

# 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

Off Record Remarks

Senator PEARSON of Penobscot was granted unanimous consent to address the Senate off the Record.

On motion by Senator CLARK of Cumberland, ADJOURNED until Thursday, January 22, 1987, at 12:00 in the afternoon.

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE  
FIRST REGULAR SESSION  
6th Legislative Day  
Thursday, January 22, 1987

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

Prayer by Reverend Royal J. Parent of St. Teresa's Catholic Church in Brewer.

Quorum call was held.

The Journal of Tuesday, January 20, 1987, was read and approved.

SENATE PAPERS

Bill "An Act to Clarify the Description of Crooked River in Cumberland County and to Extend Special Protection to Outstanding Rivers to the Crooked River" (S.P. 38) (L.D. 26)

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.

Bill "An Act to Amend the Liquor Licensing Laws" (S.P. 39) (L.D. 27)

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

Was referred to the Committee on Legal Affairs in concurrence.

Bill "An Act Relating to Periodic Publication of Taxable Gasoline Gallonage Statistics Provided by Licensed Gasoline Distributors" (S.P. 40) (L.D. 28)

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

Was referred to the Committee on Taxation in concurrence.

COMMUNICATIONS

The following Communication:

STATE OF MAINE  
DEPARTMENT OF HUMAN SERVICES  
AUGUSTA, MAINE 04333

January 16, 1987

To: Honorable Charles Pray, President of Senate  
Honorable John Martin, Speaker of House  
From: S/John Wakefield, Acting Commissioner, Human Services

In accordance with Public Law 1983, C. 464, the Alcohol and Drug Abuse Planning Committee (ADPC) must submit to the Maine State Legislature reports concerning:

- a) the previous fiscal year progress toward meeting established substance abuse programs/services goals;
- b) the previous fiscal year allocations/expenditures, and
- c) goals/program/services and allocations for the current fiscal year (Fy '87).

In order to meet these requirements, the enclosed document is submitted to the President of the Senate and the Speaker of the House. Additional copies will be made available to the legislative leadership and members of appropriate legislative committees.

If you have any questions concerning this document, you may wish to contact Albert Anderson, Planning Director of the Alcohol and Drug Abuse Planning Committee (tel: 289-2595). His office was responsible for developing this document on behalf of the Committee.

Was read and with accompanying report ordered placed on file.

and Insurance, Ordered Printed and sent up for concurrence.

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:

Banking and Insurance

Bill "An Act to Amend the Preferred Provider Arrangement Laws of Maine" (H.P. 30) (L.D. 31) (Presented by Representative ARMSTRONG of Wilton) (Ordered Printed) Sent up for concurrence.

Fisheries and Wildlife

Bill "An Act to Provide for Additional Moose Hunting Permits for In-State Residents" (H.P. 29) (L.D. 30) (Presented by Representative ROTONDI of Athens) (Cosponsors: Representatives SMITH of Island Falls, CLARK of Millinocket, and Senator THERIAULT of Aroostook)

Bill "An Act to Create a Nonresident Property Owner Fishing License" (H.P. 36) (L.D. 39) (Presented by Representative JACKSON of Harrison) (Cosponsors: Senator BLACK of Cumberland, Representatives TAMMARO of Baileyville and BROWN of Gorham)

Bill "An Act to Establish a Small Game Hunting License and a Combination Hunting and Fishing License" (H.P. 38) (L.D. 41) (Presented by Representative JACQUES of Waterville)

Bill "An Act Concerning Raising Wild Birds and Wild Animals in Captivity" (H.P. 39) (L.D. 42) (Presented by Representative JACQUES of Waterville)

Bill "An Act to Change the Date of the Muzzle-loading Deer Hunting Season" (H.P. 41) (L.D. 44) (Presented by Representative STEVENSON of Unity) (Ordered Printed) Sent up for concurrence.

Fisheries and Wildlife

Bill "An Act Authorizing the Use of Gill Nets by Agents of the State for Scientific Purposes" (H.P. 37) (L.D. 40) (Presented by Representative JACQUES of Waterville)

(The Committee on Reference of Bills had suggested the Committee on Marine Resources)

On motion of Representative Jacques of Waterville, was referred to the Committee on Fisheries and Wildlife, Ordered Printed and sent up for concurrence.

State and Local Government

Bill "An Act to Create a Private Enterprise Act" (H.P. 31) (L.D. 32) (Presented by Representative LAWRENCE of Parsonsfield) (Cosponsor: Representative ROLDE of York) (Ordered Printed) Sent up for concurrence.

Banking and Insurance

Bill "An Act Concerning Mandatory Motor Vehicle Liability Insurance" (H.P. 32) (L.D. 33) (Presented by Representative LAPOINTE of Auburn)

(The Committee on Reference of Bills had suggested the Committee on Transportation)

On motion of Representative Moholland of Princeton, was referred to the Committee on Banking

Transportation

Bill "An Act Relating to Initial Plates under the Motor Vehicle Laws" (H.P. 40) (L.D. 43) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsors: Senators WEBSTER of Franklin, DOW of Kennebec and Representative WEYMOUTH of West Gardiner)

On motion of Representative Moholland of Princeton, was referred to the Committee on Transportation, Ordered Printed and sent up for concurrence.

Utilities

Bill "An Act to Ensure Affordable Telephone Service in all Areas of the State" (H.P. 33) (L.D. 34) (Presented by Representative SIMPSON of Casco) (Cosponsor: Representative MAHANY of Easton)

Bill "An Act to Allow the Public Utilities Commission to Incorporate into its Rules Certain Federal Rules when Amended in the Future" (H.P. 34) (L.D. 35) (Presented by Representative VOSE of Eastport) (Cosponsor: Representative WEYMOUTH of West Gardiner)

(Ordered Printed) Sent up for concurrence.

Study Report-  
Committee on State and Local Government

Representative CARROLL from the Committee on State and Local Government to which was referred by the Legislative Council the Study Relative to Recodification of Title 30, MRSA have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Make Substantive Corrections in the County and Municipal Laws" (Emergency) (H.P. 35) (L.D. 36) be referred to this Committee for public hearing and printed pursuant to Joint Rule 19.

Report was read and accepted, and the bill referred to the Committee on State and Local Government, ordered printed and sent up for concurrence.

ORDERS

On motion of Representative CONNOLLY of Portland, the following Joint Resolution: (H.P. 24) (Cosponsors: Representative PARADIS of Augusta, Speaker MARTIN of Eagle Lake, and Senator BRANNIGAN of Cumberland)

JOINT RESOLUTION COMMEMORATING MARTIN LUTHER KING DAY WHEREAS, January 19, 1987, marks the second national holiday and the first state holiday in honor of Dr. Martin Luther King, Jr., commemorating his birth on January 15, 1929; and

WHEREAS, Martin Luther King, Jr., advocated the furtherance of civil rights for black Americans through nonviolence; and

WHEREAS, this man of powerful voice and spirit showed this country a dream, a dream of "an oasis of freedom and justice;" and

WHEREAS, for his tireless work to ensure equality and justice, Dr. King was awarded the high and honorable distinction of the Nobel Peace Prize in 1964; and

WHEREAS, his eloquence, his perseverance and his faith moved mountains and brought about sweeping changes by appealing to the better instincts and consciences of his fellow human beings; and

WHEREAS, the life of Martin Luther King, Jr., which ended so tragically on April 4, 1968, is a shining example to Americans and citizens of the world-at-large of uncompromising dedication to the highest ideals; now, therefore, be it

RESOLVED: That We, the Members of the 113th Legislature in First Regular Session now assembled, acknowledge the extraordinary life and works of this teacher, reformer and humanitarian, Dr. Martin Luther King, Jr., and pause in our deliberations to recognize and commemorate the occasion of his birth; and be it further

RESOLVED: That suitable copies of this Joint Resolution be sent forthwith by the Secretary of State to Coretta Scott King, widow of Dr. Martin Luther King, Jr., and to the Maine office of the NAACP.

Was read.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Connolly.

Representative CONNOLLY: Mr. Speaker, Men and Women of the House: After a couple of delays, I appreciate the opportunity to present this Joint Resolution which commemorates the anniversary of the birth of Martin Luther King, Jr. and acknowledges the fact that we, as a state, celebrated this past Monday as the first date of the Martin Luther King, Jr. holiday.

A year ago, this House served as a stage for perhaps one of the most extraordinary and emotional debates ever to have occurred (at least during the years that I have served in this legislature) as we struggled with the bill that had been presented by Representative Bost to establish Martin Luther King's state holiday. That debate, perhaps as much as anything else that has occurred in the years that I have been in the legislature, I think demonstrated that we still have a long way to go as a society to realize the dreams of Martin Luther King, Jr. It is true that bigotry and intolerance still exists in our society. Even today, in 1987, in certain parts of our country, the Ku Klux Klan still marches in opposition to the dreams of justice, freedom and equality for our people.

I think that we, as a legislature, and also citizens of the State of Maine, can stand proud that we, in not an insignificant way, helped to recognize and support the ultimate dream of Martin Luther King, Jr., that his children and all of our children will grow up and will be recognized, not by color of their skin, but by the quality of their character when we passed that bill into law last year and established the Martin Luther King, Jr. state holiday.

I don't know if the attitudes that produced prejudice and intolerance can ever be completely eradicated from our society but I think perhaps one of the most significant things that has happened in the last couple of years as a result of the attention given to Martin Luther King, Jr. is the extraordinary effort that has been made by educators in our schools at all levels to teach about the life and the dreams of Martin Luther King, Jr.

Mr. Speaker, I would hope that after this Resolution is passed and when the House adjourns that we adjourn in memory of the birth of Martin Luther King, Jr.

Subsequently, the Resolution was adopted and sent up for concurrence.

SPECIAL SENTIMENT CALENDAR

In accordance with House Rule 56 and Joint Rule 34, the following item:  
In Memory of:

the Honorable Marion E. Martin, of Hallowell, a dear lady who was recognized nationally and internationally for her work and who distinguished herself as a leader of women, Commissioner of Labor and Industry and member of the 86th, 87th, 88th and 89th Maine Legislatures; (SLS 39) now therefore, be it

RESOLVED: that we, the members of the Senate and House of Representatives pause in a moment of understanding and prayer to inscribe this token of sympathy and condolence to all who share this great loss and respectfully request that when the legislature adjourn this date, it do so in honor and lasting tribute to the deceased.

On motion of Representative Harper of Lincoln, was removed from the Special Sentiment Calendar.

Was read.

The SPEAKER: The Chair recognizes the Representative from Lincoln, Representative Harper.

Representative HARPER: Mr. Speaker, Men and Women of the House: It is with feelings of pride and appreciation that we pause today to pay tribute to the late Honorable Marion E. Martin, a native of Kingman, Maine who was first selected to the Maine House of Representatives in 1930. That was just 10 years, ladies and gentlemen, after the women had begun to vote.

Marion Martin served for two terms in the House and she also served two terms in the Maine Senate. She also became the very first woman to serve as the Assistant Chairman of the Republican National Committee, a post which she held from the mid-30's until 1947 and that was the year that Governor Horace Hildreth named her to be the Commissioner of Labor and Industry, the first woman to be appointed to a cabinet position in the State of Maine.

Marion Martin served so effectively in that position that she continued to hold that post under seven Governors, Republicans and Democrats alike, for 25 years.

Her accomplishments were many, including helping to establish a state minimum wage law, equal pay for equal work provisions, industrial safety and collective bargaining laws.

This lady, a courageous and very capable pioneer in public service, has died at the age of 86. She leaves a legacy of remarkable accomplishments and of inspiration to the many who proudly follow her trail of political action for the benefit of the people of the State of Maine.

Mr. Speaker, it is with pride that I also request that this session of the Maine House be adjourned today in memory of the late Honorable Marion E. Martin.

Subsequently, the Resolution was adopted in concurrence.

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

SENATE PAPER

The following Joint Order: (S.P. 45)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Monday, January 26, 1987, at 10 o'clock in the morning

Came from the Senate, read and passed.

Was read and passed in concurrence.

The SPEAKER: The Chair would announce the following change in Committee Appointments:

The appointment of Representative SMITH of Island Falls to the Committee on Agriculture is rescinded and Representative HUSSEY of Milo is appointed to the Committee on Agriculture.

(At Ease)

The House was called to order by the Speaker.

On motion of Representative Paul of Sanford,  
Adjourned until Monday, January 26, 1987, at ten  
o'clock in the morning in memory of Martin Luther  
King, Jr. and Marion E. Martin, a former member of  
the House of Representatives.

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

In Senate Chamber  
Thursday  
January 22, 1987

Senate called to Order by the President.

Prayer by Reverend Royal J. Parent of St. Teresa's  
Catholic Church in Brewer.

REVEREND PARENT: Bless Thee God, our Creator and  
Provider. Be with us the whole day long. Let Your  
help be a sun that never sets. We dedicate this day  
to You as our offering. Do not let us offer anything  
that is evil. May Your gift of light prevail this  
whole day, that we may be the salt of the earth and  
the light of the world. May the love of Your spirit  
direct our hearts and our lips. May we always act in  
accordance with Your will. Amen.

Reading of the Journal of Tuesday, January 20, 1987.

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

S.P. 45

ORDERED, the House concurring, that when the  
House and Senate adjourn, they to so until Monday,  
January 26, 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

Non-concurrent Matter

Bill "An Act to Exempt Certain Eating Places from  
the Requirement to Provide a Public Rest Room"  
(Emergency)

S.P. 35 L.D. 19

Committee on HUMAN RESOURCES suggested and  
ORDERED PRINTED.

In Senate, January 16, 1987, under suspension of  
the Rules, READ TWICE and PASSED TO BE ENGROSSED,  
without reference to a Committee.

Comes from the House referred to the Committee on  
HUMAN RESOURCES and ORDERED PRINTED in  
NON-CONCURRENCE.

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

House Papers

Bill "An Act to Extend Immunity from Civil  
Liability for the Unlawful Cutting of Trees to  
Municipal Employees Acting within the Course and  
Scope of their Employment"

H.P. 26 L.D. 23

Bill "An Act to Permit a Guilty but Mentally Ill  
Verdict in a Criminal Case"

H.P. 28 L.D. 25

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 Place in the Unclassified Service  
the Utility Technical Analyst, Utility Programmer