

# 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

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

In Senate Chamber  
Friday  
March 4, 1988

Senate called to Order by the President.

Prayer by Reverend Trueman Bray of the Penny Memorial United Baptist Church in Augusta.

REVEREND BRAY: Let us pray. Eternal God, maker and master of all things, we ask Your presence and direction on this Body today to guide them in all the decisions of this Chamber. We thank You gracious God for a free society and for the privilege we have for representative government. Bless these senators, these women and men who have sought and won support for this office. Thank You for the vision and for the ideals that have brought them to this place and thank You for the skills and gifts that they bring to this task. Guide them in the process of government today. Grant to each of them a clear understanding of the issues and the wisdom to cast aside the unimportant and cleave to that which is essential. Faced with a barrage of words and papers, help them to deal with ideas and the people affected by them especially those people with little power to speak for themselves. So may Your blessing rest upon these men and women today to give physical, emotional and spiritual strength to each of them that they might be effective instruments of your perfect justice and mercy. In the name of the Father and of the Son and of the Holy Ghost. Amen.

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE  
Non-concurrent Matter

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

S.P. 919 L.D. 2410

In Senate, March 2, 1988, referred to the Committee on AUDIT AND PROGRAM REVIEW 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 Relating to Horse Racing and Racing Facilities" (Emergency)

H.P. 1781 L.D. 2434

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 Fund and Implement a Collective Bargaining Agreement with Certain Vocational-Technical Institute System Employees Represented by the Maine Teachers Association" (Emergency)

H.P. 1777 L.D. 2430

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 to Create a Joint Underwriting Association for Directors and Officers of Corporations"

H.P. 1779 L.D. 2432

Comes from the House referred to the Committee on BANKING AND INSURANCE and ORDERED PRINTED.

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

Bill "An Act to Create the Maine Student Artist Awards Program"

H.P. 1773 L.D. 2426

Resolve, Establishing the Advisory Committee on Education and Critical Issues for State Decision Making

H.P. 1776 L.D. 2429

Come from the House referred to the Committee on EDUCATION and ORDERED PRINTED.

Which were referred to the Committee on EDUCATION and ORDERED PRINTED, in concurrence.

Bill "An Act Concerning Safety Hazards on Maine Lakes"

H.P. 1772 L.D. 2425

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.

Resolve, Authorizing the Bureau of Health to Conduct a Time-Trend Study of Leukemia Incidence in Maine

H.P. 1769 L.D. 2422

Bill "An Act to Add a Hemophiliac to the Committee to Advise the Department of Human Services on AIDS"

H.P. 1771 L.D. 2424

Bill "An Act to Increase the Frequency of Restaurant Inspections"

H.P. 1775 L.D. 2428

Come from the House referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED.

Which were referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED, in concurrence.

Bill "An Act to Establish the Additional Support for People in Retraining and Education Program"

H.P. 1744 L.D. 2390

Committee on ECONOMIC DEVELOPMENT 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, to Release State Claims to Certain Land Abutting the Bath Road in Brunswick

H.P. 1770 L.D. 2423

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.

Bill "An Act to Increase the Debt Limit for the South Berwick Sewer District"

H.P. 1774 L.D. 2427

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.

Pursuant to Resolves

Commission to Review the Laws

Relating to Registered Maine Guides

The Commission to Review the Laws Relating to Registered Maine Guides, pursuant to Resolves 1987, Chapter 17, ask leave to submit its findings and to report that the accompanying Bill "An Act to Make Changes in the Laws Concerning Licensed Maine Guides and Related Laws" (Emergency)

H.P. 1767 L.D. 2420

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 Bill 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 Bill referred to the Committee on FISHERIES AND WILDLIFE and ORDERED PRINTED, pursuant to Joint Rule 18, in concurrence.

Study Report

Committee on STATE AND LOCAL GOVERNMENT

Report of the Committee on STATE AND LOCAL GOVERNMENT to which was referred by the Legislative Council the Study Relative to Conflicts of Interest/State Employees and Members of Boards and Commissions have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act Relating to Conflict of Interest for Certain Governmental Officials and Employees"

H.P. 1766 L.D. 2419

Be referred to the Joint Standing Committee on STATE AND LOCAL GOVERNMENT 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 STATE AND LOCAL GOVERNMENT and ORDERED PRINTED, pursuant to Joint Rule 19.

Which Report was READ and ACCEPTED, in concurrence.

The Bill referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED, pursuant to Joint Rule 19, in concurrence.

COMMUNICATIONS

The Following Communication:

PENOBSCOT CONSORTIUM

PO BOX 1136

BANGOR, MAINE 04401

TO: Joy J. O'Brien, Secretary of the Senate

FROM: John Dorrer

DATE: March 2, 1988

RE: Penobscot Consortium SDA Job Training Plan

Pursuant to the Federal Job Training Partnership Act, the Penobscot Consortium Service Delivery Area is providing a summary of the Job Training Plan for the program year beginning July 1, 1988 for review and comment. Funding for the program will be used to

provide services and activities to prepare youth and unskilled adults for entry into the labor force and to afford job training to those economically disadvantaged individuals and others who face serious barriers to employment, who are in need of such training, to obtain productive employment. In accordance with Section 105.(a)(1) of the Job Training Partnership Act we are transmitting a summary of the Penobscot Consortium Service Delivery Area Job Training Plan for program year 1988 for your information. In reviewing this summary, if you or other individuals have questions or concerns about the proposed activities, please let us know so that we may address issues that may arise.

Thank you for your cooperation with this matter.

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

The Following Communication:

DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE HOUSE STATION 17

AUGUSTA, MAINE 04333

DATE: March 2, 1988

TO: Charles P. Pray, President of the Senate

FROM: S/Dean C. Marriott, Commissioner

S/Paul B. Federic, Director,

Land Use Regulation Commission,

Department of Conservation

SUBJ: Study of Indirect Discharges

Attached is a copy of the study that the Department of Environmental Protection, in cooperation with the Land Use Regulation Commission, was directed by 38 M.R.S.A., Section 464, 3, D, to conduct "of indirect discharges and the problems posed by those discharges to the waters of the State."

As is noted in this study, these two agencies, along with other appropriate agencies, are continuing to work on developing the State's role in controlling nonpoint source pollution through the requirements of Section 319 of the Federal Clean Water Act.

Please let us know if we can be of further assistance to you in this matter.

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

The Following Communication:

STATE OF MAINE

OFFICE OF THE PRESIDENT

AUGUSTA, MAINE 04333

March 2, 1988

Honorable Joy J. O'Brien

Secretary of the Senate

State House

Augusta, Maine 04333

Dear Madam Secretary:

Pursuant to my authority under 1 M.R.S.A., Section 1002, I am today reappointing Charles Sanders of Millinocket to the Commission on Governmental Ethics and Election Practices.

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

Sincerely,

S/Charles P. Pray

President of the Senate

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.

LEGISLATIVE HISTORY - SENATE, MARCH 4, 1988

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

25 Senators having voted in the affirmative and None in the negative and 25 being more than two-thirds present and voting, this reappointment was CONFIRMED.

The Secretary has so informed the Secretary of State.

SENATE PAPERS

Resolve, to Study a Program to Promote the Purchase of State-Grown Produce by Needy Persons  
S.P. 933 L.D. 2453

Presented by President PRAY of Penobscot  
Cosponsored by: Representative TARDY of Palmyra,  
Senator MATTHEWS of Kennebec, Senator BLACK of Cumberland

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

Senate at Ease

Senate called to order by the President.

Bill "An Act to Clarify the Rights of a Municipality Concerning Ordinances on Radon"

S.P. 934 L.D. 2454

Presented by Senator KANY of Kennebec  
Cosponsored by: Representative DORE of Auburn,  
Representative KETOVER of Portland,  
Representative WHITCOMB of Waldo

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

Bill "An Act to Require the Department of Human Services to Reimburse Home Health Agencies for the Reasonable Costs of Recruiting, Training and Retaining Qualified Nursing Staff"

S.P. 935 L.D. 2455

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

Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26  
Which was referred to the Committee on HUMAN RESOURCES 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 Establish an Excise Tax on Cargo Trailers"

H.P. 1581 L.D. 2159

Ought to Pass

The Committee on STATE AND LOCAL GOVERNMENT on Resolve, for Laying of the County Taxes and

Authorizing Expenditures of Somerset County for the Year 1988 (Emergency)

H.P. 1765 L.D. 2418

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.

Under suspension of the Rules, the Resolve READ TWICE and PASSED TO BE ENGROSSED, in concurrence.

Ought to Pass in New Draft

The Committee on TAXATION on Bill "An Act to Provide a Method for Taxation of Real Property When Owner is Unknown"

H.P. 1428 L.D. 1939

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

H.P. 1753 L.D. 2402

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.

SECOND READERS

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

House

Bill "An Act to Provide for a Record of the Facility Designated for Confinement in Criminal Cases"

H.P. 1457 L.D. 1968

Bill "An Act to Permit Sharing of Confidential Information between Criminal Justice Agencies at all Governmental Levels"

H.P. 1467 L.D. 1978

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

H.P. 1705 L.D. 2342

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

Senate

Bill "An Act to Amend the Charter of the Jackman Sewer District to Make the Provisions for Collection of Unpaid Rates Conform to the General Provisions for Collection of Unpaid Rates by Sanitary Districts" (Emergency)

S.P. 824 L.D. 2146

Bill "An Act Making an Amendment to the Charter of the Jackman Water District"

S.P. 896 L.D. 2325

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

Sent down for concurrence.

Senate As Amended

Bill "An Act to Remove Discriminating Language from a Section of the Maine Retirement Laws" (Emergency)

S.P. 717 L.D. 1946

(C "A" S-322)

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

Sent down for concurrence.

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Off Record Remarks

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On motion by Senator GAUVREAU of Androscoggin, ADJOURNED until Monday, March 7, 1988, at 4:00 in the afternoon.

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE  
SECOND REGULAR SESSION  
38th Legislative Day  
Monday, March 7, 1988

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

Prayer by Reverend Barry Beebe, Wayside Bible Baptist Church, Livermore.

Pledge of Allegiance.

The Journal of Friday, March 4, 1988, was read and approved.

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SENATE PAPERS

RESOLVE, to Study a Program to Promote the Purchase of State-Grown Produce by Needy Persons (S.P. 933) (L.D. 2453)

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

Was referred to the Committee on Agriculture in concurrence.

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Bill "An Act to Clarify the Rights of a Municipality Concerning Ordinances on Radon" (S.P. 934) (L.D. 2454)

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.

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Bill "An Act to Require the Department of Human Services to Reimburse Home Health Agencies for the Reasonable Costs of Recruiting, Training and Retaining Qualified Nursing Staff" (S.P. 935) (L.D. 2455)

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

Was referred to the Committee on Human Resources in concurrence.

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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:

Appropriations and Financial Affairs

Bill "An Act Making Allocations Related to the Alcoholism Prevention, Education, Treatment and Research Fund for the Expenditures of State Government for the Fiscal Year Ending June 30, 1989" (Emergency) (H.P. 1798) (L.D. 2462) (Presented by Representative FOSTER of Ellsworth) (Cosponsor: Senator EMERSON of Penobscot)

Ordered Printed.

Sent up for Concurrence.

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Business Legislation

Bill "An Act to Amend the Maine Business Corporation Act in Relation to Petitioning the Court for the Removal of Directors" (H.P. 1802) (L.D. 2466) (Presented by Representative STEVENS of Bangor) (Cosponsors: Representatives ALLEN of Washington, LEBOWITZ of Bangor and Senator BALDACCI of Penobscot) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Ordered Printed.

Sent up for Concurrence.