

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

Bill "An Act Relating to the Forfeiture of Unoccupied Interment Spaces"

S.P. 43 L.D. 38

Presented by Senator DUTREMBLE of York
Which was referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED.
Sent down for concurrence.

Resolve, to Honor Governor Joseph E. Brennan (Emergency)

S.P. 42 L.D. 37

Presented by Senator PERKINS of Hancock
Cosponsored by: Representative MURPHY of Kennebunk
Committee on STATE AND LOCAL GOVERNMENT suggested and ORDERED PRINTED.

Which was, under suspension of the Rules, READ TWICE, and PASSED TO BE ENGROSSED, without reference to a Committee.

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

Senate at Ease
Senate called to order by the President.

Off Record Remarks

Adjournment Order having been returned from the House, READ and PASSED, in concurrence, on motion by Senator DUTREMBLE of York, ADJOURNED until Monday, January 26, 1987, at 10:00 in the morning.

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
7th Legislative Day
Monday, January 26, 1987

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

Prayer by Father Leo James Michaud, St. Ann's Catholic Church, Indian Island.

National Anthem by Foxcroft Academy Band, Dover-Foxcroft.

The Journal of Thursday, January 22, 1987, was read and approved.

SENATE PAPERS

Bill "An Act to Continue Geological Research and to Monitor Federal Research Regarding High-level Radioactive Waste Disposal" (Emergency) (S.P. 41) (L.D. 29)

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

Was referred to the Committee on Appropriations and Financial Affairs in concurrence.

Bill "An Act Relating to the Forfeiture of Unoccupied Interment Spaces" (S.P. 43) (L.D. 38)

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

Was referred to the Committee on Legal Affairs in concurrence.

RESOLVE, to Honor Governor Joseph E. Brennan (Emergency) (S.P. 42) (L.D. 37)

Came from the Senate under suspension of the rules and without reference to a Committee, the Bill read twice and passed to be engrossed.

(The Committee on Reference of Bills had suggested reference to the Committee on State and Local Government.)

Was referred to the Committee on State and Local Government in non-concurrence and sent up for concurrence.

COMMUNICATIONS

The following Communication: (S.P. 44)
113th Maine Legislature

January 20, 1987

Senator Stephen C. Estes
Representative Stephen M. Bost
Chairpersons
Joint Standing Committee on Education
113th Legislature
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Eve M. Bither of Westbrook for appointment as the Commissioner of the Department of Educational and Cultural Services.

Pursuant to Title 20-A, M.R.S.A. Section 251, this nomination will require review by the Joint Standing Committee on Education and confirmation by the Senate.

Sincerely,
S/Charles P. Pray
President of the Senate
S/John L. Martin
Speaker of the House

Came from the Senate, read and referred to the Committee on Education.

Was read and referred to the Committee on
Education in concurrence.

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

January 23, 1987
Hon. Edwin H. Pert
Clerk of the House
State House Station #2
Augusta, ME 04333
Dear Clerk Pert:

Pursuant to my authority under M.R.S.A. 37B, Section 954, I have appointed Senator Judy C. Kany to the Radiological Emergency Preparedness Committee. Pursuant to my authority under M.R.S.A. 3, Section 227, I have re-appointed Mr. Roger Daigle, Senator Georgette Berube, and Senator Dennis Dutremble to the Maine-Canadian Legislative Advisory Commission. I have also appointed Senator Charles Dow to this commission.

Pursuant to my authority under M.R.S.A. 3, Section 231, I have re-appointed Senator Georgette Berube to the New England and Eastern Canada Legislative Commission. I have also appointed Senator Dennis Dutremble to this Commission.

Pursuant to my authority under M. R. S. A. 22, Section 7107, I have appointed Senator Beverly Miner Bustin to the Maine Council on Alcohol and Drug Abuse Prevention and Treatment.

Pursuant to my authority under M.R.S.A. 22, Section 5314, I have appointed Senator N. Paul Gauvreau to the Maine Human Services Council.

Pursuant to my authority under M.R.S.A. 20-A, Section 603, I have appointed Senator Stephen Estes to the Education Commission of the States.

I have recommended Senator John Kerry to serve as an Ex Officio Legislative Member of the Advisory Committee on Medical Education established under Title 20-A M.R.S.A., Chapter 421, section 11801 - 11809.

Pursuant to my authority under M.R.S.A. 34, Section 525A, I have appointed Senator N. Paul Gauvreau to the Maine Correctional Advisory Committee. Pursuant to my authority under M.R.S.A. 20-A, Section 11002, I have appointed Senator Stephen Estes to the New England Board of Higher Education.

Pursuant to my authority under M.R.S.A. 3, Section 2-A, I have reappointed Ms. Jane Roy to the State Compensation Commission.

Pursuant to my authority under the Resolves of 1983, Chapter 46, I have appointed Senator Zachary Matthews to the Regional Agriculture Committee.

Pursuant to my authority under M.R.S.A. 12, Section 7369-A, I have reappointed Senator Ronald Usher to the White Water Advisory Committee. I have also appointed Senator Edgar Erwin to this Committee.

Pursuant to my authority under M.R.S.A. 37-B, Section 706, I have appointed Senator Thomas Andrews to the Citizen's Civil Emergency Commission.

Pursuant to my authority under M.R.S.A. 5, Chapter 330, Section 3517, I have appointed Senator Raynold Theriault to the Community Services Advisory Board.

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

Was read and ordered placed on file.

The following Communication: (H.P. 90)
Maine Department of Mental Health

and Mental Retardation
January 22, 1987

Honorable John L. Martin
Speaker of the House
113th Maine Legislature
State House Station 2
Augusta, Maine 04333
Dear Speaker Martin:

Enclosed the required number of copies of a statutorily required report from the Maine Bureau of Mental Retardation outlining the status of services to Maine persons with mental retardation and with autism. The report is addressed to Senator Gauvreau, Senate Chair of the Human Resources Committee, and Representative Peter Manning, House Chair of the Human Resources Committee, and to Committee membership.

The gains that have been achieved on behalf of these special Maine citizens and their families are a direct reflection on the interest and support of our Governors and the Maine Legislature. I speak for Maine families and their special needs members in expressing directly our appreciation to you and your fellow legislators for your ongoing interest and support.

Sincerely,
s/Kevin W. Concannon
Commissioner

Was read and with accompanying report ordered placed on file and sent up for concurrence.

The following Communication:
STATE OF MAINE
House of Representatives
Speaker's Office
Augusta, Maine 04333
January 22, 1987

Hon. Edwin H. Pert
Clerk of the House
State House Station 2
Augusta, Maine 04333
Dear Clerk Pert:

Pursuant to my authority under Chapter 498 of the Public Laws of 1981, I have today reappointed Paul McCann of Surry, and Robert Dunphy, Jr. of York, to serve on the State Compensation Commission.

Sincerely,
s/John L. Martin
Speaker of the House

Was read and ordered placed on file.

The following Communication:
STATE OF MAINE
ONE HUNDRED AND TWELFTH LEGISLATURE
COMMITTEE ON TAXATION

December 31, 1986
The Honorable John L. Martin
Speaker of the House
State House
Augusta, ME 04333
Dear Speaker Martin:

We are pleased to submit the report of the Joint Standing Committee on Taxation regarding tax expenditures. This report was prepared by the Committee as part of its annual review of tax expenditures required by Title 36, Maine Revised Statutes Annotated, chapter 9.

The Committee's recommendations do not require legislation this year. If you have any questions about the report, let us know.

Sincerely,
S/R. Donald Twitchell

Senate Chair
S/John A. Cashman
House Chair

Was read and with accompanying report ordered placed on file.

Millinocket, HOLLOWAY of Edgecomb, and JACQUES of Waterville)
(Ordered Printed)
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:

Aging, Retirement and Veterans

Bill "An Act to Reduce the Retirement Age Requirement for Governors" (H.P. 57) (L.D. 60) (Presented by Representative PARADIS of Augusta) (Cosponsors: Representative HICKEY of Augusta and Senator PERKINS of Hancock)

Bill "An Act Relating to the Maine Veterans' Homes" (H.P. 65) (L.D. 68) (Presented by Speaker MARTIN of Eagle Lake)

Bill "An Act to Divest State Pension Funds from those Businesses or Corporations doing Business in the Republic of South Africa and Namibia" (H.P. 83) (L.D. 86) (Presented by Representative BAKER of Portland) (Cosponsors: Representatives WEBSTER of Cape Elizabeth, O'GARA of Westbrook and Speaker MARTIN of Eagle Lake)

(Ordered Printed)

Sent up for concurrence.

Banking and Insurance

Bill "An Act to Repeal a State Law Duplicative of a Federal Law Relating to Continuation of Group Health Insurance Coverage" (H.P. 66) (L.D. 69) (Presented by Representative RUHLIN of Brewer) (Cosponsor: Representative WILLEY of Hampden)

(Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill "An Act to Increase the Handling Fees for Returnable Bottles and Cans" (H.P. 47) (L.D. 50) (Presented by Representative MARTIN of Van Buren) (Cosponsor: Representative TELOW of Lewiston)

Bill "An Act to Provide for the Creation of Liens and Sales on Small Gasoline Motors" (H.P. 56) (L.D. 59) (Presented by Representative PARADIS of Old Town) (Cosponsors: Representatives LEBOWITZ of Bangor, GARLAND of Bangor and Senator BRAUN of Knox)

Bill "An Act to Change the Membership on the Board of Chiropractic Examination and Registration" (H.P. 58) (L.D. 61) (Presented by Representative RACINE of Biddeford) (Cosponsors: Representatives ALIBERTI of Lewiston, STEVENS of Bangor, and ERWIN of Rumford)

Bill "An Act to Increase the Licensing Fee of Florists" (H.P. 60) (L.D. 63) (Presented by Representative KIMBALL of Buxton)

Bill "An Act to Amend the Education Requirements for Chiropractors" (H.P. 77) (L.D. 80) (Presented by Representative RACINE of Biddeford)

(Ordered Printed)

Sent up for concurrence.

Energy and Natural Resources

Bill "An Act to Assure Responsibility in Regulatory Decision Making" (H.P. 59) (L.D. 62) (Presented by Representative RIDLEY of Shapleigh) (Cosponsors: Representatives MICHAUD of East

Fisheries and Wildlife

Bill "An Act Concerning Penalties for Molesting, Killing or Possessing Caribou" (H.P. 42) (L.D. 45) (Presented by Representative JACQUES of Waterville) (Cosponsor: Representative McGowan of Canaan)

Bill "An Act Concerning Use of Department of Inland Fisheries and Wildlife Revenues in the Caribou Restoration Project" (H.P. 43) (L.D. 46) (Presented by Representative GREENLAW of Standish)

Bill "An Act to Prohibit Hunting of Bear with Bait" (H.P. 63) (L.D. 66) (Presented by Representative CONLEY of Portland)

Bill "An Act to Provide Complimentary Archery Licenses to Residents Over 70 Years of Age" (H.P. 72) (L.D. 75) (Presented by Representative HOLLOWAY of Edgecomb) (Cosponsors: Representatives JACQUES of Waterville, SMITH of Island Falls, and GARLAND of Bangor)

Bill "An Act to Establish an Alien Trapping License" (H.P. 74) (L.D. 77) (Presented by Representative JACQUES of Waterville) (Cosponsors: Senator USHER of Cumberland and Representative ROTONDI of Athens)

Bill "An Act to Reduce the Fee for a Trapper's License for Servicemen Stationed in the State" (H.P. 88) (L.D. 91) (Presented by Representative JACQUES of Waterville) (Cosponsors: Senator ERWIN of Oxford and Representative DUFFY of Bangor)

(Ordered Printed)

Sent up for concurrence.

Human Resources

Bill "An Act Relating to Selling Cigarettes to Persons under a Certain Age" (H.P. 78) (L.D. 81) (Presented by Representative RACINE of Biddeford)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act to Validate Certain Abstracts of Divorce Decrees" (H.P. 46) (L.D. 49) (Presented by Representative MARSANO of Belfast) (Cosponsors: Representatives LEBOWITZ of Bangor and ALLEN of Washington)

Bill "An Act Concerning Computer Access and Computer-related Crimes" (H.P. 55) (L.D. 58) (Presented by Representative PARADIS of Old Town) (Cosponsors: Representative KIMBALL of Buxton and Senator WHITMORE of Androscoggin)

(Ordered Printed)

Sent up for concurrence.

Labor

Bill "An Act to Repeal the Requirement that Unemployment Tax Liens and Warrants be Filed in the Offices of Municipal Clerks." (H.P. 45) (L.D. 48) (Presented by Representative MARSANO of Belfast) (Cosponsor: Representative HANLEY of Paris)

Bill "An Act to Increase the Compensation of Mediators under the Municipal Public Employees Labor Relations Act" (H.P. 61) (L.D. 64) (Presented by Representative HANDY of Lewiston)

Bill "An Act Relating to the Confidentiality of the Office of Employment Rehabilitation and Abuse Investigation Unit Files of the Workers' Compensation

Commission (Emergency) (H.P. 62) (L.D. 65) (Presented by Representative CONLEY of Portland)

Bill "An Act to Amend the Employment Security Law to Allow Benefits under Special Conditions" (H.P. 89) (L.D. 92) (Presented by Representative HALE of Sanford) (Cosponsor: Representative SEAVEY of Kennebunkport)

(Ordered Printed)
Sent up for concurrence.

Legal Affairs

Bill "An Act Relating to Absentee Balloting by Residents of Nursing Homes, Hospices and Congregate Housing Units" (H.P. 50) (L.D. 53) (Presented by Representative MELENDY of Rockland) (Cosponsors: Representatives HOLLOWAY of Edgecomb, PRIEST of Brunswick and Senator KANY of Kennebec)

Bill "An Act to Amend the Deadline for Submission of Questions Under the Local Liquor Option" (H.P. 52) (L.D. 55) (Presented by Representative NADEAU of Saco) (Cosponsors: Representatives STROUT of Corinth, GOULD of Greenville and Senator DILLENBACK of Cumberland)

Bill "An Act Concerning the Approval of Voting Devices" (H.P. 71) (L.D. 74) (Presented by Representative DIAMOND of Bangor) (Cosponsors: Representatives BOST of Orono and COTE of Auburn)

Bill "An Act Concerning 'Beano' or 'Bingo' on Indian Reservations" (H.P. 80) (L.D. 83) (Presented by Representative RACINE of Biddeford) (Cosponsors: Representatives MURPHY of Kennebunk, GREENLAW of Standish and POULIOT of Lewiston)

Bill "An Act Relating to Building Inspections" (H.P. 84) (L.D. 87) (Presented by Representative PERRY of Mexico) (Cosponsors: Representative JALBERT of Lisbon and Senator DILLENBACK of Cumberland)

Bill "An Act Relating to Fencing of Swimming Pools" (H.P. 86) (L.D. 89) (Presented by Representative LEBOWITZ of Bangor)

(Ordered Printed)
Sent up for concurrence.

Marine Resources

Bill "An Act to Strengthen the Lobster Hatchery Program" (H.P. 82) (L.D. 85) (Presented by Representative VOSE of Eastport) (Cosponsors: Senator RANDALL of Washington and Representative CROWLEY of Stockton Springs)

(Ordered Printed)
Sent up for concurrence.

State and Local Government

Bill "An Act to Clarify a Sewer District's Responsibility for the Maintenance and Repair of Public Drains or Common Sewers" (H.P. 51) (L.D. 54) (Presented by Representative McHENRY of Madawaska) (Cosponsor: Senator TUTTLE of York)

Bill "An Act Concerning the Fees Recoverable by a Municipality in a Nuisance Abatement" (H.P. 54) (L.D. 57) (Presented by Representative McHENRY of Madawaska) (Cosponsors: Senator TUTTLE of York, Representatives RIDLEY of Shapleigh and WILLEY of Hampden)

Bill "An Act to Repeal the Authority of County Commissioners to Order the Repair of Ways Maintained by a Municipality" (H.P. 68) (L.D. 71) (Presented by Representative STROUT of Corinth) (Cosponsors: Representatives BOUTILIER of Lewiston, MACOMBER of South Portland, and Senator TUTTLE of York)

Bill "An Act to Authorize Department Heads in Washington County to make Competitive Bidding

Purchases of Items which are in the County Budget" (H.P. 81) (L.D. 84) (Presented by Representative VOSE of Eastport) (Cosponsors: Representative MOHOLLAND of Princeton and Senator RANDALL of Washington)

Bill "An Act to Establish the Aroostook County Budget Committee on a Permanent Basis" (H.P. 85) (L.D. 88) (Presented by Representative McHENRY of Madawaska) (Cosponsors: Representatives SMITH of Island Falls, INGRAHAM of Houlton and Senator COLLINS of Aroostook)

(Ordered Printed)
Sent up for concurrence.

Taxation

Bill "An Act Relating to the Affixing of Indicia of Payment of Real Estate Transfer Tax" (H.P. 53) (L.D. 56) (Presented by Representative MAYO of Thomaston) (Cosponsor: Representative JACKSON of Harrison)

Bill "An Act to Amend Property Tax Abatement Procedures" (H.P. 67) (L.D. 70) (Presented by Representative STROUT of Corinth) (Cosponsors: Representatives TUPPER of Orrington and TARDY of Palmyra)

Bill "An Act to Provide a Sales Tax Exemption on the Sale of the Self-help Literature on Alcoholism" (H.P. 73) (L.D. 76) (Presented by Representative HOLLOWAY of Edgecomb) (Cosponsors: Representatives ROLDE of York, SEAVEY of Kennebunkport and WHITCOMB of Waldo)

Bill "An Act to Increase the Property Tax Exemption for Veterans" (H.P. 76) (L.D. 79) (Presented by Representative JALBERT of Lisbon) (Cosponsors: Representative PAUL of Sanford and Senator ERWIN of Oxford)

(Ordered Printed)
Sent up for concurrence.

Transportation

Bill "An Act to Provide for an Alternative Motor Vehicle License Plate for Citizens of Maine who wish to have an Undecorated License Plate" (H.P. 44) (L.D. 47) (Presented by Representative MacBRIDE of Presque Isle) (Cosponsors: Representatives LISNIK of Presque Isle, ANDERSON of Woodland and Senator CAHILL of Sagadahoc)

(Ordered Printed)
Sent up for concurrence.

Judiciary

Bill "An Act to Prohibit the Creation of Unlawful Barriers" (H.P. 48) (L.D. 51) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsors: Representatives PARADIS of Old Town, PARADIS of Augusta and Senator BRANNIGAN of Cumberland)

(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 Judiciary, ordered printed and sent up for concurrence.

Transportation

Bill "An Act Regarding Motor Vehicle Accident Reports" (H.P. 49) (L.D. 52) (Presented by Representative MAYO of Thomaston) (Cosponsor: Representative MILLS of Bethel)

Bill "An Act to Exempt Municipal Combination Snowplows and Dump Trucks from the Weight Limitations Imposed on Other Highway Vehicles" (H.P. 69) (L.D.

72) (Presented by Representative STROUT of Corinth)
(Cosponsors: Representatives MACOMBER of South
Portland and McPHERSON of Eliot)

(Off Record Remarks)

Bill "An Act to Prohibit the Movement of Mobile
Homes without Reasonable Assurance that all Drain and
Sewer Assessments have been Paid" (H.P. 70) (L.D. 73)
(Presented by Representative STROUT of Corinth)
(Cosponsors: Representative SALSBURY of Bar Harbor
and Senator THERIAULT of Aroostook)

On motion of Representative Manning of Portland,
Adjourned until Tuesday, January 27, 1987, at ten
o'clock in the morning.

Bill "An Act to Reduce the Requirements for
Registration of a Vehicle as a Street Rod" (H.P. 75)
(L.D. 78) (Presented by Representative JALBERT of
Lisbon) (Cosponsor: Senator TWITCHELL of Oxford)

Bill "An Act to Permit Spouses of Prisoners of
War Special License Plate Privileges" (H.P. 87) (L.D.
90) (Presented by Representative LAPOINTE of Auburn)
(Cosponsor: Senator BERUBE of Androscoggin)

(Ordered Printed)
Sent up for concurrence.

Utilities

Bill "An Act to Repeal the Electric Fuel
Adjustment Clause Law" (H.P. 64) (L.D. 67) (Presented
by Representative BAKER of Portland) (Cosponsor:
Representative HOLT of Bath)

Bill "An Act to Repeal the Jurisdiction of the
Public Utilities Commission over Transportation by
Water in Casco Bay" (H.P. 79) (L.D. 82) (Presented by
Representative WILLEY of Hampden) (Cosponsors:
Representatives ALLEN of Washington and NICHOLSON of
South Portland)

(Ordered Printed)
Sent up for concurrence.

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

COMMUNICATIONS

The following Communication:

DEPARTMENT OF CONSERVATION
STATE HOUSE STATION 22
AUGUSTA, MAINE 04333

January 23, 1986

Rep. John Martin
Speaker of the House
State House Station 2
Augusta, Maine 04333

Dear Rep. Martin:

It is my pleasure to forward to you the first
Annual Report for the Forest for the Future Program
and the Citizens' Forestry Advisory Council. This
report details the accomplishments of the Forests for
the Future Program and the activities of the
Citizens' Forestry Advisory Council over the past
year.

As required by statute, I am submitting the
Annual Report to the Legislature and the Governor's
Office. In addition to submitting this full report,
we have prepared an Executive Summary (copy attached)
which has been distributed to all the members of both
chambers.

I am sure you appreciate the importance of the
Forests for the Future Program. The task ahead,
setting goals for the future supply of forest
resources, is the most crucial aspect of the
program. We would be pleased to prepare a briefing
for the Energy and Natural Resources Committee to
explain the program and answer questions.

Sincerely,
S/Richard B. Anderson
Commissioner

Was read and with accompanying report ordered
placed on file.