

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred And Thirteenth Legislature
OF THE
State Of Maine

VOLUME I
FIRST REGULAR SESSION
December 3, 1986 to May 22, 1987

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
3rd Legislative Day
Tuesday, January 13, 1987

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

Prayer by Father Thomas Joyce, St. Mary's Catholic Church, Augusta.

National Anthem by Mt. View High School Band, Thorndike.

The Journal of Thursday, January 8, 1987, was read and approved.

Quorum call was held.

COMMUNICATIONS

The following Communication:

STATE OF MAINE
ONE HUNDRED AND TWELFTH LEGISLATURE
COMMITTEE ON EDUCATION
January 8, 1987

Speaker John L. Martin
House of Representatives
State House
Augusta, Maine 04333

Dear Speaker Martin:

The Joint Select Committee on Learning Disabilities is pleased to submit the report of its study on Learning Disabled Children as required by Chapter 43 of the Resolves of 1985.

Sincerely,
S/ James Meehan
Chairman

Was read and with accompanying report ordered placed on file.

The following Communication:

STATE OF MAINE
ONE HUNDRED AND TWELFTH LEGISLATURE
COMMITTEE ON UTILITIES
January 8, 1987

Speaker John L. Martin
House of Representatives
State House
Augusta, Maine 04333

Dear Speaker Martin:

The Joint Select Committee on Utilities is pleased to submit the report of its study on Electric Power Transmission and Purchases.

Sincerely,
S/Rep. Herbert E. Clark
Chairman

Was read and with accompanying report ordered placed on file.

The following Communication:

STATE OF MAINE
ONE HUNDRED AND TWELFTH LEGISLATURE
COMMITTEE ON LABOR
January 8, 1987

Speaker John L. Martin
House of Representatives
State House
Augusta, Maine 04333

Dear Speaker Martin:

The Maine Commission on Chemical Testing of Employees is pleased to submit the attached report of our study on substance abuse testing in the Maine workplace. Although the Commission has issued a divided report, we feel that the Commission's work will be valuable to the Legislature as a resource in providing a wealth of background information on the

subject; in identifying the major issues involved in workplace substance abuse testing; and in providing alternative suggested resolutions of the relevant issues. We thank you for the opportunity to investigate this very important and timely issue.

Sincerely,
S/Edith Beaulieu
Chair

Was read and with accompanying report ordered placed on file.

The following Communication:

STATE OF MAINE
ONE HUNDRED AND TWELFTH LEGISLATURE
COMMITTEE ON HUMAN RESOURCES

January 9, 1987

The Honorable John L. Martin
Speaker of the House
State House
Augusta, Maine 04333

Dear Speaker Martin:

The Joint Standing Committee on Human Resources is pleased to submit the attached report of our study of the Driver Education Evaluation Program pursuant to Chapter 688 of the Public Laws of 1985. We hope you find this report a useful tool in our continuing efforts to eliminate the problem drinker from our highways.

Sincerely,
S/Senator N. Paul Gauvreau
Chair

Was read and with accompanying report ordered placed on file.

The following Communication:

State of Maine
Senate Chamber
Augusta, Maine 04333

January 12, 1987
Hon. Edwin H. Pert
Clerk of the House
Station #2
Augusta, ME 04333

Dear Clerk Pert:

This is to notify you that, pursuant to my authority under M.R.S.A. 38, Section 1453, I have re-appointed Senator Ronald E. Usher of Cumberland to the Advisory Commission on Radioactive Waste. If you have any questions about this appointment, please do not hesitate to call.

Sincerely,
s/Charles P. Pray
President of the Senate

Was read and ordered placed on file.

The following Communication:

State of Maine
Senate Chamber
Augusta, Maine 04333

January 12, 1987
Hon. Edwin H. Pert
Clerk of the House
Station #2
Augusta, ME 04333

Dear Clerk Pert:

This is to notify you that, pursuant to my authority under M.R.S.A. 38, Section 1453, I have re-appointed Senator Judy C. Kany of Kennebec to the Advisory Commission on Radioactive Waste. If you have any questions about this appointment, please do not hesitate to call.

Sincerely,
s/Charles P. Pray
President of the Senate

Was read and ordered placed on file.

The following Communication:
State of Maine
Senate Chamber
Augusta, Maine 04333

January 12, 1987
Hon. Edwin H. Pert
Clerk of the House
Station #2
Augusta, ME 04333
Dear Clerk Pert:

This is to notify you that, pursuant to my authority under M.R.S.A. 38, Section 1453, I have appointed Senator Margaret G. Ludwig of Aroostook to the Advisory Commission on Radioactive Waste. If you have any questions about this appointment, please do not hesitate to call.

Sincerely,
s/Charles P. Pray
President of the Senate

Was read and ordered placed on file.

The following Communication:
State of Maine
Senate Chamber
Augusta, Maine 04333

January 12, 1987
Hon. Edwin H. Pert
Clerk of the House
Station #2
Augusta, ME 04333
Dear Clerk Pert:

This is to notify you that, pursuant to my authority under M.R.S.A. 38, Section 1453, I have appointed Ms. Gwen O'Connor of Dover-Foxcroft to the Advisory Commission on Radioactive Waste. If you have any questions about this appointment, please do not hesitate to call.

Sincerely,
s/Charles P. Pray
President of the Senate

Was read and ordered placed on file.

The following Communication:
State of Maine
Senate Chamber
Augusta, Maine 04333

January 12, 1987
Hon. Edwin H. Pert
Clerk of the House
Station #2
Augusta, ME 04333
Dear Clerk Pert:

This is to notify you that, pursuant to my authority under M.R.S.A. 3, Section 2-A, I have appointed Mr. Philip Annis of Dover-Foxcroft to the State Compensation Commission. If you have any questions about this appointment, please do not hesitate to call.

Sincerely,
s/Charles P. Pray
President of the Senate

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 Bills, were referred to the following Committees, Ordered Printed and Sent up for Concurrence:

Legal Affairs

Bill "An Act to Deny Certain State Funds to Any Person who Refused to Register Under the United States Military Selective Services Act" (H.P. 13) (L.D. 11) (Presented by Representative PARADIS of Old Town) (Cosponsors: Representative RACINE of Biddeford and Senator ERWIN of Oxford)
(Ordered Printed)
Sent up for concurrence.

Marine Resources

Bill "An Act to Prevent the Destruction of Lobster Gear" (H.P. 14) (L.D. 12) (Presented by Representative RICE of Stonington)
Bill "An Act Relating to the Use of Paravanes" (H.P. 15) (L.D. 13) (Presented by Representative SCARPINO of St. George)
(Ordered Printed)
Sent up for concurrence.

State and Local Government

Bill "An Act to Specify How the Authority of Washington County Commissioners may be Exercised" (H.P. 16) (L.D. 15) (Presented by Representative VOSE of Eastport)
(Ordered Printed)
Sent up for concurrence.

ORDERS

On motion of Representative McSWEENEY of Old Orchard Beach, the following Order:
ORDERED, that Representative Stephen Zirkilton of Mt. Desert be excused January 13th for personal reasons.
Was read and passed.

The following item appearing on Supplement No. 1 was taken up out of order by unanimous consent:

PASSED TO BE ENGROSSED
WITHOUT REFERENCE TO COMMITTEE

Bill "An Act Relating to Time for Submission of County Budgets" (Emergency) (H.P. 17) (L.D. 16) (Presented by Representative GWADOSKY of Fairfield) (Cosponsors: Representatives RAND of Portland, TRACY of Rome and Senator TUTTLE of York)
(Committee on State and Local Government was suggested.)

Under suspension of the rules, and without reference to any committee, the bill was read twice, passed to be engrossed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The following item appearing on Supplement No. 3 was taken up out of order by unanimous consent:

COMMUNICATIONS

The following Communication:

SUPREME JUDICIAL COURT RELOCATION COMMISSION
January 6, 1987

Honorable Charles P. Pray
President, Maine Senate
Honorable John L. Martin
Speaker, House of Representatives
Dear President Pray and Speaker Martin:

Please find enclosed the final report of the Supreme Judicial Court Relocation Commission. Included in the report is draft legislation that the Commission will be introducing for consideration by the 113th Legislature's First Regular Session.

Listed below are the recommendations of the Commission:

The Supreme Judicial Court, the Chief Justice of the Superior Court, the Chief Judge of the District Court and the Administrative Office of the Courts should be relocated to the City of Augusta;

The site for the new facility should be at the eastern end of State Capitol Park;

Funding for a court planner should be secured in January 1987 at the First Regular Session. The planner will develop the new facility's "program" (i.e., space requirements and design guidelines) and a cost estimate for the State Capitol Park site;

The new facility should be designed using a design competition. The competition would not take place until financing for the building had been secured;

The new facility should be financed with a General Fund bond issue to be enacted by the Legislature in the First Regular Session, to be presented to the voters at the November 1987 statewide election; and

A commission to succeed the Relocation Commission be established during the First Regular Session. The primary purpose of this Commission would be to oversee the work of the court planner and supervise the design competition.

The Supreme Judicial Court Relocation Commission has fulfilled its obligation as directed by Private and Special Laws of 1985, Chapter 60.

Respectfully submitted,
S/Jean B. Chalmers
Chairperson

Was read and with accompanying report ordered placed on file.

(At Ease)

The House was called to order by the Speaker.

Pursuant to Joint Rule 1, the Speaker announced the following appointments to Committees:

AGING, RETIREMENT and VETERANS

Daniel B. Hickey (D-Augusta), Chair
Francis J. Perry (D-Mexico)
John McSweeney (D-Old Orchard Beach)
Alexander Richard (D-Madison)
John Jalbert (D-Lisbon)
Lucien A. Dutremble (D-Biddeford)
Dana P. Stevenson (R-Unity)
Jean T. Dellert (R-Gardiner)
Betty J. Harper (R-Lincoln)
Kenneth L. Matthews (R-Caribou)

AGRICULTURE

Robert J. Tardy (D-Palmyra), Chair
Carl B. Smith (D-Island Falls)
John A. Aliberti (D-Lewiston)
B. Carolyne T. Mahany (D-Easton)
John N. Nutting (D-Leeds)
Weston R. Sherburne (R-Dexter)
Paul Parent (R-Benton)
Harland W. Bragg (R-Sidney)
Walter E. Whitcomb (R-Waldo)
Susan J. Pines (R-Limestone)

APPROPRIATIONS AND FINANCIAL AFFAIRS

Donald V. Carter (D-Winslow), Chair
Lorraine N. Chonko (D-Topsham)
Laurence E. Connolly, Jr. (D-Portland)

John Lisnik (D-Presque Isle)
Gregory G. Nadeau (D-Lewiston)
Patrick K. McGowan (D-Canaan)
Linwood M. Higgins (R-Scarborough)
Ruth S. Foster (R-Ellsworth)
Leland C. Davis, Jr. (R-Monmouth)
Judith C. Foss (R-Yarmouth)

AUDIT and PROGRAM REVIEW

Neil Rolde (D-York), Chair
Ruth Joseph (D-Waterville)
Phyllis R. Erwin (D-Rumford)
Norman O. Racine (D-Biddeford)
Ada K. Brown (D-Gorham)
Harriet A. Ketover (D-Portland)
Donald F. Sproul (R-Augusta)
John C. Bott (R-Orono)
Eleanor M. Murphy (R-Berwick)
Wesley Farnum (R-South Berwick)

BANKING and INSURANCE

Charlene B. Rydell (D-Brunswick), Chair
Phyllis R. Erwin (D-Rumford)
Herbert E. Clark (D-Millinocket)
P. Kelley Simpson (D-Casco)
Robert J. Tardy (D-Palmyra)
Richard H. C. Tracy (D-Rome)
John C. Bott (R-Orono)
Mary C. Webster (R-Cape Elizabeth)
Philip E. Curran (R-Westbrook)
Joseph A. Garland (R-Bangor)

BUSINESS LEGISLATION

Carol Allen (D-Washington), Chair
John A. Aliberti (D-Lewiston)
Norman O. Racine (D-Biddeford)
Carl F. Sheltra (D-Biddeford)
Christopher Scott Gurney (D-Portland)
John Telow (R-Lewiston)
Gerald A. Hillock (R-Gorham)
Catharine K. Lebowitz (R-Bangor)
Albert G. Stevens (R-Sabattus)
Gary W. Reed (R-Falmouth)

ECONOMIC DEVELOPMENT

Nathaniel J. Crowley, Sr. (D-Stockton Springs), Chair
Donnell P. Carroll (D-Gray)
Rita B. Melendy (D-Rockland)
Patricia M. Stevens (D-Bangor)
Charles R. Priest (D-Brunswick)
B. Carolyne T. Mahany (D-Easton)
Richard W. Armstrong (R-Wilton)
Clyde A. Hichborn (R-Lagrange)
Ronald C. Bailey (R-Farmington)
David G. Stanley (R-Cumberland)

EDUCATION

Stephen M. Bost (D-Orono), Chair
James R. Handy (D-Lewiston)
William O'Gara (D-Westbrook)
Richard A. Gould (D-Greenville)
Marge L. Kilkelly (D-Wiscasset)
Judy Paradis (D-Frenchville)
Kenneth L. Matthews (R-Caribou)
Mary E. Small (R-Bath)
William F. Lawrence (R-Parsonsfield)
Omar P. Norton (R-Winthrop)

ENERGY and NATURAL RESOURCES

Michael H. Michaud (D-East Millinocket), Chair
Paul F. Jacques (D-Waterville)
James Mitchell (D-Freeport)
Vinton T. Ridley (D-Shapleigh)
James Reed Coles (D-Harpswell)
Annette M. Hoglund (D-Portland)
Edward L. Dexter (R-Kingfield)
Muriel D. Holloway (R-Edgecomb)
Willis A. Lord (R-Waterboro)
Malachi Anderson (R-Woodland)

FISHERIES and WILDLIFE

Paul F. Jacques (D-Waterville), Chair
 Herbert E. Clark (D-Millinocket)
 Carl B. Smith (D-Island Falls)
 Dorothy A. Rotondi (D-Athens)
 Thomas A. Duffy (D-Bangor)
 Joseph G. Walker (D-Norway)
 Ada K. Brown (D-Gorham)
 Ernest C. Greenlaw (R-Standish)
 Norman E. Weymouth (R-West Gardiner)
 Frank H. Farren, Jr. (R-Cherryfield)

HUMAN RESOURCES

Peter J. Manning (D-Portland), Chair
 Neil Rolde (D-York)
 P. Kelley Simpson (D-Casco)
 Bradford E. Boutilier (D-Lewiston)
 Margaret Pruitt Clark (D-Brunswick)
 Jo Anne D. Lapointe (D-Auburn)
 Susan J. Pines (R-Limestone)
 Priscilla G. Taylor (R-Camden)
 Jean T. Dellert (R-Gardiner)
 Wesley Farnum (R-South Berwick)

JUDICIARY

Patrick E. Paradis (D-Augusta), Chair
 Daniel E. Warren (D-Scarborough)
 Harry L. Vose (D-Eastport)
 Constance D. Cote (D-Auburn)
 Gerard P. Conley, Jr. (D-Portland)
 Dale F. Thistle (D-Dover-Foxcroft)
 Mary H. MacBride (R-Presque Isle)
 Jeanne F. Begley (R-Waldoboro)
 Dana C. Hanley (R-Paris)
 Francis C. Marsano (R-Belfast)

LABOR

Edward A. McHenry (D-Madawaska), Chair
 Antonio J. Tammaro (D-Baileysville)
 Ruth Joseph (D-Waterville)
 Mona Walker Hale (D-Sanford)
 Richard B. Ruhlin (D-Brewer)
 Anne M. Rand (D-Portland)
 Ralph M. Willey (R-Hampden)
 Jeanne F. Begley (R-Waldoboro)
 Michael F. Hepburn (R-Skowhegan)
 Stephen M. Zirnkilton (R-Mount Desert)

LEGAL AFFAIRS

Charles R. Priest (D-Brunswick), Chair
 Francis D. Perry (D-Mexico)
 Norman R. Paul (D-Sanford)
 Hilda C. Martin (D-Van Buren)
 John Jalbert (D-Lisbon)
 Eleanor M. Murphy (R-Berwick)
 Dana P. Stevenson (R-Unity)
 Betty J. Harper (R-Lincoln)
 Albert G. Stevens (R-Sabbattus)
 Helen M. Tupper (R-Orrington)

MARINE RESOURCES

James Mitchell (D-Freeport), Chair
 Nathaniel J. Crowley (D-Stockton Springs)
 James Reed Coles (D-Harpswell)
 Richard P. Ruhlin (D-Brewer)
 Harriet A. Ketover (D-Portland)
 Maria Glen Holt (D-Bath)
 Roland S. Salsbury, Jr. (R-Bar Harbor)
 Guy G. Scarpino (R-St. George)
 Sally R. Rice (R-Stonington)
 Theone F. Look (R-Jonesboro)

STATE and LOCAL GOVERNMENT

Donnell P. Carroll (D-Gray), Chair
 Dorothy A. Rotondi (D-Athens)
 Bradford E. Boutilier (D-Lewiston)
 Elaine Lacroix (D-Oakland)
 Robert E. Hussey, Jr. (D-Milo)
 Cushman D. Anthony (D-South Portland)
 Alberta M. Wentworth (R-Wells)
 Gary Bickford (R-Jay)

Theone F. Look (R-Jonesboro)
 Barbara E. Strout (R-Windham)

TAXATION

John A. Cashman (D-Old Town), Chair
 Joseph W. Mayo (D-Thomaston)
 E. Michael Swazey (D-Bucksport)
 Guy R. Nadeau (D-Saco)
 Thomas A. Duffy (D-Bangor)
 Susan E. Dore (D-Auburn)
 Gennette M. Ingraham (R-Houlton)
 Philip C. Jackson (R-Harrison)
 Stephen M. Zirnkilton (R-Mount Desert)
 H. Stedman Seavey, Jr. (R-Kennebunkport)

TRANSPORTATION

Fred W. Moholland (D-Princeton), Chair
 Harold M. Macomber (D-South Portland)
 Roger M. Pouliot (D-Lewiston)
 Frederick F. Soucy (D-Kittery)
 Jeffery N. Mills (D-Bethel)
 Polly Reeves (D-Pittston)
 Donald A. Strout (R-Corinth)
 Orland G. McPherson (R-Eliot)
 Daniel J. Callahan (R-Mechanic Falls)
 Roland S. Salsbury, Jr. (R-Bar Harbor)

UTILITIES

Harry L. Vose (D-Eastport), Chair
 Harlan Baker (D-Portland)
 Alexander Richard (D-Madison)
 Carol Allen (D-Washington)
 William O'Gara (D-Westbrook)
 Maria Glen Holt (D-Bath)
 Norman E. Weymouth (R-West Gardiner)
 Ralph M. Willey (R-Hampden)
 Earl G. Nicholson (R-South Portland)
 Mary C. Webster (R-Cape Elizabeth)

JOINT SELECT COMMITTEE ON CORRECTIONS

Harlan Baker (D-Portland), Chair
 Peter J. Manning (D-Portland)
 Rita B. Melendy (D-Rockland)
 Joseph W. Mayo (D-Thomaston)
 Cushman D. Anthony (D-South Portland)
 Dale F. Thistle (D-Dover-Foxcroft)
 Ernest C. Greenlaw (R-Standish)
 Kerry E. Kimball (R-Buxton)
 Priscilla G. Taylor (R-Camden)
 Barbara E. Strout (R-Windham)

The Speaker announced the following appointments to House Committees:

Ways and Means

Clark of Millinocket, Chair	Warren of Scarborough
Baker of Portland	Lord of Waterboro
Brown of Gorham	Higgins of Scarborough
Mahany of Easton	

Leaves of Absence

McSweeney of Old Orchard	Melendy of Rockland
Beach, Chair	Ingraham of Houlton
Nadeau of Lewiston	Callahan of Mechanic Falls
Lisnik of Presque Isle	
Manning of Portland	

Bills in Second Reading

Brown of Gorham, Chair	MacBride of Presque Isle
Bost of Orono	Foster of Ellsworth
Cote of Auburn	Holloway of Edgcomb
Tammaro of Baileyville	

Engrossed Bills

Reeves of Pittston, Chair	MacBride of Presque Isle
Crowley of Stockton Springs	McPherson of Eliot
Simpson of Casco	Salsbury of Bar Harbor
Kilkelly of Wiscasset	

Rules and Business of the House

The Speaker, Ex Officio Murphy of Kennebunk
Diamond of Bangor Davis of Monmouth
 House Committee on Elections
Paradis of Augusta, Chair Pouliot of Lewiston
Chonko of Thompson Strout of Corinth
McHenry of Madawaska Telow of Lewiston
Gwadosky of Fairfield

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

In Senate Chamber
Tuesday
January 13, 1987

(At Ease)

The House was called to order by the Speaker.

The following item appearing on Supplement No. 2 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED
Emergency Measure

An Act Relating to Time for Submission of County Budgets (H.P. 17) (L.D. 16)

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. 109 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

(Off Record Remarks)

(At Ease)

The House was called to order by the Speaker.

(Off Record Remarks)

The following item appearing on Supplement No. 4 was taken up out of order by unanimous consent.

SENATE PAPER

The following Joint Order: (S.P. 29)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Friday, January 16, 1987 at 10 o'clock in the morning.

Came from the Senate, read and passed.

Was read and passed in concurrence.

On motion of Representative Ridley of Shapleigh, Adjourned until Friday, January 16, 1987, at 10 o'clock in the morning pursuant to Joint Order (S.P. 29).

Senate called to Order by the President.

Prayer by Pastor Cecil Jones of the Federated Church in Norridgewock.

PASTOR JONES: Eternal God, who has wonderfully blessed this great country that we live in with capable men and women to handle the affairs of our country, and the State in which we live. We thank Thee, our Father, as we gather here this morning for the opening session of the Maine Senate. For each new member here today, grant unto them the wisdom and understanding needed for the challenges, and the tasks they will face, and the ability to work together toward one common cause of making this one of the greatest states of our nation.

We also pray, our Father, for those to whom this is not a new experience, who have served as Senate members before, that they might extend to the new members the same consideration that they hoped to receive when they themselves were new.

And grant, Oh God, that each member of this Senate might humble themselves before Thee, and seek Thy strength and guidance for each decision they have to make.

We pray, our Father, for our new Governor. Grant unto him, Oh God, a humble heart that he might look unto Thee for the strength and guidance. That he may execute his office as Governor with integrity and love.

And lastly we pray, our Father, for all the people of our great State. Sanctify us with Thy love, and help us to make this God's own country, and God's own State, by living together and working together like God's own people. For we pray in the name of Thy Son Jesus Christ our Lord. Amen.

Reading of the Journal of Thursday, January 8, 1987.

Out of order and under suspension of the Rules, on motion by Senator DUTREMBLE of York the following Joint Order:

S.P. 29

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Friday, January 16, 1987 at 10 o'clock in the morning.

Which was READ and PASSED.

Under suspension of the Rules, ordered sent down forthwith for concurrence.

PAPERS FROM THE HOUSE
House Papers

Bill "An Act to Authorize the Creation of a Position of Executive Director and an Associate Executive Director to the Board of Registration in Medicine"

H.P. 11 L.D. 9

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.