

# 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  
24th Legislative Day  
Tuesday, February 16, 1988

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

Prayer by Reverend Milton Smith, United Methodist Church, Corinth.

Pledge of Allegiance

The Journal of Friday, February 12, 1988, was read and approved.

Quorum call was held.

SENATE PAPERS

The following Communication:

The Senate of Maine  
Augusta

February 12, 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 Agriculture, the Governor's nomination of Lawrence J. Keddy of South Windham for reappointment to the Animal Welfare 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 12, 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 Agriculture, the Governor's nomination of Raynor I. Crosman of Corinna for reappointment to the Animal Welfare Board.

Sincerely,  
S/Joy J. O'Brien

Secretary of the Senate

Was read and ordered placed on file.

Bill "An Act to Establish a Position to Develop Quality Dependent Care Facilities and Sources for the Work Force" (S.P. 867) (L.D. 2262)

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 Establish a Resource Protection Law" (Emergency) (S.P. 870) (L.D. 2265)

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 Providing Conformity with the United States Revenue Code Under the Maine Income Tax Law for 1987" (Emergency) (S.P. 868) (L.D. 2263)

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

Was referred to the Committee on Taxation in concurrence.

Bill "An Act Relating to 6-Axle Vehicles Carrying General Commodities" (S.P. 869) (L.D. 2264)

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

Was referred to the Committee on Transportation in concurrence.

Refer to the Joint Select Committee on Corrections

Report of the Committee on Human Resources on Bill "An Act Relating to Sentences with Intensive Supervision" (S.P. 728) (L.D. 1987) reporting that it be referred to the Joint Select Committee on Corrections.

Came from the Senate with the report read and accepted and the bill referred to the Joint Select Committee on Corrections.

Report was read and accepted and the bill referred to the Joint Select Committee on Corrections in concurrence.

PETITIONS, BILLS AND RESOLVES  
REQUIRING REFERENCE

The following Bills and Resolve 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 Require Payment for Inland Fisheries and Wildlife Wardens Out of the General Fund" (H.P. 1664) (L.D. 2276) (Presented by Representative GREENLAW of Standish) (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 Restrict the Department of Environmental Protection from Hiring Independent Legal Counsel to Oppose the Attorney General Unless Authorized by the Legislature" (H.P. 1660) (L.D. 2270) (Presented by Representative MITCHELL of Freeport) (Cosponsors: Representatives MICHAUD of East Millinocket, OLIVER of Portland and McGOWAN of Canaan) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Ordered Printed.

Sent up for Concurrence.

Fisheries and Wildlife

Bill "An Act to Amend the Fisheries and Wildlife Work Education Program" (Emergency) (H.P. 1661) (L.D. 2271) (Presented by Representative DUFFY of Bangor) (Cosponsors: Representatives JACQUES of Waterville, RUHLIN of Brewer, and Senator ERWIN of Oxford) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Ordered Printed.

Sent up for Concurrence.

Legal Affairs

RESOLVE, Authorizing Gary Kelly, Daniel Kelly and the Estate of Cynthia Kelly to Sue the State for Compensation for Wrongful Death and Other Injuries Suffered as a Result of a Motor Vehicle Collision (H.P. 1662) (L.D. 2272) (Presented by Representative TRACY of Rome) (Cosponsor: Representative NUTTING of Leeds) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)  
 Ordered Printed.  
 Sent up for Concurrence.

Study Report - Committee on Economic Development

Representative MELENDY 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 Enhance the Ability of the State to Respond to the Informational Needs of Maine Businesses" (H.P. 1658) (L.D. 2268) be referred to this Committee for public hearing and printed pursuant to Joint Rule 19.

Report was read and accepted, and the bill referred to the Committee on Economic Development, ordered printed and sent up for concurrence.

Study Report - Committee on Economic Development

Representative MELENDY 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 Make Housing More Affordable to Maine Citizens" (H.P. 1659) (L.D. 2269) be referred to this Committee for public hearing and printed pursuant to Joint Rule 19.

Report was read and accepted, and the bill referred to the Committee on Economic Development, ordered printed and sent up for concurrence.

Reported Pursuant to the Statutes

Representative MAYO from the Committee on Taxation, pursuant to Maine Revised Statutes Annotated, Title 1, Section 2601 ask leave to submit its findings and report that the accompanying Bill "An Act to Amend Property Tax Exemptions" (H.P. 1657) (L.D. 2267) be referred to the Joint Standing Committee on Taxation for Public Hearing and printed pursuant to Joint Rule 18.

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

Reported Pursuant to the Resolves

Representative GREENLAW for the Commission on Sport Fisheries, pursuant to Resolves of 1987, Chapter 39 ask leave to submit its findings and report that the accompanying RESOLVE, to Change the Reporting Date of the Commission on Sport Fisheries (Emergency) (H.P. 1663) (L.D. 2275) be referred to the Joint Standing Committee on Fisheries and Wildlife for Public Hearing and printed pursuant to Joint Rule 18.

Report was read and accepted, and the bill referred to the Committee on Fisheries and Wildlife, ordered printed and sent up for concurrence.

ORDERS

On motion of Representative WHITCOMB of Waldo, the following Joint Resolution: (H.P. 1665) (Cosponsors: Representatives MARSANO of Belfast, CROWLEY of Stockton Springs, ALLEN of Washington, TARDY of Palmyra, Senators GOULD of Waldo and BRAUN of Knox)

JOINT RESOLUTION IN MEMORY OF DANA P. STEVENSON  
 WHEREAS, great shock and sadness filled our chambers on February 11, 1988, with the untimely passing of Dana P. Stevenson, Representative from Unity; and

WHEREAS, Representative Stevenson was a retired elementary school principal and school superintendent whose career in education spanned 32 years; and

WHEREAS, Dana P. Stevenson was dedicated to his constituents and the cause of good government, having served 14 years as first selectmen of the Town of Unity and 4 consecutive terms in the House of Representatives of the Maine Legislature; and

WHEREAS, he liked to stand tall as "Uncle Sam", reminding us of the greatness of our American heritage and the spirit which has given us strength as a nation and pride as citizens; now, therefore, be it

RESOLVED: That, We the Members of the 113th Legislature of the State of Maine, now assembled in the Second Regular Session, pause in a moment of understanding and prayer to inscribe this token of sympathy and condolence to all who share the loss of our dear colleague and respectfully request that when the Legislature adjourns this date it do so in honor and lasting tribute to the deceased; and be it further

RESOLVED: That this resolution in memory of our friend and colleague be entered into our permanent journals and a copy, duly attested by the Secretary of State, be presented to Madeline, his devoted wife.

Was read.

The SPEAKER: The Chair recognizes the Representative from Waldo, Representative Whitcomb.

Representative WHITCOMB: Mr. Speaker, Ladies and Gentlemen of the House: As members of the 113th Legislature, we have twice this session stood and struggled with words to describe the life and accomplishments of a fellow member of this body who has died while in office.

Last Spring, as many of you related your memories of Larry Connolly, I focused on a recent conversation that I enjoyed with that member, a person who I did not know as well as many of you did. I was trying to lock in my memory that image of a caring person as I expect many of you are recalling your memories of Dana P. Stevenson as we remember his life today.

In the last few days, we have heard and read of many ways that Dana touched people's lives and I want to describe to you a few instances I have seen since Dana's passing.

Last Saturday afternoon, I saw Jesse Colwell at the funeral home in Unity. Jesse is a small, stooped man, a farm worker since he returned to Knox, Maine from World War II. It was Dana who took the extra time to sort through confusing state records and eventually find Jesse a recipient of the Prisoner of War plates. Jesse doesn't talk much, he doesn't discuss his experiences as a German prisoner of war, and I doubt that he spoke to anyone at the funeral parlor last Saturday. Jesse just came to say "thank you".

At a grange meeting in the small town of Brooks last Saturday night, I overheard two senior patrons say to each other, "There wasn't anything that Dana wouldn't do to help people." Yes, they were describing the Dana Stevenson that we know but they were commenting about the Dana P. Stevenson that they first met forty years ago as a teacher in a rural school in that town.

At the Stevenson home last Thursday night, the family was trying to make a list of some of Dana's accomplishments and, while doing that, they recalled how Dana arrived home one night about 20 years ago covered with mud. Dana had walked the wet ground that was eventually to become the Mt. View High School complex. Last Thursday night I couldn't help but think of the day last spring when Dana and I stood on the marble steps outside the Governor's Office with the champion basketball teams from Mt. View High School to receive their presentation and to have their picture taken with the Governor of Maine. How proud Dana must have been to have worked so hard as a parent and an educator, to have combined the small, scattered school districts in that rural part of the state, into a system that could be competitive, competitive with anyone else in the State of Maine.

As Dana's son David and I talked last Thursday night, a call came through that said various members of that community had already gotten together and established a scholarship in Dana's name -- that was before seven-thirty last Thursday night.

Those of us in public service in Waldo County and beyond serve in the shadow of Dana P. Stevenson and we will serve in that shadow for a long time to come.

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

REPORTS OF COMMITTEES

Unanimous Leave to Withdraw

Representative JACKSON from the Committee on Taxation on Bill "An Act to Limit the Purchase of Land by Quasi-Municipal Districts" (H.P. 1531) (L.D. 2085) reporting "Leave to Withdraw"

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

CONSENT CALENDAR

Second Day

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

(S.P. 729) (L.D. 1988) Bill "An Act Relating to the Powers of the Maine Youth Center Employees" (C. "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)

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 and sent up for concurrence.

PASSED TO BE ENGROSSED

Bill "An Act to Amend the Notice Provision under the Motor Vehicle Laws" (H.P. 1656) (L.D. 2266)

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 ENACTED

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

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

Were 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.

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 Sanitary Conditions on Railroad Property (H.P. 1647) (L.D. 2253)

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.

ORDERS OF THE DAY

UNFINISHED BUSINESS

The Chair laid before the House the following item of Unfinished Business:

The following matter, in the consideration of which the House was engaged at the time of adjournment Friday, February 12, 1988, has preference in the Orders of the Day and continues with such preference until disposed of as provided by Rule 24.

JOINT RESOLUTION in Honor of Carrie S. Berry (H.P. 1654)

TABLED - February 12, 1988 (Till Later Today) by Representative DIAMOND of Bangor.

PENDING - Adoption.

On motion of Representative Diamond of Bangor, retabled pending adoption and specially assigned for Wednesday, February 17, 1988.

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 11, 1988 by Representative SMITH of Island Falls.

PENDING - Further Consideration.

On motion of Representative Carroll of Gray, retabled pending further consideration and specially assigned for Wednesday, February 17, 1988.

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

Bill "An Act to Clarify the Law Relating to AIDS" (H.P. 1651) (L.D. 2259)

(Committee on Judiciary suggested)

TABLED - February 12, 1988 by Representative PARADIS of Augusta.

PENDING - Reference.

On motion of Representative Paradis of Augusta, was referred to the Committee on Human Resources, ordered printed, and sent up for concurrence.

(At Ease)

The House was called to order by the Speaker.

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

SENATE PAPER

Bill "An Act to Extend the Reporting Deadlines of Certain Commissions and Committees" (Emergency) (S.P. 874) (L.D. 2277)

Came from the Senate under suspension of the rules and without reference to a Committee, the Bill read twice and passed to be engrossed.

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

Under suspension of the rules and without reference to any committee, the bill was read twice and passed to be engrossed in concurrence.

By unanimous consent, ordered sent forthwith to Engrossing.

(At Ease)

The House was called to order by the Speaker.

The following item appearing on Supplement No. 3 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED  
Emergency Measure

An Act to Extend the Reporting Deadlines of Certain Commissions and Committees (S.P. 874) (L.D. 2277)

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. 109 voted in favor of the same and 1 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)

On motion of Representative Melendy of Rockland, Adjourned until Wednesday, February 17, 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  
Tuesday  
February 16, 1988

Senate called to Order by the President.

Prayer by Chaplain Terrence McGillicuddy of the Augusta Mental Health Institute in Augusta.

CHAPLAIN MCGILLICUDDY: Good morning Ladies and Gentlemen, please take a moment to pray with me.

Our Lord and God, we take this moment to acknowledge Your presence and to thank You for this day. We pray as one for all the people of Maine. That the decisions made in this room today and everyday will be motivated by compassion and a deep concern for the people of this great State. We remembers especially those in Maine who are suffering or struggling in one way or another at this moment. Our mentally-ill, our poor and homeless, those oppressed with injustice or inequality. For those who hope and struggle for a better life, never let us forsake or forget these brothers and sisters. And last but not least, I ask You to bless those in this room today and thank You for their service. Guide them and fill them with Your wisdom so that their works will be Your works and their words will be Your words. Bless our State and its people Oh Lord, for this we pray in Your name. Amen.

Reading of the Journal of Friday, February 12, 1988.

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

SENATE PAPERS

Bill "An Act to Extend the Reporting Deadlines of Certain Commissions and Committees" (Emergency) S.P. 874 L.D. 2277

Presented by Senator CLARK of Cumberland  
Cosponsored by: Representative DIAMOND of Bangor, Representative MURPHY of Kennebunk, Senator PERKINS of Hancock

Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 27  
Committee on STATE AND LOCAL GOVERNMENT suggested.

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Annually Adjust Handling Fees on Returnable Beverage Containers"

H.P. 1648 L.D. 2256

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

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

Off Record Remarks

Bill "An Act to Promote Solid Waste Research"  
H.P. 1652 L.D. 2260