

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

100 having voted in the affirmative, 37 in the negative, with 13 being absent and one vacant, the motion to indefinitely postpone did prevail.
Sent up for concurrence.

(Off Record Remarks)

On motion of Representative Smith of Island Falls,
Adjourned until Thursday, March 3, 1988, at nine o'clock in the morning.

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

In Senate Chamber
Wednesday
March 2, 1988

Senate called to Order by the President.

Prayer by Father Raymond P. Melville of St. Mary's Catholic Church in Augusta.

FATHER MELVILLE: Father, a handful of courageous men and women, in a moment of danger, pledged their lives, fortunes and honor to proclaim a nation whose citizens rights were not based on the nod of a king or ruler, but on creation at Your hands. Grant to our administration a ministry of service to all, not the few; to our Legislature the upholding of public interest, not merely a welter of competing private claims; to our judiciary a wisdom in interpreting law, grounded in principle, not expediency.

Send Your spirit on Your people, that they may become active in the affairs of government, that they may not confuse dissent for disloyalty, that they may use their mighty power for the healing of differences among all people with justice and mercy and love. Amen.

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Extend the Uses of the Potato Marketing Improvement Fund"

H.P. 1745 L.D. 2391

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

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

Bill "An Act to Enhance the Voting Rights of Minority Shareholders" (Emergency)

H.P. 1738 L.D. 2384

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 Create a Uniform School Unit Budgeting Process"

H.P. 1740 L.D. 2386

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.

Resolve, Creating the Commission on Marine Research (Emergency)

H.P. 1741 L.D. 2387

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 Provide a Sales Tax Exemption to Nonprofit Organizations which Fulfill the Last Wishes of Terminally Ill Children" (Emergency)

H.P. 1742 L.D. 2388

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.

Bill "An Act to Regulate Development Along Highways"

H.P. 1743 L.D. 2389

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

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

Pursuant to Resolves

Special Commission to Study TEACHER TRAINING IN THE UNIVERSITY OF MAINE SYSTEM

The Special Commission to Study TEACHER TRAINING IN THE UNIVERSITY OF MAINE SYSTEM, pursuant to Resolves 1985, Chapter 52, ask leave to submit its findings and to report that the accompanying Bill "An Act to Implement the Recommendations of the Special Commission to Study Teacher Training in the University of Maine System"

H.P. 1739 L.D. 2385

Be referred to the Joint Standing Committee on EDUCATION 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 EDUCATION and ORDERED PRINTED, pursuant to Joint Rule 18.

Which Report was READ and ACCEPTED, in concurrence.

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

Pursuant to Public Laws

Legislative Task Force on RAILROADS

The Legislative Task Force on RAILROADS, pursuant to Public Law 1987, Chapter 5, ask leave to submit its findings and to report that the accompanying Bill "An Act to Create the Railroad Preservation and Assistance Act and to Provide for Annual Track Inspections"

H.P. 1747 L.D. 2396

Be referred to the Joint Standing Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS 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 APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED, pursuant to Joint Rule 18.

Which Report was READ and ACCEPTED, in concurrence.

The Bill referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED, pursuant to Joint Rule 18, in concurrence.

Pursuant to Public Laws

Legislative Task Force on RAILROADS

The Legislative Task Force on RAILROADS, pursuant to Public Law 1987, Chapter 5, ask leave to submit its findings and to report that the accompanying Bill "An Act to Require Licensure of Certain Railroad Personnel"

H.P. 1748 L.D. 2397

Be referred to the Joint Standing Committee on BUSINESS LEGISLATION 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 BUSINESS LEGISLATION and ORDERED PRINTED, pursuant to Joint Rule 18.

Which Report was READ and ACCEPTED, in concurrence.

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

Pursuant to Public Laws
Legislative Task Force on RAILROADS

The Legislative Task Force on RAILROADS, pursuant to Public Law 1987, Chapter 5, ask leave to submit its findings and to report that the accompanying Bill "An Act to Permit Exempt Railroad Crossing"

H.P. 1749 L.D. 2398

Be referred to the Joint Standing Committee on TRANSPORTATION 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 TRANSPORTATION and ORDERED PRINTED, pursuant to Joint Rule 18.

Which Report was READ and ACCEPTED, in concurrence.

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

Pursuant to Public Laws

Legislative Task Force on RAILROADS

The Legislative Task Force on RAILROADS, pursuant to Public Law 1987, Chapter 5, ask leave to submit its findings and to report that the accompanying Bill "An Act to Revise the Laws Concerning Cost Sharing for Maintenance of Railroad Grade and Highway Bridge Crossings"

H.P. 1750 L.D. 2399

Be referred to the Joint Standing Committee on TRANSPORTATION 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 TRANSPORTATION and ORDERED PRINTED, pursuant to Joint Rule 18.

Which Report was READ and ACCEPTED, in concurrence.

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

Pursuant to Public Laws

Legislative Task Force on RAILROADS

The Legislative Task Force on RAILROADS, pursuant to Public Law 1987, Chapter 5, ask leave to submit its findings and to report that the accompanying Bill "An Act to Provide the Capability to Assess the Impact of Overweight Trucks on Maine Highways"

H.P. 1751 L.D. 2400

Be referred to the Joint Standing Committee on TRANSPORTATION 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 TRANSPORTATION and ORDERED PRINTED, pursuant to Joint Rule 18.

LEGISLATIVE HISTORY - SENATE, MARCH 2, 1988

Which Report was READ and ACCEPTED, in concurrence.

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

COMMUNICATIONS

The Following Communication:
SENATE OF MAINE

March 1, 1988

Joy J. O'Brien
Secretary of the Senate
State House 3
Augusta, Maine 04333

Dear Madam Secretary:

Pursuant to my authority under 1 MRSA Section 1002, I am today reappointing the Honorable Richard H. Pierce of Waterville to the Commission on Governmental Ethics and Election Practices.

Sincerely,
S/Thomas R. Perkins
Senate Republican Leader

Which was READ and ORDERED PLACED ON FILE..

Pursuant to 1 MRSA, Section 1002, this reappointment requires the affirmative vote of two-thirds of the members present and voting for concurrence.

Will all those in favor of reappointment please rise and remain standing until counted.

Will all those opposed please rise and remain standing until counted.

27 Senators having voted in the affirmative and None in the Negative and 27 being more than two-thirds present and voting, this reappointment was CONFIRMED.

The Secretary has so informed the Secretary of State.

SENATE PAPERS

Bill "An Act Concerning Membership on the Maine Blueberry Commission"

S.P. 921 L.D. 2412

Presented by Senator RANDALL of Washington
Cosponsored by: Representative TAMMARO of Baileyville, Representative FARREN of Cherryfield, Representative MOHOLLAND of Princeton
Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 27

Which was referred to the Committee on AGRICULTURE and ORDERED PRINTED.

Sent down for concurrence.

Off Record Remarks

Bill "An Act to Extend a Sunset Provision in the Civil Service Law" (Emergency)

S.P. 919 L.D. 2410

Presented by Senator BUSTIN of Kennebec
Cosponsored by: Senator TUTTLE of York, Representative CARROLL of Gray, Representative MURPHY of Kennebunk

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

Which was referred to the Committee on AUDIT AND PROGRAM REVIEW and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Clarify the Laws Regulating the Insurance Industry to Ensure its Regulation by State Antitrust Laws"

S.P. 920 L.D. 2411

Presented by Senator THERIAULT of Aroostook
Cosponsored by: Representative RYDELL of Brunswick, Representative ALLEN of Washington, Speaker MARTIN of Eagle Lake

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

AND INSURANCE and ORDERED PRINTED.
Which was referred to the Committee on BANKING

Sent down for concurrence.

Bill "An Act Relating to Games of Chance" (Emergency)

S.P. 922 L.D. 2413

Presented by Senator KANY of Kennebec
Cosponsored by: Representative HARPER of Lincoln, Representative JOSEPH of Waterville, Representative MARTIN of Van Buren

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

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

Sent down for concurrence.

ORDERS

Joint Order

On motion by Senator KANY of Kennebec the following Joint Order:

S.P. 923

ORDERED, the House concurring, that "AN ACT to Establish a Presidential Primary in Maine", S.P. 123, L.D. 328, and all its accompanying papers, be recalled from the files to the Senate.

Which was READ.

Pursuant to Joint Rule 37, this Joint Order requires the affirmative vote of two-thirds of the members present and voting.

Will all those in favor of Passage please rise and remain standing until counted.

Will all those opposed please rise and remain standing until counted.

29 Senators having voted in the affirmative and None in the negative and 29 being more than two-thirds present and voting, this Joint Order is PASSED.

Sent down for concurrence.

Off Record Remarks

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 Amend the Law Pertaining to Commitment of a Juvenile to the Department of Corrections"

H.P. 1464 L.D. 1975

Divided Report

The Majority of the Committee on BUSINESS LEGISLATION on Bill "An Act to Require Gasoline Stations which Provide Self-Service at a Lower Rate to Provide Services at the Same Rate for Handicapped Drivers"

LEGISLATIVE HISTORY - SENATE, MARCH 2, 1988

H.P. 1497 L.D. 2047

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-456).

Signed:

Senators:

BALDACCI of Penobscot
BRANNIGAN of Cumberland
WHITMORE of Androscoggin

Representatives:

ALLEN of Washington
GURNEY of Portland
RACINE of Biddeford
ALIBERTI of Lewiston
TELOW of Lewiston
STEVENS of Sabattus
SHELTRA of Biddeford

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

Signed:

Representatives:

REED of Falmouth
LEBOWITZ of Bangor
HILLOCK of Gorham

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-456).

Which Reports were READ.

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

The Bill READ ONCE.

Committee Amendment "A" (H-456) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senate

Ought to Pass As Amended

Senator ESTES for the Committee on EDUCATION on Bill "An Act to Provide for the Establishment of a Nonlapsing Fund for the Maine Student Incentive Scholarship Program"

S.P. 822 L.D. 2144

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-321).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-321) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

SECOND READERS

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

House

Bill "An Act to Make Additional Allocations from the Public Utilities Regulatory Fund for the Fiscal Years Ending June 30, 1988, and June 30, 1989" (Emergency)

H.P. 1479 L.D. 2014

Bill "An Act to Fund and Implement Certain Collective Bargaining Agreements and to Fund and Implement Benefits for Certain Employees Excluded from Collective Bargaining" (Emergency)

H.P. 1578 L.D. 2153

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Hancock County for the Year 1988 (Emergency)

H.P. 1734 L.D. 2379

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

House As Amended

Bill "An Act to Clarify the Status of Meetings and Records of the Public Utilities Commission Under the Freedom of Access Law"

H.P. 1456 L.D. 1967

(C "A" H-459)

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

Senate

Bill "An Act to Amend the Law Concerning the Blaine House Scholars Program"

S.P. 735 L.D. 1994

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 Clarify Late Charges for Residential Dwelling Units

H.P. 1539 L.D. 2094

An Act Relating to Nonforfeiture and Valuation Standards for Fraternal Benefit Societies

H.P. 1571 L.D. 2142

An Act to Control Vehicle Speeds on Public Easements

H.P. 1696 L.D. 2329

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 Resolve

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Oxford County for the Year 1988

H.P. 1702 L.D. 2339

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 FINALLY PASSED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Senator TUTTLE of York was granted unanimous consent to address the Senate on the Record.

Senator TUTTLE: Mr. President, men and women of the Senate. I have placed a memo on everyone's desk and I would like to share it with you.

"The Joint Standing Committee on Marine Resources is pleased to announce that today, March 2, 1988, has been designated as Marine Resources Day at the Legislature.

Maine's marine environment and its products have long been taken for granted. It is our hope that this presentation will serve to heighten awareness about the issues facing those individuals involved in the marine industries, marine education, marine protection, and the general public.

We have invited representatives from the Department of Marine Resources, the University of Maine, the Maine Sardine Council, and other promotional and educational organizations. These individuals will be available to answer questions that you may have on the status of various projects

currently underway in the marine environment. There will also be several food tasting events.

Special thanks to the Marine Resources Day Subcommittee, chaired by Representative Harriet Ketover, for the organization of this event.

We hope that you find the presentation informative and enjoyable. We look forward to Marine Resources Day becoming an annual event at the Legislature. Thank you."

Senate at Ease

Senate called to order by the President.

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

Off Record Remarks

Senate at Ease

Senate called to order by the President.

On motion by Senator TWITCHELL of Oxford, ADJOURNED until Thursday, March 3, 1988, at 9:00 in the morning.

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE
SECOND REGULAR SESSION
36th Legislative Day
Thursday, March 3, 1988

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

Prayer by Reverend George Fowler, Wells Congregational Church.

The Journal of Wednesday, March 2, 1988, was read and approved.

SENATE PAPERS

Bill "An Act Concerning Membership on the Maine Blueberry Commission" (S.P. 921) (L.D. 2412)

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

Was referred to the Committee on Agriculture in concurrence.

Bill "An Act to Extend a Sunset Provision in the Civil Service Law" (Emergency) (S.P. 919) (L.D. 2410)

Came from the Senate, referred to the Committee on Audit and Program Review and Ordered Printed.

On motion of Representative Carroll of Gray, was referred to the Committee on State and Local Government in non-concurrence and sent up for concurrence.

Bill "An Act to Clarify the Laws Regulating the Insurance Industry to Ensure its Regulation by State Antitrust Laws" (S.P. 920) (L.D. 2411)

Came from the Senate, referred to the Committee on Banking and Insurance and Ordered Printed.

Was referred to the Committee on Banking and Insurance in concurrence.

Bill "An Act Relating to Games of Chance" (Emergency) (S.P. 922) (L.D. 2413)

Came from the Senate, referred to the Committee on Legal Affairs and Ordered Printed.

Was referred to the Committee on Legal Affairs in concurrence.

The following Joint Order: (S.P. 923)

ORDERED, the House concurring, that "AN ACT to Establish a Presidential Primary in Maine", S.P. 123, L.D. 328, and all its accompanying papers, be recalled from the files to the Senate.

Came from the Senate, read and passed.

Was read.

On motion of Representative Diamond of Bangor, tabled pending passage in concurrence and specially assigned for Friday, March 4, 1988.

COMMUNICATIONS

The following Communication:
DEPARTMENT OF LABOR
PO BOX 309
AUGUSTA, MAINE 04330

March 1, 1988
Honorable John Martin
Speaker of the House
House of Representatives
State House Station 2
Augusta, Maine 04333
Dear Speaker Martin:

I am pleased to submit the Department of Labor's annual report on the Dislocated Workers Benefit