

# 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

Senate called to order by the President.

The Adjournment Order having been returned from the House, READ and PASSED, in concurrence, on motion by Senator DUTREMBLE of York, ADJOURNED until Monday, February 2, 1987 at 10:00 in the morning.

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE  
FIRST REGULAR SESSION  
10th Legislative Day  
Monday, February 2, 1987

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

Prayer by Reverend Bruce R. Hudson, Highland Avenue United Methodist Church, Gardiner.

National Anthem by the Mattanawcook Academy Band, Lincoln.

The Journal of Wednesday, January 28, 1987, was read and approved.

Quorum call was held.

SENATE PAPERS

The following Communication:

The Senate of Maine  
Augusta

January 28, 1987

The Honorable John L. Martin

Speaker of the House

113th Legislature

Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Appropriations and Financial Affairs, the Governor's nomination of Jean E. Mattimore of Freeport for appointment as the Commissioner of the Department of Finance.

Sincerely,

s/Joy J. O'Brien

Secretary of the Senate

Was read and ordered placed on file.

The following Communication:

The Senate of Maine  
Augusta

January 28, 1987

The Honorable John L. Martin

Speaker of the House

113th Legislature

Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Business Legislation, the Governor's nomination of Susan M. Collins of Caribou for appointment as the Commissioner of the Department of Professional and Financial Regulation.

Sincerely,

s/Joy J. O'Brien

Secretary of the Senate

Was read and ordered placed on file.

The following Communication:

The Senate of Maine  
Augusta

January 28, 1987

The Honorable John L. Martin

Speaker of the House

113th Legislature

Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Energy and Natural Resources, the Governor's nomination of Robert R. LaBonta of Waterville for

appointment as the Commissioner of the Department of Conservation.

Sincerely,  
s/Joy J. O'Brien  
Secretary of the Senate

Was read and ordered placed on file.

The following Communication:  
The Senate of Maine  
Augusta  
January 28, 1987

The Honorable John L. Martin  
Speaker of the House  
113th Legislature  
Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Energy and Natural Resources, the Governor's nomination of Dean C. Marriott of Cape Elizabeth for appointment as the Commissioner of the Department of Environmental Protection.

Sincerely,  
s/Joy J. O'Brien  
Secretary of the Senate

Was read and ordered placed on file.

The following Communication:  
The Senate of Maine  
Augusta  
January 28, 1987

The Honorable John L. Martin  
Speaker of the House  
113th Legislature  
Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Human Resources, the Governor's nomination of Nicola C. Kobritz of Bangor for appointment as the Director of Community Services.

Sincerely,  
s/Joy J. O'Brien  
Secretary of the Senate

Was read and ordered placed on file.

The following Communication:  
The Senate of Maine  
Augusta  
January 28, 1987

The Honorable John L. Martin  
Speaker of the House  
113th Legislature  
Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Marine Resources, the Governor's nomination of William J. Brennan of Yarmouth for appointment as the Commissioner of the Department of Marine Resources.

Sincerely,  
s/Joy J. O'Brien  
Secretary of the Senate

Was read and ordered placed on file.

The following Communication:  
The Senate of Maine

Augusta  
January 28, 1987

The Honorable John L. Martin  
Speaker of the House  
113th Legislature  
Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on State and Local Government, the Governor's nomination of John Atwood of Damariscotta for appointment as the Commissioner of the Department of Public Safety.

Sincerely,  
s/Joy J. O'Brien  
Secretary of the Senate

Was read and ordered placed on file.

Bill "An Act to Amend the Requirements for Individual Public Self-insurers under the Workers' Compensation Act" (S.P. 63) (L.D. 130)

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

Was referred to the Committee on Banking and Insurance in concurrence.

Bill "An Act Relating to School Construction" (S.P. 70) (L.D. 137)

Bill "An Act Relating to the Extended School Year" (S.P. 69) (L.D. 136)

Bill "An Act Relating to Conferring of Degrees by the YDI Schools" (S.P. 67) (L.D. 134)

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

Were referred to the Committee on Education in concurrence.

Bill "An Act to Permit Judges of the United States to be Admitted to the Practice of Law in Maine by Motion" (S.P. 66) (L.D. 133)

Bill "An Act Providing for Judicial Review of Agency Refusals to Consent to Adoptions" (S.P. 62) (L.D. 129)

Bill "An Act Relating to High Speed Chases and the Penalty for Failure to Stop" (S.P. 58) (L.D. 125)

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

Were referred to the Committee on Judiciary in concurrence.

Bill "An Act to Remove the Age Limitation for Apprenticeship Programs in the Maine Human Rights Act" (S.P. 56) (L.D. 123)

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

(The Committee on Reference of Bills had suggested reference to the Committee on Labor.)

Was referred to the Committee on Judiciary in concurrence.

Bill "An Act Relating to Catering Services under the Liquor Law" (S.P. 64) (L.D. 131)

Bill "An Act Concerning Notice of Evictions for Cause in Mobile Home Parks" (S.P. 59) (L.D. 126)

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

Were referred to the Committee on Legal Affairs in concurrence.

Bill "An Act to Establish New Year's Day as a State Holiday" (S.P. 65) (L.D. 132)

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.

Bill "An Act to Dissolve the Madawaska Hospital District" (S.P. 57) (L.D. 124)

Came from the Senate, referred to the Committee on State and Local Government and Ordered Printed.

On motion of Representative Carroll of Gray, was referred to the Committee on Human Resources in non-concurrence and sent up for concurrence.

Bill "An Act to Establish the State Bureau of Identification as an Independent Bureau within the Department of Public Safety" (S.P. 68) (L.D. 135)

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.

Bill "An Act to Restrict the Transport of Hazardous Materials during Inclement Weather" (S.P. 61) (L.D. 128)

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

Was referred to the Committee on Transportation in concurrence.

Bill "An Act to Allow for Depreciation on Contributed Property" (S.P. 60) (L.D. 127)

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

Was referred to the Committee on Utilities in concurrence.

COMMUNICATIONS

The following Communication: (S.P. 55)  
113th Maine Legislature  
January 27, 1987

Senator N. Paul Gauvreau  
Representative Peter J. Manning  
Chairpersons  
Joint Standing Committee on Human Resources  
113th Legislature  
Augusta, Maine 04333  
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Dr. H. Rollin Ives of Falmouth Foreside for appointment as the Commissioner of the Department of Human Services.

Pursuant to Title 22, M.R.S.A. Section 1, this nomination will require review by the Joint Standing Committee on Human Resources 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 Human Resources.

Was Read and Referred to the Committee on Human Resources in concurrence.

The following Communication:

STATE OF MAINE  
DEPARTMENT OF CONSERVATION  
STATE HOUSE STATION 22  
AUGUSTA, MAINE 04333

January 27, 1987

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

Dear Speaker Martin:

The Bureau of Parks and Recreation, Maine Department of Conservation, is pleased to submit the report on its experience controlling timber harvesting in the Allagash Wilderness Waterway, as required by 12 MRSA, §670, §§3.

Sincerely,  
S/Herbert Hartman  
Director

Was read and with accompanying papers ordered placed on file.

The following Communication:  
WHITEWATER ADVISORY COMMITTEE  
STATE HOUSE STATION 13  
AUGUSTA, MAINE 04333

January 28, 1987

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

Dear Speaker Martin:

In accordance with 12 MRSA §7364-A, ¶13 this will submit the annual report of the Whitewater Advisory Committee.

Sincerely yours,  
S/Clinton B. Townsend,  
Chairman  
Whitewater Advisory Committee

Was read and with accompanying report ordered placed on file.

The following Communication:  
113th Maine Legislature

January 29, 1987  
Hon. Robert Woodbury  
Chancellor  
University of Maine System  
Orono, Maine 04473

Dear Mr. Chancellor:

You are invited to address a Joint Convention of the Maine Legislature on February 18th at 10:00 AM. Please let us know if this time and date is convenient for you.

Sincerely,  
S/Charles P. Pray  
President of the Senate  
S/John L. Martin  
Speaker of the House  
Was read and ordered placed on file.

The following Communication:  
UNIVERSITY OF MAINE  
CHADBOURNE HALL  
ORONO, MAINE 04469

January 26, 1987

Mr. Ed Pert  
Clerk of the House  
State House Station #2  
Augusta, Maine 04333  
RE: Maine State Government Internship Program  
Summer 1986  
Dear Clerk Pert:

We are submitting to you the annual report on the administration of the State Government Internship Program as required by the Maine State Statutes, Chapter 14, paragraph 294, for distribution to the Representatives.

Sincerely,  
S/Kathryn H. Godwin  
Director  
Bureau of Public Administration

Was read and with accompanying report ordered placed on file.

The following Communication:

STATE OF MAINE  
DEPARTMENT OF AUDIT  
STATE HOUSE STATION 66  
AUGUSTA, MAINE 04333

January 29, 1987

To the President of the Senate and the Speaker of the House of Representatives  
Dear Mr. President and Mr. Speaker:

I am hereby submitting my resignation as State Auditor, effective March 27, 1987. I have made this decision due to personal reasons.

I will have many pleasant memories from my association with the members of both the Senate and the House. Thank you for helping to make this association with the Legislature and the Office of State Auditor such a gratifying and agreeable experience. I hope you will call on me when and if I can be of service in the future.

Sincerely,  
S/Robert W. Norton  
State Auditor

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE  
JUDICIAL COUNCIL  
PORTLAND, MAINE 04112

January 29, 1987

Speaker John L. Martin

State House  
Augusta, Maine

President Charles P. Pray  
State House  
Augusta, Maine

Senator Joseph C. Brannigan  
Senate Chamber  
Augusta, Maine

Representative Patrick E. Paradis  
House Chamber  
Augusta, Maine

Gentlemen:

The Judicial Council, at its meeting on October 3, 1986, instructed me to inform you, in your capacities as leaders of the Legislature and of the Judiciary Committee, of its "continuing concern" for the necessity for probate reform and particularly the elimination of elected, part-time probate judges.

The Legislature, by statute, has given the Council the task of making "a continuous study of the organization, rules, and methods of procedures and practice of the judicial system of the State...." 4 M.R.S.A. Section 451. In response to this mandate, the Council first identified problems in the operations of the probate courts as early as 1966.

Since that time, the Council has been involved in the formation of the Probate Law Revision Commission in 1973, which, in turn, led to the development and passage of a Probate Code for Maine, enacted in 1979. In light of its original charge from the

Legislature, the Commission in 1980 called for the elimination of elected, part-time probate judges and the transfer of their jurisdiction to the Superior Court.

Recognizing that the Commission's recommendation had not come to fruition, the Council, in 1984, appointed an independent panel -- the Committee for the Study of Court Structure in Relation to Probate and Family Law Matters -- with President William Cotter of Colby as its chair and charged it with the task of reviewing the operation of the probate courts.

Following six months of study, the Cotter Committee recommended, among other things, that probate judges be appointed by the Governor and funding for the county-based judicial function be assumed by the state. As to the actual form of the new probate courts, the Committee reached no specific consensus and suggested four alternative approaches.

Based on the work of the Cotter Committee, the Council in 1985 sponsored legislation to carry out the recommended reforms, the enabling measure being introduced into the 112th Legislature as L.D. 1250.

The bill was not acted upon during the session and by special action was carried over into the next session. In the meantime, the Legislature created a commission to study proposed changes in the District Courts to enhance the handling of family matters.

That body -- the Family Matters in Court Commission -- finished its report in March of 1986. In its work it was influenced by the findings of the Cotter Committee and in its legislative proposals it called for the elimination of part-time probate judges, replacing them with full-time jurists sitting in probate matters on a regionalized basis. At the same time, the Commission recommended that the elected office of probate register remain without significant change.

The Commission's bill was set forth in L.D. 2402. The measure -- which was introduced late in the session -- received a favorable report from the Judiciary Committee but, in the last days of the session, was defeated on the floor.

A new draft of L.D. 2402 has been introduced into the 113th Legislature under the sponsorship of Rep. Anthony of South Portland, a former member of the Family Matters in Court Commission.

While the Council has not yet formally endorsed the measure, it will shortly be reviewing the proposed bill for such action and hopes the matter can be an appropriate vehicle for overdue probate reform.

The Council appreciates your consideration of this most important issue. If I may provide you or your aides with any additional information, please do not hesitate to contact me.

Very truly yours,  
S/Murrough H. O'Brien

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:

Business Legislation

Bill "An Act to Clarify the Penalty Provisions for the Late Filing of Corporation Reports" (H.P. 122) (L.D. 147) (Presented by Representative JALBERT of Lisbon) (Cosponsors: Representatives CARROLL of Gray, KETOVER of Portland and Senator TUTTLE of York)  
Ordered Printed.

Sent up for Concurrence.

Economic Development

Bill "An Act to Create a Small Business Ombudsman" (H.P. 126) (L.D. 152) (Presented by Representative BOTT of Orono) (Cosponsors: Representatives SPROUL of Augusta and BAILEY of Farmington)

Ordered Printed.  
Sent up for Concurrence.

Energy and Natural Resources

Bill "An Act to Amend Certain Laws Relating to the Department of Environmental Protection" (H.P. 125) (L.D. 151) (Presented by Representative RIDLEY of Shapleigh) (Cosponsors: Representatives MICHAUD of East Millinocket and JACQUES of Waterville)

Ordered Printed.  
Sent up for Concurrence.

Fisheries and Wildlife

Bill "An Act to Limit the Party Size to 12 Persons for all Groups Operating with a Guide on Inland Waters" (H.P. 127) (L.D. 153) (Presented by Representative JACQUES of Waterville) (Cosponsor: Representative ROTONDI of Athens)

Bill "An Act Providing for a Deer Allowance During Muzzle-loading Rifle Season" (H.P. 123) (L.D. 148) (Presented by Representative ROTONDI of Athens) (Cosponsors: Representatives SMITH of Island Falls, HEPBURN of Skowhegan and WEYMOUTH of West Gardiner)

Ordered Printed.  
Sent up for Concurrence.

Taxation

Bill "An Act Relating to the Taxation of Trade-in Equipment" (H.P. 128) (L.D. 154) (Presented by Representative CALLAHAN of Mechanic Falls) (Cosponsors: Representatives McPHERSON of Eliot, LORD of Waterboro and Senator TWITCHELL of Oxford)

Ordered Printed.  
Sent up for Concurrence.

Study Report-Committee on Agriculture

Representative TARDY from the Committee on Agriculture to which was referred by the Legislative Council the Study Relative to Maine's Farm and Open Space Law and its Utilization have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Amend the Farm and Open Space Tax Law" (H.P. 124) (L.D. 150) 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 Taxation, ordered printed and sent up for concurrence.

Study Report-Committee on Legal Affairs

Representative PERRY from the Committee on Legal Affairs to which was referred by the Legislative Council the Study Relative to Recodification of Title 28, MRSA (Liquor Laws) have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Recodify the Liquor Laws" (H.P. 129) (L.D. 155) 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 Legal Affairs, ordered printed and sent up for concurrence.

ORDERS

On motion of Representative McSWEENEY of Old Orchard Beach, the following Order:

ORDERED, that Representative Linwood Higgins of Scarborough be excused January 16, 20, and 22 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Gerard P. Conley, Jr. of Portland be excused January 20 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative John M. Nutting of Leeds be excused January 22 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Guy Scarpino of St. George be excused January 27 for legislative business. AND BE IT FURTHER ORDERED, that Representative Ronald C. Bailey of Farmington be excused January 28 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Robert J. Tardy of Palmyra be excused February 2, 3, 4, and 5 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative David G. Stanley of Cumberland be excused February 3 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Susan E. Dore of Auburn be excused February 9 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Stephen Zirkilton of Mt. Desert be excused February 9, 10, and 11 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative B. Carolyn T. Mahany of Easton be excused February 9 for health reasons.

Was read and passed.

SPECIAL SENTIMENT CALENDAR

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

In Memory of:

A dear friend and colleague, the Honorable Gerard J. Lehoux of Biddeford, an outstanding American patriot, who distinguished himself in the service of this State as a member of the House of Representatives of the 111th Maine Legislature; (HLS 96) by Representative RACINE of Biddeford. (Cosponsors: Senator DUTREMBLE of York, Representative DUTREMBLE of Biddeford, Representative SHELTRA of Biddeford)

On motion of Representative Racine of Biddeford, was removed from the Special Sentiment Calendar.

Was read, adopted and sent up for concurrence.

ORDERS OF THE DAY

Tabled and Today Assigned

Bill "An Act to Promote the Coordination of State Crime Prevention Programs for Juveniles" (H.P. 105) (L.D. 115)

(Committee on Legal Affairs suggested)

TABLED - January 28, 1987 by Representative PRIEST of Brunswick.

PENDING - Reference.

On motion of Representative Baker of Portland, was referred to the Joint Select Committee on Corrections, Ordered Printed, and sent up for concurrence.

(Off Record Remarks)

On motion of Representative Racine of Biddeford, the House reconsidered its action whereby HLS 96, a dear friend and colleague, the Honorable Gerard J. Lehoux of Biddeford, an outstanding American patriot, who distinguished himself in the service of this State as a member of the House of Representatives of the 111th Maine Legislature, was adopted.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Racine.

Representative RACINE: Mr. Speaker, Ladies and Gentlemen of the House: Gerard Lehoux, a member of the 111th Legislature, a former member of the Biddeford City Council, and a driving force on the Biddeford Economic Commission, passed away last week.

Gerry was a highly motivated individual, who constantly strived to expand his contribution to the legislative process. He was forceful, aggressive and extremely conscientious. He may be gone but he will always be remembered.

Mr. Speaker, I move that we adjourn today's session in memory of Gerard Lehoux.

Subsequently, was adopted and sent up for concurrence.

On motion of Representative Racine of Biddeford, Adjourned until Tuesday, February 3, 1987, at nine o'clock in the morning in memory of Gerard Lehoux, 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  
Monday  
February 2, 1987

Senate called to Order by the President.

Prayer by Reverend Elbert Brewster of the Mid-Maine Medical Center in Waterville.

REVEREND BREWSTER: Let us pray. Almighty God as this Senate begins its' work today, we ask that You give to each one here a vision of what our State can be and what it should be. Show to each one of us a place of justice where all citizens are equally and fairly treated. Show us a land of plenty where all of our marvelous resources of land and people are used wisely so that vice and poverty cease to fester. Show us a place where sisterhood and brotherhood prosper, a place where real success is marked by service, and honor is given to worth alone. Show to each of us a land of peace where order never rests on physical force, but on the love that each of us have for our State and its' people. Hear our prayers today, Oh Lord, those spoken now and those silently expressed by each of these Legislators in the quiet of this time. We pledge our time, our strength and our thought to bring to Maine and all of its' citizens all of the joy, peace and fulfillment this State can offer them. Amen.

Reading of the Journal of Wednesday, January 28, 1987.

PAPERS FROM THE HOUSE  
House Papers

Bill "An Act to Expand the Number of Elder Volunteers Working in Areas of Literacy and In-home Support for Families in the Retired Senior Volunteer Programs, Foster Grandparent Programs and Senior Companion Program"

H.P. 107 L.D. 117

Bill "An Act to Continue the Central Filing System Established Pursuant to the United States Food Security Act of 1985" (Emergency)

H.P. 112 L.D. 122

Bill "An Act to Provide Funds for the Establishment of the Community Service Center for the Deaf and Hearing Impaired"

H.P. 115 L.D. 140

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 Extend the Teachers' Bonus Provisions to Certain Excluded Schools"

H.P. 106 L.D. 116

Bill "An Act to Provide Adequate Compensation for Substitute Teachers and to Take into Account Local Ability to Pay"

H.P. 118 L.D. 143

Bill "An Act Authorizing Husson College to Confer the Degree of Bachelor of Science"

H.P. 121 L.D. 146

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