

# 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

Senator BRANNIGAN for the Committee on JUDICIARY on Bill "An Act to Clarify the Authority for Judicial Suspension of Motor Vehicle Licenses" (Emergency) S.P. 656 L.D. 1879

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-309).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-309) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Improve Retraining Opportunities for Dislocated Workers"

H.P. 1585 L.D. 2163

Committee on ECONOMIC DEVELOPMENT suggested and ORDERED PRINTED.

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

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act Concerning the Reporting Deadline for a Study by the Land Use Regulation Commission" (Emergency)

H.P. 1583 L.D. 2161

Committee on ENERGY AND NATURAL RESOURCES suggested and ORDERED PRINTED.

Comes from the House, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, without reference to a Committee.

Which was, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, without reference to a Committee, and ORDERED PRINTED, in concurrence.

Off Record Remarks

On motion by Senator ESTES of York, ADJOURNED until Tuesday, February 2, 1988, at 10:00 in the morning.

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE  
SECOND REGULAR SESSION  
15th Legislative Day  
Tuesday, February 2, 1988

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

Prayer by Reverend Victor Stanley, First Baptist Church of Gardiner.

The Journal of Monday, February 1, 1988, was read and approved.

SENATE PAPERS

The following Communication:  
The Senate of Maine  
Augusta

February 1, 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 Energy and Natural Resources, the Governor's nomination of Clinton B. Townsend of Canaan for appointment to the Land for Maine's Future Board.

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

February 1, 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 Energy and Natural Resources, the Governor's nomination of Robert E. Suminsby of Northeast Harbor for appointment to the Land for Maine's Future Board.

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

February 1, 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 Energy and Natural Resources, the Governor's nomination of Richard J. Warren of Bangor for appointment to the Land for Maine's Future Board.

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  
February 1, 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 Energy and Natural Resources, the Governor's nomination of Marion Fuller Brown of York for appointment to the Land for Maine's Future Board.

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  
February 1, 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 Energy and Natural Resources, the Governor's nomination of Eugene L. Gendron, Jr. of South Portland for appointment as a member of the Board of Environmental Protection.

Eugene L. Gendron, Jr. is replacing George Campbell.

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  
February 1, 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 Energy and Natural Resources, the Governor's nomination of Elizabeth Swain of Pownal for reappointment as a member of the Land Use Regulation Commission.

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  
February 1, 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 Dawn Pelletier of Winterport for appointment to the Workers' Compensation Commission.

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  
February 1, 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 Peter J. Goranites of Falmouth for appointment as Judge-at-Large of the Maine District Court.

Peter J. Goranites is replacing John B. Beliveau.

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

Was read and ordered placed on file.

Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1988, and June 30, 1989" (Emergency) (S.P. 831) (L.D. 2156)

Bill "An Act to Enhance Adult Literacy Services" (S.P. 836) (L.D. 2170)

RESOLVE, to Fund Demonstration Projects for Day Care Services in Health Care Facilities (Emergency) (S.P. 835) (L.D. 2169)

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

Were referred to the Committee on Appropriations and Financial Affairs in concurrence.

Bill "An Act to Make Allocations from the Maine Nuclear Emergency Planning Fund for Fiscal Year Ending June 30, 1989" (Emergency) (S.P. 837) (L.D. 2174)

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

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

Was referred to the Committee on Appropriations and Financial Affairs in concurrence.

RESOLVE, to Establish a Study Commission on Maine Job Service Procedures (S.P. 833) (L.D. 2167)

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

Was referred to the Committee on Economic Development in concurrence.

Bill "An Act to Clarify the Status of Police Officers Assigned to the Bureau of Intergovernmental Drug Enforcement and to Add a District Attorney to the Bureau's Policy Board" (Emergency) (S.P. 832) (L.D. 2166)

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

On motion of Representative Priest of Brunswick, tabled pending reference in concurrence and specially assigned for Wednesday, February 3, 1988.

Unanimous Ought Not To Pass

Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill "An Act to Repeal the Sales Tax Exemption on Self-Help Literature on Alcoholism" (S.P. 778) (L.D. 2035)

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

Unanimous Leave to Withdraw

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act Establishing an Immunity from Civil Liability for Certain Shelters for the Homeless" (Emergency) (S.P. 3) (L.D. 2)

Report of the Committee on Energy and Natural Resources reporting "Leave to Withdraw" on Bill "An Act Concerning Radioactive Waste Disposal Facilities on Indian Territory" (S.P. 416) (L.D. 1274)

Report of the Committee on Agriculture reporting "Leave to Withdraw" on Bill "An Act Relating to the Maine Milk Commission" (S.P. 540) (L.D. 1632)

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

COMMUNICATIONS

The following Communication:  
COMMISSION TO REVIEW THE LAWS RELATING TO REGISTERED MAINE GUIDES  
AUGUSTA, MAINE 04333

January 29, 1988

President Pray  
Speaker Martin  
State House  
Augusta, Maine 04333

Dear President Pray and Speaker Martin:

The Commission to Review the Laws Relating to Registered Maine Guides is pleased to submit its report to the Legislature pursuant to Resolve 1987, c. 17. Additional copies will be forthcoming for all legislators.

Sincerely,  
s/Rep. Paul Jacques,  
Chair

Was read and with accompanying report ordered placed on file.

The following Communication:  
MAINE STATE RETIREMENT SYSTEM  
STATE HOUSE STATION 46  
AUGUSTA, MAINE 04333

January 27, 1988

Representative John L. Martin  
Speaker of the House  
Station #2

Re: Amortization Period for Funding the System's Unfunded Liability

Dear Speaker Martin:

At its January 14, 1988, meeting the Board of Trustees of the Maine State Retirement System reconsidered its previous decision to set the amortization period at 25 years. In the course of its deliberations, members of the Board determined that extending the amortization period to 30 years would be an acceptable alternative for the System while remaining in compliance with recommendations made by the System's actuary.

The effect of the redetermination by the Board will be to lower the employer contribution rates for both state employees and teachers.

Please feel free to contact my office should you have any questions.

Yours truly,  
s/Claude R. Perrier  
Executive Director

Was read and ordered placed on file.

The following Communication:  
DEPARTMENT OF CONSERVATION  
STATE HOUSE STATION 22  
AUGUSTA, MAINE 04333

January 26, 1988

The Honorable John Martin  
Speaker of the House  
State House Station 2  
Augusta, ME 04333

Dear Speaker Martin:

Enclosed is a copy of the Study of the Problem of Submerged Watercraft in Coastal Waters of Maine, prepared in accordance with L.D. 1795, Chaptered Resolve 42, "Resolve, Requiring the Department of Conservation to Study the Problem of Submerged Watercraft in Coastal Waters of the State."

The Department of Conservation, Bureau of Public Lands would be pleased to discuss any aspect of the report with the Legislature.

Thank you.

Sincerely,  
s/Robert L. LaBonta,  
Commissioner  
Department of  
Conservation

Was read and with accompanying report ordered placed on file.

PETITIONS, BILLS AND RESOLVES  
REQUIRING REFERENCE

The following Bills and Resolves 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:

Aging, Retirement and Veterans

Bill "An Act to Revise the Definition of Spouse Under the Maine State Retirement System" (H.P. 1593) (L.D. 2179) (Presented by Representative REEVES of Pittston) (Cosponsors: Senator DOW of Kennebec, Representatives DELLERT of Gardiner and HICKEY of Augusta) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Ordered Printed.

Sent up for Concurrence.

Agriculture

Bill "An Act to Encourage and Monitor the Use of New Potato Varieties" (H.P. 1595) (L.D. 2181)

(Presented by Representative MAHANY of Easton)  
 (Cosponsors: Representatives TARDY of Palmyra,  
 PARADIS of Frenchville and PINES of Limestone)  
 (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 Establish a Detention and  
 Rehabilitation System for Chronic  
 Operating-Under-the-Influence Offenders" (H.P. 1597)  
 (L.D. 2183) (Presented by Representative PRIEST of  
 Brunswick) (Cosponsors: Representatives MAYO of  
 Thomaston, KIMBALL of Buxton and Senator BUSTIN of  
 Kennebec) (Approved for introduction by a majority of  
 the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Make Corrections in the  
 Recodification of the Liquor Laws" (H.P. 1598) (L.D.  
 2184) (Presented by Representative PERRY of Mexico)  
 (Cosponsors: Representatives MURPHY of Berwick,  
 JALBERT of Lisbon and Senator DILLENBACK of  
 Cumberland) (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 Ban Disposable Styrofoam Food and  
 Drink Containers from Public Cafeterias" (H.P. 1592)  
 (L.D. 2178) (Presented by Representative TRACY of  
 Rome) (Cosponsors: Representatives LaPOINTE of  
 Auburn, COLES of Harpswell and Senator LUDWIG of  
 Aroostook) (Approved for introduction by a majority  
 of the Legislative Council pursuant to Joint Rule 26)

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

On motion of Representative Carroll of Gray, was  
 referred to the Committee on Energy and Natural  
 Resources, ordered printed and sent up for  
 concurrence.

TABLED AND ASSIGNED

Bill "An Act to Require Supervisory Auditors to  
 Obtain Professional Certification within 3 Years"  
 (H.P. 1594) (L.D. 2180) (Presented by Representative  
 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 Carroll of Gray,  
 tabled pending reference and specially assigned for  
 Wednesday, February 3, 1988.

Energy and Natural Resources

RESOLVE, to Develop a Plan to Minimize and  
 Dispose of Household Hazardous Waste (H.P. 1596)  
 (L.D. 2182) (Presented by Representative COLES of  
 Harpswell) (Cosponsors: Senator MATTHEWS of Kennebec,  
 Representatives HOLLOWAY of Edgecomb and MICHAUD of  
 (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 Carroll of Gray, was  
 referred to the Committee on Energy and Natural  
 Resources, ordered printed and sent up for  
 concurrence.

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative SMITH from the Committee on  
Fisheries and Wildlife on Bill "An Act to Increase  
 the Commissioner of Inland Fisheries and Wildlife's  
 Authority to Manage Black Bear Populations" (H.P.  
 1480) (L.D. 2015) reporting "Ought Not to Pass"

Was 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. 1425) (L.D. 1936) Bill "An Act to Extend  
 the Sunset Review Period for Rate Regulation Reform  
 for Certain Electric Utilities" Committee on  
Utilities reporting "Ought to Pass" as amended by  
 Committee Amendment "A" (H-438)

(H.P. 1437) (L.D. 1953) Bill "An Act Relating to  
 Kents Hill School" Committee on Education reporting  
 "Ought to Pass"

(H.P. 1481) (L.D. 2016) RESOLVE, Authorizing the  
 State Tax Assessor to Convey the Interest of the  
 State in Certain Real Estate in the Unorganized  
 Territory Committee on Taxation reporting "Ought to  
Pass" as amended by Committee Amendment "A" (H-439)

There being no objections, the above items were  
 ordered to appear on the Consent Calendar of  
 Wednesday, February 3, 1988, 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. 1284) (L.D. 1757) Bill "An Act Relating to  
 Taxation of Trucks"

On motion of Representative Cashman of Old Town,  
 was removed from the Consent Calendar, Second Day.

Subsequently, the Committee Report was read and  
 accepted, the Bill read once and assigned for second  
 reading, Wednesday, February 3, 1988.

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

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

PASSED TO BE ENGROSSED

Bill "An Act to Amend the Maine Tree Growth Tax  
 Law" (H.P. 1591) (L.D. 21713314ast Millinocket)  
 Was reported by the Committee on Bills in the  
Second Reading, read the second time, Passed to be  
 Engrossed, and sent up for concurrence.

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

PASSED TO BE ENACTED

Emergency Measure

An Act Concerning the Reporting Deadline for a Study by the Land Use Regulation Commission (H.P. 1583) (L.D. 2161)

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. 123 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, 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:

Bill "An Act to Provide Challenge Grants for the Development of Municipal and Regional Economic Development Strategies" (H.P. 1590) (L.D. 2171)

(Committee on Economic Development suggested)  
TABLED - February 1, 1988 by Representative CARTER of Winslow.

PENDING - Reference.

On motion of Representative Diamond of Bangor, retabled pending reference and specially assigned for Wednesday, February 3, 1988.

Representative Lacroix of Oakland was granted unanimous consent to address the House:

Representative LACROIX: Mr. Speaker, Ladies and Gentlemen of the House: Beginning Sunday of this week and ending today, a very fantastic thing has been going on -- it is called "The Winter Special Olympics at Sugarloaf" and I would like you to join me in saying thank you to all of those many volunteers who give their time, energy, money and, most of all, their love to these very special contestants. Please join me in saying congratulations to each and every one of the participants and particularly my very, very special Olympian, Heidi Stedman. (applause)

On motion of Representative Strout of Corinth, Adjourned until Wednesday, February 3, 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  
February 2, 1988

Senate called to Order by the President.

Prayer by Reverend Robert Leon of the United Methodist Church in Randolph.

REVEREND LEON: Let us pray. Almighty God truly You have blessed us. We praise You and bring to mind again all that You have done for us. We thank You especially for the great gift of community, for the mutual support of our life together. May the task You have set, the guiding of that community and responsible service be performed in the pattern You have given us; compassion, toleration and love. Being human we shall make mistakes. We pray that if we must air we may be airing in the direction of love, for You are love. Amen.

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE  
Non-concurrent Matter

Bill "An Act to Expand and Clarify the Jurisdiction of the Maine State Pilotage Commission" S.P. 821 L.D. 2143

In Senate, January 26, 1988, referred to the Committee on MARINE RESOURCES and ORDERED PRINTED.

Comes from the House referred to the Committee on BUSINESS LEGISLATION and ORDERED PRINTED in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

House Papers

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

Bill "An Act to Provide Funding for the Bangor Dental Clinic" H.P. 1582 L.D. 2160

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

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

Bill "An Act to Allow for Service Payments to Municipalities with Significant Amounts of State-Owned Property" H.P. 1589 L.D. 2173

Committee on STATE AND LOCAL GOVERNMENT suggested and ORDERED PRINTED.

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 Relating to Special Education in Maine Schools" H.P. 1588 L.D. 2172