

# 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

currently underway in the marine environment. There will also be several food tasting events.

Special thanks to the Marine Resources Day Subcommittee, chaired by Representative Harriet Ketover, for the organization of this event.

We hope that you find the presentation informative and enjoyable. We look forward to Marine Resources Day becoming an annual event at the Legislature. Thank you."

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Senate at Ease

Senate called to order by the President.

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

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Off Record Remarks

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Senate at Ease

Senate called to order by the President.

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On motion by Senator TWITCHELL of Oxford, ADJOURNED until Thursday, March 3, 1988, at 9:00 in the morning.

**ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE  
SECOND REGULAR SESSION  
36th Legislative Day  
Thursday, March 3, 1988**

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

Prayer by Reverend George Fowler, Wells Congregational Church.

The Journal of Wednesday, March 2, 1988, was read and approved.

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**SENATE PAPERS**

Bill "An Act Concerning Membership on the Maine Blueberry Commission" (S.P. 921) (L.D. 2412)

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

Was referred to the Committee on Agriculture in concurrence.

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Bill "An Act to Extend a Sunset Provision in the Civil Service Law" (Emergency) (S.P. 919) (L.D. 2410)

Came from the Senate, referred to the Committee on Audit and Program Review and Ordered Printed.

On motion of Representative Carroll of Gray, was referred to the Committee on State and Local Government in non-concurrence and sent up for concurrence.

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Bill "An Act to Clarify the Laws Regulating the Insurance Industry to Ensure its Regulation by State Antitrust Laws" (S.P. 920) (L.D. 2411)

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

Was referred to the Committee on Banking and Insurance in concurrence.

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Bill "An Act Relating to Games of Chance" (Emergency) (S.P. 922) (L.D. 2413)

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

Was referred to the Committee on Legal Affairs in concurrence.

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The following Joint Order: (S.P. 923)  
ORDERED, the House concurring, that "AN ACT to Establish a Presidential Primary in Maine", S.P. 123, L.D. 328, and all its accompanying papers, be recalled from the files to the Senate.

Came from the Senate, read and passed.  
Was read.

On motion of Representative Diamond of Bangor, tabled pending passage in concurrence and specially assigned for Friday, March 4, 1988.

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**COMMUNICATIONS**

The following Communication:  
DEPARTMENT OF LABOR  
PO BOX 309  
AUGUSTA, MAINE 04330

March 1, 1988  
Honorable John Martin  
Speaker of the House  
House of Representatives  
State House Station 2  
Augusta, Maine 04333  
Dear Speaker Martin:

I am pleased to submit the Department of Labor's annual report on the Dislocated Workers Benefit

Program, for 1987, in accordance with 26 MRSA §1196, sub-section 2.

Sincerely yours,  
S/John Fitzsimmons  
Commissioner of Labor

Was read and with accompanying report ordered placed on file.

The following Communication:

STATE OF MAINE  
DEPARTMENT OF HUMAN SERVICES  
AUGUSTA, MAINE 04333  
ALCOHOL AND DRUG ABUSE PLANNING COMMITTEE  
March 3, 1988

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

The enclosed FY'87 Progress Report of the Alcohol and Drug Abuse Planning Committee (ADPC) is presented according to P.L. 1983, c. 464. In compiling the required information, the ADPC relied on the coordination, interaction and communication among the four ADPC State Departments. The accomplishments of each department are noted in detail, accompanied with cost and FY'88 plans.

Ron Speckmann, Acting Director of the ADPC during Al Anderson's absence, will provide coordination for any questions concerning this report.

Sincerely,  
s/Donald Allen,  
Commissioner  
Department of Corrections  
Eve Bither, Commissioner  
Department of Educational and Cultural Services  
s/Rollin Ives,  
Commissioner  
Department of Human Services  
s/Susan Parker,  
Commissioner  
Department of Mental Health and Mental Retardation

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:

Agriculture

Bill "An Act Relating to Horse Racing and Racing Facilities" (Emergency) (H.P. 1781) (L.D. 2434) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsors: Representatives MCGOWAN of Canaan, ALIBERTI of Lewiston and Senator COLLINS of Aroostook) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Ordered Printed.  
Sent up for Concurrence.

Appropriations and Financial Affairs

Bill "An Act to Fund and Implement a Collective Bargaining Agreement with Certain

Vocational-Technical Institute System Employees Represented by the Maine Teachers Association" (Emergency) (H.P. 1777) (L.D. 2430) (Presented by Representative DAVIS of Monmouth) (Cosponsors: Senator BERUBE of Androscoggin, Representatives FOSTER of Ellsworth and LISNIK of Presque Isle)

Ordered Printed.  
Sent up for Concurrence.

Tabled and Assigned

Bill "An Act to Fund a Demonstration Teaching Nursing Home" (H.P. 1778) (L.D. 2431) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsors: Representative CARTER of Winslow, Senators BERUBE of Androscoggin and GILL of Cumberland) (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 Appropriations and Financial Affairs.)

On motion of Representative Carter of Winslow, tabled pending reference and specially assigned for Friday, March 4, 1988.

Tabled and Assigned

Bill "An Act to Allow Greater Flexibility in Education, Financial Assistance, Training and Wages Relating to Health Care Facilities Experiencing Labor Shortages" (H.P. 1780) (L.D. 2433) (Presented by Representative CLARK of Brunswick) (Cosponsors: Senators GILL of Cumberland, CLARK of Cumberland and Representative DELLERT of Gardiner) (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 Appropriations and Financial Affairs.)

On motion of Representative Carter of Winslow, tabled pending reference and specially assigned for Friday, March 4, 1988.

Banking and Insurance

Bill "An Act to Create a Joint Underwriting Association for Directors and Officers of Corporations" (H.P. 1779) (L.D. 2432) (Presented by Representative STEVENS of Bangor) (Cosponsors: Representative CLARK of Millinocket and Senator THERIAULT of Aroostook) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Ordered Printed.  
Sent up for Concurrence.

Education

Bill "An Act to Create the Maine Student Artist Awards Program" (H.P. 1773) (L.D. 2426) (Presented by Representative DIAMOND of Bangor) (Cosponsors: Senator PERKINS of Hancock, Representatives LISNIK of Presque Isle and FOSTER of Ellsworth) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

RESOLVE, Establishing the Advisory Committee on Education and Critical Issues for State Decision Making (H.P. 1776) (L.D. 2429) (Presented by Representative GOULD of Greenville) (Cosponsors: Senator ESTES of York, Representatives BOST of Orono and MATTHEWS of Caribou) (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 Concerning Safety Hazards on Maine Lakes" (H.P. 1772) (L.D. 2425) (Presented by Representative MELENDY of Rockland) (Cosponsors: Senator DOW of Kennebec, Representatives JACQUES of Waterville and DAVIS of Monmouth) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Ordered Printed.

Sent up for Concurrence.

Human Resources

Bill "An Act to Increase the Frequency of Restaurant Inspections" (H.P. 1775) (L.D. 2428) (Presented by Representative MANNING of Portland) (Cosponsors: Senators GILL of Cumberland, GAUVREAU of Androscoggin and Representative PINES of Limestone) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Add a Hemophilic to the Committee to Advise the Department of Human Services on AIDS" (H.P. 1771) (L.D. 2424) (Presented by Representative FOSS of Yarmouth) (Cosponsors: Representatives WEBSTER of Cape Elizabeth, MCGOWAN of Canaan, and Senator WHITMORE of Androscoggin) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

RESOLVE, Authorizing the Bureau of Health to Conduct a Time-Trend Study of Leukemia Incidence in Maine (H.P. 1769) (L.D. 2422) (Presented by Representative HOLT of Bath) (Cosponsors: Representative PINES of Limestone and Senator KANY of Kennebec) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Ordered Printed.

Sent up for Concurrence.

Transportation

RESOLVE, to Release State Claims to Certain Land Abutting the Bath Road in Brunswick (H.P. 1770) (L.D. 2423) (Presented by Representative PRIEST of Brunswick) (Cosponsors: Senator CLARK of Cumberland and Representative CHONKO of Topsham) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Ordered Printed.

Sent up for Concurrence.

Utilities

Bill "An Act to Increase the Debt Limit for the South Berwick Sewer District" (H.P. 1774) (L.D. 2427) (Presented by Representative FARNUM of South Berwick) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Ordered Printed.

Sent up for Concurrence.

Study Report-Committee on State and Local Government

Representative CARROLL from the Committee on State and Local Government to which was referred by the Legislative Council the Study Relative to Conflicts of Interest/State Employees and Members of Boards and Commissions have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act Relating to Conflict of Interest for Certain Governmental Officials and Employees" (H.P. 1766)

(L.D. 2419) 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 State and Local Government, ordered printed and sent up for concurrence.

Reported Pursuant to the Resolves

Representative JACQUES for the Commission to Review the Laws Relating to Registered Maine Guides, pursuant to Resolves 1987, Chapter 17 ask leave to submit its findings and to report that the accompanying Bill "An Act to Make Changes in the Laws Concerning Licensed Maine Guides and Related Laws" (Emergency) (H.P. 1767) (L.D. 2420) 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

REPORTS OF COMMITTEES

Unanimous Leave to Withdraw

Representative ZIRNKILTON from the Committee on Taxation on Bill "An Act to Establish an Excise Tax on Cargo Trailers" (H.P. 1581) (L.D. 2159) reporting "Leave to Withdraw"

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 TARDY from the Committee on Utilities on Bill "An Act to Encourage Conservation Investments by Electric Utilities" (H.P. 1533) (L.D. 2087) reporting "Ought to Pass" in New Draft (H.P. 1768) (L.D. 2421)

Report was read and accepted, the New Draft read once and assigned for second reading Friday, March 4, 1988.

Ought to Pass Pursuant to Joint Order (H.P. 1489)

Representative ROTONDI from the Committee on State and Local Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Somerset County for the Year 1988 (Emergency) (H.P. 1765) (L.D. 2418) reporting "Ought to Pass" - Pursuant to Joint Order (H.P. 1489)

Report was read and accepted.

Under suspension of the rules, the bill was read twice, passed to be engrossed and sent up for concurrence.

CONSENT CALENDAR

First Day

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

(S.P. 735) (L.D. 1994) Bill "An Act to Amend the Law Concerning the Blaine House Scholars Program" Committee on Education reporting "Ought to Pass"

There being no objections, the above item was ordered to appear on the Consent Calendar of Friday, March 4, 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. 773) (L.D. 2030) Bill "An Act to Establish a Commemorative Day for Margaret Chase Smith and Edmund S. Muskie"

(S.P. 734) (L.D. 1993) Bill "An Act to Bring the Computer Services Section of the Department of Professional and Financial Regulation into the Division of Administrative Services" (C. "A" S-320)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were Passed to be Engrossed or Passed to be Engrossed as Amended in concurrence.

PASSED TO BE ENGROSSED

Bill "An Act to Provide a Method for Taxation of Real Property When Owner is Unknown" (H.P. 1753) (L.D. 2402)

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

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 Establish the Additional Support for People in Retraining and Education Program" (H.P. 1744) (L.D. 2390)

(Committee on Economic Development suggested)  
TABLED - March 2, 1988 by Representative CROWLEY of Stockton Springs.

PENDING - Reference.

Subsequently, was referred to the Committee on Economic Development, ordered printed and sent up for concurrence.

BILL HELD

An Act Pertaining to Fire Permit Enforcement (S.P. 865) (L.D. 2254) (S. "A" S-319)  
- In House, Passed to be Enacted on March 2, 1988.  
HELD at the request of Representative PRIEST of Brunswick.

On motion of Representative Priest of Brunswick, the House reconsidered its action whereby the L.D. 2254 was passed to be enacted.

On further motion of the same Representative, tabled pending passage to be enacted and specially assigned for Friday, March 4, 1988.

On motion of Representative Crowley of Stockton Springs, the House reconsidered its action whereby Bill "An Act to Establish the Additional Support for People in Retraining and Education Program" (H.P. 1744) (L.D. 2390) was referred to the Committee on Economic Development.

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

(Off Record Remarks)

On motion of Representative Soucy of Kittery,  
Adjourned until Friday, March 4, 1988, at twelve o'clock noon.

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

In Senate Chamber  
Thursday  
March 3, 1988

Senate called to Order by the President.

Prayer by the Honorable Henry W. Black of Cumberland.  
SENATOR BLACK: Please join me this morning and carry the thoughts of this short and simple prayer. God Bless. Amen.

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE  
Non-concurrent Matter

Resolve, to Extend the Reporting Deadline for the Commission on Children in Need of Supervision and Treatment (Emergency)

H.P. 1698 L.D. 2331  
(H "B" H-458)

In Senate, February 23, 1988, PASSED TO BE ENGROSSED, in concurrence.

In House, February 26, 1988, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENTS "A" (H-457) AND "B" (H-458) in NON-CONCURRENCE.

In Senate, February 29, 1988, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B" (H-458) in NON-CONCURRENCE.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "C" (H-463) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

House Papers

Bill "An Act to Define the Financial Relationship of the Maine Potato Board and the Department of Agriculture, Food and Rural Resources"

H.P. 1761 L.D. 2414

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

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

Bill "An Act to Amend the Cosmetology Laws"

H.P. 1759 L.D. 2408

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

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

Bill "An Act to Enhance and Clarify the Role of the State Board of Education"

H.P. 1756 L.D. 2405

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

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

Bill "An Act to Waive Filing Fees for the State in Asset Forfeiture Proceedings" (Emergency)

H.P. 1760 L.D. 2409

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