

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

October 21, 1987 to November 20, 1987
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SECOND REGULAR SESSION

January 6, 1988 to March 24, 1988

Bill "An Act to Allow Greater Flexibility in Education, Financial Assistance, Training and Wages Relating to Health Care Facilities Experiencing Labor Shortages" (H.P. 1780) (L.D. 2433)

- In House. Referred to the Committee on Appropriations and Financial Affairs.

HELD at the request of Representative GWADOSKY of Fairfield.

On motion of Representative Gwadosky of Fairfield, the House reconsidered its action whereby L. D. 2433 was referred to the Committee on Appropriations and Financial Affairs.

On further motion of the same Representative, tabled pending reference and specially assigned for Tuesday, March 8, 1988.

(Off Record Remarks)

On motion of Representative Conley of Portland, Adjourned until Tuesday, March 8, 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
Monday
March 7, 1988

Senate called to Order by the President.

Prayer by Reverend Bruce Hudson of the Highland Avenue Methodist Church in Gardiner.

Reverend Hudson: Let us be in the spirit of prayer. Creator God we are grateful for this opportunity to exercise our elected responsibility to serve the people of Maine. We are aware of the biblical imperative to do justly, to love, mercy and to walk humbly with our God. Help us as we consider and pass laws to be just, to be merciful and to be humble. Accept our offering of political skill as a tool to accomplish Your will for our lives and the lives of those we serve. Forgive us when we allow our wills to take priority over Your will. It is our prayer that Your will will be done on earth as it is in heaven. Hear our prayer oh God of the universe. Amen.

Reading of the Journal of Friday, March 4, 1988.

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Fund a Demonstration Teaching Nursing Home"

H.P. 1778 L.D. 2431

Bill "An Act to Further Implement Programs and Activities of the Department of Economic and Community Development" (Emergency)

H.P. 1787 L.D. 2448

Come from the House referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

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

Bill "An Act to Protect Lake Water from Phosphorous Pollution"

H.P. 1784 L.D. 2445

Committee on ENERGY AND NATURAL RESOURCES suggested and ORDERED PRINTED.

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 Relating to Absenteeism of Community School Directors" (Emergency)

H.P. 1783 L.D. 2444

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, to Establish the Special Commission on Boating

H.P. 1785 L.D. 2446

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 Abolish the Office of Complaint Justice and Replace it with the Office of Justice of the Peace" (Emergency)

H.P. 1791 L.D. 2452

Bill "An Act to Address Comprehensively Bail Relative to a Defendant in a Criminal Proceeding"

H.P. 1792 L.D. 2456

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

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

Bill "An Act to Establish a System of Corporate Governance to Protect Employees and the Public from Corporate Lawbreakers and to Improve Compliance with Existing Civil and Criminal Laws"

H.P. 1790 L.D. 2451

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

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

Bill "An Act to Create the Technology Retraining Investment Fund"

H.P. 1789 L.D. 2450

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

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

Bill "An Act to Make Supplemental Allocations from the Highway Fund for the Fiscal Years Ending June 30, 1988, and June 30, 1989" (Emergency)

H.P. 1788 L.D. 2449

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 Revise Exemptions Under the Law Relating to the Commercial Transport of Water and to Create the Maine Water Supply Study Commission"

H.P. 1786 L.D. 2447

Committee on ENERGY AND NATURAL RESOURCES suggested and ORDERED PRINTED.

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 BUSINESS LEGISLATION

Report of the Committee on BUSINESS LEGISLATION to which was referred by the Legislative Council the Study Relative to Uniform Unclaimed Property Act have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Replace the Abandoned Property Law"

H.P. 1793 L.D. 2457

Be referred to the Joint Standing Committee on BUSINESS LEGISLATION 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 BUSINESS LEGISLATION and ORDERED PRINTED, pursuant to Joint Rule 19.

Which Report was READ and ACCEPTED, in concurrence.

The Bill referred to the Committee on BUSINESS LEGISLATION and ORDERED PRINTED, pursuant to Joint Rule 19, in concurrence.

Joint Resolutions

The Following Joint Resolution: H.P. 1782

JOINT RESOLUTION IN RECOGNITION OF MAINE AND NEW BRUNSWICK DAYS OF PEACE AND FRIENDSHIP

WHEREAS, the Congress of the United States and the Parliament of Canada have established July 2nd and 3rd as the United States-Canada Days of Peace and Friendship; and

WHEREAS, this first such international law in history encourages Canadians and Americans and their federal, state, provincial and municipal governments and their economic, educational and cultural leaders and organizations to expand on all manner of helpful United States-Canadian relationships and to initiate new ones; and

WHEREAS, the economics, politics and human relations of the Canadian Maritime and United States New England regions have always been of major importance in United States-Canadian history; and

WHEREAS, the Province of New Brunswick and the State of Maine stand at the heart of this Atlantic region; and

WHEREAS, we have shared 3 centuries of our countries' histories, ranging from wars, invasions and political and economic troubles to times of accommodation and occasional exemplary international friendship; and

WHEREAS, for 20 years the University of New Brunswick and the University of Maine System have fostered better international understanding; and

WHEREAS, they are now launching, together with members of the New Brunswick and Maine Bar Associations, Rotary clubs and members of both governments, international forums to introduce Maine and New Brunswick high school and college students to the studies of law and government and their nations' constitutions and systems of democracy; and

WHEREAS, the Legislature of the State of Maine encourages these and other forward-looking international activities of all groups and organizations and calls upon our respective governments to join in observing July 2nd and 3rd, which fall between Canada Day and Independence Day, as annual days of peace and friendship between New Brunswick and the State of Maine; and now, therefore, be it

RESOLVED: That We, the Members of the 113th Legislature of the great and sovereign State of Maine, now assembled in the Second Regular Session, take this opportunity to recognize our close international relationship with the good people of Canada and urge our leaders and constituents to join forces on July 2nd and 3rd of this and each succeeding year for the purposes of year-round pursuit of improving international relationships; initiating new programs and exchanges among cities and towns, political leaders, economic, environmental and professional organizations, school systems and cultural groups of all kinds; helping to make our state-province region a focal point for friendship and cooperation throughout the Maritimes and New England; and contributing to the most promising

international image, the United States-Canadian image, of cooperative democracy in the world; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted forthwith to the Premier of New Brunswick, Canada, and the Governor of the State of Maine.

Comes from the House READ and ADOPTED.
Which was READ and ADOPTED, in concurrence.

SENATE PAPERS

Bill "An Act to Promote Greater Workplace Safety"
S.P. 936 L.D. 2469

Presented by Senator ANDREWS of Cumberland
Cosponsored by: Senator DUTREMBLE of York,
Representative MCHENRY of Madawaska,
Representative RUHLIN of Brewer

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

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

Sent down for concurrence.

Bill "An Act Relating to the State Health
Insurance Program and the Bureau of State Employee
Health"

S.P. 937 L.D. 2470

Presented by Senator BUSTIN of Kennebec
Cosponsored by: Representative BICKFORD of Jay,
Representative BOUTILIER of Lewiston

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

Ought Not to Pass

The following Ought Not to Pass 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 Solid Waste Provisions
of the Site Location Law"

H.P. 1507 L.D. 2057

Ought to Pass in New Draft

The Committee on UTILITIES on Bill "An Act to
Encourage Conservation Investments by Electric
Utilities"

H.P. 1533 L.D. 2087

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

H.P. 1768 L.D. 2421

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

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 a Method for Taxation of
Real Property When Owner is Unknown"

H.P. 1753 L.D. 2402

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

ENACTORS

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

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 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 to Make Additional Allocations from the
Public Utilities Regulatory Fund for the Fiscal Years
Ending June 30, 1988, and June 30, 1989

H.P. 1479 L.D. 2014

This being an Emergency Measure and having
received the affirmative vote of 32 Members of the
Senate, with No Senators having voted in negative,
and 32 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 Fund and Implement Certain Collective
Bargaining Agreements and to Fund and Implement
Benefits for Certain Employees Excluded from
Collective Bargaining

H.P. 1578 L.D. 2153

This being an Emergency Measure and having
received the affirmative vote of 32 Members of the
Senate, with No Senators having voted in negative,
and 32 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 Resolve

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

H.P. 1734 L.D. 2379

This being an Emergency Measure and having
received the affirmative vote of 32 Members of the
Senate, with No Senators having voted in negative,
and 32 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.

RECALLED FROM LEGISLATIVE FILES

Bill "An Act to Establish a Presidential Primary
in Maine"

S.P. 123 L.D. 328

(In Senate, June 18, 1987, INDEFINITELY POSTPONED.)

(RECALLED from the Legislative Files, pursuant to Joint Order S.P. 923.)

Which was RECOMMITTED to the Committee on LEGAL AFFAIRS in NON-CONCURRENCE.

Sent down for concurrence.

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

COMMITTEE REPORTS

Senate

Divided Report

The Majority of the Committee on AGING, RETIREMENT AND VETERANS on Bill "An Act Concerning Investment of State Funds in Corporations Doing Business in Northern Ireland"

S.P. 757 L.D. 2008

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-323).

Signed:

Senators:

CLARK of Cumberland
RANDALL of Washington

Representatives:

DUTREMBLE of Biddeford
HICKEY of Augusta
MCSWEENEY of Old Orchard Beach
RICHARD of Madison
JALBERT of Lisbon
PERRY of Mexico
MATTHEWS of Caribou

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

Signed:

Senator:

BERUBE of Androscoggin

Representatives:

DELLERT of Gardiner
HARPER of Lincoln

Which Reports were READ.

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending ACCEPTANCE OF EITHER REPORT.

Off Record Remarks

On motion by Senator WHITMORE of Androscoggin, ADJOURNED until Tuesday, March 8, 1988, at 9:00 in the morning.

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE
SECOND REGULAR SESSION
39th Legislative Day
Tuesday, March 8, 1988

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

Prayer by Reverend Archie McRee, First Congregational Church, Camden.

The Journal of Monday, March 7, 1988, was read and approved.

Quorum call was held.

SENATE PAPERS

Bill "An Act to Promote Greater Workplace Safety" (S.P. 936) (L.D. 2469)

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

Was referred to the Committee on Labor in concurrence.

Bill "An Act Relating to the State Health Insurance Program and the Bureau of State Employee Health" (S.P. 937) (L.D. 2470)

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 Establish a Presidential Primary in Maine" (S.P. 123) (L.D. 328)

- In Senate, Bill and Accompanying Papers Indefinitely Postponed on June 18, 1987.

In House, House Receded and Concurred on June 18, 1987.

- Recalled from the Legislative Files pursuant to Joint Order (S.P. 923)

Came from the Senate with the Bill and accompanying papers Recommitted to the Committee on Legal Affairs in non-concurrence.

The House voted to recede and concur.

COMMUNICATIONS

The following Communication:

113th Maine Legislature

March 1, 1988

Edwin H. Pert

Clerk of the House

State House Station #2

Augusta, ME 04333

Dear Clerk Pert:

Pursuant to our authority under Chapter 56 of the Resolves of Maine, 1987, we have appointed Sally Clay to the Maine Commission to Review Overcrowding at the Augusta Mental Health Institute and the Bangor Mental Health Institute. She will replace Marion McCue, who resigned.

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

Sincerely,

s/Charles P. Pray

President of the Senate

s/John L. Martin

Speaker of the House

Was read and ordered placed on file.

PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE

The following Bills were received and, upon the recommendation of the Committee on Reference of