

# 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  
22nd Legislative Day  
Thursday, February 11, 1988

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

Prayer by Father Raymond Melville, St. Mary's Catholic Church, Augusta.

The Journal of Wednesday, February 10, 1988, was read and approved.

Quorum call was held.

SENATE PAPERS

Bill "An Act Concerning the Labeling of Prescription Drugs" (S.P. 856) (L.D. 2232)

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

Was referred to the Committee on Business Legislation in concurrence.

Bill "An Act Relating to Development Along the St. Croix River" (S.P. 854) (L.D. 2230)

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 Provide for Expedited Judicial Review of Municipal Action or Inaction" (S.P. 857) (L.D. 2233)

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

Was referred to the Committee on Judiciary in concurrence.

Bill "An Act Expanding the Role of the Bureau of Marine Patrol" (S.P. 855) (L.D. 2231)

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

Was referred to the Committee on Marine Resources in concurrence.

Non-Concurrent Matter

Bill "An Act Relating to the Direct Initiative Process" (H.P. 1616) (L.D. 2209) which was referred to the Committee on Legal Affairs in the House on February 9, 1988.

Came from the Senate referred to the Committee on Judiciary in non-concurrence.

The House voted to recede and concur.

COMMUNICATIONS

The following Communication:

MAINE STATE LEGISLATURE  
AUGUSTA, MAINE 04333  
STATE COMPENSATION COMMISSION  
January 15, 1988

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

Dear Speaker Martin:

Pursuant to Title 3, section 2-A, subsection 2 of the Revised Statutes, the State Compensation Commission is pleased to submit its second interim Report to the Legislature.

Since submitting its first Interim Report last May, the Commission has met five times to continue the evaluation of various compensation policies

affecting the Governor, justices and judges, constitutional officers, Legislators, Clerk and Assistant Clerk of the House of Representatives, Secretary and Assistant Secretary of the Senate, and Indian Representatives. Enclosed in this Interim Report are recommendations concerning justices and judges salaries, various components of legislators' compensation and the salary of the State Auditor. Also enclosed is draft legislation which would implement these recommendations.

We have planned to continue our review of the Governor's compensation and the salaries of Maine's justices and judges and will report on these issues in our final report due November 15, 1988.

We look forward to answering any questions you or your fellow legislators may have concerning this interim Report and the issues that remain before the Commission.

Respectfully submitted,  
s/Stephen R. Crockett  
Chair

Was read and with accompanying report ordered placed on file.

The following Communication:  
STATE OF MAINE  
DEPARTMENT OF FINANCE  
BUREAU OF ACCOUNTS AND CONTROL  
February 10, 1988

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

Dear Mr. Speaker and Mr. President:

In accordance with Title 5, Maine Revised Statutes Annotated, Section 1547, the accompanying Financial Report of the State of Maine is submitted for the fiscal year ended June 30, 1987.

The first section of the report consists of the General Purpose Financial Statements for all funds reported in accordance with generally accepted accounting principles. Generally accepted accounting principles for the Governmental Funds uses the modified accrual basis of accounting. Revenues are recognized when they become measurable and available as current assets. Expenditures are generally recognized when the related fund liability is incurred. Exceptions to generally accepted accounting principles in these financial statements include accumulated unpaid vacation and sick leave which has not been recorded, and interest on general long-term debt which is recognized when due.

The second section is reported as it has been in the past, based upon the budgetary and legal requirements. Please refer to Note 7 of the General Notes to the Financial Statements for the reconciliation of the fund balances between the two sections. Comparative budgetary data and statistical information have also been included in this report to promote a better understanding of the State's finances.

Questions and comments about this report or any phase of State finances are always welcome.

Sincerely,  
s/David A. Bourne  
State Controller  
Victor E. Fleury  
Deputy State Controller

Was read and with accompanying report ordered placed on file.

The following Communication:

ADVISORY COMMISSION ON RADIOACTIVE WASTE  
STATE HOUSE STATION 120  
AUGUSTA, MAINE 04333  
February 10, 1988

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

The accompanying document is the Advisory Commission on Radioactive Waste's annual report for the calendar year 1987. This report is submitted to you in accordance with 38 M.R.S.A. 1453(4), which requires the Advisory Commission to "report to the Governor and the Legislature annually, during the regular legislative session and at other times as necessary."

As the new chairman of the Advisory Commission, I would like to repeat my predecessor's invitation to you to call on us whenever you or your constituents need information about radioactive waste disposal. Our office is on the third floor of the Maine State Retirement Building, across Sewall Street from the parking garage. During office hours, you can reach the staff at 289-3059. We also have a 24-hour toll-free answering machine at 1-800-453-4013.

Sincerely,  
S/Rep. James Mitchell  
Chair, Advisory  
Commission on  
Radioactive Waste

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:

Appropriations and Financial Affairs

Bill "An Act to Appropriate Funds for Replacement of Real Estate Tax Validation Machines in County Registries of Deeds" (H.P. 1638) (L.D. 2237) (Presented by Representative ROTONDI of Athens) (Cosponsors: Representatives HOGLUND of Portland, NADEAU of Lewiston and Senator EMERSON of Penobscot) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Protect the Well-Being of Young Children and to Help Prevent Emotional and Behavioral Disorders" (H.P. 1639) (L.D. 2238) (Presented by Representative ANTHONY of South Portland) (Cosponsors: Representatives NADEAU of Lewiston, DAVIS of Monmouth and Senator GILL of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Establish a University-Based Training Program for Substance Abuse Counseling and Employee Assistance" (H.P. 1641) (L.D. 2240) (Presented by Representative ROLDE of York) (Cosponsors: Senators CLARK of Cumberland and GILL of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Assure Appropriate Statewide Treatment Services to Children with Special Needs" (H.P. 1642) (L.D. 2241) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsors: Senators GILL of Cumberland, PERKINS of Hancock and Representative CHONKO of Topsham) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Make Health Care More Accessible to Low-Income Elderly and Disabled Individuals, Children and Pregnant Women" (Emergency) (H.P. 1643) (L.D. 2242) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsors: Senators PEARSON of Penobscot, GILL of Cumberland and Representative FOSS of Yarmouth) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Implement Certain Recommendations of the State Compensation Commission" (H.P. 1646) (L.D. 2245) (Submitted by the State Compensation Commission pursuant to the Maine Revised Statutes Annotated, Title 3, section 2-A)

Ordered Printed.  
Sent up for Concurrence.

Business Legislation

Bill "An Act to Regulate the Operation of Roller-Skating Rinks" (H.P. 1645) (L.D. 2244) (Presented by Representative PAUL of Sanford) (Cosponsors: Representatives WALKER of Norway, RIDLEY of Shapleigh 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.

Human Resources

RESOLVE, to Establish a Joint Select Committee and an Advisory Board on Long-Term Care Staffing Issues (Emergency) (H.P. 1637) (L.D. 2236) (Presented by Representative BOUTILIER of Lewiston) (Cosponsors: Senator GILL of Cumberland, President PRAY of Penobscot and Representative PINES of Limestone) (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 Revise the Charter Commission Law" (H.P. 1636) (L.D. 2235) (Presented by Representative RACINE of Biddeford) (Cosponsors: Representatives WENTWORTH of Wells and CARROLL of Gray) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Bill "An Act to Require Municipal Approval of Public Land Acquired by the State" (H.P. 1640) (L.D. 2239) (Presented by Representative PARADIS of Old Town) (Cosponsors: Representatives HICHBORN of LaGrange, VOSE of Eastport and Senator PERKINS of Hancock) (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 Establish a Packaging Tax to Minimize the Use of Nonbiodegradable Packaging Materials" (H.P. 1644) (L.D. 2243) (Presented by Representative PARADIS of Old Town) (Cosponsors: Representatives CASHMAN of Old Town, MICHAUD of East Millinocket and Senator SEWALL of Lincoln) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Ordered Printed.  
Sent up for Concurrence.

Reported Pursuant to the Statutes

Representative CARTER for the Legislative Task Force on Railroads, pursuant to Public Law 1987, Chapter 5 ask leave to submit its findings and report that the accompanying Bill "An Act Concerning Sanitary Conditions on Railroad Property" (Emergency) (H.P. 1647) (L.D. 2253) be referred to the Committee on Appropriations and Financial Affairs for public hearing and printed pursuant to Joint Rule 18.

Report was read and accepted, and the bill referred to the Committee on Appropriations and Financial Affairs, ordered printed and sent up for concurrence.

SPECIAL SENTIMENT CALENDAR

In accordance with House Rule 56 and Joint Rule 34, the following item:

In Memory of:

Percy K. Hanson, formerly of Gardiner, long time owner and operator of Hanson's Barber School, a very active member of several fraternal organizations and a seven term member of the State Legislature; (HLS 925) by Representative DELLERT of Gardiner. (Cosponsors: Representative WEYMOUTH of West Gardiner, Representative REEVES of Pittston, Senator DOW of Kennebec)

On motion of Representative Dellert of Gardiner, was removed from the Special Sentiment Calendar.

Was read.

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Dellert.

Representative DELLERT: Mr. Speaker, Men and Women of the House: Percy K. Hanson was a friend, a listener, an activist in his community in so many ways, serving in his Church as well as many years in the House and Senate.

I enjoyed sharing with Percy issues that were currently before the state and keeping him abreast of these issues. He always had a warm smile and a friendly greeting for everyone. The community, businesses, Legislature, were all important to Percy but most important was his family and the close relationship that they maintained through the years -- what more could anyone say of a man than he was loved by his family? We will all miss him.

I ask that we close today's session in memory of Percy K. Hanson. Thank you.

Subsequently, the Resolution was adopted and sent up for concurrence.

By unanimous consent, was ordered sent forthwith to the Senate.

CONSENT CALENDAR

First Day

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

(S.P. 176) (L.D. 491) Bill "An Act to Require Principles of Reimbursement for Intermediate Care Facilities for the Mentally Retarded to Include Provisions for Covering Increases in Insurance Premiums" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-312)

(H.P. 1446) (L.D. 1957) Bill "An Act to Adequately Compensate Municipal Agents for Activities Undertaken on Behalf of the State in the Registration of Motor Vehicles" Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-448)

There being no objections, the above items were ordered to appear on the Consent Calendar of Friday, February 12, 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. 1496) (L.D. 2046) Bill "An Act to Clarify the Voting Method of Expansion of the Harrison Water District" (Emergency)

(H.P. 1547) (L.D. 2107) Bill "An Act to Amend the Charter of the Limestone Water and Sewer District"

(S.P. 746) (L.D. 2005) Bill "An Act to Amend the Membership of the Soil and Water Conservation Commission" (C. "A" S-311)

(H.P. 1461) (L.D. 1972) Bill "An Act to Add the Commissioner of Public Safety to the Alcohol and Drug Abuse Planning Committee"

No objections having been noted at the end of the Second Legislative Day, the Senate Paper was Passed to be Engrossed as Amended in concurrence and the House Papers were Passed to be Engrossed or Passed to be Engrossed as Amended and sent up for concurrence.

(H.P. 1471) (L.D. 1982) Bill "An Act to Exempt from Labeling Requirements Goods Produced Under Certification issued by the United States Department of Justice Pursuant to the Prison Industries Enhancement Act"

On motion of Representative Armstrong of Wilton, was removed from the Consent Calendar, Second Day.

Subsequently, the Report was read and accepted, the Bill read once and assigned for second reading Friday, February 12, 1988.

(H.P. 1491) (L.D. 2041) Bill "An Act to Amend Reporting Deadlines under the Therapeutic Pharmaceutical Monitoring Panel" (Emergency)

(H.P. 1255) (L.D. 1713) Bill "An Act to Amend Laws Relating to Certain Licensing Boards" (C. "A" H-443)

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

PASSED TO BE ENGROSSED

Bill "An Act to Prohibit Hunting, Trapping, Molesting or Harassing of Bear near Dumps" (H.P. 1635) (L.D. 2234)

Was reported by the Committee on Bills in the Second Reading, read a second time, Passed to be Engrossed, and sent up for concurrence.

PASSED TO BE ENGROSSED

As Amended

Bill "An Act Relating to the Use of Unoccupied Interment Spaces" (S.P. 774) (L.D. 2031) (S. "A" S-313)

Was reported by the Committee on Bills in the Second Reading, read a second time and Passed to be Engrossed as Amended in concurrence.

PASSED TO BE ENACTED

An Act Clarifying the Authority of Superior Court Justices to Sit in District Court (S.P. 714) (L.D. 1944)

Was 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.

ORDERS OF THE DAY

TABLED AND TODAY ASSIGNED

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

Bill "An Act Allowing the Town of Island Falls to Annex Township 4, Range 3 WELS in Aroostook County" (H.P. 1017) (L.D. 1370)

- In House, Majority "Ought to Pass" as amended Report of the Committee on State and Local Government read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-437) on February 4, 1988.

- In Senate, Minority "Ought Not to Pass" Report of the Committee on State and Local Government read and accepted in non-concurrence.

TABLED - February 10, 1988 by Representative CARROLL of Gray.

PENDING - Further Consideration.

On motion of Representative Smith of Island Falls, retabled pending further consideration and specially assigned for Tuesday, February 16, 1988.

(Off Record Remarks)

(At Ease)

The House was called to order by the Speaker.

On motion of Representative Carter of Winslow, the House reconsidered its action whereby Bill "An Act Concerning Sanitary Conditions on Railroad Property" (Emergency) (H.P. 1647) (L.D. 2253) was referred to the Committee on Appropriations and Financial Affairs.

Under suspension of the rules, without reference to any committee, the Bill was read twice, passed to be engrossed, and sent up for concurrence.

By unanimous consent, was ordered sent forthwith to the Senate.

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

SENATE PAPER

Bill "An Act to Promote the Prompt and Peaceful Settlement of Labor Disputes" (Emergency) (S.P. 866) (L.D. 2255)

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

Was referred to the Committee on Labor in concurrence.

On motion of Representative Clark of Millinocket, Adjourned until Friday, February 12, 1988, at ten o'clock in the morning in memory of Percy K. Hanson, a former legislator.

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

In Senate Chamber

Thursday

February 11, 1988

Senate called to Order by the President.

Prayer by Reverend Christopher Sims of the Church of St. Mary in Falmouth.

REVEREND SIMS: Almighty God in due with the spirit of wisdom those to whom in Thy name we intrust the authority of government that there may be justice and peace at home and that through obedience to thy law we may show forth Thy praise among the nations of the earth. Oh God the fountain of wisdom whose will is good and gracious and whose law is truth, we beseech You to guide and bless our Senators and Representatives in the Legislature of this state that they may enact such laws that shall please You to the glory of Your name and welfare of Your people. Amen.

Off Record Remarks

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE

House Papers

Resolve, to Provide Beatrice Adams of Gardiner Spousal Benefits Based on her Former Husband's Maine State Retirement System Benefits

H.P. 1626 L.D. 2221

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 Establish and Appropriate Funds for the Advisory Committee on Staff Salary Parity and Nonresidential Services in Sheltered Group Homes for Girls"

H.P. 1627 L.D. 2222

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 Create the Economic Corridor Action Grant Program"

H.P. 1625 L.D. 2220

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

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

Bill "An Act to Require Monitoring of Environmental Impacts by Persons who Spray Forestry Herbicides"

H.P. 1632 L.D. 2227

Bill "An Act Concerning Storage of Radioactive Material"

H.P. 1634 L.D. 2229