

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
34th Legislative Day
Friday, March 20, 1987

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

Prayer by Father Mark Ouellette, St. Augustine's Catholic Church, Augusta.

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

Quorum call was held.

SENATE PAPERS

The following Communication:

MAINE STATE SENATE
AUGUSTA, MAINE 04333

March 19, 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 State and Local Government, the Governor's nomination of Charles A. Morrison of Auburn for appointment as the Commissioner of the Department of Administration.

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 19, 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 Bernard W. Shaw of Limestone for appointment as the Commissioner of the Department of Agriculture.

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 19, 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 Legal Affairs, the Governor's nomination of William L. Varney of Bangor for reappointment to the Maine State Lottery Commission.

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

Was read and ordered placed on file.

Bill "An Act to Reform the Animal Welfare Laws" (S.P. 291) (L.D. 838)

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

Was referred to the Committee on Agriculture in concurrence.

Bill "An Act to Revise Reporting Procedures Related to Criminal History Record Information" (S.P. 286) (L.D. 813)

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

Was referred to the Committee on Judiciary in concurrence.

RESOLVE, to Compensate Thomas P. Peters, II, Attorney-at-law, for Professional Services Rendered in the Adoption of Benjamin B., Heather B. and Lucas B. (S.P. 287) (L.D. 814)

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

(The Committee on Reference of Bills had suggested reference to the Committee on Appropriations and Financial Affairs.)

Was referred to the Committee on Judiciary in concurrence.

Bill "An Act Concerning the Taking of Fingerprints and Submission to the State Bureau of Identification" (S.P. 289) (L.D. 816)

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

(The Committee on Reference of Bills had suggested reference to the Committee on Legal Affairs.)

Was referred to the Committee on Judiciary in concurrence.

Bill "An Act Amending the Laws Relating to Private Security Guards" (Emergency) (S.P. 290) (L.D. 817)

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

Was referred to the Committee on Legal Affairs in concurrence.

Unanimous Leave to Withdraw

Report of the Committee on Business Legislation reporting "Leave to Withdraw" on Bill "An Act to Add Hardware Stores to the List of Businesses Allowed to Operate on Sundays" (S.P. 174) (L.D. 489)

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

Non-Concurrent Matter

Bill "An Act to Amend the Law Pertaining to Labeling Medication Prescriptions" (H.P. 583) (L.D. 794) which was referred to the Committee on Human Resources in the House on March 17, 1987.

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

The House voted to recede and concur.

COMMUNICATIONS

The following Communication: (S.P. 292)
113th MAINE LEGISLATURE
March 18, 1987

Senator Edgar E. Erwin
Representative Paul F. Jacques
Chairpersons
Joint Standing Committee on Fisheries and Wildlife
113th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated William J. Vail of Newfield for appointment as the Commissioner of the Department of Inland Fisheries and Wildlife.

Pursuant to Title 12, M.R.S.A. Section 7031, this nomination will require review by the Joint Standing Committee on Fisheries and Wildlife 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 Fisheries and Wildlife.

Was Read and Referred to the Committee on Fisheries and Wildlife in concurrence.

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:

Appropriations and Financial Affairs

Bill "An Act to Provide for Rural Community Fire Protection" (H.P. 631) (L.D. 854) (Presented by Representative NUTTING of Leeds) (Cosponsors: Representatives HUSSEY of Milo, DAVIS of Monmouth and President PRAY of Penobscot)

Bill "An Act to Appropriate Funds to Create a Pilot Employment Program for Refugees" (H.P. 633) (L.D. 856) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsor: Representative CONNOLLY of Portland)

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$2,000,000 for Removal of Commercial Underground Steel Tanks Storing Petroleum Products" (H.P. 640) (L.D. 863) (Presented by Representative SIMPSON of Casco) (Cosponsors: Representatives JACQUES of Waterville and COLES of Harpswell)

Ordered Printed.

Sent up for Concurrence.

Banking and Insurance

Bill "An Act Relating to Liability Insurance for Emergency Medical Service" (H.P. 636) (L.D. 859) (Presented by Representative COLES of Harpswell) (Cosponsors: Senators SEWALL of Lincoln, CAHILL of Sagadahoc and Representative KILKELLY of Wiscasset)

Bill "An Act to Require Motor Vehicle Liability Insurance" (H.P. 643) (L.D. 866) (Presented by Representative ALIBERTI of Lewiston) (Cosponsors: Senator BALDACCI of Penobscot, Representatives TARDY of Palmyra and NUTTING of Leeds)

Ordered Printed.

Sent up for Concurrence.

Business Legislation

Bill "An Act to Regulate the Profession of Accounting" (H.P. 644) (L.D. 867) (Presented by Representative ERWIN of Rumford) (Cosponsors: Representative GWADOSKY of Fairfield, Senators BALDACCI of Penobscot and PERKINS of Hancock)
Ordered Printed.
Sent up for Concurrence.

Energy and Natural Resources

Bill "An Act to Amend the Laws Relating to and Administered by the Department of Environmental Protection" (H.P. 641) (L.D. 864) (Presented by Representative MICHAUD of East Millinocket) (Cosponsors: Representatives JACQUES of Waterville, MITCHELL of Freeport and Senator USHER of Cumberland)
Ordered Printed.
Sent up for Concurrence.

Human Resources

Bill "An Act to Change the Name of the Department of Mental Health and Mental Retardation" (H.P. 645) (L.D. 868) (Presented by Representative DAVIS of Monmouth) (Cosponsors: Representative ROLDE of York, Senators GAUVREAU of Androscoggin and GILL of Cumberland)
Ordered Printed.
Sent up for Concurrence.

Judiciary

Bill "An Act to Restore Status Offenses" (H.P. 628) (L.D. 851) (Presented by Representative ROLDE of York)

Bill "An Act to Eliminate Certain Current Exemptions in the Determination of Child Support Obligations" (H.P. 634) (L.D. 857) (Presented by Representative LOOK of Jonesboro) (Cosponsors: Senator RANDALL of Washington and Representative FARNUM of South Berwick)

Bill "An Act Relating to the Maine Uniform Transfers to Minors Act" (H.P. 642) (L.D. 865) (Presented by Representative MARSANO of Belfast) (Cosponsors: Representative STEVENS of Bangor and Senator BLACK of Cumberland)

Ordered Printed.

Sent up for Concurrence.

Labor

Bill "An Act Concerning the Payment of Unemployment Insurance by Workers in the Knitted Outerwear Industry" (H.P. 638) (L.D. 861) (Presented by Representative SIMPSON of Casco) (Cosponsors: Representatives RAND of Portland and JOSEPH of Waterville)

Ordered Printed.

Sent up for Concurrence.

Legal Affairs

Bill "An Act to Limit the Penalty a Landlord can Charge a Tenant for Late Payment of Rent" (H.P. 626) (L.D. 849) (Presented by Representative MELENDY of Rockland) (Cosponsors: Representatives KETOVER of Portland, BICKFORD of Jay and Senator ANDREWS of Cumberland)

Bill "An Act to Require Monthly Monitoring and Reporting of Political Activities of Utility Companies during Utility-related Referendum Initiating Campaigns" (H.P. 627) (L.D. 850) (Presented by Representative HANDY of Lewiston)

(Cosponsors: Representatives JALBERT of Lisbon, HOLT of Bath and REEVES of Pittston)

Bill "An Act to Amend the Liquor Laws as they Pertain to State Brewers" (H.P. 629) (L.D. 852) (Presented by Representative RAND of Portland) (Cosponsor: Representative COLES of Harpswell)

Bill "An Act Relating to Possession of Unused Portions of Wine at Catered Events" (H.P. 630) (L.D. 853) (Presented by Representative RACINE of Biddeford)

Ordered Printed.

Sent up for Concurrence.

Labor

Bill "An Act to Enhance the Productivity of the Workers' Compensation Commission" (H.P. 632) (L.D. 855) (Presented by Representative MICHAUD of East Millinocket) (Cosponsors: Representatives WILLEY of Hampden, BEGLEY of Waldoboro, and FOSTER of Ellsworth) (The Committee on Reference of Bills had suggested the Committee on State and Local Government.)

On motion of Representative Carroll of Gray, was referred to the Committee on Labor, ordered printed, and sent up for concurrence.

Appropriations and Financial Affairs

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Permit the Governor to Veto Items Contained in Bills Appropriating Money and Retaining the Power within the Legislature to Override such Item Vetoes (H.P. 635) (L.D. 858) (Presented by Representative HILLOCK of Gorham) (Cosponsor: Representative KIMBALL of Buxton)

(The Committee on Reference of Bills had suggested the Committee on State and Local Government.)

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

Taxation

Bill "An Act to Create a Veterans' Property Tax Exemption Based on Disability" (H.P. 639) (L.D. 862) (Presented by Representative RACINE of Biddeford) (Cosponsors: Representatives PARADIS of Old Town, RICHARD of Madison and PERRY of Mexico)

Ordered Printed.

Sent up for Concurrence.

Utilities

Bill "An Act Relating to Terms of Office for Trustees of the Kennebec Water District" (H.P. 637) (L.D. 860) (Presented by Representative CARTER of Winslow) (Cosponsors: Representatives PARENT of Benton, BRAGG of Sidney and JACQUES of Waterville)

Ordered Printed.

Sent up for Concurrence.

ORDERS

On motion of Representative PARADIS of Old Town, the following Joint Resolution: (H.P. 646) (Cosponsors: Senator PERKINS of Hancock and Representative SALSBURY of Bar Harbor)

JOINT RESOLUTION ON THE OCCASION

OF THE SESQUICENTENNIAL OF THE TOWN OF EASTBROOK

WHEREAS, within the lacework of the seaboard river system of the mighty Union River, a settlement

formed in 1800 along a brook flowing to its east branch; and

WHEREAS, this settlement, incorporated on February 8, 1837, as the Town of Eastbrook, was shaped from the dense forest into an important place of lumbering, milling, manufacturing and farming; and

WHEREAS, here in the character of the townspeople, there is a special pride of place securely anchored to family and locality and the landscapes and occupations which have helped to shape it; and

WHEREAS, the inhabitants of Eastbrook now pause to reflect on this rich heritage and to honor 150 years of development in the life of their proud community; now, therefore, be it

RESOLVED: That We the Members of the Senate and the House of Representatives of the 113th Legislature of the just and sovereign State of Maine take this opportunity to congratulate the good citizens of the Town of Eastbrook on this their 150th anniversary and unite with citizens from across the State and Nation in extending best wishes for continued success for the future; and be it further

RESOLVED: That duly authenticated copies of this Joint Resolution, be immediately submitted by the Secretary of State, to the officials of this proud community in honour of this historic occasion.

Was read.

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Paradis.

Representative PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: It is, with both pride and pleasure, that I arise this morning to call attention to a milestone event for one of the 13 towns in my district.

Eastbrook is situated in the eastern sector of Hancock County between Highway 9 and the Atlantic Ocean. It was settled by a group of hearty people following the Revolution and much of this settlement occurred in connection with the Massachusetts Bonus Land Grant Act.

These people took on a rugged and demanding assignment to earn the title to their land. Faced with the thin, rocky soil, these uncomplaining people developed a society which was a clear reflection of themselves and their character. They learned to cope with their surroundings and capitalized on the resources at hand. They produced a living, raised their families and passed on the rugged individualism.

After 10 generations, many are still there, having contributed to state and nation with their energy, their resolve and their resources. In time of need, they have given willingly and generously of their manpower.

I would ask you to pause with me today as we recognize their accomplishments under the provisions of the Charter, which was granted to them by the 17th Legislature, 150 years ago this Spring. Truly, they have carried out the spirit and the intent visualized by that legislature — the town should be granted the freedom and the right to carry out their affairs and manage their business with the minimum of interference from far away governments located either in Augusta or in Washington.

It is, with this in mind, that we compliment the people of this town and we send this greeting in recognition for their accomplishments through the years.

Subsequently, was adopted and sent up for concurrence.

ORDERS

On motion of Representative ROLDE of York, the following Joint Resolution: (H.P. 625) (Cosponsors: Senators ANDREWS of Cumberland, ESTES of York and Representative SOUCY of Kittery) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 35 on February 24, 1987)

JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES CONCERNING NUCLEAR EVACUATION ZONES

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 staff members of the Nuclear Regulatory Commission have proposed removing state and local powers in regard to nuclear plant emergency planning; and

WHEREAS, this same commission staff in Washington, D. C. has proposed that emergency evacuation zones be reduced from 10 miles to one mile; and

WHEREAS, the absurdity of this proposal is borne out by the fact that in the case of the Seabrook nuclear plant, the proposed evacuation zone would not even reach to the plant gate; and

WHEREAS, Maine public officials, including Governor John R. McKernan and Congressman Joseph E. Brennan and Maine Public Utilities Commissioner Peter Bradford, himself a former member of the NRC, have spoken out against this usurpation of states' rights; and

WHEREAS, Legislators from the 3 states affected by Seabrook have called for an independent investigation of the construction work at Seabrook; and

WHEREAS, Maine residents in communities closer to Seabrook than the 18 mile evacuation zone that was put into effect after Chernobyl have indicated they wish to see the evacuation zone extended, not reduced; now, therefore, be it

RESOLVED: That we, your Memorialists, do hereby respectfully urge the Members of the Congress of the United States to oppose in every manner possible the ill-considered staff recommendations of the Nuclear Regulatory Commission that emergency evacuation zones be reduced from 10 miles to one mile; further that the Congress is urged to investigate whether or not the Nuclear Regulatory Commission is exceeding its mandate to assure the American public of the safety of nuclear plants and instead is promoting the use of nuclear power at any cost, including the trampling on the rights of the states; and further that the commission act to insure that citizens of Maine will have an objective evaluation of the safety of the Seabrook nuclear power plant which, although located in a neighboring state, will have a devastating effect on the lives and property of Maine citizens and the economy of Maine should a nuclear accident take place; 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.

Was read.

The SPEAKER: The Chair recognizes the Representative from York, Representative Rolde.

Representative ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I won't belabor the Resolution — it speaks for itself. It, basically, deals with the issue of the evacuations zone around the Seabrook plant and the proposal of the Nuclear

Regulatory Commission to change that from 10 miles to 1 mile which, in effect, has a very strong effect on states' right in these matters. I would point out, as the Resolution does, that Governor McKernan has spoken out against this, as other Maine officials have. I hope you will go along with this Resolution.

Subsequently, was adopted and sent up for concurrence.

REPORTS OF COMMITTEES

Unanimous Leave to Withdraw

Representative HICKEY from the Committee on Aging, Retirement and Veterans on Bill "An Act to Ensure that there is no Penalty for Early Retirement after 30 Years of Teaching" (H.P. 344) (L.D. 443) reporting "Leave to Withdraw"

Representative WENTWORTH from the Committee on State and Local Government on Bill "An Act to Abolish the Office of Energy Resources" (H.P. 238) (L.D. 306) reporting "Leave to Withdraw"

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

Refer to the Committee on Banking and Insurance

Representative CARROLL from the Committee on State and Local Government on Bill "An Act Regarding Conflict of Interest" (H.P. 408) (L.D. 542) reporting that it be referred to the Committee on Banking and Insurance.

Report was read and accepted and the bill referred to the Committee on Banking and Insurance and sent up for concurrence.

CONSENT CALENDAR

First Day

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

(S.P. 135) (L.D. 371) Bill "An Act to Amend the State Employees Labor Relations Act by Allowing 3-year Labor Contracts" (Emergency) Committee on Labor reporting "Ought to Pass"

(H.P. 367) (L.D. 481) Bill "An Act to Extend Certain Privileges to Disabled American Veterans" Committee on Aging, Retirement and Veterans reporting "Ought to Pass"

(H.P. 465) (L.D. 632) Bill "An Act to Clarify the Benefits under State Group Life Insurance" Committee on Aging, Retirement and Veterans reporting "Ought to Pass"

There being no objections, the above items were ordered to appear on the Consent Calendar of Monday, March 23, 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. 318) (L.D. 417) Bill "An Act to Grant Judges the Authority to Stay a License Suspension for a Period of Time not to Exceed 4 Hours"

(H.P. 271) (L.D. 354) Bill "An Act Relating to the Amount of Civil Penal Damages to be Awarded in Cases of Unlawful Discrimination"

(H.P. 139) (L.D. 180) Bill "An Act Concerning Public Utilities Commission Approval of Transfer of Utility Property"

(H.P. 203) (L.D. 255) Bill "An Act to Increase the Annual Public Utilities Commission Regulatory Fund Assessment" (Emergency) (C. "A" H-31)

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.

On motion of Representative Mayo of Thomaston.
Adjourned until Monday, March 23, 1987, at ten o'clock in the morning.

(H.P. 129) (L.D. 155) Bill "An Act to Recodify the Liquor Laws" (C. "A" H-23)

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

The Committee Report was read and accepted and the bill read once.

Committee Amendment "A" (H-23) was read by the Clerk and adopted and the bill assigned for second reading Monday, March 23, 1987.

(H.P. 84) (L.D. 87) Bill "An Act Relating to Building Inspections" (C. "A" H-27)

(H.P. 30) (L.D. 31) Bill "An Act to Amend the Preferred Provider Arrangement Laws of Maine" (C. "A" H-30)

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

PASSED TO BE ENGROSSED

As Amended

Bill "An Act to Improve the Informal Conference Process for Workers' Compensation Claims" (Emergency) (H.P. 229) (L.D. 297) (C. "A" H-22)

Was reported by the Committee on Bills in the Second Reading, read the second time, 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:

Bill "An Act Regarding the Membership of the Maine Committee on Aging" (H.P. 582) (L.D. 780)

TABLED - March 19, 1987 by Representative DIAMOND of Bangor.

PENDING - Passage to be Engrossed.

Representative Brown of Gorham offered House Amendment "A" (H-25) and moved its adoption.

House Amendment "A" (H-25) 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 second tabled and today assigned matter:

Bill "An Act to Permit the Disclosure of Information on a Real Estate Transfer Tax Declaration of Value Form" (H.P. 553) (L.D. 740)

TABLED - March 19, 1987 by Representative JALBERT of Lisbon.

PENDING - Passage to be Engrossed.

On motion of Representative Diamond of Bangor, retabled pending passage to be engrossed and specially assigned for Monday, March 23, 1987.

(Off Record Remarks)