

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

In Senate, February 12, 1986, PASSED TO BE ENGROSSED, in concurrence.

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

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-516) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

In Senate Chamber
Monday
February 24, 1986

COMMUNICATIONS

The Following Communication:

Senate called to Order by the President.

STATE OF MAINE

Inter-departmental Memorandum

February 19, 1986

Prayer by the Honorable Walter W. Hichens of York.

TO: Senate President Charles Pray

FROM: S/Richard Anderson, Commissioner, Dept. of Conservation

SUBJECT: Maine Conservation Corps Annual Report

SENATOR HICHENS: May we pray. Our heavenly Father we thank Thee for this beautiful winter morning which Thou has given to us. We thank Thee for safe traveling mercies for each one of us, as we come back to the duties of our State Senate this week. We pray that Thou give us wisdom and understanding and help us to seek Thy will as we make decisions which will have impressions and affect on all of the citizens in which we represent.

I am pleased to submit to you the second annual report on the activities of the Maine Conservation Corps (MCC). Once again, the MCC has successfully operated a large number of conservation projects throughout the state. Many job training agencies and public land-managing agencies actively participated in, and contributed funds, to the programs.

We cannot help to think this morning of the Philippine upheaval and thank Thee that we live in a Country where our political differences can be settled in peaceful manners, even though we may be at disagreement at many times. We pray for those people this morning. We pray that Thou to rule Thy hand may be shown in the decisions which are made there. Guide and direct us throughout this week and the days ahead in this session for we ask in Thy name. Amen.

I am proud of the accomplishments of the MCC and think it is remarkable the extent to which the program stretches its limited General Fund appropriation.

Reading of the Journal of Friday, February 21, 1986.

Also attached is a copy of the report on the Spacing Saw Training Program that was managed by the MCC last year. This program trained and placed 19 low-income, unemployed men into employment with private forestry contractors. We are planning to operate another similar program this year.

I am distributing the annual report to Members of the Energy and Natural Resources Committee and the Appropriations Committee. Current and previous sponsors of MCC legislation will also receive copies of the annual report.

PAPERS FROM THE HOUSE

Non-concurrent Matter

Which was READ and with Accompanying Papers ORDERED PLACED ON FILE.

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

H.P. 1334 L.D. 1871

The Following Communication:

STATE OF MAINE
DEPARTMENT OF HUMAN SERVICES
AUGUSTA, MAINE 04333

February 20, 1986

Honorable Charles Pray
President of the Senate
State House Station #3
Augusta, Maine 04333

Dear Senator Pray:

Enclosed is the first annual Department of Human Services Report on the Medicaid program, which has been developed in accordance with 22 MRSA §3174B as enacted by the 112th Legislature.

We are pleased to deliver this report and hope that it will prove informative as the Legislature addresses important policy decisions related to the program during this legislative session.

Sincerely,

S/Michael R. Petit
Commissioner

Which was READ and with Accompanying Papers
ORDERED PLACED ON FILE.

SENATE PAPERS

Bill "An Act to Amend the Regulation of the Practice of Nursing"

S.P. 816 L.D. 2061

Presented by Senator CLARK of Cumberland
Cosponsored by: Senator GILL of Cumberland,
Representative DEXTER of Kingfield,
Representative MURRAY of Bangor
Approved for Introduction by a Majority of the
Legislative Council pursuant to Joint Rule 26

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

Sent down for concurrence.

Bill "An Act to Increase the School Bus Purchase Limit"

S.P. 817 L.D. 2062

Presented by Senator TWITCHELL of Oxford
Cosponsored by: Representative WALKER of Norway
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 Protect the Public Health in Relation to Acquired Immune Deficiency Syndrome" (Emergency)

S.P. 818 L.D. 2063

Presented by Senator GILL of Cumberland
Cosponsored by: Representative CONNOLLY of
Portland, Senator CLARK of Cumberland,
Representative RYDELL of Brunswick
Approved for Introduction by a Majority of the
Legislative Council pursuant to Joint Rule 26

Bill "An Act to Assure Independent Advocacy for Institutionalized Developmentally Disabled Persons"
S.P. 819 L.D. 2064

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

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

Sent down for concurrence.

Bill "An Act to Expedite the Resolution of Professional Negligence Claims, to Amend Selective Provisions of the Maine Health Security Act and to Abolish the Discovery Rule in Claims Against Health Practitioners, Health Providers and Attorneys"

S.P. 820 L.D. 2065

Presented by President PRAY of Penobscot
Cosponsored by: Representative KANE of South
Portland, Senator GILL of Cumberland,
Representative HAYDEN of Brunswick
Approved for Introduction by a Majority of the
Legislative Council pursuant to Joint Rule 26

Committee on LEGAL AFFAIRS suggested and ORDERED PRINTED.

On motion by Senator VIOLETTE of Aroostook, referred to the Committee on JUDICIARY and ORDERED PRINTED.

Sent down for concurrence.

COMMITTEE REPORTS

House

Leave to Withdraw

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

Bill "An Act Concerning the Selection of the Chancellor of the University of Maine System" (Emergency)

H.P. 1297 L.D. 1813

Bill "An Act to Exclude Out-of-state Revenue Sources from the Hospital Cost Containment Law"

H.P. 1386 L.D. 1955

Resolve, to Name the New Bridge Between the Cities of Bangor and Brewer the "POW-MIA Memorial Bridge"

H.P. 1190 L.D. 1687

Ought to Pass

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Create a Rape Crisis Center in Augusta"

H.P. 1276 L.D. 1793

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.

The Committee on LOCAL AND COUNTY GOVERNMENT on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Somerset County for the Year 1986 (Emergency)

H.P. 1454 L.D. 2051

Reported that the same Ought to Pass, pursuant to Joint Order 1316.

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

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

The Resolve TOMORROW ASSIGNED FOR SECOND READING.

The Committee on LOCAL AND COUNTY GOVERNMENT on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Sagadahoc County for the Year 1986 (Emergency)

H.P. 1455 L.D. 2052

Reported that the same Ought to Pass, pursuant to Joint Order 1316.

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

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

The Resolve TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass As Amended

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Provide Funds to Continue a Study of Bedrock Ground Water in Aroostook County"

H.P. 1340 L.D. 1877

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-511).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-511).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-511) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on BUSINESS AND COMMERCE on Bill "An Act to Regulate Funds Availability for Items Deposited in an Account with a Financial Institution" H.P. 1319 L.D. 1854

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-506).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-520).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-506) READ and INDEFINITELY POSTPONED, in concurrence.

House Amendment "A" (H-520) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on TAXATION on Bill "An Act to Provide for Fair Treatment of Unpowered Fishing Dorries Under the Boat Excise Tax Law" H.P. 1311 L.D. 1827

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-514).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-514).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-514) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on TRANSPORTATION on Bill "An Act to Provide Vanity Plates for Trailers" H.P. 1175 L.D. 1670

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-513).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-513).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-513) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on TRANSPORTATION on Resolve, to Name the New Bridge Between the Cities of Bangor and Brewer the "Veterans' Memorial Bridge" H.P. 1261 L.D. 1771

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-512).

Comes from the House, with the Report READ and ACCEPTED and the Resolve PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-512).

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

Committee Amendment "A" (H-512) READ and ADOPTED, in concurrence.

The Resolve as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass in New Draft

The Committee on TAXATION on Bill "An Act to Exempt Nonprofit Hospice Organizations from the Sales Tax"

H.P. 1289 L.D. 1806

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

H.P. 1438 L.D. 2029

Comes from the House, with the Report READ and ACCEPTED and the Bill in NEW DRAFT PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-527).

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT READ ONCE.

House Amendment "A" (H-527) READ and ADOPTED, in concurrence.

The Bill in NEW DRAFT, as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senate

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 to Amend the Maine Certificate of Need Act to Further Simplify its Procedures" S.P. 756 L.D. 1920

Ought to Pass As Amended

Senator SHUTE for the Committee on MARINE RESOURCES on Bill "An Act to Create an Ongoing Cooperative Association Between the Department of Marine Resources and the University of Maine." S.P. 719 L.D. 1842

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-381).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-381) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

SECOND READERS

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

Senate

Bill "An Act to Clarify the Status of Vocational Education in Washington County" S.P. 673 L.D. 1741

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

Sent down for concurrence.

Senate As Amended

Bill "An Act to Provide Immunity from Civil Liability for Court Mediators" S.P. 700 L.D. 1785 (C "A" S-380)

Bill "An Act To Create the Job Protection Act" (Emergency) S.P. 718 L.D. 1841 (C "A" S-378)

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

Sent down for concurrence.

ENACTORS

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

An Act Relating to Dividends on Insurance Policies H.P. 1227 L.D. 1734 (C "A" H-503)

Which was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

(Committee on STATE GOVERNMENT suggested and ORDERED PRINTED.)

On motion by Senator VIOLETTE of Aroostook, Tabled 1 Legislative Day, pending REFERENCE.

Senator HICHENS of York was granted unanimous consent to address the Senate On the Record.

SENATOR TUTTLE, FEBRUARY 24TH

February 24th in the year '51
In a York County family a new life had begun,
A bouncing boy who they named John-
who was destined to be
An outstanding figure in Sanford history.
The lad grew up to take a place-
in a Legislative seat,
And proved in re-election bids-
that he is hard to beat.
In Aging And Retirement,
his voice was often heard,
In Labor, Compensation Bills,
his heart was often stirred.
Moving to the Senate in the year of '84,
He faced controversy that he hadn't seen before,
When as a central figure
in the presidential race,
He had decisions to be made
in order to save face.
In Local-County Government
as the Senate Chair
He handled things quite well
in his position there.
In Labor he has had a voice-
and oft speaks on the floor
On issues that are oft at hand:
Now he seeks his seat once more,
And has his campaign well in hand-
so lest I sound real subtle
Join me in a birthday wish
for Senator John Tuttle.

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

Resolve, Creating a Maine Commission to Commemorate the Bicentennial of the United States Constitution (Emergency)
S.P. 813 L.D. 2045

Tabled - February 21, 1986, by Senator VIOLETTE of Aroostook.

Pending - REFERENCE

(Committee on STATE GOVERNMENT suggested and ORDERED PRINTED.)

On motion by Senator VIOLETTE of Aroostook, Tabled 1 Legislative Day, pending REFERENCE.

On motion by Senator PEARSON of Penobscot, ADJOURNED until Tuesday, February 25, 1986, at 8:30 in the morning.

ORDERS OF THE DAY

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

Bill "An Act to Establish the Maine Small Business and Job Development Program"
S.P. 810 L.D. 2038

Tabled - February 21, 1986, by Senator VIOLETTE of Aroostook.

Pending - REFERENCE