

# 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

Senator MATTHEWS: Thank you Mr. President, men and women of the Senate. I just wanted to take a moment to first alert the Membership to a 1:00 tour of the mill at Jay and extend to any Member of this Body to join us in that tour.

The other reason I have gotten up this morning is that I am rather concerned by an article that is in the newspapers today from David Sait at the Department of Environmental Protection, reporting in this article or alleging in the article that somehow the situation at Jay may not have been quite as news worthy had it not been for a strike at the mill. I would just advise the Department of Environmental Protection and Mr. Sait to continue to do the job that they were charged to do and that is protect the environment and the citizens of this state. I think it is not becoming of Mr. Sait or other Department officials to engage in public debate. If Mr. Sait wants to run for the Legislature, then let him run for the Legislature.

I happen to talk to David Sait about this incident two weeks ago. It is ironic and I guess I am a little bit perturbed this morning that Mr. Sait told me in the conversation about the situation at Jay, "Senator please hold my remarks off the record". Now Mr. Sait has decided to go public about his feelings about collective bargaining and strikes and what happens when you have a situation like we have at Jay in trying to make some kind of comparison between those events. I find it offensive and in light of what Mr. Sait had mentioned to me about the incident and not making statements on the floor, I guess I am kind of concerned. I am not here to defend the press, but I will tell you I thank God for the press in this country. It is important for the press to report the facts and I hope they continue to do so if that happens to be the International Paper situation, then so be it. I would urge the Department of Environmental Protection to continue to do the job that they were charged to do and apparently they haven't been doing a very good job as of yet. Thank you Mr. President.

On motion by Senator BUSTIN of Kennebec, ADJOURNED until Friday, March 11, 1988, at 12:00 in the afternoon.

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE  
SECOND REGULAR SESSION  
42nd Legislative Day  
Friday, March 11, 1988

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

Prayer by Reverend Harold S. Header, Four Square Gospel Church.

The Journal of Thursday, March 10, 1988, was read and approved.

Quorum call was held.

SENATE PAPERS

Later Today Assigned

Bill "An Act to Improve Services for Maine's Elderly" (S.P. 943) (L.D. 2490)

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

On motion of Representative Cashman of Old Town, tabled pending reference in concurrence and later today assigned.

Bill "An Act to Clarify and Correct Errors and Omissions and to Improve the Laws Relating to Education" (S.P. 947) (L.D. 2501)

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

Was referred to the Committee on Education in concurrence.

Ought to Pass in New Draft

Report of the Committee on Human Resources on Bill "An Act to Expand the Medicaid Dental Program to Include Adults" (S.P. 163) (L.D. 467) reporting "Ought to Pass" in New Draft (S.P. 945) (L.D. 2492)

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 Monday, March 14, 1988.

Divided Report

Majority Report of the Committee on Labor on Bill "An Act to Establish the Strategic Training for Accelerated Reemployment Program" (Emergency) (S.P. 782) (L.D. 2039) reporting "Ought to Pass" in New Draft (Emergency) (S.P. 946) (L.D. 2494)

Signed:

Senators:

DUTREMBLE of York  
ANDREWS of Cumberland  
COLLINS of Aroostook

Representatives:

RUHLIN of Brewer  
TAMMARO of Baileyville  
HALE of Sanford  
JOSEPH of Waterville  
RAND of Portland  
McHENRY of Madawaska  
HEPBURN of Skowhegan  
ZIRNKILTON of Mount Desert

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

Signed:

Representatives:

WILLEY of Hampden  
BEGLEY of Waldoboro

Came from the Senate with the Majority "Ought to Pass" in New Draft report read and accepted and the New Draft passed to be engrossed.

Reports were read.

On motion of Representative McHenry of Madawaska, the Majority "Ought to Pass" Report was accepted, the

New Draft read once and assigned for second reading Monday, March 14, 1988.

Divided Report  
Tabled and Assigned

Majority Report of the Committee on Aging, Retirement and Veterans reporting "Ought to Pass" as amended by Committee Amendment "A" (S-323) on Bill "An Act Concerning Investment of State Funds in Corporations Doing Business in Northern Ireland" (S.P. 757) (L.D. 2008)

Signed:

Senators: CLARK of Cumberland  
RANDALL of Washington  
Representatives: DUTREMBLE of Biddeford  
HICKEY of Augusta  
McSWEENEY of Old Orchard Beach  
RICHARD of Madison  
JALBERT of Lisbon  
PERRY of Mexico  
MATTHEWS of Caribou

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

Signed:

Senator: BERUBE of Androscoggin  
Representatives: DELLERT of Gardiner  
HARPER of Lincoln

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-323)

Reports were read.

Representative Hickey of Augusta moved that the House accept the Majority "Ought to Pass" Report.

On further motion of the same Representative, tabled pending his motion that the House accept the Majority "Ought to Pass" Report and specially assigned for Monday, March 14, 1988.

Non-Concurrent Matter

Bill "An Act to Clarify the Unemployment Compensation Appeals Process" (H.P. 1795) (L.D. 2459) which was passed to be engrossed in the House on March 8, 1988.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-327) in non-concurrence.

The House voted to recede and concur.

(At Ease)

The House was called to order by the Speaker.

COMMUNICATIONS

The following Communication: (S.P. 948)  
COMMITTEE ON BANKING AND INSURANCE  
STATE HOUSE STATION 115  
AUGUSTA, MAINE 04333

March 10, 1988

Senator Charles P. Pray, Chairman  
Legislative Council  
State House  
Augusta, Maine 04333

Dear Senator Pray:

The Joint Standing Committee on Banking and Insurance is pleased to submit the attached report of our study of Nonprofit Service Agencies and other Hard-to-Obtain Lines of Liability Insurance pursuant to Chapter 65 and Chapter 79 of the Private and

Special Laws of 1987. We hope you find this report a useful tool in our continuing efforts in the oversight of liability insurance for nonprofit service organizations.

Sincerely,  
S/Sen. Raynold Theriault S/Rep. Charlene Rydell  
Chair Chair

Came from the Senate, read and with accompanying report ordered placed on file.

Was read and with accompanying report ordered placed on file 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:

Aging, Retirement and Veterans  
Bill "An Act to Clarify the Definition of Earnable Compensation" (H.P. 1826) (L.D. 2502) (Presented by Representative DELLERT of Gardiner) (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 Authorize a Bond Issue in the Amount of \$10,000,000 for a Grants Program for Municipal Capital Investments" (H.P. 1829) (L.D. 2505) (Presented by Representative MICHAUD of East Millinocket) (Cosponsors: Representatives CARTER of Winslow, DEXTER of Kingfield, and Senator PEARSON of Penobscot) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Ordered Printed.  
Sent up for Concurrence.

Banking and Insurance

Bill "An Act to Amend the Maine Banking Code" (Emergency) (H.P. 1827) (L.D. 2503) (Presented by Representative CURRAN of Westbrook) (Cosponsors: Senators DILLENBACK of Cumberland and THERIAULT of Aroostook)

Ordered Printed.  
Sent up for Concurrence.

Education

Bill "An Act Relating to School Construction" (H.P. 1828) (L.D. 2504) (Presented by Representative LAWRENCE of Parsonsfield) (Cosponsors: Senator CLARK of Cumberland, Representatives DAVIS of Monmouth and NUTTING of Leeds)

Ordered Printed.  
Sent up for Concurrence.

Energy and Natural Resources

Bill "An Act to Improve Comprehensive Land Use Planning and Land Use Ordinances to Manage Growth and Development" (H.P. 1830) (L.D. 2506) (Presented by Representative DEXTER of Kingfield) (Cosponsors: Senator PERKINS of Hancock and Representative ANDERSON of Woodland)

Ordered Printed.  
Sent up for Concurrence.

ORDERS

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative MOHOLLAND from the Committee on Transportation on Bill "An Act Concerning Recertification of Handicap in the Motor Vehicle Registration Laws" (H.P. 1466) (L.D. 1977) reporting "Ought Not to Pass"

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

Unanimous Leave to Withdraw

Representative CARTER from the Committee on Appropriations and Financial Affairs on Bill "An Act Making an Appropriation to the Department of Agriculture, Food and Rural Resources for the Maine Rehabilitation Fund" (H.P. 413) (L.D. 547) reporting "Leave to Withdraw"

Representative MICHAUD from the Committee on Energy and Natural Resources on 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) 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 Pursuant to Joint Order (H.P. 1489)

Representative BICKFORD from the Committee on State and Local Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Franklin County for the Year 1988 (Emergency) (H.P. 1831) (L.D. 2507) reporting "Ought to Pass" - Pursuant to Joint Order (H.P. 1489)

Report was read and accepted, the Resolve read once.

Under suspension of the rules, the Resolve was read a second time, passage to be engrossed and sent up for concurrence.

CONSENT CALENDAR

First Day

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

(H.P. 1669) (L.D. 2287) RESOLVE, to Name the New Bridge Between the Communities of Bucksport and Verona the "Dr. Edward Thegan Memorial Bridge" Committee on Transportation reporting "Ought to Pass"

(H.P. 1649) (L.D. 2257) Bill "An Act to Correct Liquor License Fees" (Emergency) Committee on Legal Affairs reporting "Ought to Pass"

(S.P. 861) (L.D. 2249) Bill "An Act to Study Alternative Dispute Resolution in the Superior Court" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-324)

(S.P. 780) (L.D. 2037) Bill "An Act to Conserve Striped Bass" (Emergency) Committee on Marine Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-326)

(S.P. 759) (L.D. 2022) Bill "An Act to Enforce 3rd-Party Liability Reimbursement for Medicaid Recipients as Required by Title XIX of the Social Security Act" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-325)

(H.P. 1575) (L.D. 2150) Bill "An Act to Provide for Child Care and Child Development Training for Student Parents" Committee on Education reporting

"Ought to Pass" as amended by Committee Amendment "A" (H-474)

(H.P. 1447) (L.D. 1958) Bill "An Act to Provide for Retail Inspection of Potatoes" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-477)

(H.P. 1638) (L.D. 2237) Bill "An Act to Appropriate Funds for Replacement of Real Estate Tax Validation Machines in County Registries of Deeds" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-476)

There being no objections, the above items were ordered to appear on the Consent Calendar of Monday, March 14, 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:

(H.P. 1504) (L.D. 2054) Bill "An Act to Amend the Uniform Commercial Code" (C. "A" H-469)

(H.P. 1630) (L.D. 2225) Bill "An Act to Increase the Effectiveness of the Public Utilities Commission through Computerization and to Provide Certain Exceptions from the Annual Regulatory Fund Assessment and from Filing Annual Reports and Certain Other Changes" (C. "A" H-470)

No objections having been noted at the end of the Second Legislative Day, the House Papers were Passed to be Engrossed as Amended and sent up for concurrence.

PASSED TO BE ENGROSSED

Bill "An Act Pertaining to the Establishment of Market Assistance Plans" (H.P. 1820) (L.D. 2495)

Was reported by the Committee on Bills in the Second Reading, read a 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:

An Act to Permit Sharing of Confidential Information between Criminal Justice Agencies at all Governmental Levels (H.P. 1467) (L.D. 1978)

TABLED - March 10, 1988 by Representative DIAMOND of Bangor.

PENDING - Passage to be Enacted.

On motion of Representative Priest of Brunswick, retabled pending passage to be enacted and specially assigned for Monday, March 14, 1988.

BILLS HELD

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) (S.P. 824) (L.D. 2146)

- In House, Passed to be Enacted on March 10, 1988. HELD at the request of Representative VOSE of Eastport.

The SPEAKER: Regarding this item, the Chair understands there will be no action taken on this matter so it is released and sent to the Senate.

TABLED AND ASSIGNED

LEGISLATIVE HISTORY - SENATE, MARCH 11, 1988

An Act to Provide a Method for Taxation of Real Property When Owner is Unknown (H.P. 1753) (L.D. 2402) - In House, Passed to be Enacted on March 10, 1988. HELD at the request of Representative SMITH of Island Falls.

Representative Smith of Island Falls moved that the House reconsider its action whereby L.D. 2402 was passed to be enacted.

On further motion of the same Representative, tabled pending his motion that the House reconsider its action whereby L.D. 2402 was passed to be enacted and specially assigned for Tuesday, March 15, 1988.

The Chair laid before the House the following matter: Bill "An Act to Improve Services for Maine's Elderly" (S.P. 943) (L.D. 2490) which was tabled earlier in the day and later today assigned pending reference in concurrence.

On motion of Representative Cashman of Old Town, was referred to the Committee on Banking and Insurance in concurrence.

On motion of Representative Vose of Eastport, the House reconsidered its action whereby (H.P. 1630) (L.D. 2225) Bill "An Act to Increase the Effectiveness of the Public Utilities Commission through Computerization and to Provide Certain Exceptions from the Annual Regulatory Fund Assessment and from Filing Annual Reports and Certain Other Changes" (C. "A" H-470) was passed to be engrossed.

The Report was read and accepted as amended, the Bill was read once.

Committee Amendment "A" (H-470) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Eastport, Representative Vose.

Representative VOSE: Mr. Speaker, Men and Women of the House: I now offer House Amendment "A" (H-479) to Committee Amendment "A" (H-470) and move its adoption.

House Amendment "A" (H-479) to Committee Amendment "A" (H-470) was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted and the Bill assigned for second reading, Monday, March 14, 1988.

(Off Record Remarks)

On motion of Representative Soucy of Kittery, Adjourned until Monday, March 14, 1988, at eight-thirty in the morning.

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

In Senate Chamber  
Friday  
March 11, 1988

Senate called to Order by the President.

Prayer by Chaplain Marvin Milbury of the Maine Army National Guard in Portland.

CHAPLAIN MILBURY: Almighty God our Father. You have made known Your authority and delivered Your orders for the day in Your holy law. You have given these men and women present here today authority to exercise leadership over us and have bidden us to obey them and pray for them. We beseech You, fill our leaders in our state government with zeal for the tasks delegated to them and with understanding and concern for those who, serving under them, must carry out those tasks. May they serve You with upstanding and exemplary lives and thereby give those whom they lead an ideal to follow. With Your infinite goodness direct the hearts of all here today who bear the weight of authority. We ask, by Your grace, not to necessarily lighten the load or diminish the responsibility, but to add strength to our leaders in the Senate to bear them. Help them with the power of Your holy spirit to make decisions in accordance with Your will, and for the welfare of all our people, and for the advancement of righteousness. Protect them from the snares of the enemy and the deceits of the world. Let no pride of power betray them into rejection of your commandments; and grant that both leaders and people may with one mind serve You our God and King. Through our Lord's name we pray. Amen.

Reading of the Journal of Yesterday.

Off Record Remarks

PAPERS FROM THE HOUSE  
Non-concurrent Matter

Bill "An Act Pertaining to Fire Permit Enforcement"

S.P. 865 L.D. 2254  
(S "A" S-319)

In House, February 18, 1988, PASSED TO BE ENGROSSED, in concurrence.

In Senate, February 26, 1988, PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-319) in NON-CONCURRENCE.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-319) AS AMENDED BY HOUSE AMENDMENT "A" (H-471) thereto in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

House Papers

Bill "An Act to Add the Commissioner of Labor as an Ex Officio Member of the Board of Trustees of the Vocational-Technical Institute System"

H.P. 1824 L.D. 2499

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.