

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

Obviously, more than one-fifth having risen, a Roll Call is ordered.

The pending question before the Senate is the motion of Senator DOW of Kennebec, for PASSAGE of the Joint Resolution.

A vote of Yes will be in favor of PASSAGE.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators ANDREWS, BALDACCI, BERUBE, BRANNIGAN, BUSTIN, COLLINS, DOW, DUTREMBLE, ERWIN, ESTES, GAUVREAU, MATTHEWS, PEARSON, PRAY, THERIAULT, TWITCHELL, THE PRESIDENT PRO TEM - NANCY RANDALL CLARK

NAYS: Senators BLACK, BRAWN, CAHILL, DILLENBACK, EMERSON, GILL, GOULD, KERRY, LUDWIG, MAYBURY, PERKINS, RANDALL, SEWALL, WEBSTER, WHITMORE

ABSENT: Senators None

EXCUSED: Senators, KANY TUTTLE, USHER

17 Senators having voted in the affirmative and 15 Senators having voted in the negative, with No Senators being absent, and 3 Senators having been excused, the motion by Senator DOW of Kennebec, for PASSAGE of the Joint Resolution, PREVAILS.

Sent down for concurrence.

The President Pro Tem requested that the Sergeant-At-Arms escort the Senator from Penobscot, Senator PRAY to the Rostrum where he resumed his duties as President.

The Sergeant-At-Arms escorted the Senator from Cumberland, Senator CLARK to her seat on the Senate floor.

Senate called to order by the President.

ORDERS OF THE DAY

The Chair laid before the Senate the Tabled and Late today Assigned matter:

Bill "An Act to Provide Due Process in Unemployment Insurance Appeals"

H.P. 766 L.D. 1029

Tabled - April 2, 1987, by Senator CLARK of Cumberland.

Pending - REFERENCE

(Committee on JUDICIARY suggested and ORDERED PRINTED.)

(In House, April 1, 1987, referred to the Committee on LABOR and ORDERED PRINTED.)

Which was referred to the Committee on LABOR and ORDERED PRINTED, in concurrence.

Under suspension of the Rules, all matters thus acted upon, with the exception of those previously held, were ordered sent down forthwith for concurrence.

The ADJOURNMENT ORDER having been returned from the House READ and PASSED in concurrence, on motion by Senator PEARSON of Penobscot, ADJOURNED until Monday, April 6, 1987, at 10:00 in the morning.

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
42nd Legislative Day
Monday, April 6, 1987

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

Prayer by Sister Constance Jalbert, St. Theresa's Catholic Church, Mexico.

National Anthem by the Westbrook High School Jazz Band.

The Journal of Thursday, April 2, 1987, was read and approved.

Quorum call was held.

SENATE PAPERS

The following Communication:
MAINE STATE SENATE
AUGUSTA, MAINE 04333
April 2, 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 Energy and Natural Resources, the Governor's nomination of Leo Robichaud of Caribou for appointment to the Board of Environmental Protection.

Leo Robichaud is replacing Dr. R. Steven Kleinschmidt.

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
April 2, 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 Energy and Natural Resources, the Governor's nomination of E. Christopher Livesay of Brunswick for appointment to the Board of Environmental Protection.

E. Christopher Livesay is replacing Lawrence Carr.

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

Was read and ordered placed on file.

Bill "An Act to Allow the Transfer of Up to 2 Years of Credit to the State Teachers Retirement System for Teaching Services Performed Abroad" (S.P. 366) (L.D. 1101)

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

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

Bill "An Act to Provide Funding to Accelerate Collection of Geologic Information Relating to

Hazardous Waste Disposal and Geologic Resources and Hazards Assessment" (S.P. 367) (L.D. 1102)

Bill "An Act to Establish Local Consumer Mediation Programs Staffed by Volunteers" (S.P. 358) (L.D. 1093)

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 Require Workers' Compensation Insurance Providers to Publicly Post Rates Annually by January 1st" (S.P. 361) (L.D. 1096)

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.

Bill "An Act to Register Acupuncturists" (S.P. 365) (L.D. 1100)

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

Was referred to the Committee on Business Legislation in concurrence.

RESOLVE, Creating the Portsmouth Naval Shipyard Economic Policy Commission (S.P. 363) (L.D. 1098) Came from the Senate, referred to the Committee on Economic Development and Ordered Printed.

Was referred to the Committee on Economic Development in concurrence.

Bill "An Act Relating to Liquor Excise Taxes and Freight Rates" (S.P. 357) (L.D. 1092)

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

Was referred to the Committee on Taxation in concurrence.

Bill "An Act to Amend the Law Regarding the Violation of Imprudent Speed" (S.P. 362) (L.D. 1097)

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

Was referred to the Committee on Transportation in concurrence.

Bill "An Act Requiring Evaluation of New England Electric Power Pool Membership" (S.P. 360) (L.D. 1095)

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

Was referred to the Committee on Utilities in concurrence.

COMMUNICATIONS

The following Communication:
GREATER PORTLAND COUNCIL OF GOVERNMENTS
233 OXFORD STREET
PORTLAND, MAINE 04101

April 1, 1987

The Honorable John L. Martin
Speaker of the Maine House of Representatives
State House Station #2
Augusta, Maine 04333

Dear Speaker Martin:

The State 9-1-1 Emergency Telephone Number Study Commission, pursuant to Private and Special Laws of

1985, Chapter 114 as amended, is pleased to transmit to you and the Legislature the enclosed Commission's report.

The Commission Members look forward to presenting the Study's findings to the Legislature. Please notify me through the Greater Portland Council of Governments at the above address when that can be scheduled.

Sincerely yours,
S/Samuel Allen III
Chairman
State 9-1-1 Study
Commission

Was read and with accompanying report ordered placed on file.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

The following Bill was received and, upon the recommendation of the Committee on Reference of Bills, was referred to the following Committee, Ordered Printed and Sent up for Concurrence:

Legal Affairs

Bill "An Act Relating to the Maine State Lottery and the Tri-state Lottery" (H.P. 819) (L.D. 1105) (Presented by Representative SCARPINO of St. George)

Ordered Printed.

Sent up for Concurrence.

ORDERS

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

ORDERED, that Representative David G. Stanley of Cumberland be excused April 2 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Harry L. Vose of Eastport be excused March 31 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Mary Clark Webster of Cape Elizabeth be excused March 27, 31, April 1, and 2 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Earl G. Nicholson of South Portland be excused April 1 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Joseph G. Walker of Norway be excused March 26 for the duration of his illness.

AND BE IT FURTHER ORDERED, that Representative John M. Nutting of Leeds be excused April 10 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Guy G. Scarpino of St. George be excused April 2 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Ronald C. Bailey of Farmington be excused April 2 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Francis J. Perry of Mexico be excused April 2 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative William F. Lawrence of Parsonsfield be excused April 6 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Cushman D. Anthony of South Portland be excused April 10 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Ralph M. Willey of Hampden be excused April 9 and 10 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Charles Priest of Brunswick be excused March 27 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Polly Reeves of Pittston be excused April 2 for personal reasons.

Was read and passed.

REPORTS OF COMMITTEES

Unanimous Leave to Withdraw

Representative O'GARA from the Committee on Utilities on Bill "An Act to Permit Ownership of Telephone Pay Stations by Persons other than Public Utilities" (H.P. 208) (L.D. 260) reporting "Leave to Withdraw"

Representative WEYMOUTH from the Committee on Utilities on Bill "An Act to Establish Rates for Human Services WATS Lines" (H.P. 461) (L.D. 616) 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 Agriculture

Representative MICHAUD from the Committee on Energy and Natural Resources on Bill "An Act to Insure Clean-up Capability by Persons Undertaking Movement of Hazardous Materials" (H.P. 667) (L.D. 900) reporting that it be referred to the Committee on Agriculture.

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

CONSENT CALENDAR

Second Day

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

(S.P. 59) (L.D. 126) Bill "An Act Concerning Notice of Evictions for Cause in Mobile Home Parks" (C. "A" S-15)

(H.P. 263) (L.D. 346) Bill "An Act to Amend the Law Regarding the Medical Certificate Filed After Death" (C. "A" H-49)

(H.P. 182) (L.D. 226) Bill "An Act Relating to Immunization of Post-secondary Students" (C. "A" H-50)

(H.P. 67) (L.D. 70) Bill "An Act to Amend Property Tax Abatement Procedures" (C. "A" H-51)

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Amend the Law Concerning Frequency of Local Option Question Elections (H.P. 704) (L.D. 946)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

The SPEAKER: The Chair recognizes the Representative from Island Falls, Representative Smith.

Representative SMITH: Mr. Speaker, Ladies and Gentlemen of the House: This bill apparently will reduce the number of years from two to one on local option issues. I really can't see any need for this. It puts the towns into the position of having another election every year instead of every two years. There is no guarantee that the business will get their way and that is what the bill says. You

bring it back so it gives them a chance to go out and work to get more votes and, hopefully, he or she will get it before he or she goes out of business so I would ask for a roll call on this issue.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Priest.

Representative PRIEST: Mr. Speaker, Ladies and Gentlemen of the House: This bill only tries to allow local option elections, once every year instead of once every two years. A business which depends on liquor sales for continuance would be out of business before an election could be held once every two years. Obviously, the elections procedures have to be complied with and we didn't feel the burden on the town was very great compared to the burden on the business, which would probably be out of business, if they had to wait for two years.

This was a unanimous committee report and I would ask your support.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question before the House is passage to be enacted. This being an emergency measure, a two-thirds vote of all the members elected to the House is necessary. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 17

YEA - Aliberti, Allen, Anderson, Anthony, Armstrong, Bailey, Bickford, Bost, Bott, Boutillier, Carroll, Carter, Cashman, Chonko, Clark, H.; Clark, M.; Conley, Cote, Davis, Diamond, Dore, Duffy, Dutremble, L.; Erwin, P.; Farnum, Foster, Garland, Gould, R. A.; Greenlaw, Gurney, Gwadosky, Hale, Hanley, Harper, Hichborn, Hickey, Higgins, Hoglund, Holloway, Holt, Ingraham, Jacques, Jalbert, Kilkelly, Kimball, Lacroix, LaPointe, Lebowitz, Lisnik, Lord, Macomber, Mahany, Manning, Marsano, Martin, H.; Matthews, K.; McGowan, McSweeney, Michaud, Mills, Mitchell, Moholland, Murphy, E.; Murphy, T.; Nadeau, G. R.; Nicholson, Norton, Nutting, O'Gara, Paradis, E.; Paradis, J.; Paradis, P.; Paul, Perry, Pouliot, Priest, Rand, Reed, Reeves, Rice, Ridley, Rolde, Rotondi, Ruhlin, Rydell, Salsbury, Sheltra, Simpson, Small, Soucy, Stanley, Stevens, A.; Stevenson, Strout, B.; Swazey, Taylor, Telow, Thistle, Tracy, Vose, Warren, Webster, M.; Wentworth, Whitcomb, Zirkilton.

NAY - Begley, Bragg, Brown, Callahan, Curran, Dexter, Farren, Handy, Hussey, Jackson, Look, MacBride, Mayo, McHenry, McPherson, Parent, Pines, Racine, Richard, Scarpino, Seavey, Sherburne, Smith, Strout, D.; Tardy, Weymouth, Willey, The Speaker.

ABSENT - Baker, Coles, Connolly, Crowley, Dellert, Foss, Hepburn, Hillock, Joseph, Ketover, Lawrence, Melendy, Nadeau, G. G.; Sproul, Stevens, P.; Tamaro, Tupper, Walker.

Yes, 105; No, 28; Absent, 18; Paired, 0; Excused, 0.

105 having voted in the affirmative and 28 in the negative with 18 being absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED
Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Somerset County for the Year 1987 (H.P. 797) (L.D. 1069)

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. 124 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 Require Age Limitations Used in Apprenticeship Programs to be Reasonably Related to Legitimate Job Criteria (S.P. 319) (L.D. 945)

An Act to Provide Funds for the Maine State Police Publication and Continuing Education (S.P. 320) (L.D. 949)

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.

ENACTOR
TABLED AND ASSIGNED

An Act to Exempt Municipal Combination Snowplows and Dump Trucks from the Weight Limitations Imposed on Other Highway Vehicles (H.P. 69) (L.D. 72) (C. "A" H-39)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

On motion of Representative Higgins of Scarborough, tabled pending passage to be enacted and specially assigned for Tuesday, April 7, 1987.

PASSED TO BE ENACTED

An Act to Prohibit the Movement of Mobile Homes without Reasonable Assurance that all Drain and Sewer Assessments have been Paid (H.P. 70) (L.D. 73) (C. "A" H-40)

An Act Defining Terms in the Manufactured Housing Zoning Laws (H.P. 187) (L.D. 231) (C. "A" H-38)

An Act Relating to Drinking on Public Beaches (H.P. 706) (L.D. 948)

An Act to Amend the Law Concerning Handicapped Motor Vehicle Registrations (H.P. 135) (L.D. 176) (C. "A" H-42)

An Act in Support of Statewide Music Lending Services (H.P. 261) (L.D. 344)

An Act to Amend the Divorce Laws Regarding Custody to the Department of Human Services (H.P. 347) (L.D. 446)

An Act Regarding the Membership of the Maine Committee on Aging (H.P. 582) (L.D. 780) (H. "A" H-25; H. "B" H-47)

Were 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

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Thursday, April 2, 1987, 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 Increase the Fees for Examination and Licensure for Chiropractors" (S.P. 96) (L.D. 243) (C. "A" S-8)

TABLED - April 1, 1987 by Representative ALLEN of Washington.

PENDING - Passage to be Engrossed.

On motion of Representative Allen of Washington, retabled pending passage to be engrossed and specially assigned for Tuesday, April 7, 1987.

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

Bill "An Act Requiring Funding of State-mandated Programs" (H.P. 804) (L.D. 1078) (Committee on Appropriations and Financial Affairs suggested)

TABLED - April 2, 1987 (Till Later Today) by Representative LISNIK of Presque Isle.

PENDING - Reference.

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

TABLED AND TODAY ASSIGNED

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

Bill "An Act Relating to Storage and Transportation of High-level Radioactive Waste" (H.P. 718) (L.D. 969)

- In House, Referred to the Committee on Transportation on March 31, 1987.

- In Senate, Referred to the Committee on Energy and Natural Resources in non-concurrence.

TABLED - April 2, 1987 by Representative MICHAUD of East Millinocket.

PENDING - Further Consideration.

On motion of Representative Michaud of East Millinocket, the House voted to insist.

BILLS HELD

Bill "An Act to Amend the Election Laws Regarding Persons Incarcerated in Correctional Facilities" (H.P. 773) (L.D. 1036)

- In House, Passed to be Engrossed.

HELD at the Request of Representative MAYO of Thomaston.

On motion of Representative Mayo of Thomaston, the House voted to reconsider its action whereby L.D. 1036 was passed to be engrossed.

On motion of the same Representative, tabled pending passage to be engrossed and specially assigned for Tuesday, April 7, 1987.

(Off Record Remarks)

On motion of Representative Michaud of East Millinocket, the House reconsidered its action on Bill "An Act Relating to Storage and Transportation of High-level Radioactive Waste" (H.P. 718) (L.D. 969) whereby the House voted to insist.

(- In House, Referred to the Committee on Transportation on March 31, 1987.)

(- In Senate, Referred to the Committee on Energy and Natural Resources in non-concurrence.)

On motion of the same Representative, the House voted to recede and concur.

On motion of Representative Cote of Auburn, Adjourned until Tuesday, April 7, 1987, at nine o'clock in the morning.