

# 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

Off Record Remarks

On motion by Senator GAUVREAU of Androscoggin, ADJOURNED until Monday, March 7, 1988, at 4:00 in the afternoon.

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE  
SECOND REGULAR SESSION  
38th Legislative Day  
Monday, March 7, 1988

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

Prayer by Reverend Barry Beebe, Wayside Bible Baptist Church, Livermore.

Pledge of Allegiance.

The Journal of Friday, March 4, 1988, was read and approved.

SENATE PAPERS

RESOLVE, to Study a Program to Promote the Purchase of State-Grown Produce by Needy Persons (S.P. 933) (L.D. 2453)

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

Was referred to the Committee on Agriculture in concurrence.

Bill "An Act to Clarify the Rights of a Municipality Concerning Ordinances on Radon" (S.P. 934) (L.D. 2454)

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 Require the Department of Human Services to Reimburse Home Health Agencies for the Reasonable Costs of Recruiting, Training and Retaining Qualified Nursing Staff" (S.P. 935) (L.D. 2455)

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

Was referred to the Committee on Human Resources in concurrence.

PETITIONS, BILLS AND RESOLVES  
REQUIRING REFERENCE

The following Bills 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 Making Allocations Related to the Alcoholism Prevention, Education, Treatment and Research Fund for the Expenditures of State Government for the Fiscal Year Ending June 30, 1989" (Emergency) (H.P. 1798) (L.D. 2462) (Presented by Representative FOSTER of Ellsworth) (Cosponsor: Senator EMERSON of Penobscot)

Ordered Printed.

Sent up for Concurrence.

Business Legislation

Bill "An Act to Amend the Maine Business Corporation Act in Relation to Petitioning the Court for the Removal of Directors" (H.P. 1802) (L.D. 2466) (Presented by Representative STEVENS of Bangor) (Cosponsors: Representatives ALLEN of Washington, LEBOWITZ of Bangor and Senator BALDACCI of Penobscot) (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 Sale of Polystyrene Foam Products Containing Chlorofluorocarbons" (H.P. 1797) (L.D. 2461) (Presented by Representative DEXTER of Kingfield) (Cosponsors: Senators RANDALL of Washington, PERKINS of Hancock and Representative TRACY of Rome)

Ordered Printed.

Sent up for Concurrence.

Fisheries and Wildlife

Bill "An Act to Make Supplemental Allocations to the Department of Inland Fisheries and Wildlife for the Fiscal Years Ending June 30, 1988 and June 30, 1989" (Emergency) (H.P. 1796) (L.D. 2460) (Presented by Representative GREENLAW of Standish) (Cosponsor: Senator BRAUN of Knox)

Ordered Printed.

Sent up for Concurrence.

Human Resources

Bill "An Act to Promote More Effective Investigations of Child Abuse Allegations in Out-of-Home Settings" (H.P. 1804) (L.D. 2468) (Presented by Representative FOSTER of Ellsworth) (Cosponsors: Representatives MacBRIDE of Presque Isle, CLARK of Millinocket and Senator GAUVREAU of Androscoggin) (Submitted by the Department of Human Services pursuant to Joint Rule 24)

Ordered Printed.

Sent up for Concurrence.

Judiciary

Bill "An Act to Amend Maine's Domestic Relations Laws" (H.P. 1801) (L.D. 2465) (Presented by Representative ALLEN of Washington) (Cosponsor: Representative KILKELLY of Wiscasset) (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 Municipal Cost Components for Services to be Rendered in Fiscal Year 1988-89" (Emergency) (H.P. 1800) (L.D. 2464) (Presented by Representative CASHMAN of Old Town) (Cosponsors: Senators TWITCHELL of Oxford, SEWALL of Lincoln and Representative JACKSON of Harrison) (Submitted pursuant to 36 MRSA c. 115)

Bill "An Act to Amend the Maine Income Tax Law" (H.P. 1803) (L.D. 2467) (Presented by Representative CASHMAN of Old Town) (Cosponsors: Senators SEWALL of Lincoln, TWITCHELL of Oxford and Representative JACKSON of Harrison)

Ordered Printed.

Sent up for Concurrence.

Transportation

Bill "An Act to Fund a Supplemental Highway Program and to Establish a Program to Fund the Construction of Extraordinary Bridges" (Emergency) (H.P. 1799) (L.D. 2463) (Presented by Representative WHITCOMB of Waldo) (Cosponsors: Senators EMERSON of Penobscot, TWITCHELL of Oxford and Representative TAMMARO of Baileyville)

Ordered Printed.

Sent up for Concurrence.

ORDERS

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

ORDERED, that Representative Annette M. Hoglund of Portland be excused March 1 and 2 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Gerard P. Conley, Jr., of Portland be excused February 24, 25 and 26 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative David G. Stanley of Cumberland be excused March 1 and March 16 through 23 for personal reasons and March 10 and 24 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Linwood M. Higgins of Scarborough be excused March 3, 4 and 7 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative William B. O'Gara of Westbrook be excused March 3 and 4 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Guy R. Nadeau of Saco be excused March 3 and 4 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Thomas W. Murphy, Jr., of Kennebunk be excused February 25, 26 and 29 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Polly Reeves of Pittston be excused March 3 through 10 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Daniel J. Callahan of Mechanic Falls be excused March 3 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Jean T. Dellert of Gardiner be excused March 11, 17 and 18 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Catharine K. Lebowitz of Bangor be excused February 26 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Earl G. Nicholson of South Portland be excused March 4 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Roger M. Pouliot of Lewiston be excused March 21 and 22 for personal reasons.

Was read and passed.

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative RIDLEY from the Committee on Appropriations and Financial Affairs on Bill "An Act to Provide Funding for the Bangor Dental Clinic" (H.P. 1582) (L.D. 2160) reporting "Ought Not to Pass"

Representative CARTER from the Committee on Appropriations and Financial Affairs on RESOLVE, Authorizing Philip Wolley of Searsport to Collect Compensation from the State of Maine (H.P. 1615) (L.D. 2208) reporting "Ought Not to Pass"

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

Unanimous Leave to Withdraw

Representative VOSE from the Committee on Judiciary on Bill "An Act to Establish a Public Defender Program" (H.P. 1475) (L.D. 2010) reporting "Leave to Withdraw"

Representative THISTLE from the Committee on Judiciary on Bill "An Act to Authorize a Probation Officer to Bring an Ex Parte Motion to Change the Conditions of Probation" (H.P. 1460) (L.D. 1971) reporting "Leave to Withdraw"

LEGISLATIVE HISTORY - HOUSE, MARCH 7, 1988

Representative PARADIS from the Committee on Judiciary on Bill "An Act to Apportion Fault under the Comparative Negligence Law" (H.P. 909) (L.D. 1221) reporting "Leave to Withdraw"

Representative COTE from the Committee on Judiciary on Bill "An Act to Eliminate Ad Damnum Clause in Cases Involving Unliquidated Damages" (H.P. 602) (L.D. 820) reporting "Leave to Withdraw"

Representative CONLEY from the Committee on Judiciary on Bill "An Act to Establish Policies Governing Medical Malpractice Claims" (H.P. 586) (L.D. 797) reporting "Leave to Withdraw"

Representative PARADIS from the Committee on Judiciary on Bill "An Act Pertaining to Civil Liability for Volunteers" (H.P. 614) (L.D. 832) reporting "Leave to Withdraw"

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

Ought to Pass in New Draft/New Title

Representative BEGLEY from the Committee on Labor on Bill "An Act to Provide Due Process in Unemployment Insurance Appeals" (H.P. 766) (L.D. 1029) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Clarify the Unemployment Compensation Appeals Process" (H.P. 1795) (L.D. 2459)

Report was read and accepted, the New Draft read once and assigned for second reading Tuesday, March 8, 1988.

CONSENT CALENDAR

First Day

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

(H.P. 1526) (L.D. 2080) Bill "An Act to Provide Increased Funding for the Civil Air Patrol" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-464)

(S.P. 824) (L.D. 2146) Bill "An Act to Amend the Charter of the Jackman Sewer District to Make the Provisions for Collection of Unpaid Rates Conform to the General Provisions for Collection of Unpaid Rates by Sanitary Districts" (Emergency) Committee on Utilities reporting "Ought to Pass"

(S.P. 896) (L.D. 2325) Bill "An Act Making an Amendment to the Charter of the Jackman Water District" Committee on Utilities reporting "Ought to Pass"

(S.P. 717) (L.D. 1946) Bill "An Act to Remove Discriminating Language from a Section of the Maine Retirement Laws" (Emergency) Committee on Aging, Retirement and Veterans reporting "Ought to Pass" as amended by Committee Amendment "A" (S-322)

(H.P. 1601) (L.D. 2192) Bill "An Act Relative to the Union of the Trustees of the Maine Annual Conference of the United Methodist Church and the Trustees of the New Hampshire Annual Conference of the United Methodist Church" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-465)

There being no objections, the above items were ordered to appear on the Consent Calendar of Tuesday, March 8, 1988, under the listing of Second Day.

CONSENT CALENDAR

Second Day

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

(S.P. 822) (L.D. 2144) Bill "An Act to Provide for the Establishment of a Nonlapsing Fund for the Maine Student Incentive Scholarship Program" (C. "A" S-321)

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.

PASSED TO BE ENGROSSED

RESOLVE, Regarding the Study of Low-Level Radioactive Waste in the Town of Greenbush (H.P. 1794) (L.D. 2458)

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

Emergency Measure

RESOLVE, to Extend the Reporting Deadline for the Commission on Children in Need of Supervision and Treatment (H.P. 1698) (L.D. 2331) (H. "C" H-463)

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. 108 voted in favor of the same and none against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

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

An Act to Establish a Commemorative Day for Margaret Chase Smith and Edmund S. Muskie (S.P. 773) (L.D. 2030)

An Act to Require Gasoline Stations which Provide Self-Service at a Lower Rate to Provide Services at the Same Rate for Handicapped Drivers (H.P. 1497) (L.D. 2047) (C. "A" H-456)

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.

ORDERS OF THE DAY

TABLED AND TODAY ASSIGNED

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

An Act Pertaining to Fire Permit Enforcement (S.P. 865) (L.D. 2254)

TABLED - March 4, 1988 by Representative PRIEST of Brunswick.

PENDING - Passage to be Enacted.

On motion of Representative Priest of Brunswick, retabled pending passage to be enacted and specially assigned for Tuesday, March 8, 1988.

(At Ease)

The House was called to order by the Speaker.

BILL HELD

LEGISLATIVE HISTORY - SENATE, MARCH 7, 1988

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)

- In House. Referred to the Committee on Appropriations and Financial Affairs.

HELD at the request of Representative GWADOSKY of Fairfield.

On motion of Representative Gwadosky of Fairfield, the House reconsidered its action whereby L. D. 2433 was referred to the Committee on Appropriations and Financial Affairs.

On further motion of the same Representative, tabled pending reference and specially assigned for Tuesday, March 8, 1988.

(Off Record Remarks)

On motion of Representative Conley of Portland, Adjourned until Tuesday, March 8, 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  
Monday  
March 7, 1988

Senate called to Order by the President.

Prayer by Reverend Bruce Hudson of the Highland Avenue Methodist Church in Gardiner.

Reverend Hudson: Let us be in the spirit of prayer. Creator God we are grateful for this opportunity to exercise our elected responsibility to serve the people of Maine. We are aware of the biblical imperative to do justly, to love, mercy and to walk humbly with our God. Help us as we consider and pass laws to be just, to be merciful and to be humble. Accept our offering of political skill as a tool to accomplish Your will for our lives and the lives of those we serve. Forgive us when we allow our wills to take priority over Your will. It is our prayer that Your will will be done on earth as it is in heaven. Hear our prayer oh God of the universe. Amen.

Reading of the Journal of Friday, March 4, 1988.

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Fund a Demonstration Teaching Nursing Home"

H.P. 1778 L.D. 2431

Bill "An Act to Further Implement Programs and Activities of the Department of Economic and Community Development" (Emergency)

H.P. 1787 L.D. 2448

Come from the House referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

Which were referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED, in concurrence.

Bill "An Act to Protect Lake Water from Phosphorous Pollution"

H.P. 1784 L.D. 2445

Committee on ENERGY AND NATURAL RESOURCES suggested and ORDERED PRINTED.

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 Relating to Absenteeism of Community School Directors" (Emergency)

H.P. 1783 L.D. 2444

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.

Resolve, to Establish the Special Commission on Boating

H.P. 1785 L.D. 2446