

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

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with No Senators having voted in negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was FINALLY PASSED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Off Record Remarks

Senate at Ease
Senate called to order by the President.

Out of order and under suspension of the Rules, the Senate considered the following:

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order: H.P. 1573
ORDERED, the Senate concurring, that "An Act Relating to the Maine Uniform Transfers to Minors Act", H.P. 642, L.D. 865, be recalled from the legislative files to the House.

Comes from the House READ and PASSED.

Which was READ.

On motion by Senator CLARK of Cumberland, Tabled Unassigned, pending PASSAGE.

Off Record Remarks

The ADJOURNMENT ORDER having been returned from the House READ and PASSED, in concurrence, on motion by Senator PEARSON of Penobscot, ADJOURNED until Monday, February 1, 1988, at 10:00 in the morning.

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE

SECOND REGULAR SESSION

14th Legislative Day

Monday, February 1, 1988

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

Prayer by Reverend Dr. Peter Misner, Wayne-North Wayne Community Church, Wayne.

National Anthem by Cony High School Band.

The Journal of Wednesday, January 27, 1988, was read and approved.

Quorum call was held.

SENATE PAPERS

The following Communication:

The Senate of Maine

Augusta

January 27, 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 Judiciary, the Governor's nomination of John B. Beliveau of Lewiston for appointment as Judge of the Maine District Court.

John B. Beliveau is replacing L. Damon Scales, Jr.

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

January 27, 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 Judiciary, the Governor's nomination of Harriet P. Henry of Standish for reappointment as Judge-at-Large of the Maine District Court.

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

January 27, 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 Judiciary, the Governor's nomination of L. Damon Scales, Jr. of Auburn for appointment as Active Retired Judge of the Maine District Court.

Sincerely,

LEGISLATIVE RECORD - HOUSE, FEBRUARY 1, 1988

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

Was read and ordered placed on file.

Bill "An Act to Establish Minimum Mandatory Energy Standards for Residential Buildings" (S.P. 829) (L.D. 2155)

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

Was referred to the Committee on Energy and Natural Resources in concurrence.

Bill "An Act to Modify the Law Regarding the Androscoggin County Budget Committee" (Emergency) (S.P. 828) (L.D. 2154)

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

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

Unanimous Leave to Withdraw

Report of the Committee on State and Local Government reporting "Leave to Withdraw" on Bill "An Act to Establish the State Bureau of Identification as an Independent Bureau within the Department of Public Safety" (S.P. 68) (L.D. 135)

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

COMMUNICATIONS

The following Communication:
COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS
ONE HUNDRED AND THIRTEENTH LEGISLATURE
January 25, 1988

Honorable John L. Martin
Speaker, House of Representatives
Dear Speaker Martin:

Please find enclosed the final report of the Joint Standing Committee on Appropriations and Financial Affairs studying the cost of implementing the administrative structure of the Maine Vocational-Technical Institute System.

The Appropriations Committee has fulfilled its obligations as directed by Public Law 1987, Chapter 532, Section 10.

Respectfully submitted,
s/Michael D. Pearson s/Donald V. Carter
Senate Chair House Chair

Was read and with accompanying report ordered placed on file.

The following Communication:
State of Maine
Bureau of Taxation
State Office Building
Augusta, Maine 04333
January 11, 1988

The Honorable John L. Martin
Speaker of the House
State House Station 2
Augusta, ME 04333
Dear Speaker Martin:

I am pleased to submit to the Legislature and in particular to the Joint Standing Committee on Taxation, the Joint Standing Committee on Transportation and the Legislative Council the annual report evaluating the effectiveness of the Regional

Fuel Tax Agreement pursuant to 36 M.R.S.A. section 3312, sub-section 2.

Sincerely,
s/Anthony J. Neves
State Tax Assessor

Was read and with accompanying report ordered placed on file.

The following Communication:
MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333
January 14, 1988

The Honorable Charles P. Pray
President of the Senate
113th Legislature
The Honorable John L. Martin
Speaker of the House
113th Legislature

Dear Mr. President and Mr. Speaker:

Enclosed is the annual report of the Whitewater Advisory Committee which is submitted pursuant to 12 MRSA Section 7369-A.

The Committee would be pleased to provide additional information or respond to questions regarding the material in this report and its statutory charge.

Respectfully submitted,
s/Clinton B. Townsend, Esq.
Chairman

Whitewater Advisory Committee
Was read and with accompanying report ordered placed on file.

The following Communication:
MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333
THE LEGISLATIVE TASK FORCE ON RAILROADS
January 27, 1988

Honorable John L. Martin, Speaker of the House
113th Maine State Legislature
Augusta, Maine 04333
Dear Speaker Martin:

Pursuant to the requirements of Chapter 813 of the Public Laws of 1985, I am pleased to submit a report of the Legislative Task Force on Railroads in regard to identifying the most efficient role to be played by the state in retaining and enhancing rail transportation in this state.

Enclosed in this report are:
Recommendations to the Federal Government and state agencies,
Seven specific bills for legislative consideration, and
A recommendation for the continuance of the Task Force to consider the issues of eminent domain and ways to increase utilization.

I would be happy to answer any questions you or your fellow legislators may have concerning this report. Also, if I can be of any further assistance, please let me know.

Respectfully submitted,
s/Rep. Donald V. Carter,
Chair

Was read and with accompanying report ordered placed on file.

The following Communication:
BUREAU OF PURCHASES
STATE HOUSE STATION 9
AUGUSTA, MAINE 04333
January 29, 1988

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

I am pleased to submit to you pursuant to Section 1826-D of Chapter 359 of the Public Laws of 1985 a report on Expanded Markets For Products and Services from Rehabilitation Facilities and Work Centers.

This report is required to be submitted no later than February 1, 1988 to help the Legislature determine the effectiveness of this Law in fulfilling its purposes prior to the Sunset provision which is effective July 1, 1988.

Sincerely,
 S/Ronald H. Lord,
 Chairman
 Work Center Purchases
 Committee

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:

Appropriations and Financial Affairs

Bill "An Act to Provide a More Equitable Distribution of Homemaker Funds" (H.P. 1580) (L.D. 2158) (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)

Bill "An Act to Provide Funding for the Bangor Dental Clinic" (H.P. 1582) (L.D. 2160) (Presented by Representative DIAMOND of Bangor) (Cosponsors: Representatives LEBOWITZ of Bangor, STEVENS of Bangor 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.

Labor

Bill "An Act to Improve Retraining Opportunities for Dislocated Workers" (H.P. 1585) (L.D. 2163) (Presented by SPEAKER Martin of Eagle Lake) (Cosponsors: President PRAY of Penobscot, Senator COLLINS of Aroostook and Representative WILLEY of Hampden) (Submitted by the Department of Labor pursuant to Joint Rule 24)

(The Committee on Reference of Bills had suggested reference to the Committee on Economic Development.)

On motion of Representative Diamond of Bangor, was referred to the Committee on Labor, ordered printed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Education

Bill "An Act Relating to Special Education in Maine Schools" (H.P. 1588) (L.D. 2172) (Presented by Representative KIMBALL of Buxton) (Cosponsors: Representative ROLDE of York, Senators GILL of Cumberland and ESTES of York) (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 Concerning the Reporting Deadline for a Study by the Land Use Regulation Commission" (Emergency) (H.P. 1583) (L.D. 2161) (Presented by Representative MICHAUD of East Millinocket) (Cosponsor: Representative DEXTER of Kingfield) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Ordered Printed.
 Sent up for Concurrence.

Fisheries and Wildlife

Bill "An Act to Amend the Endangered Species Act to Provide for Injunctive Relief and Other Enforcement Remedies" (H.P. 1586) (L.D. 2164) (Presented by Representative McGOWAN of Canaan) (Cosponsors: Senator USHER of Cumberland, Representatives CLARK of Millinocket and JACQUES of Waterville) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Regulate Use of Jet Skis Within Water Bodies" (H.P. 1587) (L.D. 2165) (Presented by Representative SIMPSON of Casco) (Cosponsors: Representatives GREENLAW of Standish, JACQUES of Waterville and Senator USHER of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Ordered Printed.
 Sent up for Concurrence.

Judiciary

Bill "An Act to Amend the Harassment Law" (H.P. 1579) (L.D. 2157) (Presented by Representative MARSANO of Belfast) (Cosponsors: Senator GAUVREAU of Androscoggin, Representatives THISTLE of Dover-Foxcroft and PARADIS of Augusta) (Submitted by the Department of Public Safety pursuant to Joint Rule 24)

Ordered Printed.
 Sent up for Concurrence.

Marine Resources

Bill "An Act to Amend the Regulation of Lobster Parts" (H.P. 1584) (L.D. 2162) (Presented by Representative MAHANY of Easton) (Cosponsors: Senators THERIAULT of Aroostook, COLLINS of Aroostook and Representative PARADIS of Frenchville) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Ordered Printed.
 Sent up for Concurrence.

Appropriations and Financial Affairs

Bill "An Act to Allow for Service Payments to Municipalities with Significant Amounts of State-Owned Property" (H.P. 1589) (L.D. 2173) (Presented by Representative DAGGETT of Augusta) (Cosponsors: Senator CLARK of Cumberland, Representatives DIAMOND of Bangor and MAYO of Thomaston) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

(The Committee on Reference of Bills had suggested reference to the Committee on State and Local Government.)

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

Taxation

Bill "An Act to Establish an Excise Tax on Cargo Trailers" (H.P. 1581) (L.D. 2159) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsor: Representative CASHMAN of Old Town) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Ordered Printed.
Sent up for Concurrence.

TABLED AND ASSIGNED

Study Report - Committee on Economic Development

Representative PRIEST from the Committee on Economic Development to which was referred by the Legislative Council the Study Relative to Regional Economic Development Strategies and Policies and the Implementation of these Strategies have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Provide Challenge Grants for the Development of Municipal and Regional Economic Development Strategies" (H.P. 1590) (L.D. 2171) be referred to this Committee for public hearing and printed pursuant to Joint Rule 19.

Report was read and accepted.

On motion of Representative Carter of Winslow, tabled pending reference and specially assigned for Tuesday, February 2, 1988.

ORDERS

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

ORDERED, that Representative William B. O'Gara of Westbrook be excused February 1, 2, 3 and 4 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Helen M. Tupper of Orrington be excused February 8 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Dana C. Hanley of Paris be excused January 15 for legislative business and January 19, 20 and 22 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Linwood M. Higgins of Scarborough be excused January 22 and 25 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Bradford E. Boutilier of Lewiston be excused January 26 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Catharine K. Lebowitz of Bangor be excused November 19 and 20 and January 6 to January 18 for health reasons.

AND BE IT FURTHER ORDERED, that Representative John Nutting of Leeds be excused February 1 and 2 for personal reasons.

Was read and passed.

REPORTS OF COMMITTEES

Unanimous Leave to Withdraw

Representative BOST from the Committee on Education on Bill "An Act Authorizing Husson College to Confer the Degree of Bachelor of Science" (H.P. 121) (L.D. 146) reporting "Leave to Withdraw"

Representative SWAZEY from the Committee on Taxation on Bill "An Act Concerning the Taxation of

Lottery Winnings" (H.P. 1448) (L.D. 1959) reporting "Leave to Withdraw"

Representative CASHMAN from the Committee on Taxation on Bill "An Act to Amend the Tree Growth Tax Law" (H.P. 192) (L.D. 236) reporting "Leave to Withdraw"

Representative DUFFY from the Committee on Taxation on Bill "An Act to Enable Municipalities to Assess Impact Taxes on Development" (H.P. 878) (L.D. 1179) reporting "Leave to Withdraw"

Representative DORE from the Committee on Taxation on Bill "An Act Relating to the Elderly Rent and Refund Act" (H.P. 527) (L.D. 711) reporting "Leave to Withdraw"

Representative TARDY from the Committee on Agriculture on Bill "An Act to Create a Maine Dairy Stabilization Fund" (H.P. 1015) (L.D. 1368) reporting "Leave to Withdraw"

Representative PARADIS from the Committee on Judiciary on Bill "An Act Regarding Liability for Foster Parents for Children and Adults" (H.P. 401) (L.D. 535) reporting "Leave to Withdraw"

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

CONSENT CALENDAR

First Day

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

(H.P. 1494) (L.D. 2044) Bill "An Act to Exempt Deeds of Distribution from the Transfer Tax Filing Requirement" Committee on Taxation reporting "Ought to Pass"

(H.P. 1284) (L.D. 1757) Bill "An Act Relating to Taxation of Trucks" Committee on Taxation reporting "Ought to Pass"

There being no objections, the above items were ordered to appear on the Consent Calendar of Tuesday, February 2, 1988, under the listing of Second Day.

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 Expand and Clarify the Jurisdiction of the Maine State Pilotage Commission" (S.P. 821) (L.D. 2143)

In Senate, Referred to the Committee on Marine Resources.

TABLED - January 27, 1988 by Representative GWADOSKY of Fairfield.

PENDING - Reference in concurrence.

On motion of Representative Mitchell of Freeport, was referred to the Committee on Business Legislation in non-concurrence and sent up for concurrence.

(At Ease)

The House was called to order by the Speaker.

On motion of Representative Michaud of East Millinocket, the House reconsidered its action whereby Bill "An Act Concerning the Reporting Deadline for a Study by the Land Use Regulation Commission" (Emergency) (H.P. 1583) (L.D. 2161) was referred to the Committee on Energy and Natural Resources.

By unanimous consent and without reference to any committee, the Bill was read twice, passed to be engrossed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

(At Ease)

The House was called to order by the Speaker.

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

REPORTS OF COMMITTEES

Unanimous Leave to Withdraw

Representative PARADIS from the Committee on Judiciary on Bill "An Act to Amend the Maine Tort Claims Act to Remove Joint and Several Liability for Government Entities" (H.P. 275) (L.D. 358) reporting "Leave to Withdraw"

Representative PRIEST from the Committee on Legal Affairs on Bill "An Act Concerning the Sale of Dessert Wine" (H.P. 946) (L.D. 1269) 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 MAYO from the Committee on Taxation on Bill "An Act to Amend the Maine Tree Growth Tax Law" (H.P. 443) (L.D. 596) reporting "Ought to Pass" in New Draft (H.P. 1591) (L.D. 2177)

Report was read and accepted, the New Draft read once and assigned for second reading for Tuesday, February 2, 1988.

At this point, Representative Dutremble of Biddeford was added to the roll.

(Off Record Remarks)

On motion of Representative Carter of Winslow, Adjourned until Tuesday, February 2, 1988, at nine o'clock in the morning.

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

In Senate Chamber
Monday
February 1, 1988

Senate called to Order by the President.

Prayer by Reverend Ray Dupere of the Church of the Open Door in Hampden.

REVEREND DUPERE: Let us pray. Father, You remind us in Your word that if anyone needs wisdom he or she need only ask for it and You will give it liberally. So we ask Father that You would keep the men and women here today from making purely personal or political decisions if there is a greater good which can be accomplished. But keep them firm in their convictions, especially in the face of the many pressures which surround them, if doing so would bring about Your will for our great State. Lastly, Father, I would ask that You would grant them wisdom and the ability to see clearly both sides of every issue, that they might make fair decisions being fully aware of the impact of their work on those whom they serve. I pray these things in the name of Your son, Jesus Christ. Amen.

Reading of the Journal of Wednesday, January 27, 1988.

PAPERS FROM THE HOUSE

House Papers

Bill "An Act Concerning the Use of Lands Abutting Farmlands"

H.P. 1576 L.D. 2151

Committee on ENERGY AND NATURAL RESOURCES suggested and ORDERED PRINTED.

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 Fund and Implement Certain Collective Bargaining Agreements and to Fund and Implement Benefits for Certain Employees Excluded from Collective Bargaining" (Emergency)

H.P. 1578 L.D. 2153

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 to Provide for Child Care and Child Development Training for Student Parents"

H.P. 1575 L.D. 2150

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.

Bill "An Act to Clarify the State's Antidiscrimination Laws to Include Families with Children in Mobile Home Parks"

H.P. 1577 L.D. 2152

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