

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
14th Legislative Day
Monday, February 9, 1987

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

Prayer by Chaplain John Swanson, Maine Maritime Academy, Castine.

National Anthem by the Hampden Academy Concert Band, Hampden.

The Journal of Thursday, February 5, 1987, was read and approved.

Quorum call was held.

SENATE PAPERS

The following Communication:

The Senate of Maine
Augusta

February 5, 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 Education, the Governor's nomination of Eve M. Bither of Westbrook for appointment as the Commissioner of the Department of Educational and Cultural Services.

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

Was read and ordered placed on file.

Bill "An Act to Increase the Appropriations to the Maine Student Osteopathic Loan Program" (S.P. 94) (L.D. 241)

RESOLVE, Authorizing Use of Certain Proceeds to Rehabilitate the Public Boat Launching Site on Moosehead Lake at Greenville Junction (S.P. 92) (L.D. 240)

RESOLVE, to Compensate Lucille A. Clavette of Sabattus as Personal Representative of the Estate of Richard J. Clavette, Late of Pownal (S.P. 95) (L.D. 242)

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

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

Bill "An Act to Increase the Fees for Examination and Licensure for Chiropractors" (S.P. 96) (L.D. 243)

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

Was referred to the Committee on Business Legislation in concurrence.

Bill "An Act Concerning the Purchase of School Buses" (S.P. 97) (L.D. 244)

Bill "An Act to Change the Process of Selecting the Commissioner of Educational and Cultural Services" (S.P. 99) (L.D. 246)

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 Revise the Energy Building Standards Act" (S.P. 93) (L.D. 247)

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 Expand the Number of Land Use Laws Under the Jurisdiction of the District Court" (S.P. 98) (L.D. 245)

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

Was referred to the Committee on Judiciary in concurrence.

Non-Concurrent Matter
Later Today Assigned

Bill "An Act to Prohibit Vending Machine Sales of Cigarettes" (H.P. 163) (L.D. 204) which was referred to the Committee on Human Resources in the House on February 3, 1987.

Came from the Senate referred to the Committee on Business Legislation in non-concurrence.

On motion of Representative Diamond of Bangor, tabled pending further consideration and later today assigned.

Non-Concurrent Matter

Bill "An Act to Continue Statewide Standards for the Identification and Management of Child Abuse and Neglect" (H.P. 162) (L.D. 203) which was referred to the Committee on Human Resources in the House on February 3, 1987.

Came from the Senate referred to the Committee on Appropriations and Financial Affairs in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act Defining Terms in the Manufactured Housing Zoning Laws" (H.P. 187) (L.D. 231) which was referred to the Committee on Business Legislation in the House on February 4, 1987.

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

The House voted to recede and concur.

PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE

The following Bills and Resolve 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 Making an Appropriation to Fund the Development of Employer Supported Day Care" (H.P. 225) (L.D. 293) (Presented by Representative FOSS of Yarmouth) (Cosponsors: Representatives STANLEY of Cumberland, HOGlund of Portland and Senator ANDREWS of Cumberland)

Bill "An Act to Sustain Community Services for the Mentally Ill" (H.P. 233) (L.D. 301) (Presented by Representative CONNOLLY of Portland) (Cosponsors: Representatives FOSTER of Ellsworth, TAYLOR of Camden and Senator CLARK of Cumberland)

Bill "An Act to Fund Increased Insurance Costs, Children's Programs, Rural Outreach Programs and Minimal Standard Requirements in the 9 Member

Agencies of the Maine Coalition for Family Crisis Services" (H.P. 234) (L.D. 302) (Presented by Representative LISNIK of Presque Isle) (Cosponsor: Senator BERUBE of Androscoggin)

Ordered Printed.
Sent up for Concurrence.

Judiciary

Bill "An Act to Broaden Peer Review Immunity" (H.P. 226) (L.D. 294) (Presented by Representative KIMBALL of Buxton) (Cosponsors: Representatives HANLEY of Paris, THISTLE of Dover-Foxcroft and CLARK of Brunswick)

(The Committee on Reference of Bills had suggested the Committee on Business Legislation.)

On motion of Representative Allen of Washington was referred to the Committee on Judiciary, ordered printed and sent up for concurrence.

Ordered Printed.
Sent up for Concurrence.

Business Legislation

Bill "An Act to Require that Prescription Medicines Indicate the Purpose for Which the Medication is Prescribed" (H.P. 245) (L.D. 315) (Presented by Representative RACINE of Biddeford) (Cosponsors: Representatives DAVIS of Monmouth, HICKEY of Augusta and Senator CLARK of Cumberland)

Ordered Printed.
Sent up for Concurrence.

Fisheries and Wildlife

Bill "An Act to Establish the Deer Season" (H.P. 223) (L.D. 291) (Presented by Representative SMITH of Island Falls) (Cosponsors: Representative WEYMOUTH of West Gardiner, Senators WEBSTER of Franklin and THERIAULT of Aroostook)

Ordered Printed.
Sent up for Concurrence.

Human Resources

Bill "An Act to Alter the Makeup of the Maine Health Care Finance Commission" (H.P. 222) (L.D. 290) (Presented by Representative THISTLE of Dover-Foxcroft) (Cosponsors: Senator GILL of Cumberland, Representatives CROWLEY of Stockton Springs and PINES of Limestone)

Bill "An Act Concerning Smoking in Public" (H.P. 228) (L.D. 296) (Presented by Representative MANNING of Portland) (Cosponsor: Representative PINES of Limestone)

Bill "An Act to Amend the Interpreter Law for Coverage in Medical and Paramedical Areas" (H.P. 247) (L.D. 317) (Presented by Representative CARROLL of Gray) (Cosponsor: Senator PERKINS of Hancock)

Ordered Printed.
Sent up for Concurrence.

Judiciary

Bill "An Act to Permit a Juvenile to Waive the Protection of the Maine Juvenile Code" (H.P. 227) (L.D. 295) (Presented by Representative MANNING of Portland) (Cosponsor: Representative PARADIS of Augusta)

Bill "An Act Concerning Good Time and Meritorious Good Time Relative to Parole Eligibility" (Emergency) (H.P. 231) (L.D. 299) (Presented by Representative CONNOLLY of Portland) (Cosponsors: Representative

CONLEY of Portland and Senator BRANNIGAN of Cumberland)

Bill "An Act to Remove the Requirement that Counties make Payments to the State for Support of the Supreme Judicial Court and Superior Courts" (H.P. 244) (L.D. 314) (Presented by Representative RACINE of Biddeford) (Cosponsors: Representatives RIDLEY of Shapleigh, MURPHY of Berwick, and Senator THERIAULT of Aroostook)

Bill "An Act to Simplify the Method of Enforcing Health Benefit Liens" (H.P. 241) (L.D. 309) (Presented by Representative MARSANO of Belfast) (Cosponsors: Senator GAUVREAU of Androscoggin and Representative CONLEY of Portland)

RESOLVE, to Compensate Dorothy Gammon of Portland (H.P. 235) (L.D. 303) (Presented by Representative MANNING of Portland)

Ordered Printed.
Sent up for Concurrence.

Labor

Bill "An Act to Improve the Informal Conference Process for Workers' Compensation Claims" (Emergency) (H.P. 229) (L.D. 297) (Presented by Representative PRIEST of Brunswick) (Cosponsors: Representative WILLEY of Hampden and Senator DUTREMBLE of York)

Bill "An Act Relating to Interest on Workers' Compensation Awards" (H.P. 232) (L.D. 300) (Presented by Representative DORE of Auburn) (Cosponsor: Representative JOSEPH of Waterville)

Bill "An Act Relating to Trial Work Periods under the Workers' Compensation Act" (H.P. 237) (L.D. 305) (Presented by Representative WILLEY of Hampden)

Ordered Printed.
Sent up for Concurrence.

State and Local Government

Bill "An Act Concerning the Use of County Facilities" (H.P. 224) (L.D. 292) (Presented by Representative ROTONDI of Athens) (Cosponsors: Representatives LOOK of Jonesboro, RICHARD of Madison and Senator BUSTIN of Kennebec)

Bill "An Act to Abolish the Office of Energy Resources" (H.P. 238) (L.D. 306) (Presented by Representative ARMSTRONG of Wilton) (Cosponsors: Representatives JACKSON of Harrison and WEBSTER of Cape Elizabeth)

Bill "An Act to Extend the Sunset Date for Certain Statutes Regarding Harbor Masters" (Emergency) (H.P. 246) (L.D. 316) (Presented by Representative MITCHELL of Freeport) (Cosponsors: Representative SALSBURY of Bar Harbor, Senators PERKINS of Hancock and CLARK of Cumberland)

Ordered Printed.
Sent up for Concurrence.

Taxation

Bill "An Act to Realign the Tax Laws of the State as They Relate to Telecommunications" (H.P. 230) (L.D. 298) (Presented by Representative VOSE of Eastport) (Cosponsors: Senators PERKINS of Hancock, BALDACCI of Penobscot and Representative ZIRNKILTON of Mt. Desert)

Ordered Printed.
Sent up for Concurrence.

Transportation

Bill "An Act to Reduce the Incidence of Motor Vehicle Accidents among Maine's Young Drivers" (H.P. 236) (L.D. 304) (Presented by Representative REEVES

of Pittston) (Cosponsors: Representatives RYDELL of Brunswick and CARROLL of Gray)

Ordered Printed.
Sent up for Concurrence.

Judiciary

Bill "An Act to Enhance the Marketability of Titles" (H.P. 239) (L.D. 307) (Presented by Representative DORE of Auburn) (Cosponsor: Senator GAUVREAU of Androscoggin)

(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 to Amend the Maine Turnpike Authority Act" (H.P. 240) (L.D. 308) (Presented by Representative HIGGINS of Scarborough) (Cosponsors: Representative MACOMBER of South Portland, Senators WHITMORE of Androscoggin and DUTREMBLE of York)

Ordered Printed.
Sent up for Concurrence.

Utilities

Bill "An Act to Fairly Apportion the Cost of New Water Utility Expansion" (H.P. 242) (L.D. 310) (Presented by Representative MURPHY of Kennebunk) (Cosponsors: Senators DUTREMBLE of York, CLARK of Cumberland and Representative ROLDE of York)

Ordered Printed.
Sent up for Concurrence.

Study Report

Committee on Banking and Insurance

Representative RYDELL from the Committee on Banking and Insurance to which was referred by the Legislative Council the Study Relative to Enabling the Availability of Credit through Finance Companies in the State have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Enable the Availability of Credit through Finance Companies in the State" (H.P. 243) (L.D. 311) 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 Banking and Insurance, ordered printed and sent up for concurrence.

ORDERS

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

ORDERED, that Representative Bradford Boutilier of Lewiston be excused February 2 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative William O'Gara of Westbrook be excused February 2 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Guy Scarpino of St. George be excused February 3 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Donald Sproul of Augusta be excused February 3 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Norman Paul of Sanford be excused February 9 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Fred Soucy of Kittery be excused February 23, 24, 25, 26, and 27 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Harlan Baker of Portland be excused February 9 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Peter Manning of Portland be excused February 9 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Rita Melendy of Rockland be excused February 9, 11 and 17 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Joseph Mayo of Thomaston be excused February 9 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Cushman D. Anthony of South Portland be excused February 9 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Dale F. Thistle of Dover-Foxcroft be excused February 9 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Ernest C. Greenlaw of Standish be excused February 9 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Kerry E. Kimball of Buxton be excused February 9 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Priscilla G. Taylor of Camden be excused February 9 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Barbara E. Strout of Windham be excused February 9 for legislative business.

Was read and passed.

ORDERS OF THE DAY

The Chair laid before the House the first item of Unfinished Business:

The following matter, in the consideration of which the House was engaged at the time of adjournment Thursday, February 5, 1987, has preference in the Orders of the Day and continues with such preference until disposed of as provided by Rule 24.

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

In House, Referred to the Joint Select Committee on Corrections on February 2, 1987.

In Senate, Referred to the Committee on Legal Affairs in non-concurrence.

TABLED - February 5, 1987 (Till Later Today) by Representative DIAMOND of Bangor.

PENDING - Further Consideration.

On motion of Representative Diamond of Bangor, the House voted to adhere.

TABLED AND TODAY ASSIGNED

The Chair laid before the House the first tabled and today assigned matter:

Bill "An Act to Increase State Revenue Sharing to 7 percent of Sales and Income Tax Receipts" (H.P. 202) (L.D. 254)

(Committee on Appropriations and Financial Affairs suggested)

TABLED - February 5, 1987 by Representative CASHMAN of Old Town.

PENDING - Reference.

Subsequently, the Bill was referred to the Committee on Appropriations and Financial Affairs, ordered printed and sent up for concurrence.

On motion of Representative Paradis of Augusta, the House reconsidered its action whereby RESOLVE, to Compensate Dorothy Gammon of Portland (H.P. 235) (L.D. 303) was referred to the Committee on Judiciary.

On further motion of the same Representative, the Bill was referred to the Committee on Legal Affairs, ordered printed and sent up for concurrence.

(At Ease)

The House was called to order by the Speaker.

(Off Record Remarks)

On motion of Representative Jacques of Waterville, Adjourned until Tuesday, February 10, 1987, at nine o'clock in the morning.

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

In Senate Chamber
Monday
February 9, 1987

Senate called to Order by the Secretary, Joy J. O'Brien.

The Secretary requested the Sergeant-At-Arms to escort the Senator from Cumberland, Senator CLARK to the Rostrum where she assumed the duties of President Pro Tem.

Senate called to order by the President Pro Tem.

Prayer by Reverend Dorothy Kimble of the Winthrop Street Universalist Church in Augusta.

REVEREND KIMBLE: Alfred Lord Tennyson said, "More things are wrought by prayer, then this world dreams of." Let us be in the spirit of prayer. Almighty God, infinite spirit, hear us as we pray for strength and courage for honest dealing and straight talk. Help us to see that the task at hand cannot be done alone. Save us from indecision, help us hold fast to that which is good, guide us in Thy way, truth and life, that we may be promoters and sustainers of peace and justice. With thanks we do pray, Amen.

Reading of the Journal of Thursday, February 5, 1987.

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Increase State Revenues by Providing Expanded Opportunities for Harness Racing within the State"

H.P. 205 L.D. 257

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

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

Bill "An Act Concerning the Calculation of the Insured Value Factor in Public Tuition Payments to Private Schools"

H.P. 196 L.D. 248

Bill "An Act to Fund Energy Outreach Workers in Presque Isle, Bangor, Augusta, Lewiston and Portland"

H.P. 200 L.D. 252

Bill "An Act Regarding Day Treatment Services to Emotionally Disabled Children"

H.P. 201 L.D. 253

Bill "An Act to Increase State Funding for Homemaker Services"

H.P. 210 L.D. 262

Bill "An Act to Continue Community Mental Retardation Services"

H.P. 211 L.D. 263

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$4,000,000 for the Restoration and Cleanup of Oil Contaminated Ground Water and Well Water and to Assist Low-income Homeowners in Defraying the Costs Associated with the Removal of Old Underground Oil Storage Tanks"

H.P. 212 L.D. 264

Bill "An Act to Appropriate Funds to Maintain 24-hour Coverage by State Police Troop D in Thomaston"