, in concurrence.

Change of Reference

The Committee on APPROPRIATIONS AND FINANCIAL  
AFFAIRS on Bill "An Act to Provide for a State  
Trademark for Maine Products"

H.P. 1608 L.D. 2199

Reported that the same be REFERRED to the  
Committee on AGRICULTURE.

Comes from the House with the Report READ and  
ACCEPTED and the Bill REFERRED to the Committee on  
AGRICULTURE.

Which Report was READ and ACCEPTED, in  
concurrence.

The Bill REFERRED to the Committee on  
AGRICULTURE, in concurrence.

Divided Report

The Majority of the Committee on BUSINESS  
LEGISLATION on Bill "An Act Relating to Disclosures  
when Selling Used Cars"

H.P. 1435 L.D. 1952  
Reported that the same Ought to Pass.

Signed:

Senators:

BALDACCI of Penobscot  
BRANNIGAN of Cumberland  
WHITMORE of Androscoggin

Representatives:

ALLEN of Washington  
ALIBERTI of Lewiston  
TELOW of Lewiston  
GURNEY of Portland  
LEBOWITZ of Bangor  
STEVENS of Sabattus  
HILLOCK of Gorham  
REED of Falmouth

The Minority of the same Committee on the same subject reported that the same Ought Not to Pass.

Signed:

Representative:

RACINE of Biddeford  
(Representative SHELTRA of Biddeford Abstained)

Comes from the House the Majority OUGHT TO PASS Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED.

Which Reports were READ.

The Majority OUGHT TO PASS Report was ACCEPTED, in concurrence.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

Senate

Ought to Pass As Amended

Senator KANY for the Committee on LEGAL AFFAIRS on Bill "An Act Concerning the Carrying of Concealed Firearms by Licensed Private Investigators"

S.P. 779 L.D. 2036

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-316).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-316) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass in New Draft

Senator THERIAULT for the Committee on TRANSPORTATION on Bill "An Act Concerning the Use of Flashing Lights on School Buses"

S.P. 716 L.D. 1945

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

S.P. 893 L.D. 2305

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:

Senate

Bill "An Act Concerning Marine Recreational Fisheries"

S.P. 732 L.D. 1991

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

Sent down for concurrence.

ENACTORS

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

An Act to Add the Commissioner of Public Safety to the Alcohol and Drug Abuse Planning Committee

H.P. 1461 L.D. 1972

An Act to Amend the Charter of the Limestone Water and Sewer District

H.P. 1547 L.D. 2107

An Act to Prohibit Hunting, Trapping, Molesting or Harassing of Bear near Dumps

H.P. 1635 L.D. 2234

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 to Make Substantive Corrections in the County and Municipal Laws

H.P. 35 L.D. 36

(H "A" H-444, H "B" H-445 to C "B" H-442)

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with No Senators having voted in negative, and 29 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.

Senate at Ease

Senate called to order by the President.

Emergency

An Act to Clarify the Home Rule Authority of Municipalities

H.P. 384 L.D. 506

(C "B" H-441)

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with No Senators having voted in negative, and 30 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 Powers of the Maine Youth Center Employees

S.P. 729 L.D. 1988

(C "A" S-314)

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with No Senators having voted in negative, and 30 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.

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

ENACTORS

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

Emergency

An Act to Remove the Statutory Loan Guarantee Ceiling on the Small Business Mortgage Insurance Program of the Finance Authority of Maine

H.P. 1680 L.D. 2309

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with No Senators having voted in negative, and 29 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.

Under suspension of the Rules, ordered sent forthwith to the Governor.

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Emergency

An Act to Amend Reporting Deadlines under the Therapeutic Pharmaceutical Monitoring Panel

H.P. 1491 L.D. 2041

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with No Senators having voted in negative, and 30 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.

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Emergency

An Act to Clarify the Voting Method of Expansion of the Harrison Water District

H.P. 1496 L.D. 2046

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with No Senators having voted in negative, and 30 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.

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Off Record Remarks

Senator MATTHEWS of Kennebec was granted unanimous consent to address the Senate on the Record.

Senator MATTHEWS: Thank you Mr. President. Mr. President, men and women of the Senate. I would like to respond to what the Senator from Franklin, Senator Webster said yesterday on the record regarding the problems at International Paper Company. I would like to read to you an editorial from yesterday's Morning Sentinel.

"Recent problems at the International Paper Company plant in Jay have been complicated by the strike at the mill to the extent that it's been difficult to put the events in perspective.

Is the mill really unsafe? Are the replacement workers so inexperienced that their employment represents a threat not only to themselves but to the surrounding community? Or was the Feb. 5 leak a freak accident that happened to come in the midst of the bitter labor dispute?

Sunday's repetition of the chlorine dioxide leak at IP leads to one conclusion, strike or no strike. Something is wrong in the plant, and it should be fixed before someone is seriously injured or worse.

One doesn't need to look beyond Central Maine to see that the Jay plant isn't being run at the same level of safety as other paper mills in the area.

On Jan. 28, five employees of outside contractors were hospitalized after getting a dose of hydrogen sulfide gas. On Feb. 5, at least two residents were treated for exposure to chlorine dioxide gas after it spilled from a broken valve at the plant. On Sunday, seven employees were injured when chlorine dioxide leaked from a line in the bleaching area.

Even before the most recent IP gas leak, David Brown, director of the Maine Emergency Management Agency, said workers came "within a hair's breadth" of getting killed.

Remedying the problems in Jay will take more than a plan saying which street should evacuate when, however. State environmental officials should proceed with their monitoring of the IP plant operations, mindful of residents' call for the mill to be closed.

Any plan to shut the mill should be considered in the context of the safety of employees and local residents. If the call for a shutdown is an act of frustration stemming from the deadlocked strike, it is premature. If state officials can't assure the public that changes have been made and that the mill will be run safely, then the mill should halt production." Thank you Mr. President, men and women of the Senate.

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Off Record Remarks

On motion by Senator SEWALL of Lincoln, ADJOURNED until Monday, February 22, 1988, at 9:00 in the morning.