

# 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 THIRTEENTH MAINE LEGISLATURE  
FIRST REGULAR SESSION  
55th Legislative Day  
Monday, April 27, 1987

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

Was read and ordered placed on file.

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

Prayer by Reverend David Phreaner, Allen Avenue Unitarian-Universalist Church, Portland.

National Anthem by the Caribou High School Band.

The Journal of Friday, April 24, 1987, was read and approved.

Quorum call was held.

SENATE PAPERS

The following Communication:

THE SENATE OF MAINE

Augusta

April 24, 1987

Honorable Edwin H. Pert  
Clerk of the House  
State House Station 2  
Augusta, Maine 04333

Dear Clerk Pert:

Please be advised that the Senate today Insisted to its former action whereby it accepted the Ought Not to Pass Report on the Bill "An Act to Aid in Enforcement of Child Support Payments" (H.P. 258) (L.D. 341).

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

Was read and ordered placed on file.

The following Communication:

THE SENATE OF MAINE

Augusta

April 24, 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 Linda I. Alverson of Oxbow for appointment to the Land Use Regulation Commission.

Linda I. Alverson is replacing Ray Owen.

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

Was read and ordered placed on file.

The following Communication:

THE SENATE OF MAINE

Augusta

April 24, 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 Robert C. Hazelwood of Grand Lake Stream for appointment to the Land Use Regulation Commission.

Robert C. Hazelwood is replacing Beren Harrington.

Unanimous Leave to Withdraw

Report of the Committee on Transportation reporting "Leave to Withdraw" on Bill "An Act to Restrict the Transport of Hazardous Materials during Inclement Weather" (S.P. 61) (L.D. 128)

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

Ought to Pass

Report of the Committee on Transportation reporting "Ought to Pass" on RESOLVE, to Establish a Commission to Study the Feasibility of Constructing a 4-lane Highway from Interstate 95 to the St. John Valley (S.P. 167) (L.D. 471).

Came from the Senate, with the report read and accepted and the bill passed to be engrossed as amended by Senate Amendment "A" (S-38).

Report was read and accepted and the Resolve read once.

Senate Amendment "A" (S-38) was read by the Clerk and adopted and the Resolve assigned for second reading Tuesday, April 28, 1987.

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:

Human Resources

Bill "An Act to Permit the Use of Half Doors or Dutch Doors to Restrain Certain Patients in Skilled Nursing or Intermediate Care Facilities" (H.P. 1005) (L.D. 1352) (Presented by Representative ROLDE of York)

Ordered Printed.  
Sent up for Concurrence.

Legal Affairs

Bill "An Act to Hold Employees of Licensees Criminally Liable for Knowingly Selling Liquor to Minors" (H.P. 1004) (L.D. 1351) (Presented by Representative RACINE of Biddeford) (Cosponsor: Senator KANY of Kennebec) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Ordered Printed.  
Sent up for Concurrence.

Taxation

Bill "An Act to Refund County Fuel Taxes" (H.P. 1006) (L.D. 1353) (Presented by Representative LISNIK of Presque Isle) (Cosponsors: Speaker MARTIN of Eagle Lake, Representative INGRAHAM of Houlton, and Senator COLLINS of Aroostook) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Bill "An Act to Improve the Method of Calculating Excise Taxes in Fire Control" (H.P. 1007) (L.D. 1354) (Presented by Representative DEXTER of Kingfield) (Cosponsors: Representatives RIDLEY of Shapleigh, MILLS of Bethel, and Senator LUDWIG of Aroostook)

(Submitted by the Department of Conservation pursuant to Joint Rule 24)

Ordered Printed.

Sent up for Concurrence.

ORDERS

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

ORDERED, that Representative Theone F. Look of Jonesboro be excused April 13 and 14 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Philip E. Curran of Westbrook be excused April 15 for personal reasons and May 8 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Gennette M. Ingraham of Houlton be excused April 16 and 20 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Helen M. Tupper of Orrington be excused May 1 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative William B. O'Gara of Westbrook be excused April 30, May 1, 4 and 5 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative John Jalbert of Lisbon be excused April 15 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Daniel J. Callahan of Mechanic Falls be excused April 16 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Mona Walker Hale of Sanford be excused April 14 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Ronald C. Bailey of Farmington be excused April 15 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Charles R. Priest of Brunswick be excused April 7, 8 and 9 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Richard P. Ruhlin of Brewer be excused April 8 and 9 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Bradford E. Boutilier of Lewiston be excused April 21, 22, 24, 29 and May 1 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Sally R. Rice of Stonington be excused April 16 and 24 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Joseph W. Mayo of Thomaston be excused April 13 and 14 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Dana C. Hanley of Paris be excused April 24 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Mary H. MacBride of Presque Isle be excused April 24 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Susan J. Pines of Limestone be excused April 23 and 24 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Charlene B. Rydell of Brunswick be excused April 22 for health reasons and May 6, 7 and 8 for legislative business.

Was read and passed.

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative PRIEST from the Committee on Legal Affairs on Bill "An Act to Regulate Political Advertising in Public Right-of-way Areas" (H.P. 671) (L.D. 904) reporting "Ought Not to Pass"

Representative MICHAUD from the Committee on Energy and Natural Resources on Bill "An Act Relating to Allowing Local Planning Boards to Require a Subdivision Applicant to Set Aside 20% of Lots to be Sold at 25% Below Fair Market Value" (H.P. 676) (L.D. 909) reporting "Ought Not to Pass"

Representative DEXTER from the Committee on Energy and Natural Resources on Bill "An Act to Prohibit the Use of Aircraft on Upper Narrows Pond in Kennebec County which is Designated as a Resource for Public Drinking Water" (H.P. 694) (L.D. 935) reporting "Ought Not to Pass"

Representative MITCHELL from the Committee on Energy and Natural Resources on Bill "An Act to Allow the Deposition of Sand Along the Shore of Great Ponds" (H.P. 491) (L.D. 661) reporting "Ought Not to Pass"

Representative HOLLOWAY from the Committee on Energy and Natural Resources on Bill "An Act Relating to Local School Costs and the Local Subdivision Law" (H.P. 655) (L.D. 883) reporting "Ought Not to Pass"

Representative GURNEY from the Committee on Business Legislation on Bill "An Act Regarding the Sunday Closing Law" (H.P. 507) (L.D. 680) reporting "Ought Not to Pass"

Representative ALLEN from the Committee on Business Legislation on Bill "An Act to Maintain Itemized Pricing" (H.P. 539) (L.D. 723) 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 PRIEST from the Committee on Legal Affairs on RESOLVE, to Establish the Special Select Committee on Lotteries (H.P. 786) (L.D. 1058) reporting "Leave to Withdraw"

Representative CARTER from the Committee on Appropriations and Financial Affairs on Bill "An Act to Provide Emergency Housing for Persons Suffering from Mental Illness" (H.P. 526) (L.D. 710) reporting "Leave to Withdraw"

Representative CARTER from the Committee on Appropriations and Financial Affairs on Bill "An Act to Continue Community Mental Retardation Services" (H.P. 211) (L.D. 263) reporting "Leave to Withdraw"

Representative RIDLEY from the Committee on Energy and Natural Resources on Bill "An Act to Limit the Registration Fee on Quasi-municipal and Municipal Dams" (H.P. 575) (L.D. 773) reporting "Leave to Withdraw"

Representative HIGGINS from the Committee on Appropriations and Financial Affairs on Bill "An Act to Provide Funding for Repairs at Montpelier" (H.P. 369) (L.D. 483) reporting "Leave to Withdraw"

Representative REED from the Committee on Business Legislation on Bill "An Act to Enable Electric Sign Manufacturers to Maintain the Signs they Install" (H.P. 916) (L.D. 1228) reporting "Leave to Withdraw"

Representative PRIEST from the Committee on Legal Affairs on RESOLVE, to Simplify the Wording on the Ballot of the Proposed Initiative Regarding the Generation of Electric Power and High-level Radioactive Waste (H.P. 109) (L.D. 119) reporting "Leave to Withdraw"

Representative PRIEST from the Committee on Legal Affairs on Bill "An Act Concerning the Wording of Initiative and People's Veto Referendum Questions" (H.P. 251) (L.D. 324) reporting "Leave to Withdraw"

Representative COLES from the Committee on Marine Resources on Bill "An Act Concerning Hand Fishing for

Scallops" (H.P. 661) (L.D. 894) 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 Concerning the Sale of Deferred Compensation" (H.P. 830) (L.D. 1121) 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.

Ought to Pass in New Draft/New Title

Representative LEBOWITZ from the Committee on Business Legislation on Bill "An Act Relating to the Social Worker License Renewal Fees" (Emergency) (H.P. 382) (L.D. 504) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Relating to Social Worker License Fees" (Emergency) (H.P. 1003) (L.D. 1350)

Report was read and accepted, the New Draft given its first reading and assigned for second reading Tuesday, April 28, 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. 402) (L.D. 536) Bill "An Act to Require Legislative Approval and Public Hearings for any Plan to Decentralize the Pineland Center Facility" (Emergency) Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-74)

There being no objections, the above item was ordered to appear on the Consent Calendar of Tuesday, April 28, 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. 650) (L.D. 878) Bill "An Act Relating to Historic Bridges"

(H.P. 651) (L.D. 879) Bill "An Act to Make Technical Adjustments to the Truck Overweight Law" (Emergency)

(H.P. 653) (L.D. 881) Bill "An Act to Amend the Experimental Vehicle Law"

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

PASSED TO BE ENGROSSED

Bill "An Act to Amend the Marriage Prohibitions Based on Consanguinity" (Emergency) (H.P. 1002) (L.D. 1348)

Bill "An Act to Amend the Maine Tort Claims Act Relating to Personal Liability of Employees of a Governmental Entity" (H.P. 1000) (L.D. 1346)

Bill "An Act Relating to School Construction" (S.P. 435) (L.D. 1315)

Bill "An Act Relating to the Membership of the Atlantic Sea Run Salmon Commission" (H.P. 999) (L.D. 1345)

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

ENACTOR

Emergency Measure  
TABLED AND ASSIGNED

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 (S.P. 180) (L.D. 507) (C. "A" S-34)

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

On motion of Representative Carter of Winslow, tabled pending passage to be enacted and specially assigned for Tuesday, April 28, 1987.

PASSED TO BE ENACTED

An Act to Strengthen Local Planning Abilities Through Regional Councils (H.P. 259) (L.D. 342) (C. "A" H-66)

An Act to Clarify the Emergency Rule-making Authority of the Commissioner of Marine Resources (H.P. 327) (L.D. 426) (C. "A" H-67)

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; S. "B" S-32)

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.

FINALLY PASSED

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

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, finally passed, signed by the Speaker and sent to the Senate.

(At Ease)

The House was called to order by the Speaker.

ORDERS OF THE DAY

TABLED AND TODAY ASSIGNED

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

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

TABLED - April 24, 1987 by Representative DIAMOND of Bangor.

PENDING - Passage to be Enacted.

On motion of Representative McHenry of Madawaska, under suspension of the rules, the House reconsidered its action whereby L.D. 855 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-64) was adopted.

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The same Representative offered House Amendment "A" (H-75) to Committee Amendment "A" (H-64) and moved its adoption.

House Amendment "A" (H-75) to Committee Amendment "A" (H-64) 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 in non-concurrence and sent up for concurrence.

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(Off Record Remarks)

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On motion of Representative MacBride of Presque Isle,

Adjourned until Tuesday, April 28, 1987, at nine o'clock in the morning.

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

In Senate Chamber  
Monday  
April 27, 1987

Senate called to Order by the President.

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Prayer by the Honorable Clyde A. Hichborn of Lagrange.  
REPRESENTATIVE HICHBORN: Let us pray. There is within the heart of each of us, within the heart of every man, every woman, every child, a spirit that directs our every thought, our every move and deed. This is the spirit that guides us along the road of life. It gives us courage when problems confront us. It lights the way when dark clouds cast their shadows and strengthens our will when the body grows weak. This spirit gives birth to thought and strength of will to do.

If the hill seems too steep to climb, the task too great to conquer, if we fail at any time, it is because our own will is too weak and the courage of our own conviction fails. Responsibility for self determination is a private decision that each of us must make each and every day. So, as we begin this new day, let us here and now highly resolve that to this Eternal Spirit and to ourselves, we will be true.

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Reading of the Journal of Friday, April 24, 1987.

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Off Record Remarks

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PAPERS FROM THE HOUSE

Non-concurrent Matter

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

Report - REFER to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS.

In Senate, April 21, 1987, the Report READ and Bill and Accompanying Papers RECOMMITTED to the Committee on JUDICIARY.

Comes from the House Bill SUBSTITUTED for the Report and PASSED TO BE ENGROSSED in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

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Non-concurrent Matter

Bill "An Act to Assure Proper Notice of Workers' Compensation Claims"

S.P. 413 L.D. 1271

In Senate, April 15, 1987, PASSED TO BE ENGROSSED.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-73) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

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House Papers

Bill "An Act to Provide Assistance to Victims of Natural Disasters" (Emergency)

H.P. 997 L.D. 1343

Committee on ECONOMIC DEVELOPMENT suggested and ORDERED PRINTED.