

MAINE STATE LEGISLATURE

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

VOLUME III

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SECOND REGULAR SESSION

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ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE
SECOND REGULAR SESSION
23rd Legislative Day
Friday, February 12, 1988

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

Prayer by Reverend Cindy Lepley, Winslow Congregational Church.

The Journal of Thursday, February 11, 1988, was read and approved.

Quorum call was held.

The following item was taken up out of order by unanimous consent:

CONSENT CALENDAR

First Day

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

(H.P. 1530) (L.D. 2084) Bill "An Act Concerning Elected Clerks Handling Absentee Ballots" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-449)

Subsequently, the Committee Report was read and accepted, the Bill read once.

Committee Amendment "A" (H-449) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was read a second time, passed to be engrossed as amended by Committee Amendment "A" (H-449) 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.

SENATE PAPERS

The following Communication:
The Senate of Maine
Augusta

February 11, 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 State and Local Government, the Governor's nomination of J. Benjamin Wootten of Blue Hill for appointment to the Maine Court Facilities Authority.

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 11, 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 State and Local Government, the Governor's nomination of Mark A. Kearns, Esq. of Kennebunk for appointment to the Maine Court Facilities Authority.

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 11, 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 State and Local Government, the Governor's nomination of Howard Goldenfarb of Portland for appointment to the Maine Court Facilities Authority.

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 11, 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 State and Local Government, the Governor's nomination of Colin C. Hampton of Cape Elizabeth for appointment to the Maine Court Facilities Authority.

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

Was read and ordered placed on file.

Bill "An Act to Provide More Positions in the District Attorney's Office in Cumberland County" (S.P. 859) (L.D. 2247)

Bill "An Act to Assist Homeowners and Businesses to Comply with the Overboard Discharge Law" (Emergency) (S.P. 863) (L.D. 2251)

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 Relating to the Penobscot Indian Reservation" (Emergency) (S.P. 860) (L.D. 2248)

Bill "An Act to Study Alternative Dispute Resolution in the Superior Court" (S.P. 861) (L.D. 2249)

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

WHEREAS, among those workers who have contributed to the forward movement in no small way is Carrie Smith Berry of Manchester; and

WHEREAS, she is a very dedicated individual who has worked hard behind the scenes of State Government for the public betterment for the past 30 years; and

WHEREAS, the very happiest of our privileges is the privilege of rewarding labor that deserves reward; now, therefore, be it

RESOLVED: That We, the members of the 113th Legislature now convened in Second Regular Session, pause in our deliberations to honor Carrie S. Berry on the eve of her retirement and to express our sincere thanks for her many years of distinguished service as head of the State Elections Bureau and the Engrossing Division; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to Carrie S. Berry with our deep appreciation and very best wishes for her future.

Was read.

On motion of Representative Diamond of Bangor, tabled pending adoption and later today assigned.

On motion of Representative VOSE of Eastport, the following Joint Resolution: (H.P. 1655) (Cosponsors: Speaker MARTIN of Eagle Lake, Senators RANDALL of Washington and BALDACCI of Penobscot) (Approved for introduction by a majority of the Legislative Council on February 9, 1988)

JOINT RESOLUTION MEMORIALIZING THE UNITED STATES COAST GUARD AND THE UNITED STATES DEPARTMENT OF TRANSPORTATION TO CEASE AND DESIST ALL EFFORTS TO CLOSE TWO COAST GUARD STATIONS IN MAINE

WE, your Memorialists, the Senate and House of Representatives of the State of Maine in the Second Regular Session of the One Hundred and Thirteenth Legislature, now assembled, most respectfully present and petition the United States Coast Guard and the United States Department of Transportation to cease and desist all efforts to close 2 Coast Guard stations in Maine, as follows:

WHEREAS, the United States Coast Guard has summarily and publicly announced the intention of permanently closing 2 stations in Maine; and

WHEREAS, the Maine stations designated for closing are the search and rescue station at Eastport and the marine safety detachment at Bangor, involving a total cutback of 12 people and \$473,000; and

WHEREAS, these facilities are 2 of 6 along the New England coast scheduled to be shut down next month to cover a shortfall in the operating budget; and

WHEREAS, this decision comes at a time when Maine's 3,500 miles of coastline are already thinly protected from the increased intrusion of drug traffic; and

WHEREAS, the sea provides the State with a vast and priceless resource which has long been vital to our economy, and our commercial fishermen rely on the services of the United States Coast Guard as their only protection; now, therefore be it

RESOLVED: That We, your Memorialists, do hereby respectfully protest said closure and request the United States Department of Transportation and the United States Coast Guard to cease and desist in their efforts to close these facilities; and be it further

RESOLVED: That the Members of the United States Congress for the State of Maine are hereby urgently requested to use every possible means to cause the decision to close these facilities to be reversed; and be it further

RESOLVED: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to Admiral Paul A. Yost, Jr., Commandant of the United States Coast Guard; James H. Burnley IV, Secretary of the United States Department of Transportation; and to each member of the Maine Congressional Delegation.

Was read and adopted and sent up for concurrence.

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative MACOMBER from the Committee on Transportation on Bill "An Act to Amend the Law Requiring Motorists to Stop for School Buses" (H.P. 1544) (L.D. 2099) reporting "Ought Not to Pass"

Was 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 MACOMBER from the Committee on Transportation on Bill "An Act to Amend the Notice Provision under the Motor Vehicle Laws" (H.P. 1429) (L.D. 1940) reporting "Ought to Pass" in New Draft (H.P. 1656) (L.D. 2266)

Report was read and accepted, the New Draft read once and assigned for second reading Tuesday, February 16, 1988.

CONSENT CALENDAR

First Day

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

(S.P. 729) (L.D. 1988) Bill "An Act Relating to the Powers of the Maine Youth Center Employees" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-314)

(H.P. 1468) (L.D. 1979) Bill "An Act to Clarify the Volume Fee Provision of the Maine Consumer Credit Code" (Emergency) Committee on Banking and Insurance reporting "Ought to Pass"

There being no objections, the above items were ordered to appear on the Consent Calendar of Tuesday, February 16, 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:

(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" (C. "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" (C. "A" H-448)

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 Paper was Passed to be Engrossed as Amended and sent up for concurrence.

PASSED TO BE ENGROSSED

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" (H.P. 1471) (L.D. 1982)

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

The following item appearing on Supplement No. 2 was taken up out of order by unanimous consent:

SENATE PAPER

The following Joint Order: (S.P. 871)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, February 16, 1988, at 10 o'clock in the morning.

Came from the Senate, read and passed.

Was read and passed in concurrence.

Representative Jacques of Waterville was granted unanimous consent to address the House:

Representative JACQUES: Mr. Speaker, Men and Women of the House: As you know, it is my pleasure every year to take up a collection so we can purchase flowers for the ladies of the House. I would like to thank Representative Dexter, Representative McGowan and Representative Michaud for helping me this year.

Last year I made a little speech and I came under a little bit of scrutiny for it so I am going to try to improve that today. I wrote this the other night while watching the news but I had some reservations about getting up and reading poetry in the House -- some of the lobbyists might think I was getting soft -- but I remembered that I had seen John Wayne do it once and the other night Mike Tyson, the undisputed heavyweight champion of the world did it, so if those two guys can do it and get away with it, so can I. So here goes and I would like to dedicate it to Dana Stevenson.

Our heartfelt best wishes to the ladies today, They're the best of the best, we're here to say. We give you our hearts and so much more, To Clark and Cote, Daggett, Dellert and Dore. To Attean, Allen, Begley, Chonko and Brown, These special gals would never let us down. In our greetings to you all, we cannot fail, To mention the ladies, Erwin, Foss, Foster and Hale. To Harper, Hogland, Holloway and we can't forget Holt, To all of you Ladies, we give you our vote.

When it comes to class, these gals wrote the book, Joseph, Ketover, Kilkelly, Lacroix, LaPointe, Lebowitz and Look.

Like a list of the world's finest rare wines, We add MacBride, Mahany, Martin, Melendy, Muprhy, Paradis and Pines.

Our best to Rand, Reeves, Rice, Rotondi, Rydell and Small,

To choose the best would be too hard a call. So to you Stevens, Strout, Taylor, Tupper, Webster and Wentworth,

You're the finest of ladies on this God's green earth, All of us fellows would just like to say "Our love and best wishes on this Special Day." And with that my dear ladies, what more can we say, Than "Have a most Happy Valentines Day."

(At Ease)

The House was called to order by the Speaker.

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 Elected Clerks Handling Absentee Ballots (H.P. 1530) (L.D. 2084) (C. "A" H-449)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Handy.

Representative HANDY: Mr. Speaker, I would like to pose a question through the Chair.

I have two questions, does this bill affect Clerks who perform these duties only in the office? And two, what happens in the event of a write-in campaign against the Clerk?

The SPEAKER: The Representative from Lewiston, Representative Handy, has posed a series of questions through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from Lewiston, Representative Jalbert.

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the gentleman from Lewiston, first of all, this bill is intended strictly for Town Clerks, who are elected and who are unopposed on the ballot to which they are handling. As to the write-in, it does not apply because there is no way of knowing who will be on the ballot as a write-in. This applies only to an elected Town Clerk, whose name does not appear on the ballot whatsoever for any position except unopposed. The Town Clerk has no authority to go outside the town office into the nursing homes to obtain absentee ballots. This merely takes into position that when the absentee ballots are brought to the Town Clerk, he or she cannot put themselves in a position of being in charge because they would be committing a crime.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 106 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.

By unanimous consent, ordered sent forthwith to the Senate.

(Off Record Remarks)

Representative Murphy of Kennebunk was granted unanimous consent to address the House:

Representative MURPHY: Mr. Speaker, Men and Women of the House: I would like to have all the members of the House put into your pocket, purse or briefcase the eight and a half by eleven sheet which was distributed because it contains all the information in terms of visiting hours as well as the funeral for Dana. Because of the weather, we would hate to have you get on the road and realize that it is back here.

In talking with Madeline yesterday and then this morning, she asked me specifically to thank Paul Jacques, Pat Paradis, Herb Clark, Betty Harper, Dana Hanley, Dick Ruhlin, John Tuttle, Karen Hubbard, and Ed McDonald.

I would also like to thank the Associated Press for sitting on the news and not running it as an eleven o'clock release but holding that until twelve noon so all family members were notified before that appeared on television or on the radio.

I would like to offer a very special thank you to Ken Allen, who helped us at the hospital, the Speaker in terms of helping coordinate the efforts in search for Madeline and family members and in terms of Maggie Sherburne and Mrs. Cheryl Anderson for their help at the hospital. A very special thank you to Carrie Sienkiewicz -- because she knew the family and knew the area, we were operating blind in terms of trying to find where Madeline was and Carrie got on the phone and pursued all the avenues and we were able to find Madeline over at the VTI and bring her to the hospital. Carrie was there as well. I hope Carrie is listening because she is a very special woman.

At this point, there was a moment of silence in memory of Dana P. Stevenson, the members rising.

On motion of Representative Murphy of Kennebunk, Adjourned until Tuesday, February 16, 1988, at ten o'clock in the morning pursuant to Joint Order, S.P. 871, in memory of Dana P. Stevenson.

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

In Senate Chamber
Friday
February 12, 1988

Senate called to Order by the Secretary, Joy J. O'Brien.

The Secretary requested the Sergeant-At-Arms escort the Senator from York, Senator DUTREMBLE to the Rostrum where he assumed the duties as President Pro Tem.

Senate called to order by the President Pro Tem.

Prayer by Reverend Cynthia Lepley of the Congregational Church in Winslow.

REVEREND LEPLEY: Let us pray. God of infinite love and wisdom, we give You thanks for the beauty and bounty of the earth and especially for the heritage, resources and people of this beautiful state. Guide these, Your servants, by Your wisdom. Grant them carefully discerning minds and warm compassionate spirits that they may be open to hearing one another and the needs of Your people. Strengthen them and give them courage to stand for policies which will foster peace and justice. Help them always put the well-being of the people they were elected to serve and the well-being of the environment before any personal ambition. Bless each one of them that they may find joy in their work, nurturing support within their homes, and moments of peace and rest to refresh and renew them. We ask Your comfort and loving support for the family and friends of Representative Dana Stevenson. We thank You for this dedicated man who so lovingly served the people of this state. May he be an inspiration for all of us. Help us loving and faithful God to live according to Your vision where sharing by all will mean scarcity for none and where love will tear down the walls that divide us and build bridges of understanding and compassion among all Your people. Amen.

Reading of the Journal of Yesterday.

Out of order and under suspension of the Rules, on motion by Senator CLARK of Cumberland, the following Joint Order:

S.P. 871

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, February 16, 1988, at 10 o'clock in the morning.

Which was READ and PASSED.

Under suspension of the Rules, ordered sent down forthwith for concurrence.

PAPERS FROM THE HOUSE

House Papers

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

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