

# 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

**ERRATA:**

**The header on pages 215-219  
in the Second Regular Session**

**should read**

**“HOUSE, FEBRUARY 17, 1988”**

**instead of**

**“HOUSE, FEBRUARY 15, 1988”**

Senate called to order by the President.

On motion by Senator USHER of Cumberland, RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

On motion by Senator CLARK of Cumberland, the Senate removed from the Unassigned Table the following:

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

H.P. 1648 L.D. 2256

Tabled - February 16, 1988, by Senator CLARK of Cumberland.

Pending - REFERENCE

(In House, February 12, 1988, referred to the Committee on BUSINESS LEGISLATION and ORDERED PRINTED.)

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Thank you Mr. President, a parliamentary inquiry? Is L.D. 2256 properly before the Body?

THE PRESIDENT: The Chair would rule that the Bill is not properly before the Body, being in violation of Joint Rule 27.

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

ENACTORS

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

Emergency

An Act to Extend the Reporting Deadlines of Certain Commissions and Committees

S.P. 874 L.D. 2277

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with No Senators having voted in negative, and 27 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Senator ANDREWS of Cumberland was granted unanimous consent to address the Senate off the Record.

Senator USHER of Cumberland was granted unanimous consent to address the Senate off the Record.

Senator MATTHEWS of Kennebec was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

On motion by Senator BUSTIN of Kennebec, ADJOURNED until Wednesday, February 17, 1988, at 9:00 in the morning.

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE  
SECOND REGULAR SESSION  
25th Legislative Day  
Wednesday, February 17, 1988

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

Prayer by Reverend Calvin O. Dame, All Souls Church Unitarian Universalist, Augusta.

The Journal of Tuesday, February 16, 1988, was read and approved.

Quorum call was held.

SENATE PAPERS

Bill "An Act to Enable the Creation of Watershed Districts" (S.P. 872) (L.D. 2273)

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

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

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

Bill "An Act to Authorize the Creation of the Freeport Water District" (Emergency) (S.P. 873) (L.D. 2274)

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

Was referred to the Committee on Utilities in concurrence.

Ought to Pass in New Draft

Report of the Committee on Legal Affairs on Bill "An Act Pertaining to Fire Permit Enforcement" (S.P. 769) (L.D. 2026) reporting "Ought to Pass" in New Draft (S.P. 865) (L.D. 2254)

Came from the Senate, with the report read and accepted and the New Draft passed to be engrossed.

Report was read and accepted, the New Draft read once and assigned for second reading Thursday, February 18, 1988.

Non-Concurrent Matter

Bill "An Act to Annually Adjust Handling Fees on Returnable Beverage Containers" (H.P. 1648) (L.D. 2256) which was referred to the Committee on Business Legislation in the House on February 12, 1988.

Came from the Senate ruled not properly before that body pursuant to Joint Rule 27 in non-concurrence.

The SPEAKER: Pursuant to Joint Rule 27, the Chair would also rule that L.D. 2256 is not properly before this body.

COMMUNICATIONS

The following Communication:

MAINE STATE LEGISLATURE  
Augusta, Maine 04333  
COMMISSION ON LAND CONSERVATION  
AND ECONOMIC DEVELOPMENT

February 15, 1988

President Pray

Speaker Martin

State House

Augusta, ME 04333

Dear President Pray and Speaker Martin:

Maine is today faced with inexorable growth pressures extending up from the south, along the coast and into the western mountains. Even Aroostook

County has not escaped the attention of speculative land dealers. Maine, its cities and towns must act together to plan for this growth; channelling its development and capturing its economic benefits for our citizens. At the same time, we must move to preserve those special elements of Maine life that make this state our own. Change is coming and we cannot stop it. However, with all of our concerted efforts, the new Maine of the 1990's will still be a home of which we can all be proud. We feel that there is no issue before the Legislature in this session which has such profound implications for the future of Maine and the well-being of its citizens.

The Commission on Land Conservation and Economic Development is pleased to submit its legislative recommendations to the Legislature pursuant to P.L. 1987, c.514. The Commission is recommending action on the four attached bills to address various aspects of the growth management problem in Maine.

The Commission recommends passage of AN ACT to Promote Orderly Economic Growth and Natural Resource Conservation as the central element in Maine's efforts to effectively manage growth. While individual members differ over specific components of the proposal, the Commission is unanimous in its recommendations to:

1. Establish state goals and guidelines for local planning;
2. Provide a substantial increase in state assistance to municipalities in support of their planning, economic development and growth management activities, and;
3. Provide for state coordination and review of local planning efforts.

The Commission also submits three pieces of tax legislation. The first, a minority report, would place a tax on the capital gains resulting from speculative land transactions. The second, a unanimous report, would provide municipalities with the option of a local tax on the transfer of real estate with an exemption for the first \$77,000 on primary residences. The third, a unanimous report, is recommended for referral to the Joint Standing Committee on Taxation as a vehicle for needed revisions to the Farm and Open Space Tax.

The Commission's final report will be printed and distributed in the near future.

Sincerely,  
s/Sen. Donald Twitchell, Chair  
s/Rep. Michael Michaud, Chair

Was read and with accompanying report ordered placed on file.

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:

Agriculture

Bill "An Act to Define Chemical Preservative and to Provide Alternative Labeling Requirements" (H.P. 1672) (L.D. 2290) (Presented by Representative CARROLL of Gray) (Cosponsors: Senators PERKINS of Hancock and MATTHEWS of Kennebec) (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 Appropriate Funds to Implement the Findings of the Job Classification Study of the University of Maine System" (H.P. 1666) (L.D. 2284) (Presented by Representative BOST of Orono) (Cosponsors: Speaker MARTIN of Eagle Lake, President PRAY of Penobscot, and Senator PEARSON of Penobscot) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Allocate Stripper Well Oil Refund Money to the Home Energy Assistance Program" (Emergency) (H.P. 1670) (L.D. 2288) (Presented by Representative CASHMAN of Old Town) (Cosponsors: Speaker MARTIN of Eagle Lake, Senators TWITCHELL of Oxford and DOW of Kennebec) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Ordered Printed.

Sent up for Concurrence.

Energy and Natural Resources

Bill "An Act to Prohibit the Establishment of Docking Condominiums on Tidewaters, Lakes and Great Ponds" (H.P. 1671) (L.D. 2289) (Presented by Representative MITCHELL of Freeport) (Cosponsors: Representatives OLIVER of Portland, HOLLOWAY of Edgecomb and RAND of Portland) (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 Revise the Procedures for Enforcing Money Judgments" (H.P. 1667) (L.D. 2285) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsor: Representative PARADIS of Augusta) (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 Extend the Sales Tax Exemption on Energy Use in Manufacturing to Agricultural Businesses" (H.P. 1668) (L.D. 2286) (Presented by Representative MELENDY of Rockland) (Cosponsors: Representatives MAYO of Thomaston, ALLEN of Washington, and Senator TWITCHELL of Oxford) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Ordered Printed.

Sent up for Concurrence.

Transportation

RESOLVE, to Name the New Bridge Between the Communities of Bucksport and Verona the "Dr. Edward Thegan Memorial Bridge" (H.P. 1669) (L.D. 2287) (Presented by Representative SWAZEY of Bucksport) (Cosponsor: Senator GOULD of Waldo) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Ordered Printed.

Sent up for Concurrence.

ORDERS

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

ORDERED, that Representative Dale F. Thistle of Dover-Foxcroft be excused February 8 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Ralph M. Willey of Hampden be excused February 5 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Francis C. Marsano of Belfast be excused February 5 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Susan E. Dore of Auburn be excused February 17, 18, 19, 22 and 23 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Charles R. Priest of Brunswick be excused February 10 to 17 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Patricia M. Stevens of Bangor be excused February 16, 17, 18 and 19 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Catharine K. Lebowitz of Bangor be excused February 11 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Gary W. Reed of Falmouth be excused February 12 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Marge L. Kilkelly of Wiscasset be excused February 3, 4 and 5 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Stephen M. Zirkilton of Mount Desert be excused February 16 to 24 for personal reasons.

Was read and passed.

REPORTS OF COMMITTEES

Divided Report

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought Not to Pass" on Bill "An Act to Amend the Framework Within Which the Commissioner of Inland Fisheries and Wildlife May Establish Deer Hunting Seasons" (H.P. 1459) (L.D. 1970)

Signed:  
 Senator: ERWIN of Oxford  
 Representatives: JACQUES of Waterville  
 CLARK of Millinocket  
 DUFFY of Bangor  
 SMITH of Island Falls  
 WALKER of Norway  
 BROWN of Gorham  
 ROTONDI of Athens

Minority Report of the same Committee reporting "Ought to Pass" on same Bill.

Signed:  
 Senator: BRAWN of Knox  
 Representatives: WEYMOUTH of West Gardiner  
 GREENLAW of Standish  
 FARREN of Cherryfield

Reports were read.

On motion of Representative Jacques of Waterville, the House accepted the Majority "Ought Not to Pass" Report. Sent up for concurrence.

Divided Report

Majority Report of the Committee on Business Legislation reporting "Ought to Pass" on Bill "An Act Relating to Disclosures when Selling Used Cars" (H.P. 1435) (L.D. 1952)

Signed:  
 Senators: BALDACCI of Penobscot  
 WHITMORE of Androscoggin  
 BRANNIGAN of Cumberland  
 Representatives: ALLEN of Washington  
 ALIBERTI of Lewiston

TELOW of Lewiston  
 GURNEY of Portland  
 LEBOWITZ of Bangor  
 STEVENS of Sabattus  
 HILLOCK of Gorham  
 REED of Falmouth

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Signed:  
 Representative: RACINE of Biddeford  
 (Representative SHELTRA of Biddeford - of the House - Abstained)

Reports were read.  
 Representative Allen of Washington moved that the House accept the Majority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Racine.

Representative RACINE: Mr. Speaker, Ladies and Gentlemen of the House: You are probably wondering why there is only one individual on the Business Legislation Committee that is in opposition to this bill. I am in opposition to the bill and I want to explain to you my reasons.

If you recall, a year ago we had a bill that was submitted to the Committee on Business Legislation which required people that trade in a used car to a dealer had to disclose any damage that they knew pertaining to the car that they were trading in. That had to be disclosed and signed on the statement.

The bill came to the committee, was heard, and at the committee workshop, if I remember correctly, the car dealers suggested that we change the word "substantial" damage because they felt that it would be better for them if the seller of the car would disclose any known damage to that particular car. This bill was debated quite thoroughly last year. There were a lot of people that were in opposition to the bill because they felt that the seller would not be in a position to disclose all of the damages because, if he did, the dealer would reduce the price by too much money, depending upon the disclosure that was made by the individual.

The bill was passed and we eliminated the word "substantial" and now this year the dealers came back in and requested that we add on "substantial" that was removed last year. At the public hearing, it was disclosed by lobbyists that they were having numerous problems by removing the word "substantial." When lobbyists were questioned by me as to what they meant by numerous problems and to be more specific to the kind of problems that had been encountered, there was no answer.

As a result of that, I was under the impression at the public hearing that most of the committee members were sort of opposed to bringing back that word "substantial" into the law. This was going to be discussed at a work session -- now if you will recall, last Thursday we had a snowstorm and the Economic Development was cancelled in Portland and, as a result of this, work sessions were established for Friday morning. However, I happened to be one of those individuals that had made an appointment that I could not break. When this was brought to my attention, I more or less indicated that I did not think it was fair to hold a work session on such short notice because there were a lot of people who might be interested in some of the bills that were going to be worked on. I was informed that there would not be any votes on any of the bills and this would be taken up at a later date. However, when I came back on Monday morning and was told that this bill was unanimously voted out, this was where I could not go along with the majority of the committee because I don't believe that this bill was given its

fair workshop. So as a result of it, I voted against the bill. I feel sort of awkward getting up in front of the body and coming out with a 11-1 "Ought Not to Pass" and one individual abstaining but I just don't like the way this was handled.

I think that this bill should be looked at quite thoroughly. I think we should determine whether or not every time somebody out there does not like something that we should change it. It is getting to be just like a yo-yo — one year we are going to take "substantial" out and this year we are going to put it back in again and next year they will come back and say it is not working.

The basic argument when we debated this bill last year was the fact that it would be easy to implement because the seller of an automobile to a dealer would be required to disclose any known damage and the reason being "substantial" was quite difficult to interpret. What may be substantial to you may not be substantial to me. If you recall, this was a used car dealer bill and, of course, the debate on the floor indicated that this was a consumer bill; hence I believe the majority of this body felt that probably it was a consumer bill. In my mind, I felt that it was not, so this is why I voted against it.

I request a Division.

The SPEAKER: The pending question before the House is the motion of the Representative from Washington, Representative Allen, that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Representative Sheltra of Biddeford requested a roll call.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Sheltra.

Representative SHELTRA: Mr. Speaker, Men and Women of the House: Last year we belabored this bill to excess really and the end result being that we lost a close vote.

Representative Racine explained the situation pretty well at the public hearing (of which I was present) but there was a statement made by a public law enforcement official at the public hearing who claimed that this bill would be completely unenforceable and I can well understand why.

The only person protected in this bill is actually the used car dealer. You are forcing the honest citizen to try and remember what ills the car might have or to tell untruths about the car. Actually, it doesn't even affect any private sales and golly, you know darn well that we have many, many private sales that go on from one person to another. Once the used car dealer has the vehicle, if the new purchaser finds anything wrong with it, it gets the used car dealer off the hook because he can say, "Well look, I bought this car from such and such an individual and you can sue them." I have thought all along that this was a bad bill and I wish you would vote against this.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of the Representative from Washington, Representative Allen, that the House accept the Majority "Ought to

Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 192

YEA - Aliberti, Allen, Anderson, Anthony, Baker, Begley, Bickford, Bost, Bragg, Callahan, Carroll, Cashman, Chonko, Clark, H.; Clark, M.; Cote, Crowley, Curran, Daggett, Davis, Dellert, Diamond, Erwin, P.; Farren, Foss, Garland, Glidden, Gould, R. A.; Gwadosky, Harper, Hickey, Higgins, Hoglund, Holloway, Holt, Hussey, Jackson, Jacques, Jalbert, Joseph, Ketover, Kimball, Lacroix, Lawrence, Lebowitz, MacBride, Macomber, Mahany, Manning, Martin, H.; Matthews, K.; Mayo, McGowan, McHenry, Melendy, Michaud, Mitchell, Murphy, T.; Nadeau, G. G.; Nadeau, G. R.; Nutting, O'Gara, Oliver, Paradis, E.; Paradis, J.; Paradis, P.; Parent, Paul, Rand, Reed, Rolde, Rydell, Salsbury, Seavey, Sherburne, Simpson, Small, Smith, Soucy, Stanley, Stevens, A.; Strout, B.; Strout, D.; Swazey, Telow, Vose, Walker, Webster, M.

NAY - Brown, Carter, Dexter, Dutremble, L.; Farnum, Foster, Greenlaw, Hale, Handy, Hitchborn, LaPointe, Lord, McPherson, McSweeney, Moholland, Murphy, E.; Nicholson, Norton, Perry, Pines, Pouliot, Racine, Rice, Richard, Ridley, Rotondi, Scarpino, Sheltra, Tamaro, Taylor, Tracy, Wentworth, Weymouth, Willey.

ABSENT - Armstrong, Bailey, Bott, Boutilier, Coles, Conley, Dore, Duffy, Gurney, Hanley, Hepburn, Hillock, Kilkelly, Lisnik, Look, Marsano, Mills, Priest, Reeves, Ruhlin, Stevens, P.; Tardy, Thistle, Tupper, Warren, Whitcomb, Zirkilton, The Speaker.

Yes, 88; No, 34; Absent, 28; Vacant, 1; Paired, 0; Excused, 0.

88 having voted in the affirmative and 34 in the negative with 28 being absent and 1 vacancy, the Majority "Ought to Pass" Report was accepted, the Bill read once and assigned for second reading Thursday, February 18, 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. 738) (L.D. 1997) Bill "An Act to Authorize the Bureau of Banking, Securities Division, to Adopt a Simplified Registration Statement for Limited Public Offerings" Committee on Banking and Insurance reporting "Ought to Pass" (Representative ALLEN of Washington - of the House - Abstained)

(S.P. 733) (L.D. 1992) Bill "An Act to Strengthen the Disciplinary Authority of Various State Regulatory Boards" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-315)

There being no objections, the above items were ordered to appear on the Consent Calendar of Thursday, February 18, 1988, under the listing of Second Day.

PASSED TO BE ENACTED

An Act to Require Principles of Reimbursement for Intermediate Care Facilities for the Mentally Retarded to Include Provisions for Covering Increases in Insurance Premiums (S.P. 176) (L.D. 491) (C. "A" S-312)

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:

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

TABLED - February 16, 1988 by Representative DIAMOND of Bangor.

PENDING - Adoption.

On motion of Representative Diamond of Bangor, retabled pending adoption and specially assigned for Thursday, February 18, 1988.

The Chair laid before the House the second 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 16, 1988 by Representative CARROLL of Gray.

PENDING - Further Consideration.

On motion of Representative Carroll of Gray, retabled pending further consideration and specially assigned for Thursday, February 18, 1988.

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

PETITIONS, BILLS AND RESOLVES  
REQUIRING REFERENCE

Reported Pursuant to the Resolves

Representative JACQUES for the Commission to Review the Laws Relating to Registered Maine Guides, pursuant to Resolves of 1987, Chapter 17 ask leave to submit its findings and report that the accompanying RESOLVE, to Reconstitute the Commission to Review the Laws Relating to Registered Maine Guides (Emergency) (H.P. 1673) (L.D. 2292) 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.

Representative Greenlaw of Standish was granted unanimous consent to address the House:

Representative GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: I would request that when we adjourn today, we adjourn in memory of the Honorable Harry F. Sanborn of West Baldwin. He served in the 97th and the 98th Legislatures and I request that when we do adjourn, we adjourn in his memory. Thank you.

(Off Record Remarks)

On motion of Representative Greenlaw of Standish, Adjourned until Thursday, February 18, 1988, at ten o'clock in the morning in memory of Harry F. Sanborn, former State Representative.