

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**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 DUTREMBLE of York, ADJOURNED until Tuesday, March 10, 1987, at 9:30 in the morning.

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE  
FIRST REGULAR SESSION  
28th Legislative Day  
Tuesday, March 10, 1987

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

Prayer by Reverend Brad Mitchell, Unitarian Universalist Church, Brunswick.

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

Quorum call was held.

SENATE PAPERS

Bill "An Act to Afford Consumer Protection in Retirement Communities which Offer Continuing Care" (S.P. 241) (L.D. 672)

Came from the Senate, referred to the Committee on Aging, Retirement and Veterans and Ordered Printed.

(The Committee on Reference of Bills had suggested reference to the Committee on Banking and Insurance.)

Was referred to the Committee on Aging, Retirement and Veterans in concurrence.

Bill "An Act to Enhance and Expand Services Provided to Victims of Sexual Assault" (S.P. 229) (L.D. 623)

Bill "An Act Maintaining Community Services for Emotionally Disturbed Children and Adolescents" (S.P. 230) (L.D. 624)

Bill "An Act Making Authorizations and Allocations Relating to Federal Block Grants for the Expenditures of State Government for the Fiscal Years Ending June 30, 1987, June 30, 1988, and June 30, 1989" (Emergency) (S.P. 242) (L.D. 673)

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 Provide Flexible Rating for Property and Casualty Insurance" (S.P. 227) (L.D. 621)

Bill "An Act to Require that Casualty Insurance Companies Offer Insurance for Unusual Risks" (S.P. 228) (L.D. 622)

Bill "An Act to Provide Equitable Rate Making in Medical Professional Liability Insurance" (S.P. 233) (L.D. 627)

Bill "An Act to Ensure Consumer Input in Insurance Rate Making" (S.P. 235) (L.D. 629)

Bill "An Act to Amend the Investment Provisions and Certain Related Sections of the Maine Insurance Code" (S.P. 243) (L.D. 675)

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 Promote Adult Education" (S.P. 234) (L.D. 628)

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

On motion of Representative Carter of Winslow, was referred to the Committee on Appropriations and Financial Affairs in non-concurrence and sent up for concurrence.

Bill "An Act Concerning Disclosure of Costs Related to Attorneys Contingency Fees" (S.P. 236) (L.D. 630)

RESOLVE, to Establish the Commission on Surrogate Parenting (S.P. 239) (L.D. 658)

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 Notice of Injury for Purposes of Workers' Compensation and Occupational Disease Claims" (S.P. 237) (L.D. 631)

Bill "An Act Amending the Workers' Compensation Laws Exempting Design Professionals from General Civil Liability for Injuries on Construction Projects" (S.P. 238) (L.D. 657)

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

Were referred to the Committee on Labor in concurrence.

RESOLVE, to Establish a New Commission on Maine's Future (S.P. 232) (L.D. 626)

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

(The Committee on Reference of Bills had suggested reference to the Committee on Economic Development.)

On motion of Representative Crowley of Stockton Springs, was referred to the Committee on Economic Development in non-concurrence and sent up for concurrence.

Bill "An Act to Authorize the Construction of an East-West Highway" (S.P. 231) (L.D. 625)

Bill "An Act to Require the Use of Seat Belts in all Motor Vehicles" (S.P. 240) (L.D. 659)

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

Were referred to the Committee on Transportation in concurrence.

Unanimous Leave to Withdraw

Report of the Committee on State and Local Government reporting "Leave to Withdraw" on Bill "An Act to Provide Better Geographic Representation of the Areas Affected by Boards and Commissions" (S.P. 47) (L.D. 96)

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

Refer to the Committee on Energy and Natural Resources

Report of the Committee on Judiciary on Bill "An Act to Expand the Number of Land Use Laws Under the Jurisdiction of the District Court" (S.P. 98) (L.D. 245) reporting that it be referred to the Committee on Energy and Natural Resources.

Came from the Senate with the report read and accepted and the bill referred to the Committee on Energy and Natural Resources.

Report was read and accepted and the bill referred to the Committee on Energy and Natural Resources in concurrence.

Non-Concurrent Matter

Bill "An Act to Alter the Laws Regarding Abandonment of Public Ways" (H.P. 459) (L.D. 614) which was referred to the Committee on Judiciary in the House on March 4, 1987.

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

The House voted to recede and concur.

COMMUNICATIONS

The following Communication:  
113th MAINE LEGISLATURE

March 6, 1987

Hon. Eve Bither

Commissioner of Education

Department of Educational and Cultural Services

State House Station #23

Augusta, ME 04333

Dear Commissioner Bither:

Pursuant to M.R.S.A. 20-A, Section 256, we are pleased to invite you to present your annual report on the state of education in Maine to the Legislature on Monday, March 23, 1987 at 10:30 a.m.

This change in date is due to a request from the Governor.

Please let us know if this is convenient for you.

Sincerely,

S/Charles P. Pray

S/John L. Martin

President of the Senate

Speaker of the House

Was read and ordered placed on file.

The following Communication: (S.P. 244)

113th MAINE LEGISLATURE

March 5, 1987

Senator Zachary Matthews

Representative Robert J. Tardy

Chairpersons

Joint Standing Committee on Agriculture

113th Legislature

Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Bernard W. Shaw of Limestone for appointment as the Commissioner of the Department of Agriculture.

Pursuant to Title 7, M.R.S.A. Section 1, this nomination will require review by the Joint Standing Committee on Agriculture 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 Agriculture.

Was Read and Referred to the Committee on Agriculture in concurrence.

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 to Provide a Special Needs Payment to Recipients of Aid to Families with Dependent Children for Excessive Housing Costs" (H.P. 519) (L.D. 692) (Presented by Representative CONNOLLY of Portland) (Cosponsors: Senators GAUVREAU of

Androscoggin, ESTES of York, and Representative RYDELL of Brunswick)  
 Ordered Printed.  
 Sent up for Concurrence.

Banking and Insurance

Bill "An Act Concerning Unfair Claims Practices" (H.P. 510) (L.D. 683) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsors: Representatives MARSANO of Belfast and CONLEY of Portland)

Bill "An Act to Prevent Surcharges or Penalty Fees in Excess of the Amount Paid for Damages under Auto Insurance Policies" (H.P. 518) (L.D. 691) (Presented by Representative FARNUM of South Berwick)  
 Ordered Printed.  
 Sent up for Concurrence.

Business Legislation

Bill "An Act Regarding the Sunday Closing Law" (H.P. 507) (L.D. 680) (Presented by Representative WARREN of Scarborough) (By Request)

Bill "An Act to Amend the Laws Relating to Cosmetology License Requirements" (H.P. 508) (L.D. 681) (Presented by Representative HOLLOWAY of Edgcomb) (Cosponsor: Senator SEWALL of Lincoln)

Bill "An Act to Exempt Certain Signs from the Billboard Law" (H.P. 516) (L.D. 689) (Presented by Representative TARDY of Palmyra) (Cosponsors: Representatives McGOWAN of Canaan, SHERBURNE of Dexter, and Senator TWITCHELL of Oxford)  
 Ordered Printed.  
 Sent up for Concurrence.

Education

Bill "An Act Relating to Innovative Grants" (H.P. 514) (L.D. 687) (Presented by Representative SCARPINO of St. George)

Bill "An Act Relating to Geographic Isolation Grants" (H.P. 515) (L.D. 688) (Presented by Representative SCARPINO of St. George)  
 Ordered Printed.  
 Sent up for Concurrence.

Energy and Natural Resources

Bill "An Act to Alter the Fee on the Registration of Underground Tanks" (H.P. 509) (L.D. 682) (Presented by Representative LORD of Waterboro) (Cosponsors: Representatives HARPER of Lincoln and SOUCY of Kittery)  
 Ordered Printed.  
 Sent up for Concurrence.

Legal Affairs

Bill "An Act Relating to the Purchase of Alcoholic Beverages by Minors" (H.P. 512) (L.D. 685) (Presented by Representative McSWEENEY of Old Orchard Beach) (Cosponsor: Representative CONLEY of Portland)

Bill "An Act to Require that Candidates' Petitions be Sworn" (H.P. 517) (L.D. 690) (Presented by Representative VOSE of Eastport)

Bill "An Act to Require that Drunk Drivers Reimburse Town Enforcement Agencies for Responding to Accidents" (H.P. 521) (L.D. 701) (Presented by Representative PARADIS of Augusta) (Cosponsors: Representatives PRIEST of Brunswick, BAILEY of Farmington and Senator KANY of Kennebec)  
 Ordered Printed.  
 Sent up for Concurrence.

State and Local Government

Bill "An Act to Enhance the Activities of the Maine Highway Safety Committee" (H.P. 511) (L.D. 684) (Presented by Representative PARADIS of Augusta) (Cosponsor: Representative BAILEY of Farmington)  
 Ordered Printed.  
 Sent up for Concurrence.

Taxation

Bill "An Act Limiting Local Property Taxation" (H.P. 513) (L.D. 686) (Presented by Representative SCARPINO of St. George) (By Request)

Bill "An Act to Raise the Sales Tax on Meals" (H.P. 520) (L.D. 693) (Presented by Representative DUTREMBLE of Biddeford)  
 Ordered Printed.  
 Sent up for Concurrence.

REPORTS OF COMMITTEES

Ought to Pass in New Draft

Representative HICKEY from the Committee on Aging, Retirement and Veterans on Bill "An Act to Reduce the Retirement Age Requirement for Governors" (H.P. 57) (L.D. 60) reporting "Ought to Pass" in New Draft (H.P. 522) (L.D. 702)

Report was read and accepted, the New Draft given its first reading and assigned for second reading Wednesday, March 11, 1987.

CONSENT CALENDAR

First Day

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

(H.P. 112) (L.D. 122) Bill "An Act to Continue the Central Filing System Established Pursuant to the United States Food Security Act of 1985" (Emergency) Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-12)

(S.P. 199) (L.D. 556) Bill "An Act to Make Additional Allocations from the Public Utilities Commission Regulatory Fund for the Fiscal Year Ending June 30, 1987" (Emergency) Committee on Appropriations and Financial Affairs reporting "Ought to Pass"

(H.P. 194) (L.D. 238) Bill "An Act Concerning Membership on the Commission on Uniform State Laws" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-13)

There being no objections, the above items were ordered to appear on the Consent Calendar of Wednesday, March 11, 1987, under the listing of Second Day.

CONSENT CALENDAR

Second Day

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

(H.P. 51) (L.D. 54) Bill "An Act to Clarify a Sewer District's Responsibility for the Maintenance and Repair of Public Drains or Common Sewers"

(S.P. 137) (L.D. 376) RESOLVE, Authorizing the Commissioner of Administration to Implement the Plan for Expenditure of the \$6,000,000 Bond Issue to Identify and Correct Asbestos Problems in State Facilities (Emergency)

(S.P. 40) (L.D. 28) Bill "An Act Relating to Periodic Publication of Taxable Gasoline Gallonage Statistics Provided by Licensed Gasoline Distributors" (C. "A" S-3)

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

PASSED TO BE ENGROSSED

Bill "An Act to Reduce the Fee for a Trapper's License for Servicemen Stationed in the State" (H.P. 502) (L.D. 674)

Was reported by the Committee on Bills in the Second Reading, read the second time, Passed to be Engrossed, and sent up for concurrence.

ORDERS OF THE DAY

The following matters, in the consideration of which the House was engaged at the time of adjournment yesterday, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 24.

The Chair laid before the House the first item of unfinished business:

Bill "An Act to Provide State Reimbursement to Municipalities for Property Tax Losses Due to State-owned Property" (H.P. 485) (L.D. 652) (Committee on Appropriations and Financial Affairs suggested.)

TABLED - March 9, 1987 (Till Later Today) by Representative GWADOSKY of Fairfield.

PENDING - Reference.

On motion of Representative Carter of Winslow, was referred to the Committee on Taxation, ordered printed and sent up for concurrence.

The Chair laid before the House the second item of unfinished business:

Bill "An Act to Create the Opportunity for Community Agency Input to the State Budget Process" (H.P. 493) (L.D. 663)

(Committee on State and Local Government suggested.)

TABLED - March 9, 1987 (Till Later Today) by Representative CARROLL of Gray.

PENDING - Reference.

On motion of Representative Carter of Winslow, was referred to the Committee on Appropriations and Financial Affairs, ordered printed and sent up for concurrence.

(Off Record Remarks)

(At Ease)

The House was called to order by the Speaker pro tem.

On motion of Representative Paradis of Augusta, the House reconsidered its action whereby L. D. 657 Bill "An Act Amending the Workers' Compensation Laws Exempting Design Professionals from General Civil Liability for Injuries on Construction Projects" (S.P. 238)(L.D. 657) was referred to the Committee on Labor in concurrence.

On motion of the same Representative, tabled pending reference in concurrence and specially assigned for Wednesday, March 11, 1987.

(Off Record Remarks)

On motion of Representative Nadeau of Saco, Adjourned until Wednesday, March 11, 1987, at nine o'clock in the morning.