

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

Emergency Measure

An Act to Incorporate the Pembroke Utilities District (H.P. 1675) (L.D. 2294)

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. 119 voted in favor of the same and 1 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to be Engrossed
As Amended

RESOLVE, to Extend the Reporting Deadline for the Commission on Children in Need of Supervision and Treatment (Emergency) (H.P. 1698) (L.D. 2331)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

On motion of Representative Thistle of Dover-Foxcroft, under suspension of the rules, the House reconsidered its action whereby L.D. 2331 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-457) and moved its adoption.

House Amendment "A" (H-457) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" (H-457) and sent up for concurrence.

PASSED TO BE ENACTED

An Act Concerning Marine Recreational Fisheries (S.P. 732) (L.D. 1991)

An Act to Amend Procedures Under the Unclaimed Motor Vehicle Laws (H.P. 1509) (L.D. 2059) (C. "A" H-451)

An Act to Amend Laws Relating to Certain Licensing Boards (H.P. 1255) (L.D. 1713) (H. "A" H-455; C. "A" H-443)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

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 Prohibit Automated Telephone Solicitation" (S.P. 900) (L.D. 2336)

- In Senate, Referred to the Committee on Business Legislation.

TABLED - February 24, 1988 by Representative VOSE of Eastport.

PENDING - Reference in concurrence.

On motion of Representative Allen of Washington, retabled pending reference in concurrence and specially assigned for Friday, February 26, 1988.

(Off Record Remarks)

On motion of Representative Soucy of Kittery, Adjourned until Friday, February 26, 1988, at eight-thirty in the morning.

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

In Senate Chamber
Thursday
February 25, 1988

Senate called to Order by the President.

Prayer by Reverend Richard Small of the North Windham Union Church in Windham.

REVEREND SMALL: Let us pray. Oh God we pray that You send a special blessing upon all those who strive to make this a better world. Look with favor upon these Legislators as they debate and decide upon issues that effect all the people of this State. But most importantly, reach deep into our own souls and discover our real needs. Do You find some of us here out of breath trying to keep pace just with the demands of living? Do You find others of us about to give up on some endeavor that we really need to continue? Do You find some here feeling outcast or down because of a loss that we may have experienced? Send Your spirit among us here, Oh Lord, ministering to our individual needs so that we will rise up with new courage, be filled with new hope, experience new power, face the day with new resolution and be able to turn problems into opportunities for growth. We pray not only for ourselves, but for all of those we serve. In Your name we pray, Oh Lord. Amen.

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE
House Papers

Resolve, Authorizing a Working Capital Advance for the Seed Potato Board (Emergency)

H.P. 1705 L.D. 2342

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 Concerning the Display of Dealer Markup Stickers by New Car Dealers"

H.P. 1708 L.D. 2345

Comes from the House referred to the Committee on BUSINESS LEGISLATION and ORDERED PRINTED.

Which was referred to the Committee on BUSINESS LEGISLATION and ORDERED PRINTED, in concurrence.

Bill "An Act to Ensure Local Participation on the Radiological Emergency Preparedness Committee"

H.P. 1706 L.D. 2343

Bill "An Act to Continue Professional Forestry Supervision of Biomass Fuel Wood Harvesting Operations"

H.P. 1707 L.D. 2344

Come from the House referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED.

Which were referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED, in concurrence.

Bill "An Act to Permit Fly-Fishing Only on a Portion of the St. Croix River"

H.P. 1704 L.D. 2341

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 Concerning the Statutory Organization of Boards and Commissions" H.P. 1710 L.D. 2347

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.

Bill "An Act Regarding Security Deposits for Cable Television" H.P. 1709 L.D. 2346

Comes from the House referred to the Committee on UTILITIES and ORDERED PRINTED. Which was referred to the Committee on UTILITIES 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 Promote Economic Development in the State by Enhancing Employment Opportunities for Maine People" H.P. 1703 L.D. 2340

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.

COMMUNICATIONS

The Following Communication: H.P. 1712

ALPHA ONE
CENTER FOR INDEPENDENT LIVING
169 OCEAN STREET
SOUTH PORTLAND, MAINE 04106

February 22, 1988
Hon. John L. Martin
Speaker of the House
State House Station 2
Augusta, ME 04333

Dear Speaker Martin:
I am pleased to submit to you a copy of Toward Opportunity a report recently completed by the Maine Independent Living Commission. The Commission was established pursuant to a resolve of 1987 chapter 62. Sincerely,
S/Steven C. Tremblay, Chairman
Independent Living Commission

Comes from the House READ and with Accompanying Papers ORDERED PLACED ON FILE.

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

SENATE PAPERS

Bill "An Act to Enable Additional Agencies to Participate under the Finance Authority of Maine Loan Program"

S.P. 909 L.D. 2364

Presented by Senator KANY of Kennebec
Cosponsored by: Representative CARTER of Winslow, Representative PRIEST of Brunswick, Representative LACROIX of Oakland
Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26
Which was referred to the Committee on ECONOMIC DEVELOPMENT and ORDERED PRINTED.
Sent down for concurrence.

Bill "An Act to Require Testing for Dioxin and Toxic Metals at Energy Recovery Facilities"

S.P. 907 L.D. 2362

Presented by Senator DUTREMBLE of York
Cosponsored by: Representative DUTREMBLE of Biddeford, Representative MURPHY of Kennebunk, Senator KERRY of York
Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26
Which was referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED.
Sent down for concurrence.

Bill "An Act to Amend the Law for Rest Room Requirements for Bed and Breakfast Establishments"

S.P. 906 L.D. 2361

Presented by Senator WEBSTER of Franklin
Cosponsored by: Senator KANY of Kennebec, Representative BAILEY of Farmington
Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 27
Committee on LEGAL AFFAIRS suggested and ORDERED PRINTED.

On motion by Senator CLARK of Cumberland, referred to the Committee on BUSINESS LEGISLATION and ORDERED PRINTED.

Sent down for concurrence.

Resolve, Establishing the Commission to Study the Feasibility of Acquiring Coastal Property

S.P. 908 L.D. 2363

Presented by Senator TUTTLE of York
Cosponsored by: Representative MITCHELL of Freeport, Representative SALSBURY of Bar Harbor, Representative LOOK of Jonesboro
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 Provide for the Computerization of Data and Information Relating to Boards and Commissions"

H.P. 1519 L.D. 2072

Ought to Pass

The Committee on BANKING AND INSURANCE on Bill "An Act Relating to Nonforfeiture and Valuation Standards for Fraternal Benefit Societies"

H.P. 1571 L.D. 2142

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.

The Committee on LEGAL AFFAIRS on Bill "An Act to Clarify Late Charges for Residential Dwelling Units"

H.P. 1539 L.D. 2094

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.

The Committee on STATE AND LOCAL GOVERNMENT on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Oxford County for the Year 1988 (Emergency)

H.P. 1702 L.D. 2339

Reported that the same Ought to Pass, pursuant to Joint Order H.P. 1489.

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

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

The Resolve TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass in New Draft

The Committee on TRANSPORTATION on Bill "An Act to Control Vehicle Speeds on Public Easements"

H.P. 1462 L.D. 1973

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

H.P. 1696 L.D. 2329

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.

Divided Report

The Majority of the Committee on EDUCATION on Bill "An Act Relating to Geographic Isolation Grants"

H.P. 1422 L.D. 1933

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-454).

Signed:

Senator:

RANDALL of Washington

Representatives:

PARADIS of Frenchville

SMALL of Bath

O'GARA of Westbrook

MATTHEWS of Caribou

LAWRENCE of Parsonsfield

OLIVER of Portland

KILKELLY of Wiscasset

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

Signed:

Senator:

KANY of Kennebec

Representatives:

HANDY of Lewiston

NORTON of Winthrop

(Senator ESTES of York Abstained)

(Representative BOST of Orono Abstained)

Comes from the House the Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-454).

Which Reports were READ.

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending ACCEPTANCE OF EITHER REPORT.

SECOND READERS

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

House

Bill "An Act to Create the Maine Choice Fund"

H.P. 1695 L.D. 2328

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

House As Amended

Bill "An Act to Clarify the Method of Computing Unusual Enrollment Adjustments"

H.P. 1469 L.D. 1980

(C "A" H-453)

Bill "An Act Requiring that Curb Ramps be Constructed in Accordance with the American National Standards Institute Standards"

H.P. 1483 L.D. 2017

(C "A" H-452)

Which were 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 Relating to Disclosures when Selling Used Cars

H.P. 1435 L.D. 1952

Which 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 Creating the Fayette Water District

S.P. 883 L.D. 2291

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.

HELD BILL

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Pearson.

Senator PEARSON: Thank you Mr. President, is the Senate in possession of L.D. 1370?

THE PRESIDENT: The Chair would answer in the affirmative, the Bill having been held at the Senators request.

Senator PEARSON of Penobscot, moved that the Senate RECONSIDER whereby it ADHERED on:

HOUSE REPORTS - from the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act Allowing the Town of Island Falls to Annex Township 4, Range 3 WELS in Aroostook County"

H.P. 1017 L.D. 1370

Majority - Ought to Pass as Amended by Committee Amendment "A" (H-437)

Minority - Ought Not to Pass
(In House, February 3, 1988, Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED. The Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-437).)

(In Senate, February 8, 1988, Minority OUGHT NOT TO PASS Report READ and ACCEPTED in NON-CONCURRENCE.)

(In House, February 18, 1988, that Body ADHERED.)

(In Senate, February 24, 1988, motion to RECEDE and CONCUR FAILED. Subsequently, Senate ADHERED.)

On motion by Senator CLARK of Cumberland, Tabled 2 Legislative Days, pending the motion of Senator PEARSON of Penobscot, to RECONSIDER whereby the Senate ADHERED.

Senator CAHILL of Sagadahoc was granted unanimous consent to address the Senate off the Record.

Senator CLARK of Cumberland was granted unanimous consent to address the Senate off the Record.

Senator GAUVREAU of Androscoggin was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

THE PRESIDENT: The Chair would take this opportunity, pursuant to Senate Rule 1, the Presiding Officer has the right to appoint a President Pro Tem on a permanent basis. Everyone has proclaimed, at least to their party leaders, that they are seeking re-election, except for one individual. The Senator from Cumberland, Senator Usher, in case you have not had the opportunity to read one of the local papers in the Westbrook area, has announced that he will not be seeking re-election. After the Presiding Officer, Senator Usher has the most tenure in this Chamber and at this time I will name him as the permanent President Pro Tem in my absence. The Chair would like to express his appreciation over the tenure of the fourteen years that we have served together and the twelve years that we have served together in this Chamber. An expression of appreciation for his support, his friendship and his diligence to his constituency and to the citizens of the State.

On motion by Senator USHER of Cumberland, ADJOURNED until Friday, February 26, 1988, at 8:30 in the morning.

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE
SECOND REGULAR SESSION
32nd Legislative Day
Friday, February 26, 1988
The House met according to adjournment and was called to to order by the Speaker.
Prayer by Margaret Doggett, Assistant to the Rector of St. Phillips Church, Wiscasset.
The Journal of Thursday, February 25, 1988, was read and approved.

SENATE PAPERS

Bill "An Act to Amend the Law for Rest Room Requirements for Bed and Breakfast Establishments" (S.P. 906) (L.D. 2361)

Came from the Senate, referred to the Committee on Business Legislation and Ordered Printed.

(The Committee on Reference of Bills had suggested reference to the Committee on Legal Affairs.)

On motion of Representative Allen of Washington, was referred to the Committee on Legal Affairs in non-concurrence and sent up for concurrence.

Bill "An Act to Enable Additional Agencies to Participate under the Finance Authority of Maine Loan Program" (S.P. 909) (L.D. 2364)

Came from the Senate, referred to the Committee on Economic Development and Ordered Printed.

Was referred to the Committee on Economic Development in concurrence.

Bill "An Act to Require Testing for Dioxin and Toxic Metals at Energy Recovery Facilities" (S.P. 907) (L.D. 2362)

Came from the Senate, referred to the Committee on Energy and Natural Resources and Ordered Printed.

Was referred to the Committee on Energy and Natural Resources in concurrence.

RESOLVE, Establishing the Commission to Study the Feasibility of Acquiring Coastal Property (S.P. 908) (L.D. 2363)

Came from the Senate, referred to the Committee on State and Local Government and Ordered Printed.

Was referred to the Committee on State and Local Government in concurrence.

Non-Concurrent Matter

Bill "An Act to Promote the Creation and Expansion of Independent Living Opportunities for Maine's Citizens with Disabilities" (H.P. 1694) (L.D. 2327) which was referred to the Committee on Human Resources in the House on February 23, 1988.

Came from the Senate referred to the Committee on Appropriations and Financial Affairs in non-concurrence.

The House voted to recede and concur.

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:

Aging, Retirement and Veterans

Bill "An Act to Eliminate the Requirement that the Deputy Adjutant General and the Director of the