

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred And Thirteenth Legislature
OF THE
State Of Maine

VOLUME III

FIRST CONFIRMATION SESSION

August 21, 1987
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October 9, 1987 to October 10, 1987
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SECOND REGULAR SESSION

January 6, 1988 to March 24, 1988

On motion by Senator BERUBE of Androscoggin, ADJOURNED, in memory of Marguerite Yourcenar, until Thursday, January 14, 1988, at 10:00 in the morning.

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE
SECOND REGULAR SESSION
5th Legislative Day
Thursday, January 14, 1988

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

Prayer by Reverend Gary Capen, Boothbay Harbor Methodist Church.

The Journal of Wednesday, January 13, 1988, was read and approved.

At this point, Representative Davis of Monmouth was added to the Roll.

SENATE PAPERS

The following Joint Resolution: (S.P. 783)

JOINT RESOLUTION

IN MEMORY OF MARGUERITE YOURCENAR

WHEREAS, the Legislature has learned with deep regret that one of the world's most distinguished writers, Marguerite Yourcenar, died on December 17, 1987, at her Northeast Harbor home; and

WHEREAS, this world traveler, gifted linguist and fervent ecologist chose the State of Maine and Mount Desert Island as a permanent residence more than 30 years ago; and

WHEREAS, the name she gave to her island home, "Petite Plaisance", indicates the deep attachment she felt for the beauty and serenity of the area, a setting which nurtured many of her finest works; and

WHEREAS, Marguerite Yourcenar was a recipient of numerous literary awards, was a member of the American Academy and Institute of Arts and Letters, had works translated into 30 languages and had the unique distinction of being the first female member of the Academie Francaise since its creation in the 17th Century by Cardinal Richelieu; and

WHEREAS, the endowment which she created to assist humanistic and ecological areas is a fitting testament to her love for this planet and her commitment to its betterment; now, therefore, be it

RESOLVED: That We, the Members of the Second Regular Session of the 113th Legislature, now assembled, join President Francois Mitterand of France and others who share this great loss, in paying homage to the strength and independence of her spirit which personified irreplaceable values, and pause in a moment of understanding and prayer to inscribe this token of sympathy and condolence and respectfully request that, when the Legislature adjourns this date, it do so in honor and lasting tribute to Marguerite Yourcenar; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted forthwith to the family of the deceased and the Consul General of France.

Came from the Senate, read and adopted.

Was read and adopted in concurrence.

Bill "An Act to Appropriate Funds for Structural Repairs to the Woodbury Pond Dam" (S.P. 771) (L.D. 2028)

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 to Increase the Eligibility of Juveniles for Attendant Care" (S.P. 768) (L.D. 2025)

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

Was referred to the Committee on Human Resources in concurrence.

Bill "An Act to Establish the Strategic Training for Accelerated Reemployment Program" (Emergency) (S.P. 782) (L.D. 2039)

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 Include Certain Prisoners within the Provisions of the Workers' Compensation Act" (S.P. 781) (L.D. 2038)

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

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

Was referred to the Committee on Labor in concurrence.

Bill "An Act Pertaining to Fire Permit Enforcement" (S.P. 769) (L.D. 2026)

Bill "An Act Relating to the Use of Unoccupied Interment Spaces" (S.P. 774) (L.D. 2031)

Bill "An Act Concerning the Carrying of Concealed Firearms by Licensed Private Investigators" (S.P. 779) (L.D. 2036)

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

Were referred to the Committee on Legal Affairs in concurrence.

Bill "An Act to Conserve Striped Bass" (Emergency) (S.P. 780) (L.D. 2037)

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

Was referred to the Committee on Marine Resources in concurrence.

Bill "An Act to Provide for Local Control of Watercraft Traffic" (S.P. 770) (L.D. 2027)

Bill "An Act to Establish a Commemorative Day for Margaret Chase Smith and Edmund S. Muskie" (S.P. 773) (L.D. 2030)

Came from the Senate, referred to the Committee on State and Local Government and Ordered Printed.

Were referred to the Committee on State and Local Government in concurrence.

Bill "An Act to Permit Regional Variations in Circuit Breaker Programs" (S.P. 772) (L.D. 2029)

Bill "An Act to Repeal the Sales Tax Exemption on Self-Help Literature on Alcoholism" (S.P. 778) (L.D. 2035)

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

Were referred to the Committee on Taxation in concurrence.

Bill "An Act to Require Collection of Reinstatement Fee at the Time of Sentencing under the Motor Vehicle Laws" (S.P. 775) (L.D. 2032)

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

Was referred to the Committee on Transportation in concurrence.

COMMUNICATIONS

The following Communication: (S.P. 784)
COMMITTEE ON STATE AND LOCAL GOVERNMENT
ONE HUNDRED AND THIRTEENTH LEGISLATURE
January 11, 1988

Senator Charles P. Pray, Chairman
Legislative Council
State House
Augusta, Maine 04333
Dear Senator Pray:

The Joint Standing Committee on State and Local Government is pleased to submit the attached report of our study of Maine's Conflict of Interest Laws pursuant to the order of the Legislative Council. We hope you find this report useful.

Sincerely,
s/Sen. John L. Tuttle, Jr. s/Rep. Donnell P. Carroll
Senate Chair House Chair

Came from the Senate, read and with accompanying report ordered placed on file.

Was read and with accompany report ordered placed on file in concurrence.

The following Communication: (S.P. 785)
113TH MAINE LEGISLATURE
January 12, 1988

Senator Joseph C. Brannigan
Representative Patrick E. Paradis
Chairpersons
Joint Standing Committee on Judiciary
113th Legislature
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Peter P. Michaud of Bangor for reappointment to the Workers' Compensation Commission. Pursuant to Title 39, M.R.S.A. Section 91, this nomination will require review by the Joint Standing Committee on Judiciary 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 Judiciary.

Was Read and Referred to the Committee on Judiciary in concurrence.

The following Communication: (S.P. 786)
113TH MAINE LEGISLATURE
January 12, 1988

Senator Joseph C. Brannigan
Representative Patrick E. Paradis
Chairpersons
Joint Standing Committee on Judiciary
113th Legislature
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated James F. Cox of Bangor and Paul A. Cote, Jr. of Auburn for appointments to the Workers' Compensation Commission.

Pursuant to 1987 Public Law, Chapter 559, these nominations will require review by the Joint Standing Committee on Judiciary 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 Judiciary.

Was Read and Referred to the Committee on Judiciary in concurrence.

The following Communication:

COMMISSION TO REVIEW OVERCROWDING AT THE
AUGUSTA MENTAL HEALTH INSTITUTE

AND THE
BANGOR MENTAL HEALTH INSTITUTE

January 13, 1988

President Pray
Speaker Martin
State House
Augusta, ME 04333

Dear President Pray and Speaker Martin:

The Commission to Review Overcrowding at the Augusta Mental Health Institute and the Bangor Mental Health Institute is pleased to submit its report to the Legislature pursuant to Resolves, 1987 c. 56.

Sincerely,

s/Sen. Beverly M. Bustin, s/Barbara A. Gill,
Chair Chair

Was read and with accompanying report ordered placed on file.

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:

Agriculture

Bill "An Act to Amend the Animal Control Laws" (H.P. 1505) (L.D. 2055) (Presented by Representative ALLEN of Washington) (Cosponsors: Representative TARDY of Palmyra and Senator MATTHEWS of Kennebec) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Establish Appropriate and Effective Penalty Levels for Violation of the Pesticide Control Laws" (H.P. 1513) (L.D. 2063) (Presented by Representative BRAGG of Sidney) (Cosponsors: Senators TUTTLE of York, BLACK of Cumberland and Representative NUTTING of Leeds) (Submitted by the Department of Agriculture, Food and Rural Resources pursuant to Joint Rule 24)

Ordered Printed.

Sent up for Concurrence.

Appropriations and Financial Affairs

Bill "An Act to Supplement Crisis Intervention Services to Penobscot, Piscataquis, Hancock and Washington Counties" (H.P. 1506) (L.D. 2056) (Presented by Representative DIAMOND of Bangor) (Cosponsors: President PRAY of Penobscot, Senator PERKINS of Hancock and Representative FOSTER of Ellsworth) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Ordered Printed.

Sent up for Concurrence.

Education

Bill "An Act to Continue the Block Grants for Teacher Salaries" (H.P. 1508) (L.D. 2058) (Presented

by Representative BOST of Orono) (Cosponsors: Representative DIAMOND of Bangor, Senator ESTES of York and Speaker MARTIN of Eagle Lake) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Ordered Printed.

Sent up for Concurrence.

Energy and Natural Resources

Bill "An Act to Amend the Solid Waste Provisions of the Site Location Law" (H.P. 1507) (L.D. 2057) (Presented by Representative CHONKO of Topsham) (Cosponsor: Senator CAHILL of Sagadahoc) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Ordered Printed.

Sent up for Concurrence.

Legal Affairs

Bill "An Act to Limit Rent Increases in Mobile Home Parks" (Emergency) (H.P. 1510) (L.D. 2060) (Presented by Representative PRIEST of Brunswick) (Cosponsors: Senators ESTES of York, GAUVREAU of Androscoggin and Representative RYDELL of Brunswick) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Ordered Printed.

Sent up for Concurrence.

State and Local Government

Bill "An Act to Provide for Effective and Timely Public Notice of Hearings Conducted by State Boards and Agencies" (Emergency) (H.P. 1511) (L.D. 2061) (Presented by Representative SHELTRA of Biddeford) (Cosponsors: Representatives JACQUES of Waterville, LOOK of Jonesboro and Senator BALDACCI of Penobscot) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Ordered Printed.

Sent up for Concurrence.

Taxation

Bill "An Act to Increase the Minimum Standards for Eligibility for the Elderly Low-Cost Drug Program and the Household Tax and Rent Refund Act" (H.P. 1512) (L.D. 2062) (Presented by Representative DUFFY of Bangor) (Cosponsors: Representatives CASHMAN of Old Town, JACKSON of Harrison and Senator TWITCHELL of Oxford) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Ordered Printed.

Sent up for Concurrence.

Transportation

Bill "An Act to Amend Procedures Under the Unclaimed Motor Vehicle Laws" (H.P. 1509) (L.D. 2059) (Presented by Representative DUTREMBLE of Biddeford) (Cosponsor: Senator MATTHEWS of Kennebec) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Ordered Printed.

Sent up for Concurrence.

REPORTS OF COMMITTEES

Unanimous Leave to Withdraw

Representative COLES from the Committee on Marine Resources on Bill "An Act to Establish a Tax to Provide for the Comprehensive Monitoring of Paralytic

Shellfish Poison" (H.P. 981) (L.D. 1328) reporting
"Leave to Withdraw"

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

On motion of Representative Chonko of Topsham,
Adjourned until Friday, January 15, 1988, at
eleven o'clock in the morning.

ORDERS OF THE DAY
TABLED AND TODAY ASSIGNED

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

An Act to Encourage Prompt and Peaceful Settlements of Labor Disputes (H.P. 1415) (L.D. 1919) (H. "A" H-435; H. "B" H-436)

TABLED - January 13, 1988 by Representative DIAMOND of Bangor.

PENDING - Reconsideration (Returned by the Governor without his approval)

On motion of Representative Diamond of Bangor, retabled pending reconsideration (Returned by the Governor without his approval) and specially assigned for Friday, January 15, 1988.

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

Bill "An Act Relating to Sentences with Intensive Supervision" (S.P. 728) (L.D. 1987)

- In Senate, Referred to the Committee on Human Resources.

(Committee on Judiciary suggested)

TABLED - January 13, 1988 by Representative BAKER of Portland.

PENDING - Reference.

Representative Manning of Portland moved that L.D. 1987 be referred to the Joint Select Committee on Corrections.

On motion of Representative Baker of Portland, tabled pending the motion of Representative Manning of Portland that L.D. 1987 be referred to the Joint Select Committee on Corrections and later today assigned.

(Off Record Remarks)

At this point, Speaker Martin appointed Representative Michaud of East Millinocket to act as Speaker Pro Tem for Friday, January 15, 1988.

The Chair laid before the House the following matter: Bill "An Act Relating to Sentences with Intensive Supervision" (S.P. 728) (L.D. 1987) which was tabled earlier in the day and later today assigned pending the motion of Representative Manning of Portland that L.D. 1987 be referred to the Joint Select Committee on Corrections.

Subsequently, was referred to the Committee on Corrections in non-concurrence and sent up for concurrence.

Representative McSweeney of Old Orchard Beach was granted unanimous consent to address the House:

Representative MCSWEENEY: Mr. Speaker, Ladies and Gentlemen of the House: I realize that we voted for 36 numbers in the Maine State Lottery and now they are going up to 40 numbers -- it just shows that they don't pay any attention to us, the State Legislature, at all.