

# 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  
 21st Legislative Day  
 Monday, February 23, 1987

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

Prayer by Father Gilbert Patenaude, St. Francis Catholic Church, Winthrop.

National Anthem by Rockland District High School Band.

The Journal of Friday, February 20, 1987, was read and approved.

Quorum call was held.

SENATE PAPERS

The following Joint Resolution: (S.P. 158)

JOINT RESOLUTION IN RECOGNITION OF THE BICENTENNIAL ANNIVERSARY OF THE TOWN OF WATERBORO

WHEREAS, it is not a nation's wealth in gold or silver that constitutes its finest asset, but its pioneers like John Smith and several others, who wrestled successfully with the land and aided others in doing the same at the birth of our constitutional government; and

WHEREAS, the march to wealth and greatness of the Nation began in communities like Massabesic Plantation, in 1764 under the proprietorship of Colonel Joshua Waters, to the echo of the woodman's axe along the Pequaket Trail, as lumbering became its chief industry; and

WHEREAS, from Old Corner to the heights of Ossipee Mountain, a beautiful rural town was shaped in the wilderness and incorporated as "Waterborough" on March 6, 1787, an historic year for the town and the Nation; and

WHEREAS, typical of the courage, vision and tenacity of that community an enterprising farmer, Captain Josiah Swett, built a 57-ton schooner "Waterborough," high on the east side of Ossipee Mountain and with 50 yoke of oxen drew her on sleds to the sea in the winter of 1820; and

WHEREAS, a people who can build a town such as Waterboro, can tame and comb it, can lift its resources into forms to fill human needs; a people building such a town and a state we're proud to live in are the really rich possessions of this Nation; now, therefore, be it

RESOLVED: That We, the Members of the Senate and House of Representatives of this the 113th Legislature of the great and sovereign State of Maine, now assembled in regular session, take this opportunity to unite with citizens from across the State and Nation to congratulate the Town of Waterboro on its 200th anniversary and offer our continual support and encouragement for the future; and be it further

RESOLVED: That a copy of this resolution be transmitted forthwith to the proud citizens of Waterboro in honor of this special occasion.

Came from the Senate, read and adopted.

Was read and adopted in concurrence.

Bill "An Act to Extend the Life of the Advisory Committee on Staff Retention" (S.P. 162) (L.D. 466)

Bill "An Act to Expand the Medicaid Dental Program to Include Adults" (S.P. 163) (L.D. 467)

Bill "An Act to Continue Support Services at Augusta Mental Health Institute and Bangor Mental Health Institute" (S.P. 165) (L.D. 469)

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 Making Changes to the Dietitian Registration Act" (S.P. 169) (L.D. 473)

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

Was referred to the Committee on Business Legislation in concurrence.

Later Today Assigned

Bill "An Act to Provide Disaster Assistance for Home Mortgageors" (S.P. 168) (L.D. 472)

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

Was referred to the Committee on Economic Development in concurrence.

On motion of Representative Carter of Winslow, the House reconsidered its action whereby L. D. 472 was referred to the Committee on Economic Development in concurrence.

On further motion of the same Representative, tabled pending reference in concurrence and later today assigned.

Bill "An Act to Provide Qualified Nursing Assistant Services" (S.P. 160) (L.D. 464)

Bill "An Act to Amend the Definition of Eligibility under the Elderly Low-cost Drug Program" (S.P. 161) (L.D. 465)

Bill "An Act to Establish Hospital and Nursing Home Policies for Staff and Practice Privileges" (S.P. 164) (L.D. 468)

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 Allow Financial Solicitation by State Troopers" (S.P. 159) (L.D. 463)

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

Was referred to the Committee on Legal Affairs in concurrence.

Bill "An Act to Provide for District Elections in Piscataquis County" (S.P. 166) (L.D. 470)

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

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

RESOLVE, to Establish a Commission to Study the Feasibility of Constructing a 4-lane Highway from Interstate 95 to the St. John Valley (S.P. 167) (L.D. 471)

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

Was referred to the Committee on Transportation in concurrence.

Unanimous Leave to Withdraw

Report of the Committee on Labor reporting "Leave to Withdraw" on Bill "An Act to Clarify and Amend the Minimum Wage with Regard to Agriculture" (S.P. 24) (L.D. 14)

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

Non-Concurrent Matter

Bill "An Act to Provide Wildlife Education for Secondary Students" (Emergency) (H.P. 320) (L.D. 419) which was referred to the Committee on Fisheries and Wildlife in the House on February 19, 1987.

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

On motion of Representative Jacques of Waterville, the House voted to insist.

Non-Concurrent Matter

Later Today Assigned

Bill "An Act to Enable the Department of Transportation to Produce the State Map" (H.P. 337) (L.D. 436) which was referred to the Committee on Transportation in the House on February 19, 1987.

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

On motion of Representative Gwadsky of Fairfield, tabled pending further consideration and later today assigned.

COMMUNICATIONS

The following Communication:

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

February 18, 1987

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

This is to notify you that pursuant to my authority under Chapter 309 of the Public Laws of 1985, I have today reappointed the following House members to serve on the Advisory Commission on Radioactive Waste:

Rep. James Mitchell, Freeport  
Rep. James Reed Coles, Harpswell  
Rep. Muriel Holloway, Edgecomb

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

Was read and ordered placed on file.

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 Making Allocations Related to the Alcoholism Prevention, Education, Treatment and Research Fund for the Expenditures of State Government for the Fiscal Years Ending June 30, 1988, and June 30, 1989" (Emergency) (H.P. 371) (L.D. 492) (Presented by Representative FOSTER of Ellsworth) (Cosponsor: Senator BERUBE of Androscoggin)

Bill "An Act to Fund the Reconstruction of the Entrance to the Maine State Cultural Building" (Emergency) (H.P. 372) (L.D. 493) (Presented by

Representative FOSTER of Ellsworth) (Cosponsor: Representative FOSS of Yarmouth)

Bill "An Act to Make Allocations from the Transportation Safety Fund for the Fiscal Years Ending June 30, 1988, and June 30, 1989" (Emergency) (H.P. 373) (L.D. 494) (Presented by Representative STROUT of Corinth) (Cosponsor: Senator THERIAULT of Aroostook)

Bill "An Act Making Additional Allocations for the Administrative Expenses of the Department of Finance, Bureau of Lottery, for the Fiscal Year Ending June 30, 1987" (Emergency) (H.P. 381) (L.D. 502) (Presented by Representative HIGGINS of Scarborough) (Cosponsor: Representative CHONKO of Topsham)

Ordered Printed.  
Sent up for Concurrence.

Banking and Insurance

Bill "An Act to Regulate Continuing Care Retirement Communities" (H.P. 379) (L.D. 500) (Presented by Representative CLARK of Brunswick) (Cosponsors: Senator CLARK of Cumberland, Representatives MELENDY of Rockland and MANNING of Portland)

Ordered Printed.  
Sent up for Concurrence.

Business Legislation

Bill "An Act to Establish the Uniform Trade Secrets Act" (H.P. 378) (L.D. 499) (Presented by Representative MANNING of Portland) (Cosponsors: Representatives GURNEY of Portland, FOSS of Yarmouth and Senator BRANNIGAN of Cumberland)

Ordered Printed.  
Sent up for Concurrence.

Education

Bill "An Act Authorizing the Portland School of Art to Confer a Master of Fine Art Degree" (H.P. 374) (L.D. 495) (Presented by Representative WEBSTER of Cape Elizabeth) (Cosponsors: Senators CLARK of Cumberland, CAHILL of Sagadahoc and Representative O'GARA of Westbrook)

Bill "An Act to Permit Certain Young People to Obtain a High School Equivalency Certificate at a Younger Age" (H.P. 380) (L.D. 501) (Presented by Representative ANTHONY of South Portland) (Cosponsors: Senator KANY of Kennebec, Representatives CURRAN of Westbrook and O'GARA of Westbrook)

Ordered Printed.  
Sent up for Concurrence.

State and Local Government

Bill "An Act to Establish Maine Merchant Marine Day" (H.P. 375) (L.D. 496) (Presented by Representative VOSE of Eastport) (Cosponsors: Representative SCARPINO of St. George and Senator CLARK of Cumberland)

Bill "An Act to Require Reimbursement to the Counties when County Funds are Expended" (H.P. 377) (L.D. 498) (Presented by Representative ROTONDI of Athens) (Cosponsors: Representatives HOGLUND of Portland, RAND of Portland and Senator BUSTIN of Kennebec)

Ordered Printed.  
Sent up for Concurrence.

Transportation

Bill "An Act to Reconstruct the Toll Bridge Between Perry and Eastport" (H.P. 376) (L.D. 497) (Presented by Representative VOSE of Eastport) (Cosponsors: Representatives NORTON of Winthrop, HOLLOWAY of Edgecomb and MATTHEWS of Caribou)

Ordered Printed.  
Sent up for Concurrence.

Reported Pursuant to the Statutes

Representative ROLDE from the Committee on Audit and Program Review, pursuant to the Maine Revised Statutes Annotated, Title 3, Section 501 ask leave to submit its findings and report that the accompanying Bill "An Act Relating to the Social Worker License Renewal Fees" (Emergency) (H.P. 382) (L.D. 504) be referred to the Joint Standing Committee on Business Legislation for Public Hearing and printed pursuant to Joint Rule 18.

Report was read and accepted, and the bill referred to the Committee on Business Legislation, ordered printed and 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 Recodification of Title 30, Maine Revised Statutes Annotated 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 Home Rule Authority of Municipalities" (Emergency) (H.P. 384) (L.D. 506) 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.

ORDERS

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

ORDERED, that Representative Philip C. Jackson of Harrison be excused February 23, 24, and 25 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Peter Manning of Portland be excused February 20 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Harlan Baker of Portland be excused February 20 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Cushman Anthony of South Portland be excused February 20 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Eugene J. Paradis of Old Town be excused February 25, 26, and 27 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Daniel Warren of Scarborough be excused February 23, 24, and 25 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Harriet Ketover of Portland be excused February 17 for the duration of her illness.

AND BE IT FURTHER ORDERED, that Representative Wesley Farnum of South Berwick be excused February 18 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Susan J. Pines of Limestone be excused February 20 for legislative business.

Was read and passed.

REPORTS OF COMMITTEES

Unanimous Leave to Withdraw

Representative TARDY from the Committee on Agriculture on Bill "An Act to Increase State Revenues by Providing Expanded Opportunities for Harness Racing within the State" (H.P. 205) (L.D. 257) reporting "Leave to Withdraw"

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

Ought to Pass

Pursuant to Joint Order (H.P. 23)

Representative CARROLL from the Committee on State and Local Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Oxford County for the Year 1987 (Emergency) (H.P. 383) (L.D. 505) reporting "Ought to Pass" - Pursuant to Joint Order (H.P. 23)

Report was read and accepted, the Resolve read once and assigned for second reading Tuesday, February 24, 1987.

PASSED TO BE ENACTED

Emergency Measure

RESOLVE, to Provide for a Commemorative Bicentennial Motor Vehicle License Plate to Celebrate the Bicentennial of the Town of Waterboro (H.P. 27) (L.D. 24)

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. 128 voted in favor of the same and none against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Increase the Compensation of Mediators under the Municipal Public Employees Labor Relations Act (H.P. 61) (L.D. 64) (H. "A" H-2)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

(At this point, the Speaker excused Representative Clark of Brunswick from voting pursuant to House Rule 10 and Joint Rule 19.)

PASSED TO BE ENACTED

An Act Relating to the Maine Veterans' Homes (H.P. 65) (L.D. 68)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

ORDERS OF THE DAY

HELD BILL

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

- In Senate, Referred to the Committee on Banking and Insurance in non-concurrence.

- In House, Referred to the Committee on Banking and Insurance in concurrence.

HELD at the request of Representative MOHOLLAND of Princeton.

On motion of Representative Moholland of Princeton, the House reconsidered its action whereby L. D. 388 was referred to the Committee on Banking and Insurance in concurrence.

On further motion of the same Representative, the House voted to insist.

The Chair laid before the House the following matter: Bill "An Act to Provide Disaster Assistance for Home Mortgagors" (S.P. 168) (L.D. 472) which was tabled earlier in the day and later today assigned pending reference in concurrence.

(Comes from the Senate, referred to the Committee on Economic Development and Ordered Printed.)

On motion of Representative Carter of Winslow, tabled pending reference in concurrence and specially assigned for Tuesday, February 24, 1987.

The Chair laid before the House the following matter: Bill "An Act to Enable the Department of Transportation to Produce the State Map" (H.P. 337) (L.D. 436) which was tabled earlier in the day and later today assigned pending further consideration.

(Referred to the Committee on Transportation in the House on February 19, 1987.)

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

On motion of Representative Diamond of Bangor, tabled pending further consideration and specially assigned for Tuesday, February 24, 1987.

(Off Record Remarks)

On motion of Representative Lord of Waterboro, Adjourned until Tuesday, February 24, 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 23, 1987

Senate called to Order by the President.

Prayer by Reverend Robert Hargreaves of St. Marks Episcopal Church in Augusta.

REVEREND HARGREAVES: Let us pray. Oh God, Creator of the universe, by Whose spirit we live and move each day. We thank You for giving each of us life and for calling us to serve You as we serve Your people in this State of Maine. Send Your blessing, we pray, on the Members of this Senate. Give them openness to listen to one another and to all those with whom they come into contact. That they may hear and recognize the truth from whatever source it comes. Grant them wisdom as they make decisions, that what they do may issue in the welfare of the people of this State and may fulfill Your purpose in life. In all things, may they know how much You love them and may they share that great love and compassion with all people. All these things, we ask in the sake of Your Son, Jesus Christ, who wore our flesh like a king's robe, who walked the ways of earth like a conqueror in triumph, yet in lowly humble service. Whose name we give You glory, this day and forever more. Amen.

Reading of the Journal of Friday, February 20, 1987.

PAPERS FROM THE HOUSE  
Non-concurrent Matter

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

In Senate, February 19, 1987, referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED.

Comes from the House referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED in NON-CONCURRENCE. The Senate RECEDED and CONCURRED.

House Papers

Bill "An Act to Extend Certain Privileges to Disabled American Veterans"

H.P. 367 L.D. 481

Comes from the House referred to the Committee on AGING, RETIREMENT AND VETERANS and ORDERED PRINTED.

Which was referred to the Committee on AGING, RETIREMENT AND VETERANS and ORDERED PRINTED, in concurrence.

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

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.