

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Twelfth

Legislature

OF THE

STATE OF MAINE

VOLUME I

SECOND REGULAR SESSION

January 8 - April 2, 1986

PAPERS FROM THE HOUSE

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

House Papers

In Senate Chamber
Thursday
January 16, 1986

Bill "An Act to Provide Additional Funding for the Newly Consolidated Maine Fire Training and Education Program as Administered by Southern Maine Vocational-Technical Institute"

H.P. 1318 L.D. 1853

Bill "An Act to Provide Funding for Potato Variety Breeding and Development"

H.P. 1332 L.D. 1869

Senate called to Order by the President.

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

Prayer by Father William Bartoul of St. Josephs Maronite Church in Waterville.

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

FATHER BARTOUL: A Reading from the Holy Book. "Do not yoke yourselves in a mismatch with unbelievers. After all, what do righteousness and lawlessness have in common? Or what fellowship can light have with darkness? What accord is there between God and devil? What common lot between believer and unbeliever? Tell me, what agreement there is between the Temple of God and idols? You, the temple of the living God, just as God has said, I will dwell with them and walk among them, I will be their God and they shall be My people. Therefore, come out from among them and separate yourselves from them, says the Lord, and touch nothing unclean. I will welcome you and be a Father to you and you will be my sons and daughters, says the Lord Almighty."

Bill "An Act to Regulate Funds Availability for Items Deposited in an Account with a Financial Institution"

H.P. 1319 L.D. 1854

Bill "An Act to Perfect the Maine Business Opportunity Sales Act"

H.P. 1320 L.D. 1855

Since we have these promises, beloved, let us purify ourselves and in fear of God, strive to fulfill our consecration perfectly. Lord God, as You called forth the kings, the priests and the prophets to govern the land, stretch forth the power of Your right hand. Descend upon this Assembly of men and women chosen from among their constituency to represent them, so that justice and righteousness may be fulfilled. We ask this, that Your light may shine forth that we may continue to walk in Your ways. Amen.

Come from the House referred to the Committee on BUSINESS AND COMMERCE and ORDERED PRINTED.

Which were referred to the Committee on BUSINESS AND COMMERCE and ORDERED PRINTED, in concurrence.

Reading of the Journal of Yesterday.

Bill "An Act to Regulate the Surface Discharge of Ground Water Withdrawn for Use in Heat Pumps"

H.P. 1322 L.D. 1857

Comes from the House referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED.

Which was referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED, in concurrence.

Bill "An Act to Permit State Regulation of Dam Impoundment Areas"

H.P. 1337 L.D. 1874

Committee on UTILITIES suggested and ORDERED PRINTED.

Comes from the House referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED.

Which was referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED, in concurrence.

Bill "An Act to Require that the Department of Human Services, when Reviewing Certificate of Need Applications from Health Facilities Located Near the State Border, Consider the Impact from Hospitals Located Outside the State"

H.P. 1323 L.D. 1858

Bill "An Act to Amend the Quarterly Reporting Requirements for Municipalities not Receiving General Assistance Reimbursements"

H.P. 1333 L.D. 1870

Come from the House referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED.

Which were referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED, in concurrence.

Bill "An Act to Resolve a Conflict in the Law Dealing with the Crime of Gross Sexual Misconduct" (Emergency)

H.P. 1324 L.D. 1859

Bill "An Act to Require Criminal History Record Information Prior to the Bailing of Certain Offenders"

H.P. 1325 L.D. 1860

Bill "An Act to Amend the Protection from Abuse Law" (Emergency)

H.P. 1334 L.D. 1871

Bill "An Act to Limit the Liability of Property Owners Relative to Snowmobiles and ATVs"

H.P. 1338 L.D. 1875

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

Which were referred to the Committee on JUDICIARY and ORDERED PRINTED, in concurrence.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by Senator VIOLETTE of Aroostook, the following Joint Order

S.P. 740

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Monday, January 20, 1986, at 12 o'clock in the afternoon.

Which was READ and PASSED.

Under suspension of the Rules, ordered sent down forthwith for concurrence.

Bill "An Act Concerning the Open Time for Polls on Election Day"

H.P. 1326 L.D. 1861

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

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

Bill "An Act to Permit Administration of Home Winterization Programs on an Optional Basis Through Local Municipalities"

H.P. 1327 L.D. 1862

Bill "An Act to Change Martin Luther King Day from a Special Observance Day to a State Holiday" (Emergency)

H.P. 1335 L.D. 1872

Come from the House referred to the Committee on STATE GOVERNMENT and ORDERED PRINTED.

Which were referred to the Committee on STATE GOVERNMENT and ORDERED PRINTED, in concurrence.

Bill "An Act to Remove Maximum Annual Limits on the Captured Assessed Values within Tax Increment Financing Districts"

H.P. 1328 L.D. 1863

Bill "An Act to Encourage Employers to Assist their Employees in Meeting Their Child Care Needs and Expenses"

H.P. 1329 L.D. 1864

Bill "An Act Permitting Municipalities to Require that a Payment on Taxes be Applied Toward the Oldest Outstanding Taxes"

H.P. 1336 L.D. 1873

Come from the House referred to the Committee on TAXATION and ORDERED PRINTED.

Which were referred to the Committee on TAXATION and ORDERED PRINTED, in concurrence.

Bill "An Act to Require Motorcycle Driver Education for First-time Operators of Motorcycles"

H.P. 1330 L.D. 1865

Bill "An Act to Provide for the Motor Vehicle Division to Purchase and Maintain Software Equipment Independent of any Other Provider and Related Hardware"

H.P. 1331 L.D. 1866

Come from the House referred to the Committee on TRANSPORTATION and ORDERED PRINTED.

Which were referred to the Committee on TRANSPORTATION and ORDERED PRINTED, in concurrence.

SENATE PAPERS

Bill "An Act to Fund a Long-term Care Budget for Maine's Elderly, Handicapped and At-risk Citizens who Need Support and Health Services" (Emergency)

S.P. 735 L.D. 1888

Presented by Senator CLARK of Cumberland
Cosponsored by: Senator GILL of Cumberland,
Speaker MARTIN of Eagle Lake, Representative LISNIK of Presque Isle
Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26

Bill "An Act to Provide for Continuation of the Living in the Community Program for Chronically Mentally Ill Persons" (Emergency)

S.P. 737 L.D. 1890

Presented by Senator BUSTIN of Kennebec
Cosponsored by: Representative HICKEY of Augusta
Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 27

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

Sent down for concurrence.

Bill "An Act to Define Terms in the Manufactured Housing Zoning Law"

S.P. 738 L.D. 1891

Presented by Senator TWITCHELL of Oxford
Cosponsored by: Representative MCHENRY of Madawaska, Senator BALDACCI of Penobscot, Representative JACKSON of Harrison
Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26

Bill "An Act to License Building Contractors and Subcontractors to a Statewide Building Code"

S.P. 739 L.D. 1892

Presented by Senator HICHENS of York
Cosponsored by: Representative JACQUES of Waterville, Senator BUSTIN of Kennebec
Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26

Bill "An Act Concerning Independent Contractors in the Forest Industry"

S.P. 742 L.D. 1895

Presented by President PRAY of Penobscot
Cosponsored by: Speaker MARTIN of Eagle Lake, Representative MICHAUD of Medway, Senator TWITCHELL of Oxford
Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26

Which were referred to the Committee on BUSINESS AND COMMERCE and ORDERED PRINTED.

Sent down for concurrence.

Resolve, Amending the Reporting Date of the Joint Select Committee for Learning Disabled Children (Emergency)

S.P. 741 L.D. 1894

Presented by Senator BROWN of Washington
Cosponsored by: Representative BROWN of Gorham,
Representative ROBERTS of Farmington
Approved for Introduction by a Majority of the
Legislative Council pursuant to Joint Rule 27

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

Sent down for concurrence.

Bill "An Act to Clarify the Law Relating to Authorization by Divorced Parents for the Exhumation of the Body of a Child"

S.P. 736 L.D. 1889

Presented by Senator MAYBURY of Penobscot
Cosponsored by: Senator STOVER of Sagadahoc,
Representative WENTWORTH of Wells, Representative
HALE of Sanford
Approved for Introduction by a Majority of the
Legislative Council pursuant to Joint Rule 26

Which was referred to the Committee on JUDICIARY and ORDERED PRINTED.

Sent down for concurrence.

COMMITTEE REPORTS

House

Leave to Withdraw

The following Leave to Withdraw Report shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Bill "An Act Relating to Shares of Stock of Asti-Kim Corporation" (Emergency)

H.P. 1144 L.D. 1651

Ought to Pass

The Committee on HUMAN RESOURCES on Bill "An Act Authorizing Payment of Child Care Expenses for Foster Children" (Emergency)

H.P. 1184 L.D. 1681

Reported that the same Ought to Pass.

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

Senate

Change of Reference

Senator GAUVREAU for the Committee on HUMAN RESOURCES on Bill "An Act to Continue Protection and Advocacy Services at the Current Level" (Emergency)

S.P. 663 L.D. 1700

Reported that the same be REFERRED to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS.

Which Report was READ and ACCEPTED.

The Bill REFERRED to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS.

Sent down for concurrence.

Senate at Ease

Senate called to order by the President

Under suspension of the Rules, all matters thus acted upon were ordered sent down forthwith for concurrence.

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order: H.P. 1317

ORDERED, the Senate concurring, that Joint Rule 11 be amended to read:

11. Employees. The salaries of all officers and employees of the Senate and House of Representatives shall be established by the President of the Senate, the Speaker of the House and the Majority Floor Leaders of both the House and Senate. The Secretary of the Senate is authorized and directed to certify vouchers of the officers and employees of the Senate and the Clerk of the House is authorized and directed to certify vouchers of the officers and employees of the House in conformance with this Rule to the State Controller and said salaries shall be paid at such intervals as the President of the Senate, the Speaker of the House and the Majority Floor Leaders of both the House and the Senate may determine. The salaries of each committee clerk shall terminate when all bills have been reported out by the committee. The Legislative Administrative Executive Director is authorized and directed to certify vouchers of the committee clerks.

; and be it further

ORDERED, that Joint Rule 15, subsection 5, be amended to read:

5. Ought to Pass as Amended. When the changes voted by the committee are minor and not substantive the Director of Legislative Research Revisor of Statutes, with the approval of the President of the Senate and the Speaker of the House may prepare a committee amendment to the original bill and the committee report shall be Ought to Pass as Amended.

; and be it further

ORDERED, that Joint Rule 19, subsection 2, be amended to read:

2. Committee study order reports shall be submitted to the Legislature within 14 days after the convening or reconvening in January of the session to which the report is required and any legislation accompanying the study order requests shall at the same time be submitted to the Director of Legislative Research Revisor of Statutes.

; and be it further

ORDERED, that Joint Rules 21, 24, 25, 26, 27, 29, 30, 32 and 32-A be amended to read:

24. Cloture for State Department, Agency or Commission Bills or Resolves.

1. No request for a bill or resolve may be submitted to the Director of Legislative Research Revisor of Statutes on behalf of any state department, agency or commission after the first Wednesday in January. If the Governor has been newly elected in November preceding the convening of the first regular session, any bill or resolve introduced on behalf of a state department, agency or commission shall be submitted within 30 days after the Governor is administered the oath of office.

2. Each bill or resolve submitted for preparation under this rule shall clearly designate, under the title, the department, agency or commission upon whose behalf the bill or resolve is submitted.

3. Any request for a bill or resolve submitted under this rule after the first Wednesday in January in either the first or second regular session shall be considered an after cloture request and shall be transmitted to the Legislative Council by the Director of Legislative Research Revisor of Statutes. The Legislative Council shall consider the facts supporting introduction notwithstanding cloture. If two-thirds of the Legislative Council approve the request for the bill or resolve, it shall be accepted for introduction. Notice of that action shall appear on the calendar of the appropriate House.

25. Cloture at the First Regular Session. During any first regular session all other requests for bills and resolves shall be submitted to the Director of Legislative Research Revisor of Statutes not later than 1:00 p.m. of the last Friday in December following the convening of the session in December and such measures in complete final form shall be introduced into the appropriate house House not later than 1:00 p.m. of the last Friday in January.

Exception. This rule shall not apply to bills or resolves reported by any joint committee in the regular course of business, nor to such bills and resolves as are intended only to facilitate the business of the Legislature.

26. Cloture at the Second Regular or Special Sessions. The Legislative Council shall establish procedures for submission of legislation to the Director of Legislative Research Revisor of Statutes at any second regular or special session. Procedures established for any second regular session shall ensure compliance with the requirements of the Maine Constitution, Article IV, Part 3rd, section 1.

Any vote of the Legislative Council to accept or reject a bill or resolve proposed for introduction under the procedures established under this Joint Rule shall be taken by the yeas and nays, and that vote shall be recorded and made available for public inspection.

27. Filing after Cloture. Any request for a bill or resolve submitted to the Director of Legislative Research Revisor of Statutes by a Legislator after the cloture date shall be transmitted to the Legislative Council. The Council shall ascertain from the presenter the facts supporting the request notwithstanding cloture. If a majority of the Council approves, notice of that approval shall appear on the calendar of the appropriate House.

29. Requirements for Drafting. All requests for bills and resolves filed with the Director of Legislative Research Revisor of Statutes shall be considered as received for drafting, provided such bills and resolves shall be properly titled and accompanied by sufficient information and data required for their preparation.

30. Use of Copies. The Director of Legislative Research Revisor of Statutes shall not accept any request for drafting of bills or resolves from material submitted in any generation or reproduction or other than the original unless in his discretion it is not practicable to obtain such material in any other manner.

32. Form. All bills and resolves, including initiated bills, shall be corrected as to matters of form and allocation to the Revised Statutes by the Director of Legislative Research Revisor of Statutes before printing.

32-A. Removal of Signed Bills or Resolves. The presenter and any cosponsor of a bill or resolve shall sign the complete and final form of the bill or resolve in the Office of Legislative Research the Revisor of Statutes. The presenter and any cosponsor shall not remove that signed bill or resolve from the Office of Legislative Research the Revisor of Statutes. The Director of Legislative Research Revisor of Statutes shall transmit the signed bill or resolve to the Clerk of the House or Secretary of the Senate for introduction.

Comes from the House, READ and PASSED.

Which was READ and PASSED, in concurrence.

Off Record Remarks

ORDERS OF THE DAY

The Chair laid before the Senate the Tabled and specially assigned matter:

Bill "An Act Concerning the Disbursement of Money Acquired Through Confiscation of Seized Property in Drug-related Crimes"

S.P. 722 L.D. 1845

Tabled - January 15, 1986, by Senator PEARSON of Penobscot.

Pending - REFERENCE

(Committee on JUDICIARY suggested and ORDERED PRINTED.)

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending REFERENCE.

The Chair laid before the Senate the Tabled and specially assigned matter

Bill "An Act to Extend the Trust Land Designation of the Penobscot Nation"

S.P. 721 L.D. 1844

Tabled - January 15, 1986, by Senator CARPENTER of Aroostook.

Pending - REFERENCE

(Committee on JUDICIARY suggested and ORDERED PRINTED.)

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending REFERENCE.

The Chair laid before the Senate the Tabled and specially assigned matter:

Bill "An Act Relating to the Time of Penobscot Nation Trust Land Acquisition"

S.P. 731 L.D. 1868

Tabled - January 15, 1986, by Senator CARPENTER of Aroostook.

Pending - REFERENCE

(Committee on JUDICIARY suggested and ORDERED PRINTED.)

On motion by Senator CLARK of Cumberland,
Tabled 1 Legislative Day, pending REFERENCE.

The Chair laid before the Senate the Tabled and
specially assigned matter:

Bill "An Act to Give Municipalities Greater
Decision-making Powers Relating to Solid Waste
Management"

H.P. 1298 L.D. 1814

Tabled - January 15, 1986, by Senator VIOLETTE
of Aroostook.

Pending - Motion of Senator TUTTLE of York to
Refer to the Committee on LOCAL AND COUNTY
GOVERNMENT

(In House, January 13, 1986, Referred to the
Committee on ENERGY AND NATURAL RESOURCES and
ORDERED PRINTED.)

Senator TUTTLE of York requested and received
Leave of the Senate to withdraw his motion.

Which was referred to the Committee on ENERGY
AND NATURAL RESOURCES and ORDERED PRINTED, in
concurrence.

Senator TUTTLE of York was granted unanimous
consent to address the Senate Off the Record.

Off Record Remarks

The ADJOURNMENT ORDER having been returned from
the House READ and PASSED in concurrence, on
motion by Senator CLARK of Cumberland, ADJOURNED
until 12 o'clock, Monday, January 20, 1986.