

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
30th Legislative Day
Thursday, March 12, 1987

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

Prayer by Reverend Carol Marshburn, Winthrop Center Friends Church.

The Journal of Wednesday, March 11, 1987, was read and approved.

Quorum call was held.

SENATE PAPERS

The following Communication:

MAINE STATE SENATE
AUGUSTA, MAINE 04333

March 11, 1987

The Honorable John L. Martin
Speaker of the House
113th Legislature
Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Agriculture, the Governor's nomination of Thomas H. Saliba of South Freeport for appointment to the Maine Milk Commission.

Thomas H. Saliba is replacing Richard Silkman.

Sincerely,
s/Joy J. O'Brien
Secretary of the Senate

Was read and ordered placed on file.

The following Communication:

MAINE STATE SENATE
AUGUSTA, MAINE 04333

March 11, 1987

The Honorable John L. Martin
Speaker of the House
113th Legislature
Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Agriculture, the Governor's nomination of Arthur W. Adelberg of Augusta for appointment to the Maine Milk Commission.

Arthur W. Adelberg is replacing Joel Abromson.

Sincerely,
s/Joy J. O'Brien
Secretary of the Senate

Was read and ordered placed on file.

Bill "An Act to Require Maintenance of Financial Responsibility by All Motorists" (S.P. 252) (L.D. 703)

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

Was referred to the Committee on Banking and Insurance in concurrence.

Later Today Assigned

Bill "An Act to Clarify the Confidentiality of Certain Information Under the Reporting of Abuse and Neglect Laws" (S.P. 254) (L.D. 705)

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

On motion of Representative Diamond of Bangor, tabled pending reference in concurrence and later today assigned.

Bill "An Act Relating to Notices of Controversy under the Workers' Compensation Act" (S.P. 253) (L.D. 704)

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

Was referred to the Committee on Labor in concurrence.

Bill "An Act to Clarify Core Part Trade-in" (S.P. 255) (L.D. 706)

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

Was referred to the Committee on Taxation in concurrence.

Non-Concurrent Matter
Later Today Assigned

RESOLVE, to Establish a New Commission on Maine's Future (S.P. 232) (L.D. 626) which was referred to the Committee on Economic Development in the House on March 10, 1987.

Came from the Senate with that body having adhered to its former action whereby the bill was referred to the Committee on State and Local Government in non-concurrence.

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

Non-Concurrent Matter
Later Today Assigned

Bill "An Act to Enhance the Activities of the Maine Highway Safety Committee" (H.P. 511) (L.D. 684) which was referred to the Committee on State and Local Government in the House on March 10, 1987.

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

On motion of Representative Carroll of Gray, the House voted to insist.

Passed to Be Engrossed
Without Reference to Committee

Bill "An Act to Extend the Reporting Deadline for the Solid Waste Policy Study" (Emergency) (H.P. 552) (L.D. 739) (Presented by Representative MICHAUD of East Millinocket) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

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

Under suspension of the rules, without reference to any committee, the bill was read twice, passed to be engrossed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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:

Judiciary

Bill "An Act to Eliminate the Statute of Limitation in Child Molestation or Incest Cases" (H.P. 546) (L.D. 733) (Presented by Representative BOUTILIER of Lewiston) (Cosponsors: Senators GAUVREAU of Androscoggin and GILL of Cumberland)

Bill "An Act to Provide for Payment of Fees for Independent Adoption Studies" (H.P. 545) (L.D. 732) (Presented by Representative CLARK of Brunswick) (Cosponsors: Representatives POULIOT of Lewiston, TAYLOR of Camden and Senator BRANNIGAN of Cumberland)
 Ordered Printed.
 Sent up for Concurrence.

Legal Affairs

Bill "An Act to Require the Itemization of In-kind Contributions by Political Action Committees and Candidates for Public Office" (H.P. 544) (L.D. 731) (Presented by Representative HANDY of Lewiston) (Cosponsors: Representatives REEVES of Pittston, DIAMOND of Bangor and Senator KANY of Kennebec)
 Ordered Printed.
 Sent up for Concurrence.

Taxation

Bill "An Act to Make Adjustments in the State Tax Structure as a Result of Federal Tax Reform" (H.P. 548) (L.D. 735) (Presented by Representative CASHMAN of Old Town) (Cosponsors: Representatives MAYO of Thomaston, SWAZEY of Bucksport, and Senator TWITCHELL of Oxford)
 Ordered Printed.
 Sent up for Concurrence.

Transportation

Bill "An Act to Authorize the Increase of the Maximum Speed Limit to 65 Miles Per Hour" (H.P. 547) (L.D. 734) (Presented by Representative BOTT of Orono) (Cosponsors: Representatives SHELTRA of Biddeford, MCGOWAN of Canaan, and Senator CAHILL of Sagadahoc)
 Ordered Printed.
 Sent up for Concurrence.

Reported Pursuant to the Statutes

Representative MITCHELL for the Municipal Land Bank Study Committee, pursuant to Private and Special Laws 1985, Chapter 119 ask leave to submit its findings and report that the accompanying Bill "An Act Enabling Municipalities to Establish Municipal Land Banks Funded by a Local Option Real Estate Transfer Tax" (H.P. 543) (L.D. 727) be referred to the Joint Standing Committee on Taxation for Public Hearing and printed pursuant to Joint Rule 18.

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

SPECIAL SENTIMENT CALENDAR

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

Tabled and Assigned

Recognizing:
 Amber Mills, of Van Buren, a former school teacher and nurse who will celebrate the 100th anniversary of her birth on March 20th, 1987; (HLS 147) by Representative ANDERSON of Woodland. (Cosponsors: Representative MATTHEWS of Caribou, Senator COLLINS of Aroostook, Representative Martin of Van Buren, Senator Theriault of Aroostook.)

On motion of Representative Gwadosky of Fairfield, was removed from the Special Sentiment Calendar.

On further motion of the same Representative, tabled pending passage and specially assigned for Monday, March 16, 1987.

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative ALLEN from the Committee on Business Legislation on Bill "An Act to Change the Membership on the Board of Chiropractic Examination and Registration" (H.P. 58) (L.D. 61) reporting "Ought Not to Pass"

Representative ALLEN from the Committee on Business Legislation on Bill "An Act to Amend the Education Requirements for Chiropractors" (H.P. 77) (L.D. 80) reporting "Ought Not to Pass"

Representative JACQUES from the Committee on Fisheries and Wildlife on Bill "An Act Concerning the Definition of Resident under the Fisheries and Wildlife Laws" (H.P. 142) (L.D. 183) reporting "Ought Not to Pass"

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

Unanimous Leave to Withdraw

Representative FARRIN from the Committee on Fisheries and Wildlife on Bill "An Act to Require Nonresidents to Hunt or Trap Bear with the Services of a Resident Licensed Guide" (H.P. 317) (L.D. 416) reporting "Leave to Withdraw"

Representative MADEAU from the Committee on Taxation on Bill "An Act Relating to the Taxation of Trade-in Equipment" (H.P. 128) (L.D. 154) reporting "Leave to Withdraw"

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

Ought to Pass in New Draft

Representative CLARK from the Committee on Fisheries and Wildlife on Bill "An Act to Establish an Alien Trapping License" (H.P. 74) (L.D. 77) reporting "Ought to Pass" in New Draft (H.P. 550) (L.D. 737)

Report was read and accepted, the New Draft given its first reading and assigned for second reading Monday, March 16, 1987.

Ought to Pass in New Draft

Representative WENTWORTH from the Committee on State and Local Government on Bill "An Act to Clarify the Taxing Powers of the Frye Island Municipal Services Corporation" (Emergency) (H.P. 321) (L.D. 420) reporting "Ought to Pass" in New Draft (Emergency) (H.P. 551) (L.D. 738)

Report was read and accepted and the New Draft read once.

Under suspension of the Rules, the New Draft was read a second time.

Representative Carroll of Gray offered House Amendment "A" (H-17) and moved its adoption.

House Amendment "A" (H-17) was read by the Clerk and adopted.

Under suspension of the rules, the New Draft was passed to be engrossed as amended by House Amendment "A" (H-17) and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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 Lincoln County for the Year 1987 (Emergency) (H.P. 549) (L.D. 736) 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 Monday, March 16, 1987.

CONSENT CALENDAR
First Day

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

(H.P. 122) (L.D. 147) Bill "An Act to Clarify the Penalty Provisions for the Late Filing of Corporation Reports" Committee on Business Legislation reporting "Ought to Pass"

There being no objections, the above item was ordered to appear on the Consent Calendar of Monday, March 16, 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. 54) (L.D. 57) Bill "An Act Concerning the Fees Recoverable by a Municipality in a Nuisance Abatement" (C. "A" H-14)

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

Passed to Be Engrossed

Bill "An Act to Reconcile State Law with Federal Law Regulating the Continuation of Group Health Insurance Coverage" (H.P. 541) (L.D. 725)

Was reported by the Committee on Bills in the Second Reading, read a second time, the House Paper passed to be engrossed and sent up for concurrence.

Passed to Be Engrossed
As Amended

Bill "An Act to Exempt Prisoners from the Provisions of the Workers' Compensation Act" (H.P. 542) (L.D. 726)

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

Representative McHenry of Madawaska offered House Amendment "A" (H-15) and moved its adoption.

House Amendment "A" (H-15) was read by the Clerk.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Madawaska, Representative McHenry.

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: This is to correct the error that was caught by the diligent eye and the work of the good Representative from Portland, Representative Baker.

The intent of the bill was to make sure that we exempted the coverage of prisoners under the Workers' Comp., but the way the bill was drafted, we were exempting every employee, which meant our prison

guards and every one, so this is a correction to the bill.

Subsequently, House Amendment "A" (H-15) was adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" (H-15) and sent up for concurrence.

Passed to Be Engrossed
As Amended

Bill "An Act to Continue the Central Filing System Established Pursuant to the United States Food Security Act of 1985" (Emergency) (H.P. 112) (L.D. 122) (C. "A" H-12)

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

On motion of Representative Tardy of Palmyra, the House reconsidered its action whereby Committee Amendment "A" (H-12) was adopted.

The same Representative offered House Amendment "A" (H-18) to Committee Amendment "A" (H-12) and moved its adoption.

House Amendment "A" (H-18) to Committee Amendment "A" (H-12) was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

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

Passed to Be Enacted
Emergency Measure

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 (S.P. 137) (L.D. 376)

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. 109 voted in favor of the same and 1 against and accordingly the Resolve was finally passed, signed by the Speaker pro tem and sent to the Senate.

Passed to Be Enacted
Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Sagadahoc County for the Year 1987 (H.P. 450) (L.D. 605)

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

Passed to Be Enacted

An Act to Permit the Identification of Licensed Gasoline Distributors (S.P. 40) (L.D. 28) (C. "A" S-3)

An Act Relating to the Administrative Council of the University of Maine System (H.P. 183) (L.D. 227) (H. "A" H-9)

An Act to Change the Location of District Court for the Municipality of Wayne to Augusta (H.P. 451) (L.D. 606)

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

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

ORDERS OF THE DAY
TABLED AND TODAY ASSIGNED

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

Bill "An Act to Clarify the Laws Relating to New Automobile Dealerships" (H.P. 529) (L.D. 713) (Committee on Business Legislation suggested)

TABLED - March 11, 1987 by Representative ALLEN of Washington.

PENDING - Reference.

On motion of Representative Allen of Washington, retabled pending reference and specially assigned for Monday, March 16, 1987.

(At Ease)

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

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

Passed to Be Enacted
Emergency Measure

An Act to Extend the Reporting Deadline for the Solid Waste Policy Study (H.P. 552) (L.D. 739)

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. 104 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

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 Make Additional Allocations from the Public Utilities Commission Regulatory Fund for the Fiscal Year Ending June 30, 1987 (S.P. 199) (L.D. 556)

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. 109 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

Passed to Be Enacted

An Act to Provide Complimentary Archery Licenses and Muzzle-loading Hunting Licenses to Residents Over 70 Years of Age (H.P. 72) (L.D. 75) (C. "A" H-10)

An Act Relating to Fencing of Swimming Pools (H.P. 86) (L.D. 89)

An Act to Appropriate Funds to the Department of Human Services to Provide Training and Technical Assistance to Community Public Drinking Water Supplies (H.P. 269) (L.D. 352)

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

SENATE PAPER

The following Joint Order: (S.P. 259) ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Monday, March 16, 1987, at 10 o'clock in the morning.

Came from the Senate, read and passed.

Was read and passed in concurrence.

The following items appearing on Supplement No. 4 was taken up out of order by unanimous consent:

CONSENT CALENDAR

First Day

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

(H.P. 180) (L.D. 224) Bill "An Act to Provide Funding for Potato Variety Breeding and Development" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-16)

There being no objections, the above item was ordered to appear on the Consent Calendar of Monday, March 16, 1987, under the listing of Second Day.

The following item appearing on Supplement No. 5 was taken up out of order by unanimous consent:

Passed to Be Enacted
Emergency Measure

An Act to Clarify the Taxing Powers of the Frye Island Municipal Services Corporation (H.P. 551) (L.D. 738) (H. "A" H-17)

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. 110 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

(At Ease)

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

The Chair laid before the House the following matter: Bill "An Act to Clarify the Confidentiality of Certain Information Under the Reporting of Abuse and Neglect Laws" (S.P. 254) (L.D. 705) which was tabled earlier in the day and later today assigned pending reference in concurrence.

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

Subsequently, was referred to the Committee on Human Resources in concurrence.

(Off Record Remarks)

On motion of Representative Tracy of Rome.
Adjourned until Monday, March 16, 1987, at ten
o'clock in the morning pursuant to Joint Order.

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

In Senate Chamber
Thursday
March 12, 1987

1987

Senate called to Order by the President.

Prayer by Reverend Terence McKinley of the United
Methodist Church in Winthrop.

REVEREND MCKINLEY: 'O Lord, our Lord, how
majestic is Your name in all the earth? When we look
at the heavens, the work of Your fingers, the moon
and the stars which You have established; what are
we that You are mindful of us? Yet You have made us
little less than God and have crowned us with glory
and honor. You have given us dominion over the works
of Your hands, and have put all things under our
feet.' From Psalm 8:1, 3-6.

Let us pray. Merciful, loving and sustaining
God, You are the author of justice and law, and You
have called each of us to a special place of service
in this state and we ask that You bless the convent
which exists between us and the people who have
affirmed our calling by electing and assigning us to
positions of responsibility and trust.

Permit us to be aware of our limitations and to
accept them graciously. Allow us to look beyond our
humanity and to reach out to You as we struggle with
the many issues before us. We know that You will
come to all who call upon Your holy name.

We cherish the words contained in the scriptures
because we find You revealed in them. We ask, Dear
Lord, that You come to us as You did to the prophets,
the psalmists, and the great figures of divine
history, and to be the unseen member of this
assembly. Send Your sustaining spirit to be among us
and within us revealing Your will to us as we made
decisions. Fill us with the comfort of Your
steadfast love, the guidance of Your wisdom, and the
knowledge of Your will.

Give us the insight of faith to know that as we
legislate in a manner that is consistent with You
will we are fulfilling the covenant of trust by
administering justice and righteousness.

Allow us to forsake personal pride and to come
out of the self in order that we may be faithful
servants of Yours. Use us in the continuing process
of creation. Take our lives and let them be
consecrated, Lord, to Thee. For thine is the kingdom
and the power and the glory forever. Amen.

Reading of the Journal of Yesterday.

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

S.P. 259

ORDERED, the House concurring, that when the
House and Senate adjourn, they do so until Monday,
March 16, 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,
the Senate considered the following:

PAPERS FROM THE HOUSE
House Papers