

# MAINE STATE LEGISLATURE

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# **LEGISLATIVE RECORD**

OF THE

**One Hundred And Thirteenth Legislature**

OF THE

**State Of Maine**

## **VOLUME IV**

### **SECOND REGULAR SESSION**

March 25, 1988 to May 5, 1988

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### **SECOND CONFIRMATION SESSION**

May 13, 1988

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### **HOUSE & SENATE LEGISLATIVE SENTIMENTS**

December 3, 1986 to December 6, 1988

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

In Senate Chamber  
Friday  
March 25, 1988

Senate called to Order by the President Pro Tem,  
Ronald E. Usher of Cumberland.

Prayer by Sister Edward Mary Kelleher of the  
Catherine McAuley School in Portland.

SISTER KELLEHER: Good morning and let us bow our  
heads in prayer. Oh God our Father, may we truly see  
You our God in one another and in all the issues that  
we face and in the midst of differences may the God  
of simplicity be with you opening you to a clear  
vision of what is real and true. May the God of  
patience be with you stilling the heart that hammers  
with doubt or confusion so that your deliberations  
may be marked by peace, a peace which yields working  
for the good of humanity and all its complex forms.  
At the end of this work day, may God's blessings  
grant to each of you a safe return to your homes.  
This we ask in His name. Amen.

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE  
Non-concurrent Matter

Bill "An Act to Correct Inconsistencies in the  
Publication of Legal Notices"

S.P. 864 L.D. 2252  
(C "A" S-350)

In Senate, March 22, 1988, PASSED TO BE ENGROSSED  
AS AMENDED BY COMMITTEE AMENDMENT "A" (S-350).

Comes from the House PASSED TO BE ENGROSSED AS  
AMENDED BY COMMITTEE AMENDMENT "A" (S-350) AS AMENDED  
BY HOUSE AMENDMENT "A" (H-522), thereto in  
NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

COMMUNICATIONS

The Following Communication:

MAINE INDIAN  
TRIBAL-STATE COMMISSION  
P.O. BOX 87  
HALLOWELL, MAINE 04347

March 16, 1988

The Honorable John L. Martin  
Speaker of the House  
Maine House of Representatives  
The Honorable Charles P. Pray  
President of the Senate  
Maine Senate

Dear Mr. Speaker and Mr. President:

In accordance with Title 30 MRSA 6205(5) and  
Joint Rule 36-A of the Maine Legislature, the Maine  
Indian-Tribal State Commission met on March 16, 1988  
for the purpose of making a recommendation on the  
request of the Penobscot Nation to amend 30 M.R.S.A.  
section 6203, subsection 8 by adding to those areas  
presently designated as Penobscot Indian Reservation  
parcels of land which have been or may be acquired by  
the Penobscot Nation from Bangor Pacific Hydro  
Associates as compensation for flowage of reservation  
lands by the West Enfield dam: A parcel located on  
the Mattagamom Gate Road and on the East Branch of  
the Penobscot River in T.6 R.8 WELS, which is a  
portion of the "Mattagamom Lake Dam Lot" and has an

area of approximately 24.3 acres, and Smith Island in  
the Penobscot River, which has an area of  
approximately one acre.

With a quorum present the Commission voted to  
recommend to the Maine Legislature passage of this  
proposed amendment which is presented in LD 2248, An  
Act Relating to the Penobscot Indian Reservation.

Sincerely,  
S/Alton E. Cianchette  
Chairman

Which was READ and ORDERED PLACED ON FILE.

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:

Resolve, to Permit Christie L. Hayes and Richard  
E. Shorey, Jr. to Sue the State for Compensation for  
Personal Injuries Resulting From Negligence on the  
Part of the Department of Transportation

H.P. 1757 L.D. 2406

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 to Protect Workers from Unreasonable  
Exposure to Toxic Substances in the Workplace"

H.P. 1521 L.D. 2074

Bill "An Act to Promote Safety in the Workplace"

H.P. 1529 L.D. 2083

Resolve, to Create a Link from the Old Orchard  
Beach Ball Park Area to the Interstate 95 Spur

H.P. 1754 L.D. 2403

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

H.P. 1789 L.D. 2450

Ought to Pass

The Committee on FISHERIES AND WILDLIFE on Bill  
"An Act to Make Supplemental Allocations to the  
Department of Inland Fisheries and Wildlife for the  
Fiscal Years Ending June 30, 1988 and June 30, 1989"  
(Emergency)

H.P. 1796 L.D. 2460

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.

Ought to Pass in New Draft under New Title

The Committee on LEGAL AFFAIRS on Bill "An Act to  
Allow Initiative Rights to Local Voters on Laws  
Pertaining Only to Their Municipality, Village  
Corporation or Quasi-Municipal Corporation"

H.P. 1568 L.D. 2135

Reported that the same Ought to Pass in New Draft  
under New Title Bill "An Act Concerning Charter  
Changes in Quasi-Municipal Corporations or Districts"

H.P. 1888 L.D. 2583

Comes from the House, with the Report READ and  
ACCEPTED and the Bill in NEW DRAFT under NEW TITLE,  
PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT  
"A" (H-524).

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT under NEW TITLE READ ONCE.  
House Amendment "A" (H-524) READ and ADOPTED, in concurrence.

The Bill in NEW DRAFT under NEW TITLE, TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Require Supervisory Auditors to Obtain Professional Certification within 3 Years"

H.P. 1594 L.D. 2180

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-510).

Signed:

Senators:

TUTTLE of York  
BALDACCI of Penobscot  
GOULD of Waldo

Representatives:

HUSSEY of Milo  
LOOK of Jonesboro  
WENTWORTH of Wells  
CARROLL of Gray  
BICKFORD of Jay  
ANTHONY of South Portland  
STROUT of Windham  
ROTONDI of Athens  
BOUTILIER of Lewiston

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

Signed:

Representative:

LACROIX of Oakland

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-510) AND HOUSE AMENDMENT "A" (H-519).

Which Reports were READ.

On motion by Senator TUTTLE of York, the Majority OUGHT TO PASS AS AMENDED Report was ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-510) READ and ADOPTED, in concurrence.

House Amendment "A" (H-519) READ and ADOPTED, in concurrence.

On further motion by same Senator, under suspension of the Rules, READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended, in concurrence.

Off Record Remarks

SECOND READERS

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

House As Amended

Bill "An Act to Amend the Rules of Construction to Permit Use of Gender-Neutral Language in Maine Statutes"

H.P. 1449 L.D. 1960  
(C "A" H-515)

Bill "An Act to Create a Uniform School Unit Budgeting Process"

H.P. 1740 L.D. 2386  
(C "A" H-517)

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

H.P. 1771 L.D. 2424  
(C "A" H-514)

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

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Make the Language of the Constitution Gender-Neutral

H.P. 1877 L.D. 2571  
(H "A" H-521)

Which was READ A SECOND TIME.

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending PASSAGE TO BE ENGROSSED AS AMENDED, in concurrence.

Senate As Amended

Resolve, Establishing the Commission to Study Secondary Transportation Corridors in Maine

S.P. 816 L.D. 2136  
(C "A" S-355)

Bill "An Act to Establish the Maine Elderly Tax Assistance Program"

S.P. 880 L.D. 2283  
(C "A" S-358)

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

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 TRANSPORTATION on Bill "An Act Relating to 6-Axle Vehicles Carrying General Commodities"

S.P. 869 L.D. 2264

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-359).

Signed:

Senators:

DOW of Kennebec  
THERIAULT of Aroostook  
CAHILL of Sagadahoc

Representatives:

POULIOT of Lewiston  
MACOMBER of South Portland  
MCPHERSON of Eliot  
MOHOLLAND of Princeton  
CALLAHAN of Mechanic Falls  
MILLS of Bethel  
STROUT of Corinth  
SALSBURY of Bar Harbor

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

Signed:

Representatives:

REEVES of Pittston  
SOUCY of Kittery

Which Reports were READ.

On motion by Senator Dow of Kennebec, the Majority OUGHT TO PASS AS AMENDED Report was ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (S-359) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

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

COMMITTEE REPORTS

Senate

Ought to Pass in New Draft

Senator THERIAULT for the Committee on TRANSPORTATION on Bill "An Act to Enhance Enforcement of the Handicapped Parking Laws"

S.P. 879 L.D. 2282

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

S.P. 974 L.D. 2587

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.

Senate at Ease

Senate called to order by the President.

ORDERS OF THE DAY

On motion by Senator CLARK of Cumberland, the Senate removed from the Tabled and Later Today Assigned matter:

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Make the Language of the Constitution Gender-Neutral

H.P. 1877 L.D. 2571

(H "A" H-521)

Tabled - March 25, 1988, by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENGROSSED AS AMENDED.

(In Senate, March 25, 1988, READ A SECOND TIME.)

(In House, March 24, 1988, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-521).)

On motion by Senator BUSTIN of Kennebec, Senate Amendment "A" (S-360) READ and ADOPTED.

Which was PASSED TO BE ENGROSSED, as Amended in NON-CONCURRENCE.

Sent down for concurrence.

Off Record Remarks

Senator KANY of Kennebec was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

On motion by Senator BERUBE of Androscoggin, ADJOURNED until Monday, March 28, 1988, at 9:00 in the morning.

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE

SECOND REGULAR SESSION

53rd Legislative Day

Monday, March 28, 1988

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

Prayer by Reverend Robert Tapper, First Baptist Church, Cherryfield.

National Anthem by Mt. Abram High School Band, Salem.

The Journal of Friday, March 25, 1988, was read and approved.

Quorum call was held.

SENATE PAPERS

Divided Report

Majority Report of the Committee on Transportation reporting "Ought Not to Pass" on RESOLVE, Establishing the Commission to Study Secondary Transportation Corridors in Maine (S.P. 816) (L.D. 2136)

Signed:

Senator:

Representatives:

CAHILL of Sagadahoc

REEVES of Pittston

MILLS of Bethel

CALLAHAN of Mechanic Falls

SOUCY of Kittery

SALSBURY of Bar Harbor

MACOMBER of South Portland

McPHERSON of Eliot

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (S-355) on same Bill.

Signed:

Senators:

Representatives:

DOW of Kennebec

THERIAULT of Aroostook

POULIOT of Lewiston

STROUT of Corinth

MOHOLLAND of Princeton

Came from the Senate with the Minority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-355)

Reports were read.

Representative Moholland of Princeton moved that the House accept the Minority "Ought to Pass" as amended Report in concurrence.

The SPEAKER: The Chair recognizes the Representative from Eliot, Representative McPherson.

Representative McPHERSON: Mr. Speaker, Ladies and Gentlemen of the House: I would ask you to reject the motion to accept the Minority Report and then accept the Majority Report of the Committee on Transportation. This Resolve establishes a commission to examine Route 9 between Calais and Bangor and some of the connecting roads. It is a duplication of effort. The work is now currently being done by the Department of Transportation on all of these corridors. It is only \$9,000 but it is \$9,000 that could be spent somewhere else much more appropriately.

The SPEAKER: The Chair recognizes the Representative from Princeton, Representative Moholland.

Representative MOHOLLAND: Mr. Speaker, Ladies and Gentlemen of the House: There is an amendment on this bill for a \$5,000 fiscal note. This bill just takes care of Route 9 and some of the routes that lead off from Route 9 such as Eastport and Searsport (for economical purposes). I do hope you go along and vote for the Minority Report.