

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
25th Legislative Day
Tuesday, March 3, 1987**

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

Prayer by Reverend Lewis Beckford, Washington Avenue United Methodist Church, Portland.

The Journal of Monday, March 2, 1987, was read and approved.

Quorum call was held.

SENATE PAPERS

The following Joint Resolution: (S.P. 207)

JOINT RESOLUTION IN HONOR OF THE BICENTENNIAL OF THE TOWN OF PENOBSCOT

WHEREAS, at the head of a big tidal salt bay the first town on the east bank of the Bagaduce River was incorporated on February 23, 1787; and

WHEREAS, this town known to the Abnaki Nation as Pentagoet or Penops (Rocky) and Auke (place) was the only town in Hancock County whose name is Indian in origin and was taken from the river and bay upon which it is located; and

WHEREAS, the incorporation of the Town of Penobscot ushered in the 49th town amid the gigantic roar of a new nation which was announcing the birth of its constitution; and

WHEREAS, the proud residents of the Town of Penobscot have a rich legacy which past cultures have bequeathed to them a legacy to be maintained, shared and celebrated for generations to come; now, therefore, be it

RESOLVED: That we the members of the 113th Legislature of the great and sovereign State of Maine take this opportunity to extend our congratulations and best wishes to the citizens of Penobscot on their 200th anniversary of the town and offer this tribute, not only to a rich past, but to a bright and challenging future; and be it further

RESOLVED: That a suitable copy of this resolution be transmitted forthwith to the Penobscot town officials in celebration of this historic event and as a token of our continued support and encouragement.

Came from the Senate, read and adopted.

Was read and adopted in concurrence.

Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1988, and June 30, 1989" (Emergency) (S.P. 206) (L.D. 577)

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 to Provide Matching Energy Grants to Small Businesses, Municipalities and Nonprofit Organizations which Receive Public Funding" (S.P. 204) (L.D. 560)

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

(The Committee on Reference of Bills had suggested reference to the Committee on Energy and Natural Resources.)

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

Bill "An Act Creating the Maine Low-level Radioactive Waste Authority" (Emergency) (S.P. 205) (L.D. 561)

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 Exempt from Use Tax Tangible Personal Property Used in the Construction of Portable Classrooms for Lease to School Districts in Maine" (Emergency) (S.P. 209) (L.D. 580)

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

Was referred to the Committee on Taxation in concurrence.

Unanimous Ought Not To Pass

Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on Bill "An Act Relating to the Forfeiture of Unoccupied Interment Spaces" (S.P. 43) (L.D. 38)

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

Refer to the Committee on Audit and Program Review

Report of the Committee on Education on Bill "An Act to Provide Statutory Authority for Alcohol and Drug Education in Maine" (S.P. 89) (L.D. 210) reporting that it be referred to the Committee on Audit and Program Review.

Came from the Senate with the report read and accepted and the bill referred to the Committee on Audit and Program Review.

Report was read and accepted and the bill referred to the Committee on Audit and Program Review in concurrence.

COMMUNICATIONS

The following Communication:

STATE OF MAINE
DEPARTMENT OF FINANCE
BUREAU OF ACCOUNTS AND CONTROL
STATE HOUSE STATION 14
AUGUSTA, MAINE 04333

Governor Joseph E. Brennan
Members of the Legislature,
and other Citizens of Maine

In accordance with Title 5, Maine Revised Statutes Annotated, section 1547, the accompanying Financial Report of the State of Maine is submitted for the fiscal year ended June 30, 1986.

The first section of the report consists of the General Purpose Financial Statements for all funds reported in accordance with generally accepted accounting principles. Generally accepted accounting principles for the Governmental Funds uses the modified accrual basis of accounting. Revenues are recognized when they become measurable and available as current assets. Expenditures are generally recognized when the related fund liability is incurred. Exceptions to this general rule include accumulated unpaid vacation and sick leave and principal and interest on general long term debt which is recognized when due.

The second section is reported as it has been in the past, based upon the budgetary and legal

requirements. Please refer to Note 7 of the General Notes to the Financial Statements for the reconciliation of the fund balances between the two sections. Comparative budgetary data and statistical information have also been included in this report to promote a better understanding of the State's finances.

Questions and comments about this report or any phase of state finances are always welcome.

Sincerely,
s/Sandra J. Crockett
State Controller

Was read and with accompanying report ordered placed on file.

The following Communication:
DEPARTMENT OF ADMINISTRATION
February 26, 1987

The Honorable John L. Martin
Speaker of the House
State House
Augusta, Maine 04333
Dear Mr. Speaker:

I am transmitting herewith a report on asbestos management activities prepared by my office and the Labor Management Committee on Safety pursuant to P & S 140 (1986). The report provides an update on activities since our last report in October, 1986 and sets forth a program for the coming months.

The Joint Committee on Appropriations and Financial Affairs has reviewed the report and reported out a resolution adopting its recommendations. The resolution is presented in L.D. 376.

If there are any questions, please feel free to contact me or Henry Warren (x4509).

Sincerely,
s/Harvey E. DeVane
Commissioner

Was read and with accompanying report ordered placed on file.

The following Communication: (S.P. 208)
113th Maine Legislature
February 25, 1987

Senator Judy C. Kany
Representative Charles R. Priest
Chairpersons
Joint Standing Committee on Legal Affairs
113th Legislature
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated William L. Varney of Bangor for reappointment to the State Lottery Commission.

Pursuant to Title 8, M.R.S.A. Section 351, this nomination will require review by the Joint Standing Committee on Legal Affairs and confirmation by the Senate.

Sincerely,
s/Charles P. Pray
President of the Senate
s/John L. Martin
Speaker of the House

Came from the Senate, Read and Referred to the Committee on Legal Affairs.

Was Read and Referred to the Committee on Legal Affairs in concurrence.

The following Communication: (S.P. 210)
113th Maine Legislature

February 26, 1987

Senator John E. Baldacci
Representative Carol Allen
Chairpersons
Joint Standing Committee on Business Legislation
113th Legislature
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has today withdrawn the nomination of Hobart F. Harnden of South Portland for appointment as a member of the Maine Real Estate Commission.

Pursuant to Title 32, M.R.S.A. Section 4051-A, this nomination is currently pending before the Joint Standing Committee on Business Legislation.

Sincerely,
s/Charles P. Pray
President of the Senate
s/John L. Martin
Speaker of the House

Came from the Senate, Read and Referred to the Committee on Business Legislation.

Was Read and Referred to the Committee on Business Legislation in concurrence.

The following Communication: (S.P. 211)
113th Maine Legislature
February 26, 1987

Senator Zachary Matthews
Representative James Mitchell
Chairpersons
Joint Standing Committee on Marine Resources
113th Legislature
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has today withdrawn the nomination of Jeffrey H. Kaelin of Winterport for appointment as a member of the Marine Resources Advisory Council.

Pursuant to Title 12, M.R.S.A. Section 6024, this nomination is currently pending before the Joint Standing Committee on Marine Resources.

Sincerely,
s/Charles P. Pray
President of the Senate
s/John L. Martin
Speaker of the House

Came from the Senate, Read and Referred to the Committee on Marine Resources.

Was Read and Referred to the Committee on Marine Resources in concurrence.

The following Communication:
STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333
February 26, 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 Title 22 MRSA Section 5313, I have today appointed Rep. Donnell Carroll to serve as the House member on the Maine Human Services Council.

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 and Resolves 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:

Agriculture

Bill "An Act Relating to Agricultural Internship and Training" (H.P. 446) (L.D. 599) (Presented by Representative WHITCOMB of Waldo) (Cosponsors: Representative BICKFORD of Jay, Senators LUDWIG of Aroostook and ERWIN of Oxford)
Ordered Printed.
Sent up for Concurrence.

Appropriations and Financial Affairs

Bill "An Act to Provide Substance Abuse Prevention, Education and Treatment Services for County Jail Inmates and their Families" (H.P. 436) (L.D. 589) (Presented by Representative ROLDE of York)
RESOLVE, to appropriate \$5,000 for the Mother of the Year Program (H.P. 434) (L.D. 587) (Presented by Representative ROLDE of York)
RESOLVE, to Provide Funds to Mothers Against Drunk Driving (H.P. 442) (L.D. 595) (Presented by Representative ROLDE of York) (Cosponsors: Representatives THISTLE of Dover-Foxcroft and KETOVER of Portland)
Ordered Printed.
Sent up for Concurrence.

Energy and Natural Resources

Bill "An Act to Strengthen the Subdivision Laws" (H.P. 449) (L.D. 604) (Presented by Representative MURPHY of Berwick) (Cosponsors: Senator TUTTLE of York, Representatives ROLDE of York and WHITCOMB of Waldo)
Ordered Printed.
Sent up for Concurrence.

Fisheries and Wildlife

Bill "An Act to Amend the ATV Laws" (H.P. 441) (L.D. 594) (Presented by Representative MICHAUD of East Millinocket)
Bill "An Act Pertaining to the Sale of Bear" (H.P. 445) (L.D. 598) (Presented by Representative SMITH of Island Falls) (Cosponsor: Representative TAMMARO of Baileyville)
Bill "An Act to Prohibit the Hunting of Deer, Bear and Moose" (H.P. 448) (L.D. 603) (Presented by Representative SCARPINO of St. George) (By Request)
Ordered Printed.
Sent up for Concurrence.

Human Resources

Bill "An Act to Revise the Review Process of the Maine Health Care Finance Commission" (H.P. 435) (L.D. 588) (Presented by Representative ROLDE of York)
Bill "An Act to Exempt Gifts or Grants to Hospitals not in the Base Year" (H.P. 437) (L.D. 590) (Presented by Representative ROLDE of York)
Ordered Printed.
Sent up for Concurrence.

Judiciary

Bill "An Act to Enable Parents to be Emancipated from Parental or Guardian Responsibility" (H.P. 444) (L.D. 597) (Presented by Representative ROLDE of York)
Ordered Printed.
Sent up for Concurrence.

Legal Affairs

Bill "An Act to Amend the Local Liquor Option Referendum Questions" (H.P. 438) (L.D. 591) (Presented by Representative SCARPINO of St. George)
Bill "An Act Making it a Class C Crime to Cause Serious Bodily Injury while Operating under the Influence" (H.P. 447) (L.D. 600) (Presented by Representative HUSSEY of Milo) (Cosponsors: President PRAY of Penobscot and Representative GOULD of Greenville)
Ordered Printed.
Sent up for Concurrence.

State and Local Government

Bill "An Act to Include the Tacoma Lakes in the Valuation of the Cobbossee Watershed District" (H.P. 440) (L.D. 593) (Presented by Representative DAVIS of Monmouth) (Cosponsors: Senator DOW of Kennebec, Representatives WEYMOUTH of West Gardiner and NUTTING of Leeds) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)
Ordered Printed.
Sent up for Concurrence.

Taxation

Bill "An Act to Amend the Maine Tree Growth Tax Law" (H.P. 443) (L.D. 596) (Presented by Representative HICHBORN of LaGrange) (Cosponsors: Senators PEARSON of Penobscot, EMERSON of Penobscot and Representative CLARK of Millinocket)
Ordered Printed.
Sent up for Concurrence.

Transportation

Bill "An Act to Amend the Registration Laws Concerning Antique Motor Vehicles" (H.P. 439) (L.D. 592) (Presented by Representative HIGGINS of Scarborough) (Cosponsors: Representative McPHERSON of Eliot and Senator TWITCHELL of Oxford)
Ordered Printed.
Sent up for Concurrence.

REPORTS OF COMMITTEES

Ought to Pass in New Draft/New Title

Representative PARADIS from the Committee on Judiciary on Bill "An Act to Change Location for District Court Cases from Wayne to Livermore Falls" (H.P. 98) (L.D. 108) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Change the Location of District Court for the Municipality of Wayne to Augusta" (H.P. 451) (L.D. 606)
Report was read and accepted, the New Draft given its first reading and assigned for second reading Wednesday, March 4, 1987.

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 Sagadahoc County for the Year 1987 (Emergency) (H.P.

450) (L.D. 605) reporting "Ought to Pass" - Pursuant to Joint Order (H.P. 23)

Report was read and accepted, the bill read once and assigned for second reading Wednesday, March 4, 1987.

CONSENT CALENDAR

Second Day

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

(H.P. 158) (L.D. 199) Bill "An Act Regarding the Maine Land Use Regulation Commission" (Emergency)

No objections having been noted at the end of the Second Legislative Day, the House Paper was passed to be engrossed and sent up for concurrence.

(H.P. 183) (L.D. 227) Bill "An Act Relating to the Administrative Council of the University of Maine System"

On motion of Representative Brown of Gorham, was removed from Consent Calendar, Second Day.

Whereupon, the Committee Report was read and accepted, the Bill read once and assigned for second reading Wednesday, March 5, 1987.

(H.P. 45) (L.D. 48) Bill "An Act to Repeal the Requirement that Unemployment Tax Liens and Warrants be Filed in the Offices of Municipal Clerks"

(H.P. 46) (L.D. 49) Bill "An Act to Validate Certain Abstracts of Divorce Decrees" (C. "A" H-4)

(H.P. 289) (L.D. 374) Bill "An Act to Extend the Life of the 9-1-1 Study Commission" (Emergency) (C. "A" H-5)

(H.P. 62) (L.D. 65) Bill "An Act Relating to the Confidentiality of the Office of Employment Rehabilitation and Abuse Investigation Unit Files of the Workers' Compensation Commission" (Emergency) (C. "A" H-7)

(H.P. 117) (L.D. 142) Bill "An Act to Amend the Employment Security Law Regarding Full-time Students in the Employ of Organized Camps to Conform with the Federal Unemployment Tax Act" (C. "A" H-6)

No objections having been noted at the end of the Second Legislative Day, the House Papers were Passed to be Engrossed or Passed to be Engrossed as Amended and sent up for concurrence.

ORDERS OF THE DAY

TABLED AND TODAY ASSIGNED

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

HOUSE DIVIDED REPORT - Majority (12) "Ought to Pass" - Minority (1) "Ought Not to Pass" - Committee on State and Local Government on Bill "An Act to Establish the Aroostook County Budget Committee on a Permanent Basis" (H.P. 85) (L.D. 88)

TABLED - March 2, 1987 by Representative CARROLL of Gray.

PENDING - Acceptance of Either Report.

On motion of Representative Carroll of Gray, was recommitted to the Committee on State and Local Government.

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

An Act Amending the Excise Tax Law as it Relates to Telephone Company Motor Vehicles (Emergency) (H.P. 199) (L.D. 251) (H. "A" H-3)

TABLED - March 2, 1987 by Representative CASHMAN of Old Town.

PENDING - Passage to be Enacted.

On motion of Representative Cashman of Old Town, under suspension of the rules, the House reconsidered its action whereby L.D. 251 was passed to be engrossed as amended by House Amendment "A" (H-3).

The same Representative offered House Amendment "B" (H-11) and moved its adoption.

House Amendment "B" (H-11) was read by the Clerk and adopted.

The SPEAKER: The Chair recognizes the Representative from Ellsworth, Representative Foster.

Representative FOSTER: Mr. Speaker, Men and Women of the House: I just looked at House Amendment "B" and it seems to take the emergency preamble away from this law. Is there any reason why this is not an emergency anymore?

The SPEAKER: The Representative from Ellsworth, Representative Foster, has posed a question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from Saco, Representative Nadeau.

Representative NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: In response to the question, the initial request we received from NET was to have this bill passed out before February 28th. Obviously, that has not been accomplished. At this point, it doesn't really make any difference whether we have an emergency or not.

The SPEAKER: The Chair recognizes the Representative from Ellsworth, Representative Foster.

Representative FOSTER: Mr. Speaker, I would then ask the committee if the telephone company will be paying the excise tax to the city of Portland on February 28th?

The SPEAKER: The Representative from Ellsworth, Representative Foster, has posed another question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from Old Town, Representative Cashman.

Representative CASHMAN: Mr. Speaker, Men and Women of the House: The tax has already been paid to this year. The emergency preamble is no longer applicable so we are just taking it off to clean up the bill.

Subsequently, the Bill was passed to be engrossed as amended by House Amendment "A" (H-3) as amended by House Amendment "B" (H-11) and sent up for concurrence.

(Off Record Remarks)

On motion of Representative Soucy of Kittery, Adjourned until Wednesday, March 4, 1987, at eleven o'clock in the morning.