

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
11th Legislative Day
Tuesday, February 3, 1987

The House met according to adjournment and was called to order by the Speaker.
Prayer by Rev. Calvin O. Dame, All Souls Church Unitarian Universalist, Augusta.
The Journal of yesterday was read and approved.
Quorum call was held.

SENATE PAPERS

Bill "An Act Concerning Visitation Rights of Grandparents" (S.P. 72) (L.D. 149)
Bill "An Act Concerning Enhancement of Theft Penalties Based on Prior Convictions" (S.P. 74) (L.D. 157)
Came from the Senate, referred to the Committee on Judiciary and Ordered Printed.
Were referred to the Committee on Judiciary in concurrence.

Reported Pursuant to the Statutes

Report of the Commission to Examine Chemical Testing of Employees, pursuant to Resolves of 1985, Chapter 86 ask leave to submit its findings and report that the accompanying Bill "An Act to Prohibit Substance Abuse Testing in the Workplace" (S.P. 73) (L.D. 156) be referred to the Joint Standing Committee on Labor for public hearing and printed pursuant to Joint Rule 18.
Came from the Senate with the report read and accepted and the bill referred to the Committee on Labor and ordered printed.
Report was read and accepted and the bill referred to the Committee on Labor in concurrence.

Non-Concurrent Matter
LATER TODAY ASSIGNED

Bill "An Act Clarifying Municipal Home Rule Authority as it Relates to Shoreland Areas" (H.P. 113) (L.D. 138) which was referred to the Committee on Energy and Natural Resources in the House on January 28, 1987.
Came from the Senate referred to the Committee on State and Local Government in non-concurrence.
Was read.
On motion of Representative Michaud of East Millinocket, tabled pending further consideration and later today assigned.

COMMUNICATIONS

The following Communication:
BUREAU OF TAXATION
STATE OF MAINE
STATE OFFICE BUILDING
AUGUSTA, MAINE 04333
January 30, 1987

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

Enclosed please find the annual report evaluating the revenue loss due to the tax exemption on ethanol-blended fuel. This report is required by 36 MRSA § 2915.
For the 1986 calendar year, the tax rate on ethanol-blended fuel was 11 cents per gallon. This

rate reflects a 3 cent exemption from the 14 cent per gallon gasoline tax rate.
There were no reported sales of ethanol-blended fuel in Maine for this period. Therefore, there was no loss of Highway Fund revenue attributable to this exemption.
The report was prepared with the assistance of the Office of Energy Resources.

Respectfully submitted,
S/Anthony J. Neves
State Tax Assessor

Was read and with accompanying report ordered placed on file.

The following Communication: (H.P. 168)
STATE OF MAINE
WORKERS' COMPENSATION COMMISSION
STATE HOUSE STATION 27
AUGUSTA, MAINE 04333
January 30, 1987

Honorable John L. Martin
Speaker of the House
State House Station #2
Augusta, Maine 04333

RE: Quarterly Report for the Fourth Quarter of Calendar 1986
39 M.R.S.A. Section 92(3)

Dear Speaker Martin:

This letter, and statistical attachments, are the quarterly report of Commissioner caseload mandated by 39 M.R.S.A. Section 92(3).

The Workers' Compensation Commission was originally established in 1916. Its responsibilities and size were expanded during the last decade. Currently, the agency adjudicates disputed claims, verifies insurance coverage, monitors payment information, and performs other related duties.

Most claims are processed without incident. In controverted cases, a commissioner first holds an informal conference to resolve the situation without litigation. If the parties are not satisfied then formal petitions may be filed. Delay in adjudicating these petitions has historically been a problem.

Fully litigated petitions take about a year to process and there is currently a backlog of 7,500. These petitions represent about 5,360 actual injuries; 6.5% are more than 2 years old. The backlog is most severe in the Bangor office.

During the final quarter of 1986 the Commission received 1,727 petitions and cleared 2,240 from its docket. For the year, we received 7,471 and cleared 8,513. These figures are estimates. To gather more precise information, the Commission recently implemented a computer based system for tracking caseload, petitions, decision timelines, and the number of petitions cleared from the docket.

As indicated, the Commission decreased the backlog by roughly 1,000 petitions during 1986. However, it would take several years to significantly reduce the number of undecided petitions at this rate.

There have been no complaints or filings in connection with the 30 day decision rule pursuant to Commission Rule 22.11 and Section 99-B.

A summary of caseload and dispositions is presented in the attached tables. I would be happy to discuss this report further at your convenience.

Sincerely,
S/Ralph L. Tucker
Chairman

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

The following Communication:
 STATE OF MAINE
 DEPARTMENT OF
 EDUCATIONAL AND CULTURAL SERVICES
 STATE HOUSE STATION 23
 AUGUSTA, MAINE 04333

TO: Joy O'Brien, Secretary of the Senate
 Edwin Pert, Clerk of the House
 FROM: S/Ralph W. Egers Jr., Acting Commissioner
 DATE: January 28, 1987
 RE: Report on Actions Taken Regarding
 the Education for Habitual Truants

I am pleased to transmit herein my report on the number of habitual truants identified during the past school year along with the actions that have been taken regarding alternative education program and other referral actions at the local level:

	AGE 7-13	AGE 14-16
State Totals		
1. Number of Truants Identified	97	818
A. Resolved administratively at the local level	70	411
B. Referred to alternative program within the school system	9	145
C. Referred to alternative program offered by another school system		6
D. Referred to alternative program offered by an existing agency external to the school system	2	8
E. Not resolved or referred to date		
TOTAL OF ALL REASONS	16	248
2. Number Referred to School Board	12	137
A. Parents instructed of legal responsibility	12	61
B. Compulsory education waived		75
C. Special work permit issued		1
3. Number of Parents Referred to Court Action	5	15
A. Number of parents fined or confined	3	5
B. Number of parents referred to counseling	2	10
	No. Programs	No. Students
Continuing programs which are permanent	19	113
Continuing programs which are not permanent	3	21
Programs new this year which are permanent	9	21
Programs new this year which are not permanent	2	2

Additional information regarding the above statistics as well as more detailed information describing some of the alternative programs being offered may be obtained by contacting the Truancy, Dropout and Alternative Education office (289-5110).

Was read and ordered placed on file.

The following Communication:
 DEPARTMENT OF FINANCE
 STATE CLAIMS BOARD
 STATE HOUSE STATION 49
 AUGUSTA, MAINE 04333

January 30, 1987

The Honorable John L. Martin
 Speaker of the House
 House of Representatives
 State House Station 2
 Augusta, Maine 04333
 RE: Report of Small Claims to Legislature
 Dear Speaker Martin:

Herewith is Report of Small Claims which were received in this office during 1986 and which is being submitted to you for your information and records in accordance with Title 5 M.R.S.A., Section 1510-A, Subsection 8.

A similar report is also being submitted to the Honorable Charles P. Pray, President of the Senate, and if you or your staff should have any questions in connection with this report, please communicate with this office.

Yours very truly,
 S/Ronald M. Roy
 Chief Counsel

Was read and with accompanying report ordered placed on file.

The following Communication:
 STATE OF MAINE
 PUBLIC UTILITIES COMMISSION
 STATE HOUSE STATION 18
 AUGUSTA, MAINE 04333

February 2, 1987

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

In accordance with Title 35 of the Maine Statutes, I am enclosing the Annual Report of the Maine Public Utilities Commission.

Please do not hesitate to call if you have any questions regarding the materials contained in the report.

Sincerely,
 S/Peter A. Bradford
 Chairman

Was read and with accompanying report ordered placed on file.

PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE

The following Bills and Resolves 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:

Appropriations and Financial Affairs

Bill "An Act Concerning the Payment and State Reimbursement to Boarding Care Facilities" (H.P. 136) (L.D. 177) (Presented by Representative SIMPSON of Casco) (Cosponsor: Representative CARROLL of Gray)

Bill "An Act to Undedicate the Alcoholism Prevention, Education, Treatment and Research Fund" (H.P. 159) (L.D. 200) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsors: Senator CLARK of Cumberland, Representatives CASHMAN of Old Town and JACKSON of Harrison)

Bill "An Act to Extend the Homeowner Weatherization Program" (H.P. 160) (L.D. 201) (Presented by Representative JOSEPH of Waterville) (Cosponsors: Speaker MARTIN of Eagle Lake, Representative CONLEY of Portland and Senator KERRY of York)

Bill "An Act to Increase the Personal Needs Allowance for Supplemental Security Income Recipients who are Residents of Nursing Homes" (H.P. 161) (L.D. 202) (Presented by Representative CARROLL of Gray) (Cosponsors: Representatives KIMBALL of Buxton, NADEAU of Saco and Senator ANDREWS of Cumberland)
 Ordered Printed.
 Sent up for Concurrence.

Banking and Insurance

Bill "An Act to Amend the Maine Business Corporation Act and the Maine Nonprofit Corporation Act to Enable Maine Stock and Nonstock Corporations to Adopt Limits on Director Liability and to Modernize Indemnification Provisions" (Emergency) (H.P. 167) (L.D. 208) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsors: Senator PERKINS of Hancock, Representative PARADIS of Old Town and President PRAY of Penobscot)
 Ordered Printed.
 Sent up for Concurrence.

Business Legislation

Bill "An Act Relating to Redemption of Manufacturers' Rebates in the Sale of Consumer Goods" (H.P. 156) (L.D. 197) (Presented by Representative ALIBERTI of Lewiston) (Cosponsors: Senator BERUBE of Androscoggin and Representative ALLEN of Washington)
 Ordered Printed.
 Sent up for Concurrence.

Education

Bill "An Act Relating to a Vocational Region as Defined by Law" (H.P. 134) (L.D. 175) (Presented by Representative MELENDY of Rockland) (Cosponsors: Representatives SMALL of Bath, BOST of Orono and Senator BRAUN of Knox)
 Ordered Printed.
 Sent up for Concurrence.

Energy and Natural Resources

Bill "An Act Establishing the Songo Locks Advisory Council" (H.P. 133) (L.D. 174) (Presented by Representative SIMPSON of Casco) (Cosponsors: Representative CARROLL of Gray and Senator BLACK of Cumberland)

Bill "An Act to Assure Geographical Balance on the Board of Environmental Protection" (H.P. 141) (L.D. 182) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsors: Representatives RIDLEY of Shapleigh, MICHAUD of East Millinocket and LORD of Waterboro)

Bill "An Act Relating to the Term of Air Emission Licenses" (H.P. 143) (L.D. 184) (Presented by Representative HOLLOWAY of Edgcomb)

Bill "An Act Regarding the Maine Land Use Regulation Commission (Emergency) (H.P. 158) (L.D. 199) (Presented by Representative MICHAUD of East Millinocket) (Cosponsors: Representatives MITCHELL of Freeport, JACQUES of Waterville and Senator USHER of Cumberland)
 Ordered Printed.
 Sent up for Concurrence.

Fisheries and Wildlife

Bill "An Act Concerning the Definition of Resident under the Fisheries and Wildlife Laws" (H.P. 142) (L.D. 183) (Presented by Representative MacBRIDE

of Presque Isle) (Cosponsors: Representatives SMTIH of Island Falls and GREENLAW of Standish)

Bill "An Act Relating to the Definition of Resident under the Inland Fisheries and Wildlife Laws" (H.P. 147) (L.D. 188) (Presented by Representative VOSE of Eastport) (Cosponsor: Representative WALKER of Norway)
 Ordered Printed.
 Sent up for Concurrence.

Human Resources

Bill "An Act to Continue Statewide Standards for the Identification and Management of Child Abuse and Neglect" (H.P. 162) (L.D. 203) (Presented by Representative ROLDE of York) (Cosponsor: Representative KIMBALL of Buxton)

Bill "An Act to Prohibit Vending Machine Sales of Cigarettes" (H.P. 163) (L.D. 204) (Presented by Representative ROLDE of York) (Cosponsor: Representative HILLOCK of Gorham)

Bill "An Act to Amend the Certificate of Need Process with Respect to Nursing Homes to Increase the Threshold for Review with Respect to Capital Expenditures and to Provide an Inflation Adjustment to the Maximum Expenditure Authorized" (H.P. 165) (L.D. 206) (Presented by Representative ROLDE of York)
 Ordered Printed.
 Sent up for Concurrence.

Energy and Natural Resources

Bill "An Act Relating to Lands within Indian Territory" (H.P. 137) (L.D. 178) (Presented by Representative CASHMAN of Old Town) (Cosponsor: Representative CARROLL of Gray)

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

On motion of Representative Paradis of Augusta, was referred to the Committee on Energy and Natural Resources, Ordered Printed, and sent up for concurrence.

Judiciary

Bill "An Act Concerning the Provision of Legal Services by Eligible Law Students" (Emergency) (H.P. 148) (L.D. 189) (Presented by Representative FOSTER of Ellsworth)
 Ordered Printed.
 Sent up for Concurrence.

Legal Affairs

Bill "An Act Concerning Housing Coverage for Hearing Ear Dogs" (H.P. 145) (L.D. 186) (Presented by Representative MITCHELL of Freeport) (Cosponsor: Representative CARROLL of Gray)

Bill "An Act Relating to Drinking on Public Streets" (H.P. 152) (L.D. 193) (Presented by Representative McSWEENEY of Old Orchard Beach)

Bill "An Act to Improve Flexibility in the Counting of Ballots" (H.P. 164) (L.D. 205) (Presented by Representative TELOW of Lewiston)
 Ordered Printed.
 Sent up for Concurrence.

Marine Resources

Bill "An Act to Repeal the Sardine Inspection Tax" (H.P. 146) (L.D. 187) (Presented by Representative VOSE of Eastport)
 Ordered Printed.
 Sent up for Concurrence.

State and Local Government

Bill "An Act to Provide for the Appointment of the Executive Director of the Maine Health Care Finance Commission by the Governor" (H.P. 166) (L.D. 207) (Presented by Representative ROLDE of York)

RESOLVE, Concerning State Government Reorganization (H.P. 154) (L.D. 195) (Presented by Representative JACKSON of Harrison) (Cosponsors: Senator TWITCHELL of Oxford, Representatives ARMSTRONG of Wilton and MURPHY of Kennebunk)

RESOLUTION, Proposing an Amendment to the Constitution of Maine Requiring Candidates for the Maine Legislature to be Residents of the District Which they Seek to Represent by January 1st Preceding the Date of the General Election (H.P. 144) (L.D. 185) (Presented by Representative VOSE of Eastport)

Ordered Printed.
Sent up for Concurrence.

Taxation

Bill "An Act to Make Lien Fees Consistent for Sewer Assessments and Real Property Taxes" (H.P. 138) (L.D. 179) (Presented by Representative MAYO of Thomaston) (Cosponsor: Representative SEAVEY of Kennebunkport)

Bill "An Act to Increase the Veterans' Property Tax Exemption" (H.P. 151) (L.D. 192) (Presented by Representative REED of Falmouth)

Bill "An Act to Establish a Dependent Care Tax Credit" (H.P. 153) (L.D. 194) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsors: Representatives HICKEY of Augusta, REEVES of Pittston and Senator BUSTIN of Kennebec)

Ordered Printed.
Sent up for Concurrence.

Transportation

Bill "An Act to Amend the Law Concerning Handicapped Motor Vehicle Registrations" (H.P. 135) (L.D. 176) (Presented by Representative GWADOSKY of Fairfield) (Cosponsors: Representatives STROUT of Corinth and RACINE of Biddeford)

Bill "An Act to Amend the Title Laws of Maine" (H.P. 140) (L.D. 181) (Presented by Representative MACOMBER of South Portland) (Cosponsor: Representative STROUT of Corinth)

Bill "An Act Concerning Seasonal Ways under the Highway Laws" (H.P. 149) (L.D. 190) (Presented by Representative FOSTER of Ellsworth)

Bill "An Act to Amend Certain Motor Vehicle Laws" (H.P. 150) (L.D. 191) (Presented by Representative STROUT of Corinth)

Bill "An Act Requiring Proper Placement of Motor Vehicle Dealer Plates" (H.P. 155) (L.D. 196) (Presented by Representative HEPBURN of Skowhegan) (Cosponsors: Senator WHITMORE of Androscoggin, Representatives COTE of Auburn and LAPOINTE of Auburn)

Ordered Printed.
Sent up for Concurrence.

Utilities

Bill "An Act Concerning Public Utilities Commission Approval of Transfer of Utility Property" (H.P. 139) (L.D. 180) (Presented by Representative ALLEN of Washington) (Cosponsors: Representatives HOLT of Bath, NICHOLSON of South Portland and Senator ERWIN of Oxford)

Bill "An Act to make Allocations from the Public Utilities Commission Regulatory Fund and the Public

Utilities Commission Reimbursement Fund for the Fiscal Years Ending June 30, 1988, and June 30, 1989" (Emergency) (H.P. 157) (L.D. 198) (Presented by Representative VOSE of Eastport) (Cosponsors: Senators KERRY of York, ERWIN of Oxford and Representative NICHOLSON of South Portland)

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 Legislative Veto of Executive Branch Rules have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Improve Legislative and Public Access to the Agency Rule-making Process" (H.P. 132) (L.D. 161) 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.

Study Report-Committee on Utilities

Representative VOSE from the Committee on Utilities to which was referred by the Legislative Council the Study Relative to Electric Power Transmission and Purchases have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Clarify the Laws for Transmission of Electric Power to Study Related Issues" (H.P. 131) (L.D. 160) 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 Utilities, ordered printed and sent up for concurrence.

Reported Pursuant to the Statutes

Representative CARTER for the Supreme Judicial Court Relocation Commission, pursuant to Private and Special Law 1985, Chapter 60 ask leave to submit its findings and report that the accompanying RESOLVE, Concerning a Proposed Supreme Judicial Court Facility (Emergency) (H.P.130) (L.D. 159) be referred to the Joint Standing Committee on Appropriations and Financial Affairs for Public Hearing and printed pursuant to Joint Rule 18.

Report was read and accepted, and the bill referred to the Committee on Appropriations and Financial Affairs, ordered printed and sent up for concurrence.

SPECIAL SENTIMENT CALENDAR

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

In Memory of:

Jane Morrison, a rising film maker from Gardiner, who passed away January 21, 1987 in Nairobi, Kenya-Africa. Her outstanding work will long remain as a tribute to her excellence; (HLS 105) by Representative DELLERT of Gardiner. (Cosponsors: Representative WEYMOUTH of West Gardiner, Representative SPROUL of Augusta, Senator DOW of Kennebec) and

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 adjourns this date, it do so in honor and lasting tribute to the deceased.

On motion of Representative Dellert of Gardiner, was removed from the Special Sentiment Calendar.

Was read.

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Dellert.

Representative DELLERT: Mr. Speaker, Members of the House: I would like to tell you a little bit of Jane Morrison's life. She was a graduate of Gardiner High School and Boston University with a degree in art.

She pursued her music and art while in school and further pursued it as she went on to college in later years.

Jane was an inspiration to all who met her. Her twinkling eyes and smile just melted everyone who ever met her. Her teaching at Cony High School was an inspiration to her students. People would see her walking down the streets filming with many of her students.

Her trip to Africa was one of many. She also did films through the Public Television Station on Sarah Orne Jewett and on the lives of many other people.

Her interest in Africa was very keen. She felt that there was so much she could do in teaching and helping other people.

I hope people like Jane can be encouraged through our system of education and be inspired like Jane Morrison.

May we close in memory to Jane as we close the session today. Thank you.

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

Orders of the Day

The Chair laid before the House the following matter: Bill "An Act Clarifying Municipal Home Rule Authority as it Relates to Shoreland Areas" (H.P. 113) (L.D. 138) (which was referred to the Committee on Energy and Natural Resources in the House on January 28, 1987) which was tabled earlier in the day and later today assigned pending further consideration.

(Came from the Senate referred to the Committee on State and Local Government in non-concurrence)

On motion of Representative Michaud of East Millinocket, the House voted to adhere.

(Off Record Remarks)

On motion of Representative Dellert of Gardiner, Adjourned until Wednesday, February 4, 1987, at nine o'clock in the morning in memory of Jane Morrison.

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

In Senate Chamber
Tuesday
February 3, 1987

Senate called to Order by the President.

Prayer by First Reader Eleanor Clapp of the Christian Science Church in Damariscotta.

ELEANOR CLAPP: Let us pray. Dear Lord, Father and Mother of us all, we thank Thee for Thy presence here with us this day. Thou art the one divine intelligence which hath made us. Purify our motives and actions, that we may blend Thy purposes. Give us grace and courage and perception, for all true law comes from the basis of Thy will. May we bow down our hearts before Thee, oh Gracious Governor of all mankind. For who is able to judge this, so great of people? We are grateful for those who serve in this Senate, and for their faithful daily service to the people of our State. Dirigo, I direct, saith the Lord. Amen.

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE
Non-concurrent Matter

Bill "An Act to Dissolve the Madawaska Hospital District"

S.P. 57 L.D. 124

In Senate, January 28, 1987, referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED.

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

The Senate RECEDED and CONCURRED.

House Papers

Bill "An Act to Clarify the Penalty Provisions for the Late Filing of Corporation Reports"

H.P. 122 L.D. 147

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.

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 and ORDERED PRINTED.

Comes from the House referred to the Joint Select Committee on CORRECTIONS and ORDERED PRINTED.

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

Bill "An Act to Create a Small Business Ombudsman"

H.P. 126 L.D. 152

Comes from the House referred to the Committee on ECONOMIC DEVELOPMENT and ORDERED PRINTED.

Which was referred to the Committee on ECONOMIC DEVELOPMENT and ORDERED PRINTED, in concurrence.