

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

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

In Senate Chamber
Monday
March 3, 1986

Senate called to Order by the President.

Prayer by Father Michael Lauze of the Oblate House in
Augusta.

FATHER LAUZE: Oh God we ask that You come to our
assistance today. Be our source of refuge and
strength. We ask for Your many graces and blessings
upon this Assembly, that they may be able to
determine the needs of the people they have been
called to serve. That they may respond to these
needs in an effective manner, for the greater welfare
of the State of Maine. We ask that You might make us
sensitive to the needs of one another. That Your
Holy Spirit might guide our deliberations, that Your
spirit of wisdom, truth and understanding may be
imputed to Your people here gathered. We ask we
might be open to one another. That we might seek
Your will in all that we say and do and desire. In
this, we ask, in the name of Jesus, who is our Lord
and Saviour, who lives and reigns forever and ever.
Amen.

Reading of the Journal of Friday, February 28, 1986.

PAPERS FROM THE HOUSE

House Papers

Bill "An Act Authorizing the Acceptance of
Federal Block Grants and Making Allocations from the
Federal Block Grants for the Expenditures of State
Government" (Emergency)

H.P. 1482 L.D. 2094

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.

Resolve, to Extend the Reporting Deadlines for
the Joint Select Committee on Nursing Care Needs and
the Special Commission to Study the Utilization of
Vacant Buildings at Pineland Center" (Emergency)
H.P. 1484 L.D. 2096

Committee on HUMAN RESOURCES suggested and
ORDERED PRINTED.

Comes from the House, under suspension of the
Rules, READ TWICE and PASSED TO BE ENGROSSED,
without reference to a Committee and ORDERED
PRINTED.

Which was, under suspension of the Rules, READ
TWICE and PASSED TO BE ENGROSSED, without
reference to a Committee, and ORDERED PRINTED in
concurrence.

Under suspension of the Rules, ordered sent
forthwith to the Engrossing Department.

Bill "An Act to Encourage Prompt Payment of
Benefits Due under the Workers' Compensation Act"
H.P. 1485 L.D. 2097

Bill "An Act Relating to Medicaid and Other
Services and Payments Pending Hearing and Decisions
under the Workers' Compensation Act"
H.P. 1486 L.D. 2098

Bill "An Act to Require Prompt Payment of Medical
Bills under the Workers' Compensation Act"
H.P. 1487 L.D. 2099

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

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

Bill "An Act Relating to the Age of Employees who may Receive Payment or be in the Direct Handling of Liquor on the Licensed Premises"

H.P. 1488 L.D. 2100

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 Providing for the 1986 Amendments to the Finance Authority of Maine Act"

H.P. 1489 L.D. 2105

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

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

Bill "An Act Concerning the Insurance Premium Tax"

H.P. 1490 L.D. 2101

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

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

Bill "An Act Concerning Professional Employees of the Public Advocate"

H.P. 1491 L.D. 2102

Bill "An Act to Permit Industrial Electric Consumers to Purchase Energy from and through Transmission Lines Carrying Energy from Canada through the State"

H.P. 1493 L.D. 2104

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

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

Study Report

Committee on BUSINESS AND COMMERCE

Report of the Committee on BUSINESS AND COMMERCE to which was referred by the Legislative Council the Study Relative to Handling Fees and Recapture of Unclaimed Refunds under the Returnable Container Law have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act Relating to Handling Fees and Unredeemed Deposits in the Returnable Container Law" (Emergency)

H.P. 1492 L.D. 2103

Be referred to the Joint Standing Committee on BUSINESS AND COMMERCE for Public Hearing and printed pursuant to Joint Rule 10.

Comes from the House with the Report READ and ACCEPTED and the Bill referred to the Committee on BUSINESS AND COMMERCE and ORDERED PRINTED.

Which Report was READ and ACCEPTED, in concurrence.

The Bill referred to the Committee on BUSINESS AND COMMERCE and ORDERED PRINTED, in concurrence.

COMMUNICATIONS

The Following Communication: H.P. 1480

STATE OF MAINE
DEPARTMENT OF STATE
STATE HOUSE STATION 101
AUGUSTA, MAINE 04333

DIVISION OF PUBLIC ADMINISTRATION

February 28, 1986

To the Honorable 112th Legislature
of the State of Maine

Attention: House of Representatives, Clerk Pert

I have the honor to transmit herewith an initiated bill, "AN ACT to Prohibit the Promotion and Wholesale Promotion of Pornographic Material in the State of Maine" and the results of the examination by this office of the initiative petitions relative to it.

The minimum number of valid signatures required to initiate this legislation is 46,030. These petitions were filed by the constitutionally mandated date of February 3, 1986. After extensive review we have determined the number of valid signatures is 48,474.

In view of the foregoing determination, I hereby certify that these petitions have met the constitutional requirement of the minimum of 46,030 valid signatures. Since the petitions have previously satisfied the constitutional requirements in all other respects, under the provisions of Article IV, Part Third, Section 18, of the Constitution of Maine, I do hereby declare this initiative petition to be valid.

In the event the Legislature rejects this initiative proposal, a referendum election will be called for November, 1986.

Respectfully,

S/James S. Henderson
Deputy Secretary of State

Comes from the House READ and ORDERED PLACED ON FILE.

Which was READ and ORDERED PLACED ON FILE, in concurrence.

The Accompanying Bill "An Act to Prohibit the Promotion and Wholesale Promotion of Pornographic Material in the State of Maine"

I.B. 2 L.D. 2092

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

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

Sent down for concurrence.

The Following Communication: H.P. 1481

STATE OF MAINE
DEPARTMENT OF STATE
STATE HOUSE STATION 101
AUGUSTA, MAINE 04333

DIVISION OF PUBLIC ADMINISTRATION

February 28, 1986

To the Honorable 112th Legislature
of the State of Maine

Attention: House of Representatives, Clerk Pert

I have the honor to transmit herewith an initiated bill, "AN ACT to Prohibit Mandatory Local Measured Service and to Preserve Affordable Traditional Flat Rate Local Telephone Service at as Low a Cost as Possible" and the results of the examination by this office of the initiative petitions relative to it.

The minimum number of valid signatures required to initiate this legislation is 46,030. These petitions were filed by the constitutionally mandated date of February 3, 1986. After extensive review we have determined the number of valid signatures is 53,090.

In view of the foregoing determination, I hereby certify that these petitions have met the constitutional requirement of the minimum of 46,030 valid signatures. Since the petitions have previously satisfied the constitutional requirements in all other respects, under the provisions of Article IV, Part Third, Section 18, of the Constitution of Maine, I do hereby declare this initiative petition to be valid.

In the event the Legislature rejects this initiative proposal, a referendum election will be called for November, 1986.

Respectfully,

S/James S. Henderson
Deputy Secretary of State

Comes from the House READ and ORDERED PLACED ON FILE.

Which was READ and ORDERED PLACED ON FILE, in concurrence.

The Accompanying Bill "An Act to Prohibit Mandatory Local Measured Service and to Preserve Affordable Traditional Flat Rate Local Telephone Service at as Low a Cost as Possible"

I.B. 3 L.D. 2093

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

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

SENATE PAPERS

Bill "An Act to Adopt the Maine Fair Debt Collection Practices Act"

S.P. 834 L.D. 2116

Presented by Senator BUSTIN of Kennebec
Cosponsored by: Representative ALIBERTI of
Lewiston, Representative SIMPSON of Casco,
Representative MILLS of Bethel
Submitted by the Department of Business,
Occupational and Professional Regulation pursuant
to Joint Rule 24

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

Sent down for concurrence.

Bill "An Act to Deorganize Plantation 14"
(Emergency)

S.P. 833 L.D. 2115

Presented by Senator BROWN of Washington
Cosponsored by: Representative MOHOLLAND of
Princeton
Approved for Introduction by a Majority of the
Legislative Council pursuant to Joint Rule 27

Which was referred to the Committee on LOCAL AND
COUNTY GOVERNMENT and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Provide More Cost Effective Data
Processing in the Executive Branch"

S.P. 832 L.D. 2106

Presented by President PRAY of Penobscot
Cosponsored by: Representative DIAMOND of
Bangor, Senator GILL of Cumberland,
Representative CARTER of Winslow

Which was referred to the Committee on STATE
GOVERNMENT 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 to Increase the Penalty for
Violation of the Provisions of the Pesticide Control
Laws"

H.P. 1244 L.D. 1754

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

H.P. 1322 L.D. 1857

Change of Reference

The Committee on BUSINESS AND COMMERCE on Bill
"An Act to Guarantee Insurance Coverage for Child
Care Centers and Family Day Care Providers Licensed
by the State"

H.P. 1394 L.D. 1966

Reported that the same be REFERRED to the
Committee on JUDICIARY.

Comes from the House with the Report READ and
ACCEPTED and the Bill REFERRED to the Committee
on JUDICIARY.

Which Report was READ and ACCEPTED, in
concurrence.

The Bill REFERRED to the Committee on
JUDICIARY, in concurrence.

Ought to Pass

The Committee on HUMAN RESOURCES on Bill "An
Act to Remove Barriers to the Appropriate Disclosure
of Mental Health Information"

H.P. 1363 L.D. 1917

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.

Ought to Pass As Amended

The Committee on JUDICIARY on Bill "An Act Concerning the Court Appointed Special Advocate Program and the Conduct of Court Appointed Special Advocates"

H.P. 1349 L.D. 1885

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-538).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-538).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-538) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on LEGAL AFFAIRS on Bill "An Act Concerning the Open Time for Polls on Election Day"

H.P. 1326 L.D. 1861

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-536).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-536).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-536) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

SECOND READERS

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

House

Bill "An Act to Amend and Clarify the Statutes Governing Control of Hazardous Air Pollutants"

H.P. 1473 L.D. 2072

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

Bill "An Act to Promote Intensive Spruce-fir Management"

H.P. 1468 L.D. 2070

Which was READ A SECOND TIME.

On motion by Senator VIOLETTE of Aroostook, Tabled 1 Legislative Day, pending PASSAGE TO BE ENGROSSED.

House As Amended

Bill "An Act to Adjust and Allocate Various Dedicated Revenue Accounts of the Department of Environmental Protection for Fiscal Years Ending June 30, 1986, and June 30, 1987" (Emergency)

H.P. 1240 L.D. 1750 (C "A" H-535)

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

Senate

Bill "An Act to Coordinate Board of Pesticides Control Registration"

S.P. 831 L.D. 2091

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

Sent down for concurrence.

ENACTORS

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

An Act Relating to Public Utility Service Charge
Liens
H.P. 1204 L.D. 1711
(C "A" H-525)

An Act to Amend the Date on Which Quarterly
Campaign Reports are Due
H.P. 1206 L.D. 1713
(C "A" H-515)

An Act Relating to the Surplus Lines Insurance
Law
H.P. 1226 L.D. 1733
(C "A" H-519)

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

An Act Regarding Funds Generated by the Sales of
Duck Stamps and Prints
H.P. 1301 L.D. 1817
(C "A" H-521)

An Act to Amend the Quarterly Reporting
Requirements for Municipalities not Receiving General
Assistance Reimbursements
H.P. 1333 L.D. 1870
(C "A" H-518)

An Act to Clarify the Provisions Relating to the
Proration of Property Taxes
H.P. 1371 L.D. 1935

An Act to Establish a One-day Fishing License
H.P. 1449 L.D. 2042

An Act to Clarify Sales of Surplus Vehicles at
State Auction
H.P. 1450 L.D. 2047

Senate at Ease

Senate called to order by the President

Off Record Remarks

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

An Act Regarding Utility Assessments
H.P. 1205 L.D. 1712
(C "A" H-529)

On motion by Senator PEARSON of Penobscot,
placed on SPECIAL APPROPRIATIONS TABLE, pending
ENACTMENT.

An Act to Fund Elderly Legal Services in Northern
and Eastern Maine Communities
H.P. 1233 L.D. 1742
(C "A" H-517)

On motion by Senator PEARSON of Penobscot,
placed on the SPECIAL APPROPRIATIONS TABLE, pending
ENACTMENT.

An Act to Exempt Nonprofit Hospice Organizations
from the Sales Tax
H.P. 1438 L.D. 2029
(H "A" H-527)

On motion by Senator PEARSON of Penobscot,
placed on the SPECIAL APPROPRIATIONS TABLE, pending
ENACTMENT.

Resolve

Resolve, Authorizing the Sale of Certain Public
Lands in Lewiston
S.P. 747 L.D. 1911

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

Emergency

An Act to Amend the School Construction Law
H.P. 1246 L.D. 1756
(C "A" H-528)

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with No Senators having voted in negative, and 29 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.

Emergency

An Act to Expand the Maine Conservation Corps
H.P. 1251 L.D. 1761
(C "A" H-524)

On motion by Senator PEARSON of Penobscot, placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

Under suspension of the Rules, the Senate considered the following matters inclusively:

Emergency

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

Emergency

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

Emergency

An Act Concerning Required Request for Organ Donation
H.P. 1444 L.D. 2036

These being Emergency Measures and having received the affirmative vote of 32 Members of the Senate, with No Senators having voted in negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, were PASSED TO BE ENACTED and having been signed by the President, were presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Somerset County for the Year 1986

H.P. 1454 L.D. 2051

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with No Senators having voted in negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was FINALLY PASSED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Senate at Ease

Senate called to order by the President

Senator CARPENTER of Aroostook, was granted unanimous consent to address the Senate On the Record.

Senator CARPENTER: Mr. President, Ladies and Gentlemen of the Senate. While we are killing a little bit of time, I have had passed out a document, I would call it, to point out a couple of things. You have all read a lot recently, and have heard a lot about the serious situation that agriculture finds itself in. This situation presented itself to me this weekend, I just found this absolutely ludicrous, and absolutely so depressing that I had to bring it down and share it with you.

What I have had passed out, with the appropriate names blanked out, is an actual receipt received by a farmer of mine last week. This points out two problems, or a couple of problems at least. One is the pricing situation. The second is the situation dealing with quality. I have heard alot in my twelve years down here about Aroostook potatoes and their quality, and that sort of thing, and we will accept the fact that we have had some quality problems. But, what you are looking at is a receipt for 100 fifty pound count boxes, hand picked, Russet-Burbank potatoes, so called Idaho potatoes. Hand picked. This farmer sold to a dealer in Aroostook County at the end of January, 1986. Here is the incredible situation this farmer found himself in, and let me say again, this is the actual bill.

Nothing else has transpired except that he had to pay for the boxes, which is even a further insult. He received \$100 for the load. The freight cost him \$132.50, and the dealer charged him a brokerage fee of \$12.50. So, after he had given them his potatoes, he owed them \$45.00. Imagine working for a week in the Legislature, or in your job at home, and finding out, at the end of the week, you owe a balance due of \$45. This is an actual bill.

The other thing I think is important for you to keep in mind is, one of the problems we have had in Aroostook agriculture for years: the buyers. The stores, are unwilling, absolutely unwilling, to pay anything for premium quality. Premium quality has never meant a premium price in terms of the Aroostook County potato.

These are not trash potatoes, these are not run of the mill potatoes, by any means. These were hand picked Russet bakers. A 50 pound count box, 100 of them, for which he received \$1.00, and then he ends up owing \$45. That is the situation that my farmers and those of all of you are finding themselves in today. At least, as far as it goes with potatoes.

It is an incredible situation. The farmer gave me this slip just yesterday. And, to add insult to injury, he sold this load to a dealership. The reason I blanked out who the dealership is, and if you will notice they also charged him brokerage. That is illegal. You cannot do it. You cannot be a buyer and a broker at the same time, but they are going to gouge him just a little bit more, even in this year of unbelievably low prices. Thank you.

Senator BUSTIN of Kennebec was granted unanimous consent to address the Senate Off the Record.

Senator PEARSON of Penobscot was granted unanimous consent to address the Senate Off the Record.

Senator DOW of Kennebec was granted unanimous consent to address the Senate Off the Record.

Off Record Remarks

ORDERS OF THE DAY

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

Bill "An Act to Amend the Medical Examiner Act and Related Provisions"

H.P. 859 L.D. 1218
(C "A" H-530)

Tabled - February 27, 1986 by Senator TRAFTON of Androscoggin.

Pending - PASSAGE TO BE ENGROSSED AS AMENDED

(In House, February 25, 1986, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-530).)

(In Senate, February 27, 1986, READ SECOND TIME.)

On motion by Senator TRAFTON of Androscoggin, the Senate SUSPENDED THE RULES.

On further motion by the same Senator, the Senate RECONSIDERED whereby it ADOPTED Committee Amendment "A" (H-530).

On further motion by same Senator, Senate Amendment "A" (S-383) to Committee Amendment "A" (H-530) READ and ADOPTED.

Committee Amendment "A" (H-530) as Amended by Senate Amendment "A" (S-383) thereto ADOPTED, in NON-CONCURRENCE.

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

Sent down for concurrence.

Senator PERKINS of Hancock, was granted unanimous consent to address the Senate Off the Record.

On motion by Senator DUTREMBLE of York, ADJOURNED until Tuesday, March 4, 1986, at 8:30 in the morning.