

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

JOINT RESOLUTION IN RECOGNITION OF MAINE'S
TRAVEL AND TOURISM INDUSTRY

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

In Senate Chamber
Wednesday
March 26, 1986

Senate called to Order by the President.

Prayer by Reverend Sandra Reed of the Union
Congregational Church in Ellsworth Falls.

REVEREND REED: I know you have a busy schedule,
but just for a moment, let us clear our minds, and
turn to God. Let us pray. Gracious God, we thank
You, this day, for sunshine and the coming of
spring. For the days of our lives and the work we
are all called to do. Touch us, once again, Oh God.
Remind us who we are and to whom we belong.
Strengthen our hearts and minds for the work to be
done, here today. Kindle a new joy and conviction
that brought us here in the first place. Bless our
efforts, on behalf of the people of this State, and
keep us mindful and worthy of the trust which they
have placed in us. Remind us that this is Your
world, and make us Your ambassadors. In the Name of
God, for whom we labor, and to whom we belong. Amen.

Reading of the Journal of Yesterday.

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

ORDERS

Joint Resolution

On motion by Senator CLARK of Cumberland
(Cosponsored by: President PRAY of Penobscot,
Representative HIGGINS of Portland, Representative
INGRAHAM of Houlton) the following Joint Resolution:
S.P. 900

WHEREAS, "the benefits of travel are many; the
freshness it brings to the heart; the delight of
beholding new cities; the meeting of unknown
friends;" and

WHEREAS, with its geographical breath and
diversity, vacationland proudly offers those and
countless other benefits to all who choose the great
escape and pathway from the stresses of our mundane
worlds; and

WHEREAS, Maine's travel and tourism industry is
the State's 2nd largest industry and makes
substantial contributions to the economic welfare of
the State, providing nearly 12% of the Maine gross
state product in 1985; and

WHEREAS, the diversified nature of the tourism
industry in Maine enhances the state economy and the
well-being of the people of Maine and all who visit
the State; and

WHEREAS, since the travel and tourism industry
attracts more people to Maine, which in turn will
yield greater revenue to the General Fund through
increased tax revenues and employment for the people
of Maine, promoting tourism is in fact an investment
in Maine's future; now, therefore be it

RESOLVED: That we, the Members of the 112th
Legislature of the State of Maine, now assembled in
Second Regular Session, take this opportunity to
acknowledge the many outstanding accomplishments of
those in the State's travel and tourism industry and
express to them on this particular day a full measure
of our gratitude and appreciation for their
outstanding contribution to the well-being of this
State; and be it further

RESOLVED: That copies of this resolution, duly
authenticated by the Secretary of State, be
transmitted to the Maine Vacation Travel Commission
in honor of this special occasion.

Which was READ.

THE PRESIDENT: The Chair recognizes the
Senator from Cumberland, Senator Clark.

Senator CLARK: Thank you, Mr. President. Mr.
President and Men and Women of the Senate. I would
speak briefly to you, today, about Tourism Day. The
Joint Resolution, that we have just Adopted,
recognizes Tourism Day in the Maine Legislature. In
so doing, we recognize the contribution made to the
Maine economy, by the industry we call tourism.

In 1984, Maine's Gross State Product - the sum total of all goods and services sold in one year - amounted to slightly more than 13 billion dollars. Direct and indirect sales to tourists during that year amounted to 1.5 billion dollars. Tourism represents nearly 12 percent of all the direct and indirect goods and services sold in the State or over a thousand dollars for every man, woman and child in Maine.

Tax revenues for the State and for the cities and towns of Maine have steadily increased over the years. The contribution to the State in taxable revenues from tourism is over 97 million dollars. The contribution to local tax coffers stands at 44 million. Combined, tourism's tax contribution to the State and local governments of Maine stands in excess of 140 million dollars. This figure does not include 25 million dollars in local property taxes collected on seasonal homes.

Today, more than 57 thousand Maine people are employed directly or indirectly because of a vibrant tourism industry.

Tourism's economic contribution aides us in funding the wide variety of social service programs that any compassionate government wishes to keep in place for the benefit of its citizens.

Tourism's economic contribution helps cities and towns maintain adequate fire and police protection, snowplowing, schools and a host of community services. This tax contribution helps us maintain these services while avoiding the undesirable alternative of layoffs, tax increases or a reduction in services to the people.

Today, we recognize the economic contribution of the tourism industry and it's role in creating our special way of life in Maine. Thank you, Mr. President.

Which was ADOPTED.

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Bring into Conformity Municipal and State Subdivision Laws"

H.P. 872 L.D. 1229
(C "A" H-572)

In House, March 17, 1986, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-572).

In Senate, March 24, 1986, FAILED OF PASSAGE TO BE ENGROSSED AS AMENDED in NON-CONCURRENCE.

Comes from the House, that Body INSISTED.

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending FURTHER CONSIDERATION.

COMMUNICATIONS

The Following Communication:

STATE OF MAINE
DEPARTMENT OF CONSERVATION
STATE HOUSE STATION 22
AUGUSTA, MAINE 04333

March 25, 1986

Senator Charles P. Pray
State House Station #3
Augusta, ME 04333

Dear Senator Pray:

We are pleased to submit herewith the first annual report of the Pesticides in Ground Water Study. Although the first year was necessarily limited in scale, the results are encouraging. Pesticides were detected at trace levels in only 13 of 41 wells.

Nitrate concentrations were above drinking water standards in 16 of the wells sampled. This is not uncommon in agricultural areas. We plan to expand and refine our study for the coming summer, concentrating in Northern Maine, where we will be mapping bedrock and surficial aquifers. Should you have any questions, please give me a call.

Sincerely,

S/Walter A. Anderson
Director
State Geologist

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

The Following Communication:

STATE OF MAINE
DEPARTMENT OF HUMAN SERVICES
AUGUSTA, MAINE 04333

March 25, 1986

TO: Honorable Charles P. Pray
President of the Senate

FROM: Michael R. Petit
Commissioner

SUBJECT: Cost Effectiveness - Computerized
Matching of Bank Records of Welfare
Recipients

The Department of Human Services matches its computerized files of recipients of financial and medical assistance with those of banks.

The attached report on the cost effectiveness of this technique was mandated by the 111th Legislature. As you can see from the report, the Department has concluded that this matching is a useful and cost effective tool.

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

COMMITTEE REPORTS

House

Ought To Pass in New Draft

The Committee on AGING, RETIREMENT AND VETERANS on Bill "An Act to Authorize the Establishment of Veterans' Homes in Northern and Southern Maine"
H.P. 1198 L.D. 1703

Reported that the same Ought to Pass in New Draft under same title.
H.P. 1604 L.D. 2258

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

Which Report was READ.

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending ACCEPTANCE of the Report.

The Committee on STATE GOVERNMENT on Resolution, Proposing Amendments to the Constitution of Maine to Change the Reapportionment Procedures to Reflect Changes in Legislative Procedures and to Specify how the Reapportionment Commission should Operate

H.P. 494 L.D. 697

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

H.P. 1599 L.D. 2252

Comes from the House, with the Report READ and ACCEPTED and the Resolution in NEW DRAFT PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B" (H-602).

Which Report was READ and ACCEPTED, in concurrence.

The Resolution in NEW DRAFT READ ONCE.

House Amendment "B" (H-602) READ.

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Sewall.

Senator SEWALL: Thank you, Mr. President. Members of the Senate, I would just like someone, please, to describe what the House Amendment does. I didn't have time to look it up this morning. And, whether that had been discussed in the Committee, and whether the Committee Report was unanimous, or otherwise.

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

The Chair recognizes the Senator from Cumberland, Senator Andrews.

Senator ANDREWS: Thank you, Mr. President. Mr. President and Men and Women of the Senate. This particular Amendment, with a filing number of (H-602), I have been reading over this morning. It appears to be simply a technical Amendment, making some technical changes. It comes from the Bills in Second Reading. So, it is not substantive. We have not looked at it, but it is a non-substantive Amendment. As far as the Bill, itself, it was discussed at length, and it has the unanimous consent of the Committee.

House Amendment "B" (H-602) ADOPTED, in concurrence.

The Resolution in NEW DRAFT, as Amended, LATER TODAY ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on UTILITIES on 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

Reported that the same Ought Not to Pass.

Signed:

Senators: BALDACCI of Penobscot
WEBSTER of Franklin

Representatives: CLARK of Millinocket
WILLEY of Hampden
WEBSTER of Cape Elizabeth
RICHARD of Madison
VOSE of Eastport
PARADIS of Old Town
NICHOLSON of South Portland
WEYMOUTH of West Gardiner

The Minority of the same Committee on the same subject reported that the same Ought to Pass.

Signed:

Senator: ANDREWS of Cumberland

Representatives: MCHENRY of Madawaska
BAKER of Portland

Comes from the House with the Majority OUGHT NOT TO PASS Report READ and ACCEPTED.

Which Reports were READ.

The Majority OUGHT NOT TO PASS Report was ACCEPTED, in concurrence.

SECOND READERS

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

House As Amended

Bill "An Act to Revise the Energy Building Standards Act"

H.P. 1385 L.D. 1954
(C "A" H-598)

Which was 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.

ENACTORS

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

An Act to Clarify the Sand Dunes Law
H.P. 1221 L.D. 1729
(C "A" H-587)

An Act to Amend the Waterville Sewerage District Charter
H.P. 1300 L.D. 1816
(C "A" H-586)

An Act to Strip Crime of its Profit
S.P. 847 L.D. 2139
(H "B" H-591)

An Act to Clarify the Confidentiality Provisions of the Maine Banking Code
H.P. 1532 L.D. 2159
(H "A" H-590)

An Act to Insure Fair Practices in the Sale of Health Insurance Policies to Elderly Consumers
H.P. 1582 L.D. 2226
(S "A" S-427)

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 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
(H "A" H-594 to C "A" H-576)

On motion by Senator DOW of Kennebec, placed on SPECIAL HIGHWAY TABLE, pending ENACTMENT.

ORDERS OF THE DAY

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

Bill "An Act to Clarify the Role of Cooperatives under the Maine Milk Pool"

S.P. 707 L.D. 1832

Tabled - March 25, 1986, by Senator VIOLETTE of Aroostook.

Pending - PASSAGE TO BE ENGROSSED

(In Senate, March 25, 1986, READ A SECOND TIME.)

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

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

Bill "An Act to Increase the Amount of Insurance for Vehicles Used in Transporting Students"

S.P. 830 L.D. 2090

Tabled - March 25, 1986, by Senator VIOLETTE of Aroostook.

Pending - PASSAGE TO BE ENGROSSED

(In Senate, March 24, 1986, READ A SECOND TIME.)

On motion by Senator TRAFTON of Androscoggin, Senate Amendment "A" (S-433) READ and ADOPTED.

Which was PASSED TO BE ENGROSSED, as Amended.

Sent down for concurrence.

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

Bill "An Act to Enhance the Protection of Mental Health Recipients' Rights" (Emergency)

S.P. 896 L.D. 2253

Tabled - March 25, 1986, by Senator VIOLETTE of Aroostook.

Pending - PASSAGE TO BE ENGROSSED

(In Senate, March 24, 1986, READ A SECOND TIME.)

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

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

An Act Concerning the Allocation of Certain Operating Costs of the Administration of the Maine Children's Trust Fund

H.P. 1566 L.D. 2211
(H "A" H-585; S "A"
S-432)

Tabled - March 25, 1986, by Senator CLARK of Cumberland.

Pending - Motion of Senator TWITCHELL of Oxford to INDEFINITELY POSTPONE Bill and Accompanying Papers. (Division Requested)

(In Senate, March 25, 1986, RECONSIDERED PASSAGE TO BE ENGROSSED AS AMENDED. Senate Amendment "A" (S-432) READ and ADOPTED.)

(In House March 24, 1986, FAILED OF ENACTMENT.)

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Twitchell.

Senator TWITCHELL: Thank you, Mr. President and Members of the Senate. I just wanted to let you know that last night, I wasn't happy by the way this Bill was being handled. I still am not happy. After I made my motion, I received several notes from several different Senators, saying that they probably could work something out on this Bill. I am willing to do that. I thought that when I was voting for this Bill, in the last Session, I was voting for the Trust Fund, not a slush fund. I am not going to support this Bill. I am not happy with it, and I think they have tried to change the rules in the middle of the game. I do not like that. I would request Leave of the Senate to withdraw my motion.

Senator TWITCHELL of Oxford requested and received Leave of the Senate to withdraw his motion to INDEFINITELY POSTPONE Bill and Accompanying Papers.

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

Off Record Remarks

Senate at Ease

Senate called to order by the President.

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

Bill "An Act to Bring into Conformity Municipal and State Subdivision Laws"

H.P. 872 L.D. 1229
(C "A" H-572)

Tabled - March 26, 1986, by Senator CLARK of Cumberland.

Pending - FURTHER CONSIDERATION

(In House, March 17, 1986, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-572).)

(In Senate, March 24, 1986, FAILED OF PASSAGE TO BE ENGROSSED AS AMENDED in NON-CONCURRENCE.)

(In House, March 25, 1986, that Body INSISTED).

Senator USHER of Cumberland moved that the Senate RECEDE and CONCUR.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Tuttle.

Senator TUTTLE: Mr. President. I would request a Division and speak to my motion. I do not mean to belabor this issue. Some of the concerns that I had on this issue have been resolved, but I have received a number of calls from select men in my small towns, over the weekend. So, I am still not too crazy about this Bill. Repeating what I had said previously before this Body, pertaining to the sub-committee that recommended the passage of this legislation. The sub-division study was divided 2 for and 2 against.

Those supporting the Report, which was Amendment "A", which is what we are voting on today, were Representative Darryl Brown, and Representative Annette Hoglund. Those who supported the Report "B", which is supported by myself and a number of small municipal officials around the State. Also, the Maine Municipal Association, where Representative Jim Mitchell and Representative Muriel Holloway. That is why I feel very strongly that this a municipal issue, and the reason why we should not support the pending motion.

Pollution from plot sub-divisions, such as adverse impact on ground water, does not respect artificial boundaries, such as roads. That is the reason why I hope you will defeat the pending motion.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator TRAFTON: Thank you, Mr. President. I rise in support of the Majority Report, from the Committee on Energy and Natural Resources. I understand that in the last debate, there were some questions raised, regarding what affect this Bill may have, particularly in regards to the 40 acre exemption. Now, let me say that I have been working with this State Sub-Division Law and the Site Location Law since they were both enacted, some 15 years ago. This is a complicated area of real estate development law. It is one where there are always arguments as to what constitutes a sub-division.

Developers, time and time again, run into problems, as to whether or not they have created a sub-division. Whether or not that sub-division is a municipal sub-division, whether it is a sub-division under the Site Location Law. I support the Majority Report, primarily because it simplifies the questions out in the State of Maine, as to what is a sub-division.

I think the idea of conformity is very important for developers, and it is very important for the State, if we are going to have compliance with our land development laws. What this Bill tries to do, and goes a long way towards doing, is to create a uniformed definition of sub-division, for both the Site Location Law, which is administered by the Department of Environmental Protection, and the Municipal Sub-Division Law, which is administered by our planning boards. If the town does not have planning boards, then by the select men, the elected officials.

I have heard in the halls from various people, comments to the effect that we are really loosening up our State environmental laws, by adopting the Majority Report. I do not see that that is true. I would like to read to you, today, a section of law, that is Section 4956, Title 30. This is the State Sub-Division Law. What we are saying here is that any sub-division must meet certain requirements. Even under the Majority Report, any sub-division must meet these requirements that I am going to read to you.

A. That the sub-division will not result in undue water or air pollution, that the elevation of the land above sea level in its' relation to the flood plains, the nature of the soils, sub-soils, and their ability to adequately support waste disposal, are considered. B. That the sub-division has sufficient water available for the reasonably foreseeable future. C. That the sub-division will not cause an unreasonable burden on the existing water supply. D. That the sub-division will cause unreasonable soil erosion or reduction of the capacity of the land to hold water. E. That the sub-division will not cause unreasonable highway or road congestion. F. That the sub-division will provide for adequate sewerage waste disposal. G. That the sub-division will not cause an unreasonable burden on the ability of the municipality to dispose of solid waste and sewerage. I. That the sub-division will not have a undue, adverse affect on the scenic and natural beauty of the area. J. That the sub-division is in conformance with the duly adopted sub-division regulation, ordinance and comprehensive plan for the municipality. K. That the sub-divider has the adequate financial and technical capacity to meet these standards. L. That when the sub-division is located within 250 feet of a pond, lake, river, tidal waters, that sub-division will not adversely affect the quality of those waters.

In other words, that when a development has to comply with this law, it must pass these criteria, and municipal planning boards, must review that sub-division, by these criteria. Frankly, I think this is adequate protection for the development of land in our State. The argument has been raised that "what about the small towns that don't have a planning board or a planning staff to enforce their regulations and the State law?" Well, those towns can request assistance. They can request assistance from the Maine Municipal Association. They can receive advice as to how they may implement Section 4956, our municipal sub-division law. They can require, by ordinance, and they can require any applicant for a sub-division to prove beyond a reasonable doubt, that these criteria are met.

The planning board, in other words, of the town, has the authority to create rules and regulations to require a developer to meet all these standards. So, are we loosening our State's sub-division law to the point where we are going to have poor development in the State, by this Majority Report? No, I don't think so. The question has been raised as to "will this amendment cause the proliferation of shopping centers on these exempt lots of 40 acres?" No, I think the answer to that question is definitely, no, it will not.

The Site Location Law does a variety of things. It does have the review of sub-divisions within it, but it also has other kinds of review. When a development is larger than 20 acres, then that development is reviewed by the DEP, under the Site Location Law.

Further more, that when a building has an impact on land of more than 60,000 square feet, meaning it makes a "foot print" on the soil, or the building encompasses more than 60,000 square feet, which is an acre and a half, roughly, then that building must be reviewed and approved by the DEP, under the Site Location Law.

Development will not run rampant, because of this Majority Report. This Majority Report is simply an attempt to simplify our sub-division laws in the State of Maine, so developers will have a better understanding of what kinds of reviews and approvals are necessary. It has been my experience, in representing developers, and working on sub-divisions, that they recognize the need to meet municipal standards and land use ordinances. They are trying to meet those requirements as best they can. But, when there is confusion, there is often noncompliance, meaning that the developer may receive municipal approval for a sub-division, not understand that State approval is also required. A lot or two is sold, and that developer is, in fact, stopped in his tracks. The time delays that the DEP now, for site location approval, often extend to 6 months. That 6 months often can slow a developer down, greatly, costing a great deal of money.

My reason for supporting the Majority Report is that, I believe this kind of review, for sub-divisions can adequately be done on a local level, and the municipalities have the ability to request and require the necessary information, so they can do that review. So, I urge you to support the Majority Report and the motion from the good Senator from Cumberland, Senator Usher.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator McBreairty.

Senator MCBREAIRTY: I would request a Roll Call.

THE PRESIDENT: The Senator from Aroostook, Senator McBreairty has requested a Roll Call. Under the Constitution, in order for the Chair to order a Roll Call, it requires the affirmative vote of at least one-fifth of those Senator present and voting.

Will all those Senators in favor of ordering a Roll Call, please rise in their places and remain standing in their places until counted.

Obviously, more than one-fifth having arisen, a Roll Call is in order.

The pending question before the Senate is the motion of Senator USHER of Cumberland, to RECEDE and CONCUR.

A Yes vote will be favor of the motion to Recede and Concur.

A No vote will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

Senator CLARK of Cumberland who would have voted Nay requested and received permission to pair her vote with Senator VIOLETTE of Aroostook who would have voted Yea.

Senator CHALMERS of Knox who would have voted Yea requested and received permission to pair her vote with Senator BUSTIN of Kennebec who would have voted Nay.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators, BERUBE, BLACK, CARPENTER, EMERSON, ERWIN, GAUVREAU, GILL, KERRY, MAYBURY, NAJARIAN, PEARSON, PERKINS, SEWALL, SHUTE, TRAFTON, TWITCHELL, USHER, WEBSTER, THE PRESIDENT - CHARLES P. PRAY

NAYS: Senators, ANDREWS, BROWN, DOW, HICHENS, KANY, MATTHEWS, MCBREAIRTY, STOVER, TUTTLE

ABSENT: Senators, BALDACCI, DIAMOND, DUTREMBLE

Senator PEARSON of Penobscot requested and received permission to change his vote from Nay to Yea.

19 Senators having voted in the affirmative and 9 Senator having voted in the negative, with 4 Senators having paired their votes and 3 Senators being absent, the motion by Senator USHER of Cumberland, to RECEDE and CONCUR, PREVAILS.

Under suspension of the Rules, all matters thus acted upon, with the exception of those items being held, were ordered sent down forthwith, for concurrence.

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

On motion by Senator BLACK of Cumberland, RECESSED until 4 o'clock in the afternoon.

After Recess

Senate called to order by the President.

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

COMMUNICATIONS

The Following Communication: S.P. 903

STATE OF MAINE
112th LEGISLATURE
AUGUSTA, MAINE 04333

March 26, 1986

Senator Larry M. Brown
Representative Ada K. Brown
Chairpersons
Joint Committee on Education
112th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated Richard W. Redmond of Augusta for appointment as Commissioner of the Department of Educational and Cultural Services.

Pursuant to Title 20, M.R.S.A. Section 1, this nomination will require review by the Joint Standing Committee on Education and confirmation by the Senate.

Sincerely,

S/Charles P. Pray
President of the Senate

S/John L. Martin
Speaker of the House

Which was READ and referred to the Committee on EDUCATION.

Sent down for concurrence.

SENATE PAPERS

Bill "An Act to Amend and Improve the Education Laws of Maine"

S.P. 904

Presented by Senator BROWN of Washington
Cosponsored by: Representative BOST of Orono,
Representative MATTHEWS of Caribou
Submitted by the Department of Educational and
Cultural Services pursuant to Joint Rule 24

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

Sent down for concurrence.

Bill "An Act to Make Corrections of Errors and
Inconsistencies in the Laws of Maine" (Emergency)
S.P. 905

Presented by Senator CARPENTER of Aroostook
Cosponsored by: Representative KANE of South
Portland
Approved for Introduction by a Majority of the
Legislative Council pursuant to Joint Rule 27

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

Sent down for concurrence.

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on HUMAN RESOURCES on Bill "An
Act to Revise the Certificate of Need Process"
H.P. 1428 L.D. 2018

Reported that the same Ought to Pass as Amended
by Committee Amendment "A" (H-603).

Comes from the House, with the Report READ and
ACCEPTED and the Bill PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "A" (H-603).

Which Report was READ and ACCEPTED, in
concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-603) READ and
ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR
SECOND READING.

The Committee on MARINE RESOURCES on Bill "An
Act to Adjust the Nonresident Commercial Fishing
License Fee"

H.P. 1542 L.D. 2179

Reported that the same Ought to Pass as Amended
by Committee Amendment "A" (H-601).

Comes from the House, with the Report READ and
ACCEPTED and the Bill PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "A" (H-601).

Which Report was READ and ACCEPTED, in
concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-601) READ and
ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR
SECOND READING.

Senate

Ought to Pass As Amended

Senator BALDACCI for the Committee on
UTILITIES on Bill "An Act to Clarify the Procedure
for Appeals of Decisions of the Public Utilities
Commission"

S.P. 778 L.D. 1959

Reported that the same Ought to Pass as Amended
by Committee Amendment "A" (S-435).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-435) 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:

House As Amended

Resolution, Proposing Amendments to the Constitution of Maine to Change the Reapportionment Procedures to Reflect Changes in Legislative Procedures and to Specify how the Reapportionment Commission should Operate

H.P. 1599 L.D. 2252
(H "A" H-602)

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

ENACTORS

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

An Act to Create a Noncommercial Scallop License and to Adjust Fees for the Scallop Boat License
H.P. 1537 L.D. 2173

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

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

COMMUNICATIONS

The Following Communication: S.P. 906

STATE OF MAINE
112th LEGISLATURE
AUGUSTA, MAINE 04333

March 26, 1986

Senator Michael E. Carpenter
Representative Edward J. Kane
Chairpersons
Joint Committee on Judiciary
112th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated Douglas A. Clapp of Pittsfield for appointment as District Court Judge of District IV.

Pursuant to Title 4 M.R.S.A. Section 157, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,

S/Charles P. Pray
President of the Senate

S/John L. Martin
Speaker of the House

Which was READ and referred to the Committee on JUDICIARY.

Sent down for concurrence.

ORDERS OF THE DAY

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

HOUSE REPORT - from the Committee on AGING, RETIREMENT AND VETERANS on Bill "An Act to Authorize the Establishment of Veterans' Homes in Northern and Southern Maine"

H.P. 1198 L.D. 1703

Report - Ought to Pass in New Draft under same title

H.P. 1604 L.D. 2258

Tabled - March 26, 1986, by Senator CLARK of Cumberland.

Pending - ACCEPTANCE of the Report

(In Senate, March 26, 1986, Report READ.)

(In House, March 25, 1986, the Report READ and ACCEPTED and the Bill in NEW DRAFT PASSED TO BE ENGROSSED.)

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending ACCEPTANCE of the Report.

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

Bill "An Act to Revise the Energy Building Standards Act"

H.P. 1385 L.D. 1954
(C "A" H-598)

Tabled - March 26, 1986, by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENGROSSED AS AMENDED in NON-CONCURRENCE

(In Senate, March 26, 1986, READ A SECOND TIME.)

(In House, March 25, 1986, Majority OUGHT NOT TO PASS Report READ and ACCEPTED.)

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

Sent down for concurrence.

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

Bill "An Act to Clarify the Role of Cooperatives under the Maine Milk Pool"

S.P. 707 L.D. 1832

Tabled - March 26, 1986, by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENGROSSED

(In Senate, March 25, 1986, READ A SECOND TIME.)

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

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

Bill "An Act to Enhance the Protection of Mental Health Recipients' Rights" (Emergency)

S.P. 896 L.D. 2253

Tabled - March 26, 1986, by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENGROSSED

(In Senate, March 24, 1986, READ A SECOND TIME.)

On motion by Senator CARPENTER of Aroostook, Senate Amendment "A" (S-434) READ.

THE PRESIDENT The Chair recognizes that same Senator.

Senator CARPENTER: Mr. President and Members of the Senate. This Bill reflects the unanimous Ought to Pass Report of my Committee, dealing with the durable powers of attorney, and a technical flaw was found in the Bill. This simply clarifies exactly what it was we meant by our action.

Off Record Remarks

On motion by Senator CARPENTER of Aroostook, Senate Amendment "A" (S-434) ADOPTED.

Which was PASSED TO BE ENGROSSED, as Amended.

Sent down for concurrence.

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

Bill "An Act Concerning the Allocation of Certain Operating Costs of the Administration of the Maine Children's Trust Fund"

H.P. 1566 L.D. 2211
(H "A" H-585; S "A" S-432)

Tabled - March 26, 1986, by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENGROSSED AS AMENDED in NON-CONCURRENCE

(In Senate, March 25, 1986, RECONSIDERED PASSAGE TO BE ENGROSSED AS AMENDED. Senate Amendment "A" (S-432) READ and ADOPTED.)

(In House, March 24, 1986, FAILED OF ENACTMENT.)

On motion by Senator CLARK of Aroostook, Tabled 1 Legislative Day, pending PASSAGE TO BE ENGROSSED AS AMENDED in NON-CONCURRENCE.

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

Senator PEARSON: Mr. President, Men and Women of the Senate. This morning, we had a number of Bills before the Appropriations, and one of the people that appeared before us was an Administrator of Penn Bay Hospital. She reminded me that I should get about what I am now going to say.

She said they were having a hard time, financially, at Penn Bay Hospital. It reminded me of my own hospital, Penobscot Valley Hospital, which is under the Cost Containment Legislation, which we enacted here a couple of years ago. I supported it then, and still do. They are having terrible financial difficulties there, trying to stay afloat. I hope some committees, somewhere, are addressing those concerns, because Penobscot Valley Hospital in Lincoln cannot last much longer, running the deficits that they are running. Under this Legislation, there has to be some help extended to them, rather quickly. I suspect, and if I remember correctly, in conversations that the hospital in Millinocket is in the same situation, since they cooperate with one another, and know each others financial situation fairly well.

I hope that before the Legislature Adjourns, this year, that we can help them out.

Senator GAUVREAU of Androscoggin was granted unanimous consent to address the Senate on the Record.

Senator GAUVREAU: Thank you, Mr. President. Men and Women of the Maine Senate. In response, to the remarks of the good Senator from Penobscot, Senator Pearson. I would like to point out that just this afternoon, the Senate has accepted the unanimous Committee Report from my Committee on Human Resources, which does, in fact, provide more flexibility in a Certificate of Need process. Next week, my Committee will be reporting out, favorably, recommendations to provide further flexibility in the Maine Health Care Commission system. I would comment briefly on L.D. 2018, which has been accepted this afternoon. That Act, or that Bill establishes a specific devise to afford more flexibility to hospitals, in meeting their health care needs. Currently, the amount of new money, which is available in capital expenditures, in new services, is limited by the Committee's so called Capital Development Account, which is pegged by statute at 1% of overall revenue expenses.

Only those projects which have received a Certificate of Need approval, are allowed to adjust their financial requirements, and thus acquire the additional revenue to fund those projects. That is to say to pass those costs on to rate payers in the State, through the Medicare program. Now, L. D. 2018 will set aside some 20 % of the capital development account. It will make money available to all hospitals, without the requirement of going through a Certificate of Need review. I think that is a meaningful step forward, in providing relief for hospitals. Unlike current projects, which a hospital undertakes, without Certificate of Need approval.

Under L.D. 2018, those projects which are included in the 20% special account, will be allowed to add to their financial requirements, for those particular programs. Those expenses will be recoverable in their hospital budgets. So, I think this is a meaningful step forward. We have also provided, specific flexibility in that 20% account, to provide for the needs of the small hospitals. Furthermore, we have adopted specific standards, by which the Health Care Commission will have to address in determining what the appropriate amount is, in any given year, for the Hospital Development Account. It is the Committee's firm hope and intent, that the reforms set forth and embodied in L.D. 2018. We are responsive to the concerns of the Senator from Penobscot that were just raised. Thank you.

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

Senator PEARSON: Mr. President, Men and Women of the Senate. I do appreciate, very much, the remarks of Senator Gauvreau of Androscoggin. Senator Gill's note to me, is that their Committee is trying very, very hard to address these problems. They are, in our particular case, massive problems, that need a lot of quick solutions, because the patient population of the hospital went down dramatically, over the last year, due to a number of factors I will not go into. It is reflected in an enormous financial situation. It is very difficult for them to address. I am pleased that you are listening and trying to address that. I hope you will do that without forgetting that there is a need for Cost Containment, also.

Off Record Remarks

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

On motion by Senator CLARK of Cumberland ADJOURNED until Thursday, March 27, 1986, at 9 o'clock in the morning.