

# 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

On motion by Senator CLARK of Cumberland, the Senate RECEDED and CONCURRED.

The Chair laid before the Senate the Tabled and Later Today Assigned matter:

Bill "An Act Concerning the Liability for Damages of Persons Operating a Truck with an Uncovered Load"  
H.P. 302 L.D. 388

Tabled - February 19, 1987, by Senator CLARK of Cumberland.

Pending - REFERENCE

(In House, February 18, 1987, referred to the Committee on TRANSPORTATION and ORDERED PRINTED.)

On motion by Senator CLARK of Cumberland, referred to the Committee on BANKING AND INSURANCE and ORDERED PRINTED in NON-CONCURRENCE.

Sent down for concurrence.

Senator KANY of Kennebec was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

On motion by Senator ERWIN of Oxford, ADJOURNED until Friday, February 20, 1987, at 9:00 in the morning.

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE  
FIRST REGULAR SESSION  
20th Legislative Day  
Friday, February 20, 1987

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

Prayer by Reverend James Lufkin, Woodland Baptist Church.

The Journal of Thursday, February 19, 1987, was read and approved.

Quorum call was held.

SENATE PAPERS

The following Joint Resolution: (S.P. 157)

JOINT RESOLUTION MEMORIALIZING  
THE 100TH CONGRESS OF THE UNITED STATES  
TO PROMPTLY ENACT ENABLING LEGISLATION

TO CONTINUE THE FEDERAL-AID HIGHWAY PROGRAM

WE, your Memorialists, the Senate and House of Representatives of the State of Maine in the First Regular Session of the One Hundred and Thirteenth Legislative Session, now assembled, most respectfully present and petition the Congress of the United States, as follows:

WHEREAS, the 99th Congress adjourned without reauthorizing the Federal-aid Highway Program with the result that the program ran out of money on September 30, 1986; and

WHEREAS, on December 31, 1986, the State of Maine exhausted its consolidated primary, secondary, urban system and bridge funds; and

WHEREAS, the State cannot undertake essential new federally assisted contracts without assurance that the 100th Congress will promptly enact reauthorization legislation; and

WHEREAS, prompt action is vitally necessary to prevent loss of the entire 1987 construction season in Maine; now, therefore, be it

RESOLVED: That we, your Memorialists, do hereby respectfully urge the members of the 100th Congress of the United States to reauthorize the Federal-aid Highway Act at the earliest possible time, by reaffirming areas of agreement between House and Senate conferees, which were reached in the closing hours of the 99th Congress, as a starting point, and by setting aside for separate consideration those issues in contention that prevented passage of this vitally important legislation in 1986; and be it further

RESOLVED: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the President of the Senate and the Speaker of the House of Representatives in the Congress of the United States and to each Member of the Maine Congressional Delegation.

Came from the Senate, read and adopted. W  
as read and adopted in concurrence.

Bill "An Act Providing Additional Higher Education Opportunities for Maine Students" (S.P. 143) (L.D. 397)

Bill "An Act Providing Funds for Training and Education for Families of Victims of Alzheimer's Disease" (S.P. 151) (L.D. 405)

Bill "An Act to Provide for Elderly Mental Health Services Specialists" (S.P. 152) (L.D. 406)

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 Amend the Law Regarding the Organization and Management of Stock Institutions" (S.P. 142) (L.D. 396)

Bill "An Act to Continue Insurance Coverage for Mental Health, Alcohol and Substance Abuse Treatment Services for Maine Citizens" (S.P. 150) (L.D. 404)

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 to Validate and Approve Certain Proceedings Relating to the Otis-Mariaville Union School" (Emergency) (S.P. 140) (L.D. 394)

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 an Independent Determination of the Fitness of an Applicant to Provide Long-term Care Services" (S.P. 148) (L.D. 402)

Bill "An Act to Establish an Alternative to the Certificate of Need Process to Address the Needs of Medicaid Patients in Need of Nursing Home Care" (S.P. 147) (L.D. 401)

Bill "An Act to Require Greater Specificity in the Annual Reports of the Maine Health Care Finance Commission" (S.P. 145) (L.D. 399)

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

Were referred to the Committee on Human Resources in concurrence.

Bill "An Act to Measure Mileage Payments to Jurors" (S.P. 144) (L.D. 398)

Bill "An Act to Clarify Municipal Liability for Certain Vehicular Accidents" (S.P. 141) (L.D. 395)

RESOLVE, to Establish a Commission to Study Treatment Protocol for Severely Incompetent Patients (Emergency) (S.P. 154) (L.D. 451)

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 Relating to Taking of Shad in Addison and Columbia Falls" (Emergency) (S.P. 155) (L.D. 452)

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

Was referred to the Committee on Marine Resources in concurrence.

Bill "An Act to Establish a Commemorative Day in Honor of Samantha Smith" (S.P. 149) (L.D. 403)

Bill "An Act to Amend the Laws Relating to Community Living Arrangements" (S.P. 153) (L.D. 450)

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.

RESOLVE, to Permit Lucille A. Clavette, Personal Representative of the Estate of Richard J. Clavette, to Sue the State for Wrongful Death (S.P. 156) (L.D. 453)

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 Legal Affairs in non-concurrence and sent up for concurrence.

Bill "An Act to Authorize Issuance of Special License Plates for use by Active Members of the Maine National Guard" (S.P. 146) (L.D. 400)

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

Was referred to the Committee on Transportation in concurrence.

Non-Concurrent Matter

Bill "An Act to Increase the State's Share of Education Costs" (H.P. 272) (L.D. 355) which was referred to the Committee on Appropriations and Financial Affairs in the House on February 17, 1987.

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

The House voted to recede and concur.

Non-Concurrent Matter

LATER TODAY ASSIGNED

Bill "An Act Concerning the Liability for Damages of Persons Operating a Truck with an Uncovered Load" (H.P. 302) (L.D. 388) which was referred to the Committee on Transportation in the House on February 18, 1987.

Came from the Senate referred to the Committee on Banking and Insurance in non-concurrence.

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

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:

Aging, Retirement and Veterans

Bill "An Act to Extend Certain Privileges to Disabled American Veterans" (H.P. 367) (L.D. 481) (Presented by Representative TRACY of Rome) (Cosponsors: Senator KANY of Kennebec, Representatives HICKEY of Augusta and NUTTING of Leeds)

Ordered Printed.

Sent up for Concurrence.

Agriculture

Bill "An Act to Strengthen the Efforts of the Maine Potato Industry and the Responsibility of the Maine Potato Board to Improve the Quality of Maine Tablestock Potatoes" (H.P. 360) (L.D. 474) (Presented by Representative LISNIK of Presque Isle) (Cosponsors: Speaker MARTIN of Eagle Lake, Representative TARDY of Palmyra and Senator COLLINS of Aroostook) Ordered Printed.

Sent up for Concurrence.

Appropriations and Financial Affairs

Bill "An Act to Provide Funding for Repairs at Montpelier" (H.P. 369) (L.D. 483) (Presented by Representative MAYO of Thomaston) (Cosponsors:

Representatives MILLS of Bethel, MELENDY of Rockland and Senator BRAUN of Knox)  
 Ordered Printed.  
 Sent up for Concurrence.

Banking and Insurance

Bill "An Act to Amend Provisions of the Maine Insurance Code Dealing with Capital and Surplus Requirements of Insurers" (H.P. 359) (L.D. 462) (Presented by Representative BAILEY of Farmington) (Cosponsor: Representative ARMSTRONG of Wilton)  
 Ordered Printed.  
 Sent up for Concurrence.

Education

Bill "An Act to Validate and Approve the School Construction Proceedings of Maine School Administrative District No. 42" (Emergency) (H.P. 365) (L.D. 479) (Presented by Representative MAHANY of Easton) (Cosponsors: Senator LUDWIG of Aroostook and Representative MacBRIDE of Presque Isle)  
 Ordered Printed.  
 Sent up for Concurrence.

Energy and Natural Resources

Bill "An Act to Require Certified Proof of Marketable Title to Land in a Proposed Subdivision Prior to Subdivision Approval" (H.P. 363) (L.D. 477) (Presented by Representative HARPER of Lincoln) (Cosponsors: Representative HICHBORN of LaGrange and Senator PEARSON of Penobscot)  
 Bill "An Act Concerning Inspection, Registration and Abandonment of Dams" (H.P. 370) (L.D. 484) (Presented by Representative NUTTING of Leeds) (Cosponsors: Representatives TRACY of Rome, RUHLIN of Brewer and Senator KANY of Kennebec)  
 Ordered Printed.  
 Sent up for Concurrence.

Fisheries and Wildlife

Bill "An Act to Provide for a Special Moose Hunting Lottery for Certain Senior Citizens" (H.P. 366) (L.D. 480) (Presented by Representative STROUT of Corinth) (Cosponsors: Representatives HUSSEY of Milo, SMITH of Island Falls and ERWIN of Rumford)  
 Ordered Printed.  
 Sent up for Concurrence.

Judiciary

Bill "An Act to Recognize Foreign Adoption Decrees" (H.P. 356) (L.D. 459) (Presented by Representative FOSTER of Ellsworth)  
 Ordered Printed.  
 Sent up for Concurrence.

Labor

Bill "An Act Relating to Suitable Work Transfers Under the Workers' Compensation Act" (H.P. 351) (L.D. 454) (Presented by Representative WILLEY of Hampden)  
 Ordered Printed.  
 Sent up for Concurrence.

Legal Affairs

Bill "An Act to Require Candidates for Political Office to be Residents of the District and Enrolled in the Party which they seek to Represent by January

1st, Prior to the General Election" (H.P. 352) (L.D. 455) (Presented by Representative VOSE of Eastport)

Bill "An Act to Require Voters to Register at Least 7 Days Prior to Elections" (H.P. 357) (L.D. 460) (Presented by Representative BEGLEY of Waldoboro) (Cosponsor: Representative CURRAN of Westbrook)

RESOLVE, Authorizing Dorothy Gammon to Bring Civil Action Against the State and Cumberland County (H.P. 355) (L.D. 458) (Presented by Representative MANNING of Portland)  
 Ordered Printed.  
 Sent up for Concurrence.

Marine Resources

Bill "An Act Regarding the 2-Inch Clam Law" (H.P. 353) (L.D. 456) (Presented by Representative WARREN of Scarborough) (Cosponsors: Senator KERRY of York and Representative HIGGINS of Scarborough)  
 Ordered Printed.  
 Sent up for Concurrence.

State and Local Government

Bill "An Act Concerning Delinquent Dog Licenses" (H.P. 354) (L.D. 457) (Presented by Representative RACINE of Biddeford) (Cosponsors: Senator BLACK of Cumberland and Representative KIMBALL of Buxton)  
 Bill "An Act to Name the Finback Whale as the State Marine Mammal" (H.P. 368) (L.D. 482) (Presented by Representative ZIRNKILTON of Mt. Desert) (Cosponsor: Representative SALSBURY of Bar Harbor) (By Request)  
 Ordered Printed.  
 Sent up for Concurrence.

Taxation

Bill "An Act to Exempt Nonprofit Organizations on Federal Military Installations from Sales Tax" (H.P. 362) (L.D. 476) (Presented by Representative PINES of Limestone) (Cosponsors: Senator CAHILL of Sagadahoc, Representatives SEAVEY of Kennebunkport and ERWIN of Rumford)  
 Ordered Printed.  
 Sent up for Concurrence.

Transportation

Bill "An Act to Provide Special License Plates and Decals for People with Hearing Impairments" (H.P. 364) (L.D. 478) (Presented by Representative MITCHELL of Freeport) (Cosponsors: Representatives GURNEY of Portland and BOUTILIER of Lewiston)  
 Ordered Printed.  
 Sent up for Concurrence.

Utilities

Bill "An Act to Establish a Universal Telephone Service Program" (H.P. 358) (L.D. 461) (Presented by Representative BAKER of Portland) (Cosponsor: Representative HOLT of Bath)  
 Bill "An Act Concerning the Sale of Cable Television Services to Organizations" (H.P. 361) (L.D. 475) (Presented by Representative RACINE of Biddeford) (Cosponsors: Representatives SHELTRA of Biddeford, JACQUES of Waterville and Senator DUTREMBLE of York)  
 Ordered Printed.  
 Sent up for Concurrence.

Reported Pursuant to the Statutes

Representative BOST for the Joint Select Committee for Learning Disabled Children, pursuant to Resolve 1985, chapter 43 ask leave to submit its findings and report that the accompanying Bill "An Act to Implement the Recommendations of the Joint Select Committee for Learning Disabled Children" (H.P. 350) (L.D. 449) be referred to the Joint Standing Committee on Education for Public Hearing and printed pursuant to Joint Rule 18.

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

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative ANTHONY from the Committee on State and Local Government on Bill "An Act to Specify How the Authority of Washington County Commissioners may be Exercised" (H.P. 16) (L.D. 15) reporting "Ought Not to Pass"

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

Passed to be Engrossed

As Amended

Bill "An Act Amending the Excise Tax Law as it Relates to Telephone Company Motor Vehicles" (Emergency) (H.P. 199) (L.D. 251)

Was reported by the Committee on Bills in the Second Reading and read the second time.

Representative Cashman of Old Town offered House Amendment "A" (H-3) and moved its adoption.

House Amendment "A" (H-3) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" and sent up for concurrence.

The Chair laid before the House the following matter: Bill "An Act Concerning the Liability for Damages of Persons Operating a Truck with an Uncovered Load" (H.P. 302) (L.D. 388) which was tabled earlier in the day and later today assigned pending further consideration.

(Was referred to the Committee on Transportation in the House on February 18, 1987.)

(Comes from the Senate referred to the Committee on Banking and Insurance in non-concurrence.)

The House voted to recede and concur.

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

SENATE PAPER

Non-Concurrent Matter

Bill "An Act to Clarify the Authority of the Executive Department with Respect to Unclassified Employees" (Emergency) (H.P. 307) (L.D. 393) which was passed to be engrossed in the House on February 18, 1987.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-2) in non-concurrence.

The House voted to recede and concur.

By unanimous consent, ordered sent forthwith to Engrossing.

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

PASSED TO BE ENACTED  
Emergency Measure

An Act to Clarify the Authority of the Executive Department with Respect to Unclassified Employees (H.P. 307) (L.D. 393) (S. "A" S-2)

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. 119 voted in favor and none against, 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)

On motion of Representative Paradis of Frenchville,

Adjourned until Monday, February 23, 1987, at ten o'clock in the morning.