

# 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  
 16th Legislative Day  
 Wednesday, February 11, 1987

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

Prayer by Father Renald Labarre, St. Philip's Catholic Church, Auburn.

The Journal of Tuesday, February 10, 1987, was read and approved.

Quorum call was held.

SENATE PAPERS

The following Joint Resolution: (S.P. 122)  
 JOINT RESOLUTION CALLING ON THE HEALTH-TEX CORPORATION

TO SEEK ALTERNATIVES

TO THE PROPOSED CLOSING OF HEALTH-TEX PLANTS IN MAINE  
 WHEREAS, Health-Tex, Inc., announced on January 29, 1987, that their factories in Portland, Brunswick and Gardiner, Maine, will be closed by March 31, 1987, resulting in the loss of over 1,000 jobs in this State; and

WHEREAS, Health-Tex, Inc., has diverted work from its Maine factories to other worksites, causing the great majority of employees at those factories to be laid off from their jobs and the remaining employees to be laid off soon; and

WHEREAS, Health-Tex, Inc., has maintained its factories in Maine for over 30 years and the workers in these factories have worked diligently and loyally for that period of time, helping to make Health-Tex, Inc., America's largest manufacturer of children's clothes; and

WHEREAS, the closing of these plants will have a severe impact upon the dedicated workers at the Health-Tex plants, resulting in the loss of livelihood and income to those workers; and

WHEREAS, the closing of these plants will also have a severe impact upon Maine's economy, including an estimated loss of over \$33,500,000 from the State, which does not include other costs to the State, such as unemployment compensation, job relocation and training costs, welfare and other costs; and

WHEREAS, the State of Maine has recently begun an effort to improve its business climate, including the formation of a Joint Standing Committee on Economic Development and initiatives within the Executive Department; now, therefore, be it

RESOLVED: That the Legislature make all efforts possible to minimize or avoid the human and economic costs associated with the closing of the Health-Tex, Inc., plants, including:

1. Strongly urging the Health-Tex corporation to immediately supply work to the Maine plants in order to keep the plants open and operating while discussions between the company and the union continue;

2. Strongly urging the Health-Tex corporation to continue discussions with employee representatives to find alternatives to the planned closings; and

3. Meeting with representatives of the Health-Tex corporation, along with representatives of the Governor's office and the State's congressional delegation, in order to seek a mutually satisfactory solution to the company's and the employees' problems which will save Maine jobs and keep a valued employer in the State; and be it further

RESOLVED: That copies of this resolution be made available to the employees of the Health-Tex, Inc., plants and the corporate officers of Health-Tex, Inc.

Came from the Senate, read and adopted.

Was read.

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Murphy.

Representative MURPHY: Mr. Speaker, Men and Women of the House: This Resolution captures a sense of frustration in terms of the possibility of jobs leaving Maine but I think also it catches a tone, that gone are the days we throw up our hands and gone are the days that we make caustic comments to the distant board of directors.

You can feel the change down on the second floor and I hope that change of attitude is here in the legislature as well. Last week, when the first announcement of loss of jobs at Health-Tex came forth, there was a tone of confrontation; this week there is a different attitude. The hurt is still there but there is a tone of cooperation. I think today we have to look at how we work together -- labor, the executive branch and the legislature to keep Maine jobs in Maine.

I think it is very clear, ladies and gentlemen of the House, that we do not have a state plan, we do not have a state strategy to keep Maine jobs in Maine. We reel back and forth, based on the price of oil and the tide of imports.

My good friend in the other corner, he and I, continually debate back and forth the business climate survey studies and statistics contained within but this week, on the second floor and here in the hall, we saw those statistics, the men and women of Health-Tex, have lost their jobs and we could see the hurt on their faces. The Governor has met with the labor leaders of Health-Tex and individual legislators have met with those displaced workers. The Governor, next week, is going to Boston to meet with management and talk about those Maine jobs but we also have a responsibility. The Governor is beginning those steps in terms of developing a state strategy or a plan, looking at our strengths, looking at our weaknesses, looking at those areas that we are no longer competitive in terms of other states but, men and women of the 113th, we have a responsibility as well -- that when we identify those areas, be it taxes, workers' compensation, that when we identify those factors that make us non-competitive with the other states, our responsibility is to change those factors that, again, make us competitive.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Diamond.

Representative DIAMOND: Mr. Speaker, Men and Women of the House: I was a little surprised that my friend in the other corner got up on this issue today. Obviously, every member of this body and the other body shares the concerns of the people affected by the Health-Tex situation and we hope, of course, that this thing can be resolved so that nobody is hurt and that all people are treated fairly.

I am a little concerned though about the implication that the past legislature and the past administration might not have done enough in order to prevent such a situation and if I understood the gentleman correctly, that was indeed implied in his statement. I think that members who were here in the previous session understand full well that this legislature, through its Joint Select Committee on Economic Development, worked on addressing these issues in anticipation of a situation like this and in anticipation of the other problems that the state is facing.

The previous administration, I think, worked very diligently towards ensuring the security of Maine working people and I think the statistics, both unemployment and income statistics that were kicked

around in the last few years and developed over the last few years, demonstrate that they were successful in that approach. I think the concerns that have been expressed in the past few sessions by this legislature point to the real culprit in this and that being the policies in Washington that have had a negative effect on many Maine industries. Thousands of jobs in Maine have been affected by the unfair policies of the current administration in Washington and I think that this Resolution, while dealing with the problems directly involving Health-Tex and the parent company, I think that when members of this legislature examine the problems facing Maine workers, we have to look at the real culprit and that culprit lies about 2,000 miles south in Washington, D.C.

Thereupon, was adopted in concurrence.

At this point, a message came from the Senate, borne by Senator CLARK of Cumberland proposing a Convention of both branches of the Legislature to be held at 10:30 o'clock in the Hall of the House for the purpose of electing a State Auditor.

Thereupon, the House voted to concur in the proposal for a Joint Convention to be held at 10:30 o'clock and the Speaker appointed Representative DIAMOND of Bangor to convey this message to the Senate.

Subsequently, Representative DIAMOND of Bangor reported that he had delivered the message with which he was charged.

Bill "An Act to Help Farmers Reduce Their Electric Bills" (S.P. 120) (L.D. 319)

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 Review of Benefits under the Workers' Compensation Act" (S.P. 119) (L.D. 318)

Bill "An Act to Limit the Duplication of Benefits Under the Workers' Compensation Act" (S.P. 121) (L.D. 320)

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

Were referred to the Committee on Labor in concurrence.

Non-Concurrent Matter

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) which was referred to the Committee on Judiciary in the House on February 9, 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 to Continue the Pine Tree Partnership Fund Program" (H.P. 207) (L.D. 259) which was referred to the Committee on Appropriations and Financial Affairs in the House on February 5, 1987.

Came from the Senate referred to the Committee on Economic Development in non-concurrence.

The House voted to adhere.

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:

Appropriations and Financial Affairs

Bill "An Act in Support of Statewide Music Lending Services" (H.P. 261) (L.D. 344) (Presented by Representative ROLDE of York) (Cosponsors: Representatives DIAMOND of Bangor, FOSTER of Ellsworth and Senator PERKINS of Hancock)

Ordered Printed.  
Sent up for Concurrence.

Banking and Insurance

Bill "An Act to Repeal Certain Statutes Relating to Continued Group Health Insurance Coverage" (H.P. 260) (L.D. 343) (Presented by Representative BEGLEY of Waldoboro) (Cosponsor: Representative HEPBURN of Skowhegan)

Bill "An Act to Impose Liability and Financing Responsibility for Injuries to Patients Consequent to Review Decisions by 3rd-party Payors" (H.P. 262) (L.D. 345) (Presented by Representative PINES of Limestone) (Cosponsor: Representative BOTT of Orono)

Ordered Printed.  
Sent up for Concurrence.

Human Resources

Bill "An Act to Amend the Law Regarding the Medical Certificate Filed After Death" (H.P. 263) (L.D. 346) (Presented by Representative HEPBURN of Skowhegan) (Cosponsors: Representatives PINES of Limestone, HUSSEY of Milo and Senator BERUBE of Androscoggin)

Bill "An Act to Provide for a Prospective Payment System for State Reimbursement of Boarding Care Facilities with More than 6 Beds, to Allow for Periodic Cost-of-living Adjustments and for Other Purposes" (H.P. 266) (L.D. 349) (Presented by Representative CARROLL of Gray) (Cosponsors: Representatives KIMBALL of Buxton and SIMPSON of Casco)

Ordered Printed.  
Sent up for Concurrence.

Judiciary

Bill "An Act to Exempt Directors of Credit Unions from Liability on Certain Matters" (H.P. 255) (L.D. 338) (Presented by Representative WARREN of Scarborough)

Bill "An Act to Aid in Enforcement of Child Support Payments" (H.P. 258) (L.D. 341) (Presented by Representative DUFFY of Bangor) (Cosponsors: Representatives PARADIS of Augusta, VOSE of Eastport and Senator PERKINS of Hancock)

Ordered Printed.  
Sent up for Concurrence.

Legal Affairs

Bill "An Act to Amend the Law to Allow Security Officers to be on Duty for Dances at Which Minors are Admitted" (H.P. 257) (L.D. 340) (Presented by Representative JOSEPH of Waterville) (Cosponsors: Senators KANY of Kennebec, ESTES of York and Representative COTE of Auburn)

Bill "An Act Concerning the Drafting of Ballot Questions" (H.P. 264) (L.D. 347) (Presented by Representative GWADOSKY of Fairfield) (Cosponsors: Senators CLARK of Cumberland, DUTREMBLE of York and PERKINS of Hancock)

Ordered Printed.  
Sent up for Concurrence.

State and Local Government

Bill "An Act to Strengthen Local Planning Abilities Through Regional Councils" (H.P. 259) (L.D. 342) (Presented by Representative CARTER of Winslow) (Cosponsors: Senator ANDREWS of Cumberland, Representatives NADEAU of Lewiston and ARMSTRONG of Wilton)

Ordered Printed.  
Sent up for Concurrence.

Taxation

Bill "An Act to Increase the Tax Exemption on Church Parsonages" (H.P. 265) (L.D. 348) (Presented by Representative FARNUM of South Berwick) (Cosponsors: Representatives DAVIS of Monmouth and CROWLEY of Stockton Springs)

Ordered Printed.  
Sent up for Concurrence.

Utilities

Bill "An Act to Make Changes in the Laws Governing Public Utilities" (H.P. 256) (L.D. 339) (Presented by Representative WILLEY of Hampden) (Cosponsor: Representative WEYMOUTH of West Gardiner)

Ordered Printed.  
Sent up for Concurrence.

SPECIAL SENTIMENT CALENDAR

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

In Memory of:

John P. Theriault, Deputy Fire Chief of Lincoln, who died in the line of duty while protecting the community from the dangers of a residential fire; (HLS 119) by Representative HARPER of Lincoln. (Cosponsors: Representative HICHBORN of LaGrange, Senator PEARSON of Penobscot)

On motion of Representative Harper of Lincoln, was removed from the Special Sentiment Calendar. W as read.

The SPEAKER: The Chair recognizes the Representative from Lincoln, Representative Harper.

Representative HARPER: Mr. Speaker, Ladies and Gentlemen of the House: The Lincoln community has indeed suffered a great loss in the death of John Theriault. John, age 55, died while fighting a fire. John was an active Air Force veteran. He served on the town budget committee and was a storekeeper and a 30 year veteran of our town fire department, where he served as Deputy Chief of our firefighters. He was a good friend, a good citizen and we will miss him.

I respectfully request that, when the Legislature adjourns this date, that it do so in honor and lasting tribute to John P. Theriault.

Subsequently, was adopted and sent up for concurrence.

REPORTS OF COMMITTEES  
Unanimous Leave to Withdraw

Representative HOLT from the Committee on Utilities on Bill "An Act to Allow the Public Utilities Commission to Incorporate into its Rules Certain Federal Rules when Amended in the Future" (H.P. 34) (L.D. 35) reporting "Leave to Withdraw"

Was placed in the Legislative Files without further action pursuant to Joint Rule 15 and sent up for concurrence.

CONSENT CALENDAR

First Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the First Day:

(H.P. 61) (L.D. 64) Bill "An Act to Increase the Compensation of Mediators under the Municipal Public Employees Labor Relations Act" Committee on Labor reporting "Ought to Pass"

On motion of Representative McHenry of Madawaska, was removed from the Consent Calendar, First Day.

Subsequently, the Committee Report was read and accepted, the bill read once and assigned for second reading Tuesday, February 17, 1987.

(H.P. 65) (L.D. 68) Bill "An Act Relating to the Maine Veterans' Homes" Committee on Aging, Retirement and Veterans reporting "Ought to Pass"

(H.P. 27) (L.D. 24) RESOLVE, to Provide for a Commemorative Bicentennial Motor Vehicle License Plate to Celebrate the Bicentennial of the Town of Waterboro (Emergency) Committee on Transportation reporting "Ought to Pass"

There being no objections, the above items were ordered to appear on the Consent Calendar of Tuesday, February 17, 1987 under the listing of Second Day.

(At Ease)

The House was called to order by the Speaker.

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

SENATE PAPER

The following Joint Order: (S.P. 133) ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, February 17, 1987, at 10 o'clock in the morning.

Came from the Senate, read and passed. Was read and passed in concurrence.

The following item appearing on Supplement No. 2 was taken up out of order by unanimous consent:

SENATE PAPER

Bill "An Act to Alter Implementation of Requirement to Provide Rest Rooms in Restaurants" (Emergency) (S.P. 126) (L.D. 331)

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

Under suspension of the rules and without reference to a Committee, the bill was read twice and passed to be engrossed in concurrence.

By unanimous consent, ordered sent forthwith.

(Off Record Remarks)

(At Ease to the Gong)

The House was called to order by the Speaker.

The following item appearing on Supplement No. 3 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED  
Emergency Measure

An Act to Alter Implementation of Requirement to Provide Rest Rooms in Restaurants (S.P. 126) (L.D. 331)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 124 voted in favor of the same and 2 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

(Off Record Remarks)

The House was called to order by the Speaker.

At this point, the Senate entered the Hall of the House and a Joint Convention was formed.

IN CONVENTION

The President of the Senate, Charles P. Pray, in the Chair.

The Convention was called to order by the Chairman.

The CHAIRMAN: The Chair recognizes the Representative Carter of Winslow.

Representative CARTER: Mr. President, I nominate Rodney L. Scribner of Augusta for the office of Auditor of the State of Maine for the political years 1987 and 1988.

It is indeed a pleasure for me to make this nomination of a person that I believe is extremely well qualified to hold this position.

I have had the pleasure of knowing Rod Scribner since the 102nd Legislature when he served as Assistant Legislative Finance Officer. Since that time, he has held a multitude of positions within state government including that of State Auditor in 1977.

He has served in this body as a Representative, he has served on the Maine Management and Cost Survey Commission and he has served as the Finance Officer in the Department of Finance Administration for the past eight years.

It is indeed with a great deal of pleasure that I place the name of Rod Scribner before this august body for the position of State Auditor.

The CHAIRMAN: Representative Carter of Winslow nominates Rodney L. Scribner of Augusta for the Office of State Auditor of the State of Maine for the political years 1987 and 1988.

The CHAIRMAN: The Chair recognizes Senator Pearson of Penobscot.

Senator PEARSON: Mr. Chairman, Members of the Joint Convention: It makes me feel very good -- it

is like old times standing in the House behind the desk. I would like to second the nomination of Rodney L. Scribner for the position of State Auditor for the political years 1987 and 1988. I would like to join my colleague, Representative Carter, in advancing Rod Scribner's name for the consideration of this Convention.

There probably has not been, in my memory, anybody that has been any more capable for this particular position than the man that has been nominated by Representative Carter here today.

He has been a member of this body and understands the political process, has been the State Auditor, has been a Deputy Director of the U.S. Treasury in Washington, has worked in the financial office downstairs. There is probably nobody that has any better credentials than Rodney Scribner. If you are looking for somebody who is capable, he is the man. But if you are looking for somebody who is also honest and a real decent person, he is also equally fine in that category.

It is with a great deal of pride that I second the nomination of Rodney Scribner.

The CHAIRMAN: The Chair recognizes Representative Parent of Benton.

Representative PARENT: Mr. Chairman, I nominate James Nicholson of China for the Office of State Auditor of the State of Maine for the political years 1987 and 1988.

Members of the Convention: Mr. Nicholson is a graduate of the University of Maryland. He received his CPA designation in 1975. He is a former member of the international accounting firm of Coopers & Lybrand in Washington, D.C.

He was the Assistant Controller of Depositors Corporation, now known as Key Bank.

Today, he has operated his own accounting firm in Waterville since 1980. He is on the Board of Directors of Mid-Maine Chamber of Commerce. He was the past president and treasurer of Maine United Way. His training, education and experience make him exceptionally well qualified to perform the duties of this office; thus, it is with enthusiasm and with a firm belief in his competence that I place the name of James Nicholson before this Convention for the Office of State Auditor.

The CHAIRMAN: Representative Parent of Benton has nominated James Nicholson of China for the Office of Auditor of the State of Maine for the political years 1987 and 1988.

The CHAIRMAN: The Chair recognizes the Senator from Knox, Senator Brawn.

Senator BRAWN: Mr. Chairman, Members of the Joint Convention: I am glad to stand and second the nomination of James Nicholson of China for State Auditor. I have known and worked with Jim and I concur with the fine comments rendered by Representative Parent of Benton.

Therefore, I am pleased to second the nomination of James Nicholson as State Auditor.

The CHAIRMAN: The Chair recognizes the Senator from York, Senator Dutremble.

Senator DUTREMBLE: Mr. Chairman, I move that nominations cease.

The CHAIRMAN: Is it the pleasure of the Convention that nominations cease?

It is a vote.

The nominees are Rodney L. Scribner of Augusta and James Nicholson of China for the Office of State Auditor for the political years 1987 and 1988.

On motion of Senator CLARK of Cumberland, it was

ORDERED a committee be appointed to receive, sort and count votes for the Office of State Auditor of the State of Maine for the political years 1987 and 1988.

The Chair appointed:

Senators: PEARSON of Penobscot  
BRAWN of Knox  
BERUBE of Androscoggin  
Representatives: CARTER of Winslow  
PARENT of Benton  
CHONKO of Topsham  
FOSTER of Ellsworth

The CHAIRMAN: The members will form in the center aisle and cast their ballots for the two nominees. To supervise the procedures, the Sergeant-at-Arms will have two ballots to give each individual voter.

At this point, the Chair recognized in the rear of the House Chamber, State Auditor, Robert Norton. The Chair wished him the best, congratulated him and thanked him for his dedication to public service to the people of the State of Maine.

Having attended to the duties assigned to the Committee to receive, sort and cast votes, the Chair announced the votes as follows:

Total number of votes cast	173
Necessary for a choice	87
Rodney L. Scribner had	102
James Nicholson had	71

The Chairman declared that Rodney L. Scribner of Augusta duly elected State Auditor for the political years 1987 and 1988 for the State of Maine.

On motion of Senator DUTREMBLE of York, it was ORDERED, that the Secretary notify Rodney L. Scribner of Augusta of his election as State Auditor effective March 27, 1987.

Was Read and Passed.

On motion of Senator CLARK of Cumberland, it was ORDERED, that the Secretary inform the Governor of the State of Maine, John R. McKernan, Jr. of the election of Rodney L. Scribner of Augusta as State Auditor effective March 27, 1987.

Was Read and Passed.

The purpose for which the Joint Convention was assembled having been accomplished, the Chair declared the same dissolved.

The Senate then retired to its Chamber amid the applause of the House, the members rising.

IN THE HOUSE

The House was called to order by the Speaker.

(Off Record Remarks)

On motion of Representative Allen of Washington, Adjourned until Tuesday, February 17, 1987, at ten o'clock in the morning pursuant to Joint Order in memory of John P. Theriault.

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

In Senate Chamber  
Wednesday  
February 11, 1987

Senate called to Order by the President.

Prayer by Reverend William Stone of the Calvary Baptist Church in Newport.

REVEREND STONE: We thank the Almighty God for the rich heritage of this good State and for the evidences of Thy favor in the past, for the hand that hath made and preserved us as a nation. We thank Thee for the men and women, who by blood and sweat, toil and tears, forced on the anvil of their sacrifice all that we hold dear. May we never lightly esteem what they obtained at a great price. Grateful for rights and privileges, may we be conscious of duties and obligations. We thank Thee for the inspiration that breathes in the memory of Abraham Lincoln and we pray that something of the spirit that was His may be ours today. Like Him, may we be more concerned that we are on the right side and that Thou art on ours. In our hearts may there be, as there was in His, malice toward none and charity for all. Give to the people of Maine and to their leaders the old fashion simplicity of faith, the old fashion honesty, the old fashion love of country that sought to give rather than to get. We ask Thee not for tasks more suited to our strength, but for strength more suited to our tasks. May we so live that the sacrifices that have been made for our liberty shall not have been in vain. Now, today, we pray for the business of this day and for this Senate, Thy guidance and direction and blessing through our Saviour's name. Amen.

Reading of the Journal of Yesterday.

Out of order and under suspension of the Rules, on motion by Senator CLARK of Cumberland, the following Joint Order:

S.P. 133

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, February 17, 1987, at 10 o'clock in the morning.

Which was READ and PASSED.

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

Out of order and under suspension of the Rules, on motion by Senator CLARK of Cumberland, the following Senate Order:

ORDERED, that a message be sent to the House of Representatives proposing a Convention of the two Branches of the Legislature in the Hall of the House at 10:30, for the purpose of electing a State Auditor to fill a vacancy, effective March 27, 1987.

Which was READ and PASSED.

The Chair appointed the Senator from Cumberland, Senator CLARK, to deliver the message. The Sergeant-At-Arms escorted the Senator to the House of Representatives.

Subsequently, Senator CLARK of Cumberland reported she had delivered the message with which she was charged.