

# 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

The Chair laid before the Senate the Tabled and Specially Assigned matter:

Bill "An Act Concerning the Calculation of the Insured Value Factor in Public Tuition Payments to Private Schools"

H.P. 196 L.D. 248  
(C "A" H-58)

Tabled - April 21, 1987, by Senator DUTREMBLE of York.

Pending - PASSAGE TO BE ENGROSSED AS AMENDED  
(In House, April 10, 1987, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-58).)

(In Senate, April 15, 1987, READ A SECOND TIME.)  
On motion by Senator CLARK of Cumberland, the Senate SUSPENDED THE RULES.

On further motion by same Senator, the Senate RECONSIDERED whereby Committee Amendment "A" (H-58) was ADOPTED.

On further motion by same Senator, Senate Amendment "A" (S-36) to Committee Amendment "A" (H-58) READ and ADOPTED.

Committee Amendment "A" (H-58) as Amended by Senate Amendment "A" (S-36), thereto ADOPTED in NON-CONCURRENCE.

Which was PASSED TO BE ENGROSSED AS AMENDED in NON-CONCURRENCE.

Sent down for concurrence.

The Chair laid before the Senate the Tabled and Later Today Assigned matter:

Bill "An Act to Create Regional Detention and Evaluation Centers for the Secure Confinement of Juveniles"

H.P. 950 L.D. 1279

Tabled - April 22, 1987, by Senator CLARK of Cumberland.

Pending - REFERENCE  
(Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS suggested and ORDERED PRINTED.)

(In House, April 21, 1987, referred to the JOINT SELECT COMMITTEE ON CORRECTIONS and ORDERED PRINTED.)

On motion by Senator CLARK of Cumberland, referred to the JOINT SELECT COMMITTEE ON CORRECTIONS and ORDERED PRINTED, in concurrence.

Senator PEARSON of Penobscot was granted unanimous consent to address the Senate off the Record.

Senator BUSTIN of Kennebec was granted unanimous consent to address the Senate off the Record.

Senator ANDREWS of Cumberland was granted unanimous consent to address the Senate off the Record.

Senator MATTHEWS of Kennebec was granted unanimous consent to address the Senate off the Record.

#### Off Record Remarks

On motion by Senator CAHILL of Sagadahoc, ADJOURNED until Thursday, April 23, 1987, at 9:00 in the morning.

#### ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE FIRST REGULAR SESSION 53rd Legislative Day Thursday, April 23, 1987

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

Prayer by Major Walter Douglass, Salvation Army, Augusta.

The Journal of Wednesday, April 22, 1987, was read and approved.

Quorum call was held.

#### SENATE PAPERS

Bill "An Act to Establish an Outreach and Support Program for Head-Injured Persons" (S.P. 436) (L.D. 1316)

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 Relating to State Involvement in Inspections and Enforcement Activities of Nuclear Power Plants and Evacuation Plans" (S.P. 429) (L.D. 1309)

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

(The Committee on Reference of Bills had suggested reference to the Committee on Human Resources.)

On motion of Representative Michaud of East Millinocket, was referred to the Committee on Human Resources in non-concurrence and sent up for concurrence.

Bill "An Act to Modify Certain Sections of the Medical Examiner Act to Control Public Dissemination of Information Placed on the Death Certificate by the Medical Examiner in Cases under Investigation by the Attorney General's Office" (S.P. 437) (L.D. 1317)

Bill "An Act to Modify Certain Sections of the Maine Criminal Code" (S.P. 438) (L.D. 1318)

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

Were referred to the Committee on Judiciary in concurrence.

#### Non-Concurrent Matter

Bill "An Act to Aid in Enforcement of Child Support Payments" (H.P. 258) (L.D. 341) on which the Minority "Ought to Pass" in New Draft (H.P. 958) (L.D. 1287) Report of the Committee on Judiciary was Read and Accepted and the New Draft Passed to be Engrossed in the House on April 21, 1987.

Came from the Senate with the Majority "Ought Not to Pass" Report of the Committee on Judiciary Report Read and Accepted in non-concurrence.

On motion of Representative Paradis of Augusta, the House voted to insist.

#### Non-Concurrent Matter

An Act to Strengthen the Efforts of the Maine Potato Industry and the Responsibility of the Maine Potato Board to Improve the Quality of Maine Tablestock Potatoes (H.P. 856) (L.D. 1150) (S. "A" S-31) which was Passed to be Enacted in the House on April 21, 1987.

Came from the Senate, Passed to be Engrossed as amended by Senate Amendments "A" (S-31) and "B" (S-32) in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter  
TABLED AND ASSIGNED

Bill "An Act Concerning the Calculation of the Insured Value Factor in Public Tuition Payments to Private Schools" (H.P. 196) (L.D. 248) which was Passed to be Engrossed as amended by Committee Amendment "A" (H-58) in the House on April 10, 1987.

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (H-58) as amended by Senate Amendment "A" (S-36) thereto in non-concurrence.

On motion of Representative Carter of Winslow, tabled pending further consideration and specially assigned for Friday, April 24, 1987.

PETITIONS, BILLS AND RESOLVES  
REQUIRING REFERENCE

The following Bills and Resolve 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:

Business Legislation

Bill "An Act Concerning the Construction of Public Assembly Buildings" (H.P. 996) (L.D. 1342) (Presented by Representative RACINE of Biddeford)

Ordered Printed.

Sent up for Concurrence.

LATER TODAY ASSIGNED

Bill "An Act to Provide Assistance to Victims of Natural Disasters" (Emergency) (H.P. 997) (L.D. 1343) (Presented by Representative GOULD of Greenville) (Cosponsors: President PRAY of Penobscot, Representatives THISTLE of Dover-Foxcroft and HUSSEY of Milo) (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 Economic Development.)

On motion of Representative Gwadosky of Fairfield, tabled pending reference and later today assigned.

Energy and Natural Resources

Bill "An Act Concerning Road Improvement Costs Related to Private Development Projects" (H.P. 989) (L.D. 1335) (Presented by Representative WARREN of Scarborough) (Cosponsor: Senator KERRY of York) (By Request)

Bill "An Act to Require Recording of Certain Subdivision and Zoning Variances" (H.P. 990) (L.D. 1336) (Presented by Representative MACOMBER of South Portland) (Cosponsor: Representative MARSANO of Belfast) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Ordered Printed.

Sent up for Concurrence.

LATER TODAY ASSIGNED

Bill "An Act to Establish the Maine Recreation and Natural Heritage Fund" (H.P. 995) (L.D. 1341) (Presented by Representative SIMPSON of Casco) (Cosponsors: Speaker MARTIN of Eagle Lake,

Representatives FOSTER of Ellsworth and CARTER of Winslow)

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

On motion of Representative Michaud of East Millinocket, tabled pending reference and later today assigned.

Fisheries and Wildlife

RESOLVE, to Create a Commission to Review the Laws Relating to Registered Maine Guides" (Emergency) (H.P. 993) (L.D. 1339) (Presented by Representative JACQUES of Waterville) (Cosponsors: Senator ERWIN of Oxford, Representatives FARREN of Cherryfield and DUFFY of Bangor) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Ordered Printed.

Sent up for Concurrence.

State and Local Government

Bill "An Act Concerning Removal of Submerged Watercraft in Coastal Waters of this State" (H.P. 992) (L.D. 1338) (Presented by Representative COLES of Harpswell) (Cosponsors: Representatives VOSE of Eastport and CARROLL of Gray)

(The Committee on Reference of Bills had suggested the Committee on Marine Resources.)

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

Taxation

Bill "An Act to Increase Maine's Sales Tax to 6% and to use the Funds Generated to Support the University of Maine System, the Maine Vocational-Technical Institute System and Immediately Increase the State's Share of Education Funding to 65%" (H.P. 991) (L.D. 1337) (Presented by Representative NUTTING of Leeds) (Cosponsors: Representatives SMITH of Island Falls, THISTLE of Dover-Foxcroft and JOSEPH of Waterville)

Ordered Printed.

Sent up for Concurrence.

Utilities

Bill "An Act to Limit the Authority of the Public Utilities Commission to Regulate Municipal or Quasi-municipal Water Utilities with Less than 1,000 Customers" (H.P. 994) (L.D. 1340) (Presented by Representative JACKSON of Harrison) (Cosponsors: Representatives ROLDE of York, WEBSTER of Cape Elizabeth and Senator TWITCHELL of Oxford)

Ordered Printed.

Sent up for Concurrence.

ORDERS

On motion of Representative KETOVER of Portland, the following Joint Resolution: (H.P. 970) (Cosponsors: Speaker MARTIN of Eagle Lake and President PRAY of Penobscot)

JOINT RESOLUTION COMMEMORATING THE "DAYS OF REMEMBRANCE" OF THE VICTIMS OF THE NAZI HOLOCAUST  
WHEREAS, less than 42 years ago, 6 million Jews were murdered in the Nazi Holocaust as part of a

systematic program of genocide, and millions of other people suffered as victims of Nazism; and

WHEREAS, the people of the State of Maine should always remember the atrocities committed by the Nazis so that such horrors may never be repeated; and

WHEREAS, the people of the State of Maine should continually rededicate themselves to the principle of equal justice for all people; and

WHEREAS, the people of the State of Maine should remain eternally vigilant against all tyranny, and recognize that bigotry provides a breeding ground for tyranny to flourish; and

WHEREAS, April 26th has been designated internationally as a Day of Remembrance of victims of the Nazi Holocaust, known as Yom Hashoah; and

WHEREAS, the national community pursuant to an Act of Congress will be commemorating the week of April 26th through May 3rd as the "Days of Remembrance" of the victims of the Nazi Holocaust; and

WHEREAS, it is appropriate for the people of the State of Maine to join in this international commemoration; now, therefore, be it

RESOLVED: That We, the Members of the First Regular Session of the 113th Legislature on behalf of the people of the State of Maine, in memory of the victims of the Nazi Holocaust, recommit ourselves to the lessons of the Nazi Holocaust through this international week of the commemoration and express our common desire to continually strive to overcome prejudice and inhumanity through education, vigilance and resistance; and be it further

RESOLVED: That suitable copies of this Joint Resolution be prepared and transmitted forthwith to the United States Holocaust Memorial Council in Washington, D.C., on behalf of the people of the State of Maine.

Was read.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Ketover.

Representative KETOVER: Mr. Speaker, Ladies and Gentlemen of the House: Over 42 years ago, which through tunnels of time, are eons for some, and only yesterday for others. Six million Jews were murdered in the Nazi Holocaust so let us remember them for they have no friends. Only 42 years later, we know what they then could not know, that they were alone outside of society, outside of civilization, expelled from time, forgotten by human kind, forsaken by the Almighty himself. They dispaired alone, fought alone, and died alone. But I, too, remember as a second generation my friends and relatives who died.

Let us remember April 26th, which has been designated, internationally, as a day of remembrance but let us never forget the million and a half children who perished. Let us never forget -- so our children and theirs will never forget. May this holocaust never happen again. An act of Congress will be commemorating the week of April 26th through May 3rd as the "Days of Remembrance" so we will not forget.

Subsequently was adopted and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

#### REPORTS OF COMMITTEES

##### Unanimous Leave to Withdraw

Representative CASHMAN from the Committee on Taxation on Bill "An Act to Increase the Income Tax Exemption for Taxpayers Who Support Elderly Relatives" (H.P. 589) (L.D. 800) reporting "Leave to Withdraw"

Representative RUHLIN from the Committee on Labor on Bill "An Act Concerning the Amount of Extended Benefits under the Employment Security Law" (H.P. 688) (L.D. 929) 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 HICKEY from the Committee on Aging, Retirement and Veterans on Bill "An Act to Provide Pension Rights to Morris G. Pilot" (H.P. 477) (L.D. 644) reporting "Ought to Pass" in New Draft (H.P. 998) (L.D. 1344)

Report was read and accepted, the New Draft given its first reading and assigned for second reading Friday, April 24, 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. 711) (L.D. 962) Bill "An Act to Establish the Cost of the 1987 Spruce Budworm Management Program" (Emergency) Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-71)

(H.P. 433) (L.D. 579) Bill "An Act to Facilitate Mutual Aid Agreements Between Municipal Police Departments" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-72)

(H.P. 890) (L.D. 1191) Bill "An Act to Ensure Timely Adoption of Revised Solid Waste Rules" (Emergency) Committee on Energy and Natural Resources reporting "Ought to Pass"

There being no objections, the above items were ordered to appear on the Consent Calendar of Friday, April 24, 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:

(S.P. 275) (L.D. 785) RESOLVE, to Designate a Portion of Route 9 in Clifton the R. Leon Williams Highway (C. "A" S-35)

(S.P. 180) (L.D. 507) Bill "An Act to Make Additional Allocations for the Administrative Expenses of the Department of Finance, the Bureau of Alcoholic Beverages and the State Liquor Commission, for the Fiscal Year Ending June 30, 1987" (Emergency) (C. "A" S-34)

(H.P. 613) (L.D. 831) Bill "An Act to Extend the Time for the Rangeley Water District to Purchase the Rangeley Water Company Plant"

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were 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 Make Allocations from the Public Utilities Commission Regulatory Fund and the Public Utilities Reimbursement Fund for the Fiscal Year Ending June 30, 1988, and June 30, 1989" (Emergency) (H.P. 988) (L.D. 1333)

Bill "An Act Concerning Housing for Hearing Ear Dogs and Seeing Eye Dogs" (H.P. 971) (L.D. 1314)

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Make Allocations for the Administrative Expenses of the Bureau of Lottery, Department of Finance, for the Fiscal Years Ending June 30, 1988, and June 30, 1989 (H.P. 387) (L.D. 521)

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. 114 voted in favor of the same and 3 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

TABLED AND ASSIGNED

An Act to Amend the Requirements for Individual Public Self-insurers under the Workers' Compensation Act (S.P. 412) (L.D. 1270)

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

On motion of Representative Diamond of Bangor, tabled pending passage to be enacted and specially assigned for Friday, April 24, 1987.

PASSED TO BE ENACTED

An Act to Assure Proper Notice of Workers' Compensation Claims (S.P. 413) (L.D. 1271)

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.

TABLED AND ASSIGNED

An Act to Enhance the Productivity of the Workers' Compensation Commission (H.P. 632) (L.D. 855) (C. "A" H-64)

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

On motion of Representative Diamond of Bangor, tabled pending passage to be enacted and specially assigned for Friday, April 24, 1987.

ORDERS OF THE DAY

BILL HELD

SENATE REPORT from the Committee on Judiciary on 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) - reporting that it be referred to the Committee on Appropriations and Financial Affairs.

- In Senate, Report read and Bill and Accompanying Papers Recommitted to the Committee on Judiciary.

- In House, Report read and accepted and the Bill referred to the Committee on Appropriations and Financial Affairs in non-concurrence.

HELD at the request of Representative PARADIS of Augusta.

On motion of Representative Paradis of Augusta, the House voted to substitute the Bill for the Report, the Bill read once and assigned for second reading Friday, April 24, 1987.

The Chair laid before the House the following matter: Bill "An Act to Provide Assistance to Victims of Natural Disasters" (Emergency) (H.P. 997) (L.D. 1343) which was tabled earlier in the day and later today assigned pending reference.

On motion of Representative Diamond of Bangor, retabled pending reference and specially assigned for Friday, April 24, 1987.

The Chair laid before the House the following matter: Bill "An Act to Establish the Maine Recreation and Natural Heritage Fund" (H.P. 995) (L.D. 1341) which was tabled earlier in the day and later today assigned pending reference.

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

(Off Record Remarks)

On motion of Representative Higgins of Scarborough,

Adjourned until Friday, April 24, 1987, at twelve o'clock noon.