

# 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  
Index

**FIRST SPECIAL SESSION**

October 9, 1987 to October 10, 1987  
Index

**SECOND SPECIAL SESSION**

October 21, 1987 to November 20, 1987  
Index

**SECOND REGULAR SESSION**

January 6, 1988 to March 24, 1988

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE  
SECOND REGULAR SESSION  
12th Legislative Day  
Tuesday, January 26, 1988

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

Prayer by Pastor Rick Nesbitt, Victory Baptist Church, Winthrop.

The Journal of Monday, January 25, 1988, was read and approved.

Quorum call was held.

At this point, Speaker Martin appointed Representative Joseph of Waterville to act as Speaker pro tem.

The House was called to order by the Speaker pro tem.

SENATE PAPERS

The following Communication:

The Senate of Maine  
Augusta

January 25, 1988

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 Education, the Governor's nomination of Joseph Sewall of Old Town for reappointment to the Board of Trustees, Maine Maritime Academy.

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

Was read and ordered placed on file.

Bill "An Act to Provide Additional Appropriations to Continue the Dioxin Study" (S.P. 818) (L.D. 2138)

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 Amend the Principles of Reimbursement for Nonhealth Employees of Nursing Homes" (S.P. 817) (L.D. 2137)

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 Relating to the Weighing of Trucks" (S.P. 819) (L.D. 2139)

RESOLVE, Establishing the Commission to Study Secondary Transportation Corridors in Maine (S.P. 816) (L.D. 2136)

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

Were referred to the Committee on Transportation in concurrence.

Unanimous Leave to Withdraw

Report of the Committee on Legal Affairs reporting "Leave to Withdraw" on Bill "An Act to Amend the Law Regarding Training for Law Enforcement Officers" (S.P. 280) (L.D. 790)

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

COMMUNICATIONS

The following Communication: (S.P. 820)

113TH MAINE LEGISLATURE

January 22, 1988

Senator John M. Kerry  
Representative Harry L. Vose  
Chairpersons  
Joint Standing Committee on Utilities  
113th Legislature  
Augusta, Maine 04333  
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Lewis Perl of Scarsdale, New York for appointment as Chairman of the Public Utilities Commission.

Pursuant to Title 35, M.R.S.A. Section 1, this nomination will require review by the Joint Standing Committee on Utilities 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 Utilities.

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

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:

Banking and Insurance

Bill "An Act Relating to Nonforfeiture and Valuation Standards for Fraternal Benefit Societies" (H.P. 1571) (L.D. 2142) (Presented by Representative PARADIS of Augusta) (Cosponsors: Speaker MARTIN of Eagle Lake, Senators BUSTIN of Kennebec and COLLINS of Aroostook) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Ordered Printed.

Sent up for Concurrence.

Human Resources

Bill "An Act to Increase Reimbursement Levels to Respite and Foster Care Providers" (H.P. 1569) (L.D. 2140) (Presented by Representative STEVENS of Bangor) (Cosponsors: Representatives MANNING of Portland, McGOWAN of Canaan and Senator GILL of Cumberland) (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 Regarding Amendments to the Kennebec County Budget" (H.P. 1570) (L.D. 2141) (Presented by Representative JOSEPH of Waterville) (Cosponsors: Senators KANY of Kennebec and BUSTIN of Kennebec)

(Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26) (By Request)

Ordered Printed.  
Sent up for Concurrence.

ORDERS

On motion of Representative STEVENS of Sabattus, the following Joint Resolution: (H.P. 1537) (Cosponsors: Representative LAWRENCE of Parsonsfield and Senator BERUBE of Androscoggin)

JOINT RESOLUTION IN SUPPORT OF THE NORTH AMERICAN OPEN ICE-SNOW SAILING CHAMPIONSHIP AT SABATTUS LAKE

WHEREAS, World Cup Ice Sailing is an international sport consisting of 4 events held around the world each year; and

WHEREAS, the North American Open Ice-Snow Sailing Championship will be hosted this year by the Town of Sabattus on Sabattus Lake, January 29 to January 31, 1988; and

WHEREAS, competitors from 6 European countries, Canada and the United States will attain speeds of up to 50 m.p.h. on sailboard rigs adapted for travel on ice and snow; and

WHEREAS, this international sport, which originated in Sweden and Finland, is now growing in popularity in the United States; now, therefore, be it

RESOLVED: That, We the Members of the 113th Legislature of the great and sovereign State of Maine, now assembled in Second Regular Session, take this opportunity to welcome the members of the World Ice and Snow Sailing Association and to extend to each competitor and the Town of Sabattus our very best wishes for success in this spectacular event; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to appropriate race and town officials in honor of this occasion.

Was read and adopted and sent up for concurrence.

REPORTS OF COMMITTEES

Unanimous Leave to Withdraw

Representative PRIEST from the Committee on Legal Affairs on Bill "An Act to Establish a 10% Surtax on Fines to be Dedicated to the Maine Criminal Justice Academy in Lieu of Tuition Paid by Municipalities" (H.P. 1069) (L.D. 1452) reporting "Leave to Withdraw"

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Correct the Implementation of the New Corporate Filing Fees (S.P. 748) (L.D. 2007) (C. "A" S-308)

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 none against and accordingly the Bill was passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act Relating to the Tax Exempt Status of Anson Academy Association (H.P. 1523) (L.D. 2076)

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. 116 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

RESOLVE, to Extend the Reporting Deadline of the Commission to Study the Use of Involuntary Services for Substance Abusers (S.P. 808) (L.D. 2117)

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. 113 voted in favor of the same and none against and accordingly the Resolve was finally passed, signed by the Speaker pro tem and sent to the Senate.

ORDERS OF THE DAY

TABLED AND TODAY ASSIGNED

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

Bill "An Act to Change the Definition of Wine Coolers" (Emergency) (S.P. 803) (L.D. 2104)

- In Senate, Referred to the Committee on Legal Affairs.

TABLED - January 25, 1988 by Representative PRIEST of Brunswick.

PENDING - Reference in concurrence.

On motion of Representative Priest of Brunswick, was referred to the Committee on Legal Affairs in concurrence.

At this point, Speaker Martin resumed the Chair.

The Chair was called to order by the Speaker.

(Off Record Remarks)

The following item appearing on Supplement No. 1 was taken up out of order by unanimous consent:

ORDERS

On motion of Representative CROWLEY of Stockton Springs, the following Joint Resolution: (H.P. 1572) (Cosponsors: Senators GOULD of Waldo, EMERSON of Penobscot and Representative MARSANO of Belfast)

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES URGING THE FEDERAL GOVERNMENT TO TAKE PROMPT ACTION ON PENDING PERMITS AND REQUESTS FOR FEDERAL AID FOR THE SEARSPORT DRY CARGO TERMINAL PROJECT IN SEARSPORT, MAINE

WHEREAS, for nearly a decade, the State has sought to develop a new marine dry cargo terminal with rail and highway access on Sears Island in SearSPORT; and

WHEREAS, the project is designed to meet certain specific objectives of the State and its export-import dependent industries. These objectives are:

1. To provide transportation cost savings to Maine-based industries, especially the forest products industry, through reduced overland travel distances to a port;

2. To generate jobs and other economic activity within Maine directly related to the export-import traffic;

3. To induce jobs and economic activity in Maine-based industries indirectly benefiting by proximity to a modern port;

4. To target state investments in port facilities where new jobs and economic activity is most needed; and

5. To concentrate economic development along Maine's coastline in localized areas to protect the environmental values of the coastline consistent with state environmental and conservationist objectives; and

WHEREAS, the encouragement of exporting by United States business and industry is a national priority due to this nation's serious foreign trade imbalance; and

WHEREAS, the value of the American dollar is at a record low, offering United States exporters an excellent opportunity to establish new foreign markets and to recapture markets lost when the dollar was at a record high; and

WHEREAS, the Federal Highway Administration, acting as lead agency, has recently issued and approved a Final Environmental Impact Statement on the Sears Island Project and this document now serves as a basis for review of application to the United States Army Corps of Engineers and the United States Coast Guard for permits to proceed with the project; and

WHEREAS, the proposed Sears Island cargo terminal is strongly supported by Governor McKernan, the entire Maine Congressional Delegation, the Waldo County Commissioners and the Town of Searsport and in 2 separate bond issues the voters of Maine have also given their approval to this project; and

WHEREAS, the proposed dry cargo terminal for Sears Island would make a valuable contribution toward the expansion of export trade and thereby greatly assist the Maine and national economy; now, therefore, be it

RESOLVED: That the 113th Maine Legislature calls upon President Ronald W. Reagan to request immediate assistance and support in securing prompt action by the Federal Government on all pending permits and requests for federal aid associated with the construction of the proposed Sears Island Dry Cargo Terminal Project.

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 and adopted and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

On motion of Representative Crowley of Stockton Springs,

Adjourned until Wednesday, January 27, 1988, at ten o'clock in the morning.

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

In Senate Chamber  
Tuesday  
January 26, 1988

Senate called to Order by the President.

Prayer by the Honorable Georgette B. Berube of Androscoggin.

SENATOR BERUBE: I would ask that we pray together today for a young man who is undergoing cancer surgery in Portland. He is nineteen years old.

The Lord is my shepard; I shall not want. In verdant pastures He gives me repose; beside restful waters He leads me; He refreshes my soul. He guides me in right paths for His name's sake. Even though I walk in the dark valley I fear no evil; for You are at my side with Your rod and Your staff that give me courage. You spread the table before me in the sight of my foes; You anoint my head with oil; my cup overflows. Only goodness and kindness follow me all the days of my life; and I shall dwell in the house of Lord for years to come. Amen.

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE  
House Papers

Bill "An Act to Continue State Benefits to Retired Teachers who have Joined a New Insurance Plan upon Retirement"

H.P. 1563 L.D. 2130

Comes from the House referred to the Committee on AGING, RETIREMENT AND VETERANS and ORDERED PRINTED.

Which was referred to the Committee on AGING, RETIREMENT AND VETERANS and ORDERED PRINTED, in concurrence.

Bill "An Act to Regulate the Use of Oxen, Pony and Draft Horse Competitions" (Emergency)

H.P. 1565 L.D. 2132

Comes from the House referred to the Committee on AGRICULTURE and ORDERED PRINTED.

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

Bill "An Act to Prevent Reductions in Existing Child Care Programs Funded with Social Services Block Grants"

H.P. 1566 L.D. 2133

Comes from the House referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

Which was referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED, in concurrence.

Bill "An Act Concerning Liability for the Cost of Out-of-State Education for Special Needs Students"

H.P. 1561 L.D. 2128

Comes from the House referred to the Committee on EDUCATION and ORDERED PRINTED.

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