

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**  
OF THE  
**One Hundred And Thirteenth Legislature**  
OF THE  
**State Of Maine**

**VOLUME II**

**FIRST REGULAR SESSION**

May 26, 1987 to June 30, 1987

Index

Reported that the same Ought to Pass in New Draft under same title.

H.P. 1227 L.D. 1676

Comes from the House, with the Report READ and ACCEPTED and the Bill in NEW DRAFT PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT READ ONCE.

The Bill in NEW DRAFT LATER TODAY ASSIGNED FOR SECOND READING.

Ought to Pass in New Draft under New Title

The Committee on LEGAL AFFAIRS on Bill "An Act to Require the Reporting of the Value of Political Advertising when Fairness Leads to the Giving of Equal Time"

H.P. 763 L.D. 1026

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act Concerning the Reporting of Political Advertising Provided under the 'Fairness Doctrine'"

H.P. 1228 L.D. 1677

Comes from the House, with the Report READ and ACCEPTED and the Bill in NEW DRAFT under NEW TITLE, PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT under NEW TITLE READ ONCE.

The Bill in NEW DRAFT under NEW TITLE LATER TODAY ASSIGNED FOR SECOND READING.

Senate

Ought to Pass in New Draft

Senator BLACK for the Committee on JUDICIARY on Bill "An Act to Revise Reporting Procedures Related to Criminal History Record Information"

S.P. 286 L.D. 813

Reported that the same Ought to Pass in New Draft under same title.

S.P. 563 L.D. 1684

Which Report was READ and ACCEPTED.

The Bill in NEW DRAFT READ ONCE.

The Bill in NEW DRAFT LATER TODAY ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on TAXATION on Bill "An Act to Exempt Income of National Guard Members from the State Income Tax"

S.P. 336 L.D. 991

Reported that the same Ought Not to Pass.

Signed:

Senators:

DOW of Kennebec  
SEWALL of Lincoln

Representatives:

CASHMAN of Old Town  
MAYO of Thomaston  
NADEAU of Saco  
INGRAHAM of Houlton  
SWAZEY of Bucksport  
SEAVEY of Kennebunkport  
DORE of Auburn

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-100).

Signed:

Senator:

TWITCHELL of Oxford

Representatives:

JACKSON of Harrison

ZIRNKILTON of Mount Desert

(Representative DUFFY of Bangor Abstained)

Which Reports were READ.

On motion by Senator DOW of Kennebec, the Majority OUGHT NOT TO PASS Report was ACCEPTED.

Sent down for concurrence.

SECOND READERS

The Committee on Bills in the Second Reading reported the following:

House

Bill "An Act to Extend the Period for Filing Birth Records"

H.P. 1045 L.D. 1408

Bill "An Act to Clarify the Taking of Property by the Department of Transportation"

H.P. 1047 L.D. 1410

Bill "An Act to Authorize Evaluation of Vital Statistics"

H.P. 1088 L.D. 1479

Bill "An Act to Amend the Child and Family Services and Child Protection Act as it Relates to Judicial Reviews"

H.P. 1089 L.D. 1480

Bill "An Act to Clarify Abrogation of Confidentiality of Communicable Disease Information for Child and Adult Protection Purposes"

H.P. 1090 L.D. 1481

Bill "An Act to Clarify Existing Federal Compensation and Care as the Primary Resource to an Injured Service Member before Seeking Benefits under the Workers' Compensation Act"

H.P. 1096 L.D. 1487

Resolve, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Real Estate in the Unorganized Territory

H.P. 1112 L.D. 1506

Bill "An Act to Amend the Maine Emergency Medical Services Act of 1982"

H.P. 1165 L.D. 1591

Which were READ A SECOND TIME and PASSED TO BE ENGROSSED, in concurrence.

House As Amended

Bill "An Act to Require Financial Institutions to Furnish Copies of Real Estate Appraisals to Prospective Buyers upon Request"

H.P. 1024 L.D. 1382  
(C "A" H-174)

Bill "An Act to Eliminate Reference to 'Standard Premium' in the Workers' Compensation Self-Insurance Laws"

H.P. 1123 L.D. 1526  
(C "A" H-175)

Bill "An Act to Modify the Electric Fuel Clause"

H.P. 1225 L.D. 1672  
(H "A" H-182)

Which were READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended, in concurrence.

RESOLUTION, Proposing an Amendment to the Constitution of Maine Requiring Residency of Candidates 3 Months Before Filing Deadline

H.P. 427 L.D. 572  
(C "A" H-178)

Which was READ A SECOND TIME.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Pearson.

Senator PEARSON: Thank you Mr. President, I would like to pose a question to any Senator who may

care to respond. What is the difference between what is proposed from what it is at the present time?

THE PRESIDENT: The Senator from Penobscot, Senator Pearson, has posed a question through the Chair to any Senator who may care to respond.

The Chair recognizes the Senator from Kennebec, Senator Kany.

Senator KANY: Thank you Mr. President and members of the Senate. I am rising to answer the question of the good Senator from Penobscot, Senator Pearson. Currently, the Constitution states that at the time of an election one must be a resident of the district for which one seeks to represent. This would be at the time of the filing of nomination papers.

The reason the Committee unanimously decided to go along with this suggestion was that it was our opinion that if one seeks to represent a district, at that point, one should be a member of that district. And we were willing to go along with the Bill that was brought before the Committee. I will say that at first we held the Bill for a while to see if there would be any other election law change suggestions in the Constitution and then perhaps we could lump them together. We were a little bit reluctant to send out a single question on the ballot in November. We did not get any other suggestions, nor did we have any ourselves. So, ultimately, we decided that we would recommend to send out this question primarily because this coming November there will be very few questions of the ballot. If you did have a long ballot with lots of individual names for individual offices, it probably would have been inappropriate to send this question. This one would simple accompany whatever bond issues go out to the voters in November, along, of course, with the initiated measure that we are definitely expecting to be on the ballot in November.

Which was PASSED TO BE ENGROSSED, as Amended, in concurrence.

Off Record Remarks

Senate As Amended

Bill "An Act to Modify Certain Sections of the Medical Examiner Act to Control Public Dissemination of Information Placed on the Death Certificate by the Medical Examiner in Cases under Investigation by the Attorney General's Office"

S.P. 437 L.D. 1317  
(C "A" S-99)

Which was READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended.

Sent down for concurrence.

Bill "An Act to Clarify the Department of Conservation Laws"

S.P. 452 L.D. 1379  
(C "A" S-98)

Which were READ A SECOND TIME.

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending PASSAGE TO BE ENGROSSED AS AMENDED, in concurrence.

ENACTORS

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

Emergency

An Act to Change the Perry-Pembroke Boundary Line

H.P. 1139 L.D. 1549

(H "A" H-160)

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with No Senators having voted in negative, and 30 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.

ORDERS OF THE DAY

The Chair laid before the Senate the Tabled and Specially Assigned matter:

Bill "An Act Concerning Mental Stress Claims Under the Workers' Compensation Act"

H.P. 1223 L.D. 1668

Tabled - May 27, 1987, by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENGROSSED

(In House, May 26, 1987, PASSED TO BE ENGROSSED.)

(In Senate, May 27, 1987, READ A SECOND TIME.)

Which was PASSED TO BE ENGROSSED, in concurrence.

The Chair laid before the Senate the Tabled and Specially Assigned matter:

Bill "An Act Relating to Terms of Office for Trustees of the Kennebec Water District"

H.P. 1201 L.D. 1638

Tabled - May 27, 1987, by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENGROSSED

(In House May 20, 1987, PASSED TO BE ENGROSSED.)

(In Senate, May, 21, 1987, READ A SECOND TIME.)

On motion by Senator KERRY of York, Senate Amendment "B" (S-101) READ and ADOPTED.

Which was PASSED TO BE ENGROSSED, as Amended in NON-CONCURRENCE.

Sent down for concurrence.

On motion by Senator PEARSON of Penobscot, the Senate removed from the SPECIAL APPROPRIATIONS TABLE the following:

An Act Relating to the Membership of the Atlantic Sea Run Salmon Commission

H.P. 999 L.D. 1345

Tabled - May 4, 1987, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

(In House May 1, 1987, PASSED TO BE ENACTED.)

(In Senate, April 29, 1987, PASSED TO BE ENGROSSED, in concurrence.)

On further motion of same Senator, the Senate SUSPENDED THE RULES.

On further motion of same Senator, the Senate RECONSIDERED whereby the Bill was PASSED TO BE ENGROSSED.

On further motion of same Senator, Senate Amendment "A" (S-97) READ.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator PEARSON: Thank you Mr. President, men and women of the Senate. The Atlantic Sea Run Salmon Commission is composed of three members. The Commissioner of Marine Resources, the Commissioner of Inland, Fisheries and Wildlife and I believe there is one public member. That public members' term is up, so it means that all three people go off the Commission all at the same time. This amendment is an amendment to enlarge the Commission to five instead of three and would provide some continuity in the future, so that all three members wouldn't go off