

MAINE STATE LEGISLATURE

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

VOLUME I
FIRST REGULAR SESSION
December 3, 1986 to May 22, 1987

(H.P. 26) (L.D. 23) Bill "An Act to Extend Immunity from Civil Liability for the Unlawful Cutting of Trees to Municipal Employees Acting within the Course and Scope of their Employment" Committee on Judiciary reporting "Ought to Pass"

There being no objections, the above item was ordered to appear on the Consent Calendar of Thursday, February 5, 1987 under the listing of Second Day.

(Off Record Remarks)

On motion of Representative Gould of Greenville, Adjourned until Thursday, February 5, 1987, at nine o'clock in the morning.

STATE OF MAINE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
FIRST REGULAR SESSION
JOURNAL OF THE SENATE

In Senate Chamber
Wednesday
February 4, 1987

Senate called to Order by the President.

Prayer by Reverend Peter Mars of the United Church in Monmouth.

REVEREND MARS: Thank you Mr. President, good morning Ladies and Gentlemen. If you would take a moment to bow your heads in the spirit of prayer.

Eternal God, Father of our souls, grant to the Members and officers of this Body, a quiet and a sacred moment before they take up the duties for the day. Turn their thoughts to You, and open their hearts to Your spirit that they may have wisdom in their decisions, understanding in their thinking, love in their attitudes and mercy in their judgements.

Let them not think that when this prayer is said, that their dependence upon You is over and forget Your counsels for the rest of the day. Instead, let them know that You are in this place. For we ask this in Your most precious name, Amen.

Reading of the Journal of Yesterday.

Off Record Remarks

PAPERS FROM THE HOUSE
Non-concurrent Matter

Bill "An Act Clarifying Municipal Home Rule Authority as it Relates to Shoreland Areas"

H.P. 113 L.D. 138

In House, January 28, 1987, referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED.

In Senate, February 2, 1987, referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED in NON-CONCURRENCE.

Comes from the House, that Body ADHERED.
The Senate RECEDED and CONCURRED.

House Papers

Bill "An Act Concerning the Payment and State Reimbursement to Boarding Care Facilities"

H.P. 136 L.D. 177

Bill "An Act to Undedicate the Alcoholism Prevention, Education, Treatment and Research Fund"

H.P. 159 L.D. 200

Bill "An Act to Extend the Homeowner Weatherization Program"

H.P. 160 L.D. 201

Bill "An Act to Increase the Personal Needs Allowance for Supplemental Security Income Recipients who are Residents of Nursing Homes"

H.P. 161 L.D. 202

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

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

Bill "An Act to Amend the Maine Business Corporation Act and the Maine Nonprofit Corporation

Act to Enable Maine Stock and Nonstock Corporations to Adopt Limits on Director Liability and to Modernize Indemnification Provisions" (Emergency)

H.P. 167 L.D. 208

Comes from the House referred to the Committee on BANKING AND INSURANCE and ORDERED PRINTED.

Which was referred to the Committee on BANKING AND INSURANCE and ORDERED PRINTED, in concurrence.

Bill "An Act Relating to Redemption of Manufacturers' Rebates in the Sale of Consumer Goods"

H.P. 156 L.D. 197

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

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

Bill "An Act Relating to a Vocational Region as Defined by Law"

H.P. 134 L.D. 175

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

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

Bill "An Act Establishing the Songo Locks Advisory Council"

H.P. 133 L.D. 174

Bill "An Act to Assure Geographical Balance on the Board of Environmental Protection"

H.P. 141 L.D. 182

Bill "An Act Relating to the Term of Air Emission Licenses"

H.P. 143 L.D. 184

Bill "An Act Regarding the Maine Land Use Regulation Commission (Emergency)"

H.P. 158 L.D. 199

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

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

Bill "An Act Relating to Lands within Indian Territory"

H.P. 137 L.D. 178

Committee on JUDICIARY 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 Concerning the Definition of Resident under the Fisheries and Wildlife Laws"

H.P. 142 L.D. 183

Bill "An Act Relating to the Definition of Resident under the Inland Fisheries and Wildlife Laws"

H.P. 147 L.D. 188

Come from the House referred to the Committee on FISHERIES AND WILDLIFE and ORDERED PRINTED.

Which were referred to the Committee on FISHERIES AND WILDLIFE and ORDERED PRINTED, in concurrence.

Bill "An Act to Amend the Certificate of Need Process with Respect to Nursing Homes to Increase the Threshold for Review with Respect to Capital

Expenditures and to Provide an Inflation Adjustment to the Maximum Expenditure Authorized"

H.P. 165 L.D. 206

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

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

Bill "An Act to Continue Statewide Standards for the Identification and Management of Child Abuse and Neglect"

H.P. 162 L.D. 203

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

On motion by Senator PEARSON of Penobscot, Tabled 1 Legislative Day, pending REFERENCE.

Bill "An Act to Prohibit Vending Machine Sales of Cigarettes"

H.P. 163 L.D. 204

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

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

Bill "An Act Concerning the Provision of Legal Services by Eligible Law Students" (Emergency)

H.P. 148 L.D. 189

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

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

Bill "An Act Concerning Housing Coverage for Hearing Ear Dogs"

H.P. 145 L.D. 186

Bill "An Act Relating to Drinking on Public Streets"

H.P. 152 L.D. 193

Bill "An Act to Improve Flexibility in the Counting of Ballots"

H.P. 164 L.D. 205

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

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

Bill "An Act to Repeal the Sardine Inspection Tax"

H.P. 146 L.D. 187

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

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

RESOLUTION, Proposing an Amendment to the Constitution of Maine Requiring Candidates for the Maine Legislature to be Residents of the District Which they Seek to Represent by January 1st Preceding the Date of the General Election

H.P. 144 L.D. 185

Resolve, Concerning State Government Reorganization

H.P. 154 L.D. 195

Bill "An Act to Provide for the Appointment of the Executive Director of the Maine Health Care Finance Commission by the Governor"

H.P. 166 L.D. 207

(See Action Later Today)

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

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

Bill "An Act to Make Lien Fees Consistent for Sewer Assessments and Real Property Taxes"

H.P. 138 L.D. 179

Bill "An Act to Increase the Veterans' Property Tax Exemption"

H.P. 151 L.D. 192

Bill "An Act to Establish a Dependent Care Tax Credit"

H.P. 153 L.D. 194

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 Amend the Law Concerning Handicapped Motor Vehicle Registrations"

H.P. 135 L.D. 176

Bill "An Act to Amend the Title Laws of Maine"

H.P. 140 L.D. 181

Bill "An Act to Amend Certain Motor Vehicle Laws"

H.P. 150 L.D. 191

Bill "An Act Requiring Proper Placement of Motor Vehicle Dealer Plates"

H.P. 155 L.D. 196

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.

Bill "An Act Concerning Public Utilities Commission Approval of Transfer of Utility Property"

H.P. 139 L.D. 180

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.

Bill "An Act to make Allocations from the Public Utilities Commission Regulatory Fund and the Public Utilities Commission Reimbursement Fund for the Fiscal Years Ending June 30, 1988, and June 30, 1989" (Emergency)

H.P. 157 L.D. 198

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

On motion by Senator PEARSON of Penobscot, referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED in NON-CONCURRENCE.

Sent down for concurrence.

Pursuant to Private and Special Law SUPREME JUDICIAL COURT RELOCATION COMMISSION, The SUPREME JUDICIAL COURT RELOCATION COMMISSION, pursuant to Private and Special Law 1985, Chapter 60, ask leave to submit its findings and to report that the accompanying Resolve, Concerning a Proposed Supreme Judicial Court Facility (Emergency)

H.P. 130 L.D. 159

Be referred to the Joint Standing Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS for Public Hearing and printed pursuant to Joint Rule 18.

Comes from the House with the Report READ and ACCEPTED and the Resolve referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED, pursuant to Joint Rule 18.

Which Report was READ and ACCEPTED, in concurrence.

The Resolve referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED, pursuant to Joint Rule 18, in concurrence.

Study Report

Committee on STATE AND LOCAL GOVERNMENT

Report of the Committee on STATE AND LOCAL GOVERNMENT to which was referred by the Legislative Council the Study Relative to Legislative Veto of Executive Branch Rules have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Improve Legislative and Public Access to the Agency Rule-making Process"

H.P. 132 L.D. 161

Be referred to the Joint Standing Committee on STATE AND LOCAL GOVERNMENT for Public Hearing and printed pursuant to Joint Rule 19.

Comes from the House with the Report READ and ACCEPTED and the Bill referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED, pursuant to Joint Rule 19.

Which Report was READ and ACCEPTED, in concurrence.

The Bill referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED, pursuant to Joint Rule 19, in concurrence.

Study Report

Committee on UTILITIES

Report of the Committee on UTILITIES to which was referred by the Legislative Council the Study Relative to Electric Power Transmission and Purchases have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Clarify the Laws for Transmission of Electric Power to Study Related Issues"

H.P. 131 L.D. 160

Be referred to the Joint Standing Committee on UTILITIES for Public Hearing and printed pursuant to Joint Rule 19.

Comes from the House with the Report READ and ACCEPTED and the Bill referred to the Committee on UTILITIES and ORDERED PRINTED, pursuant to Joint Rule 19.

Which Report was READ and ACCEPTED, in concurrence.

The Bill referred to the Committee on UTILITIES and ORDERED PRINTED, pursuant to Joint Rule 19, in concurrence.

COMMUNICATIONS

The Following Communication: H.P. 168

STATE OF MAINE
WORKERS' COMPENSATION COMMISSION
STATE HOUSE STATION 27
AUGUSTA, MAINE 04333

January 30, 1987

Honorable John L. Martin
Speaker of the House
State House Station #2

Augusta, Maine 04333
 RE: Quarterly Report for the Fourth Quarter
 of Calendar 1986
 39 M.R.S.A. Section 92(3)

Dear Speaker Martin:

This letter, and statistical attachments, are the quarterly report of Commissioner Caseload mandated by 39 M.R.S.A. Section 92(3).

The Workers' Compensation Commission was originally established in 1916. Its responsibilities and size were expanded during the last decade. Currently, the agency adjudicates disputed claims, verifies insurance coverage, monitors payment information, and performs other related duties.

Most claims are processed without incident. In controverted cases, a commissioner first holds an informal conference to resolve the situation without litigation. If the parties are not satisfied then formal petitions may be filed. Delay in adjudicating these petitions has historically been a problem.

Fully litigated petitions take about a year to process and there is currently a backlog of 7,500. These petitions represent about 5,360 actual injuries; 6.5% are more than 2 years old. The backlog is most severe in the Bangor office.

During the final quarter of 1986 the Commission received 1,727 petitions and cleared 2,240 from its docket. For the year, we received 7,471 and cleared 8,513. These figures are estimates. To gather more precise information, the Commission recently implemented a computer based system for tracking caseload, petitions, decision timeliness, and the number of petitions cleared from the docket.

As indicated, the Commission decreased the backlog by roughly 1,000 petitions during 1986. However, it would take several years to significantly reduce the number of undecided petitions at this rate.

There have been no complaints or filings in connection with the 30 day decision rule pursuant to Commission Rule 22.11 and Section 99-B.

A summary of caseload and dispositions is presented in the attached tables. I would be happy to discuss this report further at your convenience.

Sincerely,
 S/Ralph L. Tucker
 Chairman

Comes from the House READ and with Accompanying Papers ORDERED PLACED ON FILE.

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

SENATE PAPERS

Bill "An Act to Repeal the Sunset Provision of the Social Workers Freedom of Choice Law"

S.P. 88 L.D. 209

Presented by Senator BUSTIN of Kennebec
 Cosponsored by: Senator GILL of Cumberland,
 Representative TAYLOR of Camden, Representative
 CLARK of Millinocket

Which was referred to the Committee on AUDIT AND PROGRAM REVIEW and ORDERED PRINTED.

Sent down for concurrence.
 (See Action Later Today)

Bill "An Act to Provide Statutory Authority for Alcohol and Drug Education in Maine"

S.P. 89 L.D. 210

Presented by Senator CLARK of Cumberland
 Cosponsored by: Senator SEWALL of Lincoln,
 Representative MATTHEWS of Caribou,
 Representative O'GARA of Westbrook

Which was referred to the Committee on EDUCATION and ORDERED PRINTED.
 Sent down for concurrence.

Bill "An Act to Require the Department of Human Services to Establish a So-called "Fair Rental" Methodology for Reimbursement of Capital Costs for Nursing Homes"

S.P. 90 L.D. 211

Presented by Senator DOW of Kennebec
 Which was referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED.
 Sent down for concurrence.

Bill "An Act to Increase the Small Claims Court Limit"

S.P. 91 L.D. 212

Presented by Senator BRANNIGAN of Cumberland
 Cosponsored by: Representative VOSE of Eastport,
 Representative CONLEY of Portland, Representative
 MACBRIDE of Presque Isle
 Which was referred to the Committee on JUDICIARY and ORDERED PRINTED.
 Sent down for concurrence.

On motion by Senator CLARK of Cumberland, the Senate RECONSIDERED whereby it referred to the Committee on STATE AND LOCAL GOVERNMENT:

Bill "An Act to Provide for the Appointment of the Executive Director of the Maine Health Care Finance Commission by the Governor"

H.P. 166 L.D. 207

(In Senate, February 4, 1987, referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED, in concurrence.)

On further motion by same Senator, referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED in NON-CONCURRENCE.

Sent down for concurrence.

ORDERS OF THE DAY

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

Bill "An Act to Prohibit Vending Machine Sales of Cigarettes"

H.P. 163 L.D. 204

Tabled - February 4, 1987, by Senator CLARK of Cumberland.

Pending - REFERENCE

(In House, February 3, 1987, referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED.)

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

Senate at Ease

Senate called to order by the President.

On motion by Senator CLARK of Cumberland, the Senate RECONSIDERED its action whereby it referred to the Committee on AUDIT AND PROGRAM REVIEW:

Bill "An Act to Repeal the Sunset Provision of the Social Workers Freedom of Choice Law"

S.P. 88 L.D. 209

(In Senate, February 4, 1987, referred to the Committee on AUDIT AND PROGRAM REVIEW and ORDERED PRINTED.)

On further motion by same Senator, referred to the Committee on BANKING AND INSURANCE and ORDERED PRINTED.

Sent down for concurrence.

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

Bill "An Act to Promote the Coordination of State Crime Prevention Programs for Juveniles"

H.P. 105 L.D. 115

Tabled - February 3, 1987, by Senator CLARK of Cumberland.

Pending - REFERENCE

(Committee on LEGAL AFFAIRS suggested and ORDERED PRINTED.)

(In House, February 2, 1987, referred to the Joint Select Committee on CORRECTIONS.)

On motion by Senator CLARK of Cumberland, referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED in NON-CONCURRENCE.

Sent down for concurrence.

Senator CAHILL of Sagadahoc was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

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

On motion by Senator USHER of Cumberland, ADJOURNED until Thursday, February 5, 1987, at 9:00 in the morning.

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE

FIRST REGULAR SESSION

13th Legislative Day

Thursday, February 5, 1987

The House met according to adjournment and was called to order by the Speaker.

Prayer by Reverend Phyllis Dodd, United Methodist Church, Randolph.

The Journal of Wednesday, February 4, 1987 was read and approved.

Quorum call was held.

SENATE PAPERS

Bill "An Act to Repeal the Sunset Provision of the Social Workers Freedom of Choice Law" (S.P. 88) (L.D. 209)

Came from the Senate, referred to the Committee on Banking and Insurance and Ordered Printed.

(The Committee on Reference of Bills had suggested reference to the Committee on Audit and Program Review.)

Was referred to the Committee on Banking and Insurance in concurrence.

Bill "An Act to Provide Statutory Authority for Alcohol and Drug Education in Maine" (S.P. 89) (L.D. 210)

Came from the Senate, referred to the Committee on Education and Ordered Printed.

Was referred to the Committee on Education in concurrence.

Bill "An Act to Require the Department of Human Services to Establish a So-called 'Fair Rental' Methodology for Reimbursement of Capital Costs for Nursing Homes" (S.P. 90) (L.D. 211)

Came from the Senate, referred to the Committee on Human Resources and Ordered Printed.

Was referred to the Committee on Human Resources in concurrence.

Bill "An Act to Increase the Small Claims Court Limit" (S.P. 91) (L.D. 212)

Came from the Senate, referred to the Committee on Judiciary and Ordered Printed.

Was referred to the Committee on Judiciary in concurrence.

Non-Concurrent Matter

Bill "An Act to Provide for the Appointment of the Executive Director of the Maine Health Care Finance Commission by the Governor" (H.P. 166) (L.D. 207) which was referred to the Committee on State and Local Government in the House on February 3, 1987.

Came from the Senate referred to the Committee on Human Resources in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to make Allocations from the Public Utilities Commission Regulatory Fund and the Public Utilities Commission Reimbursement Fund for the Fiscal Years Ending June 30, 1988, and June 30, 1989" (Emergency) (H.P. 157) (L.D. 198) which was referred to the Committee on Utilities in the House on February 3, 1987.