

# 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  
15th Legislative Day  
Tuesday, February 10, 1987

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

Prayer by Reverend Everett Wiswell, United Methodist Church, Waldoboro.

The Journal of Monday, February 9, 1987, was read and approved.

Quorum call was held.

SENATE PAPERS

Bill "An Act to Prevent Inappropriate Institutionalization of Mentally and Physically Handicapped Persons" (S.P. 111) (L.D. 284)

Bill "An Act to Provide Funding for Business Energy Outreach" (S.P. 112) (L.D. 285)

Bill "An Act to Provide Substance Abuse Prevention, Education and Treatment Services to Native Americans in Maine" (S.P. 114) (L.D. 287)

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 Clarify the Law Regarding Expedited Charter Conversions, Mergers and Consolidations" (S.P. 106) (L.D. 279)

Bill "An Act to Amend the Bank Holding Company Law" (S.P. 105) (L.D. 278)

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

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

Bill "An Act Relating to the Organization of School Administrative Districts" (S.P. 107) (L.D. 280)

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

Was referred to the Committee on Education in concurrence.

Bill "An Act to Require the Department of Human Services to Implement Certain Recommendations Regarding the Recruitment, Training and Staffing Levels for Certified Nursing Assistants" (S.P. 118) (L.D. 313)

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

Was referred to the Committee on Human Resources in concurrence.

Bill "An Act Concerning Future Indian Communities" (S.P. 113) (L.D. 286)

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

Was referred to the Committee on Judiciary in concurrence.

Bill "An Act Relating to Enforcement of Accessibility Standards for Places of Public Accommodations" (S.P. 109) (L.D. 282)

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 State and Local Government.)

Was referred to the Committee on Judiciary in concurrence.

Bill "An Act to Alter the Appointment of Fact Finders by the Maine Labor Relations Board" (S.P. 110) (L.D. 283)

Bill "An Act Relating to Usable Data under the State Construction Wage Law" (S.P. 103) (L.D. 276)

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

Were referred to the Committee on Labor in concurrence.

Bill "An Act Relating to Questions Put to the Electorate at Referendum" (S.P. 116) (L.D. 289)

Bill "An Act to Require the Prompt Issuance and Service of Writs of Possession" (S.P. 108) (L.D. 281)

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 Validate Certain Proceedings of the Town of Trenton" (Emergency) (S.P. 104) (L.D. 277)

Bill "An Act to Require State Compliance with Municipal Ordinances" (S.P. 115) (L.D. 288)

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

Were referred to the Committee on State and Local Government in concurrence.

Bill "An Act Relating to the Taxation of Trade-in Equipment" (S.P. 101) (L.D. 274)

Bill "An Act to Provide for a Sales Tax Credit on the Trade-in of Construction Equipment" (S.P. 102) (L.D. 275)

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

Were referred to the Committee on Taxation in concurrence.

Bill "An Act Relating to the Suspension of Motor Vehicle Licenses for Refusal of Chemical Tests" (S.P. 117) (L.D. 312)

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

Was referred to the Committee on Transportation in concurrence.

COMMUNICATIONS

The following Communication:

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
SPEAKER'S OFFICE  
AUGUSTA, MAINE 04333

February 5, 1987

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

This is to notify you that pursuant to my authority under Chapter 813 of the Public Laws of Maine, 1986, I have today appointed Rep. Donnell P. Carroll, of Gray, and Rep. Donald A. Strout, of

Corinth, to serve as members of the House of Representatives on the Legislative Task Force on Railroads.

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

Was read and ordered placed on file.

The following Communication:

UNIVERSITY OF MAINE SYSTEM  
107 MAINE AVENUE  
BANGOR, MAINE 04401

February 6, 1987

The Honorable Charles P. Pray  
President of the Senate  
State of Maine  
State House Station 3  
Augusta, Maine 04333  
The Honorable John L. Martin  
Speaker of the House  
State of Maine  
State House Station 2  
Augusta, Maine 04333

Dear President Pray and Speaker Martin:

I look forward to addressing a Joint Convention of the Maine Legislature on February 18th at 10:00 a.m.

Thanks very much for the invitation.

Sincerely,  
S/Robert L. Woodbury  
Chancellor

Was read and ordered placed on file.

The following Communication:

MAINE STATE LEGISLATURE  
Augusta, Maine 04333  
BOARD OF COMMISSIONS  
State House Station 13

February 7, 1987

Senator Charles Pray, President of the Maine Senate  
Representative John Martin, Speaker of the House  
Dear Mr. President and Mr. Speaker:

The Board of Commissions, pursuant to P.L. 1985, Chapter 732, has completed its report with respect to state boards and commissions, and is submitting the report to the First Regular Session of the 113th Legislature as required by law. The Board hopes that the Legislature finds the report useful. The Board is willing to provide you with any additional information that you request.

Sincerely yours,  
S/Senator Thomas Andrews  
Chairperson, Board of Commissions

Was read and with accompanying report ordered placed on file.

PETITIONS, BILLS AND RESOLVES  
REQUIRING REFERENCE

The following Bills and one Resolution 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 to Open Maine Libraries to Modern Information Technology" (H.P. 248) (L.D. 321) (Presented by Representative CARTER of Winslow) (Cosponsors: Senators PEARSON of Penobscot, BUSTIN of Kennebec, and Representative ROLDE of York)

Ordered Printed.  
Sent up for Concurrence.

Human Resources

Bill "An Act to Simplify Certificate of Need Review for Transfers of Ownership of Nursing Home Facilities" (H.P. 253) (L.D. 326) (Presented by Representative ROLDE of York)

Ordered Printed.  
Sent up for Concurrence.

Judiciary

Bill "An Act to Allow Reasonable Attorneys Fees for Court Appointed Counsel on Appeals by the State to any Federal Court" (H.P. 249) (L.D. 322) (Presented by Representative FOSTER of Ellsworth)

Ordered Printed.  
Sent up for Concurrence.

Legal Affairs

Bill "An Act Concerning the Wording of Initiative and People's Veto Referendum Questions" (H.P. 251) (L.D. 324) (Presented by Representative PARADIS of Old Town) (Cosponsors: Senator PERKINS of Hancock, Representatives LOOK of Jonesboro and SOUCY of Kittery)

Ordered Printed.  
Sent up for Concurrence.

State and Local Government

JOINT RESOLUTION MAKING APPLICATION TO CONGRESS CALLING A CONSTITUTIONAL CONVENTION TO PROPOSE AN AMENDMENT TO THE FEDERAL CONSTITUTION TO REQUIRE A BALANCED FEDERAL BUDGET (H.P. 250) (L.D. 323) (Presented by Representative HEPBURN of Skowhegan) (Cosponsors: Representatives BOTT of Orono and BICKFORD of Jay)

Ordered Printed.  
Sent up for Concurrence.

Taxation

Bill "An Act to Double the Property Tax Exemption for the Blind and Veterans" (H.P. 252) (L.D. 325) (Presented by Representative ROLDE of York)

Ordered Printed.  
Sent up for Concurrence.

Reported Pursuant to the Statutes

Representative CARROLL for the Department of Conservation, pursuant to Public Law 1985, chapter 692, section 3 ask leave to submit its findings and report that the accompanying Bill "An Act Dealing with the Authority of Harbor Masters" (Emergency) (H.P. 254) (L.D. 327) be referred to the Joint Standing Committee on State and Local Government for Public Hearing and printed pursuant to Joint Rule 18.

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 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 yesterday has preference in the Orders of the Day and continues with such preference until disposed of as provided by Rule 24.

LEGISLATIVE RECORD - SENATE, FEBRUARY 10, 1987

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

In Senate, Referred to the Committee on Business Legislation in non-concurrence.

TABLED - February 9, 1987 (Till Later Today) by Representative DIAMOND of Bangor.

PENDING - Further Consideration.

The House voted to recede and concur.

(At Ease)

The House was called to order by the Speaker.

(Off Record Remarks)

On motion of Representative Cote of Auburn,  
Adjourned until Wednesday, February 11, 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  
Tuesday  
February 10, 1987

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

The Secretary requested the Sergeant-At-Arms to escort the Senator from York, Senator DUTREMBLE to the Rostrum where he assumed the duties of President Pro Tem.

Senate called to order by the President Pro Tem.

Prayer by Reverend Nolan Leavitt of the Auburn Advent Christian Church in Auburn.

REVEREND LEAVITT: Let us pray together. Dear Lord, we give You thanksgiving and praise for this day that You have given to us. A day in which we will be called upon to make decisions. A day in which we have made decisions already, that have affected our lives in this day. Remind us of Your words to the one of the greatest leaders of all time, perhaps, that unless the Lord builds the house, they that labor, labor in vain. Unless the Lord keeps the city, the watchmen keeps awake in vain.

Lord, I pray for these men and women, that You have called very specially to this special task. I pray that You would help them through the pressures of this day, whether they be pressures at home or pressures here. Help them to bear the burden and give them the strength they need. The clarity of mind and understanding to make the correct decisions this day.

Help them to see through eyes that have been opened by the light of eternity, and to know that You will undergird them with those arms that are everlasting and so very strong. With the burdens of today, may the Lord give them the ability, wisdom and discernment beyond themselves. More importantly, wrap Your arms of love around them and keep them in Your care. We ask in Jesus name, Amen.

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE  
Non-concurrent Matter

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.

In House, February 2, 1987, referred to the Joint Select Committee on CORRECTIONS and ORDERED PRINTED.

In Senate, February 4, 1987, referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED in NON-CONCURRENCE.

Comes from the House, that Body ADHERED.

The Senate RECEDED and CONCURRED.

House Papers

Bill "An Act to Increase State Revenue Sharing to 7% of Sales and Income Tax Receipts"

H.P. 202 L.D. 254

Bill "An Act Making an Appropriation to Fund the Development of Employer Supported Day Care"

H.P. 225 L.D. 293