

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

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

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

In Senate Chamber
Thursday
April 16, 1987

ORDERS OF THE DAY
UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment yesterday, has preference in the Orders of the Day and continues with such preference until disposed of as provided by Rule 24.

TABLED AND ASSIGNED

The Chair laid before the House the first item of unfinished business:

HOUSE DIVIDED REPORT - Majority (8) "Ought Not to Pass" - Minority (5) "Ought to Pass" as amended by Committee Amendment "A" (H-56) - Committee on Labor on Bill "An Act Providing for the Use of Spendable Earnings as a Basis for Calculating Workers' Compensation Benefits" (H.P. 398) (L.D. 532)

TABLED - April 14, 1987 by Representative MCHENRY of Madawaska.

PENDING - Motion of Representative RUHLIN of Brewer to accept the Majority "Ought Not to Pass" Report.

On motion of Representative Diamond of Bangor, retabled pending the motion of Representative Rhulin of Brewer to accept the Majority "Ought Not to Pass" Report and specially assigned for Tuesday, April 21, 1987.

TABLED AND TODAY ASSIGNED

The Chair laid before the House the first tabled and today assigned matter:

Bill "An Act to Create Regional Detention and Evaluation Centers for the Secure Confinement of Juveniles" (H.P. 950) (L.D. 1279)

(Committee on Appropriations and Financial Affairs suggested)

TABLED - April 15, 1987 by Representative CARTER of Winslow.

PENDING - Reference

Representative Carter of Winslow moved the bill be referred to the Committee on Human Resources.

On motion of Representative Manning of Portland, tabled pending the motion of Representative Carter of Winslow to refer L.D. 1279 to the Committee on Human Resources and specially assigned for Tuesday, April 21, 1987.

(Off Record Remarks)

The following item appearing on Supplement No. 1 was taken up out of order by unanimous consent:

SENATE PAPER

The following Joint Order: (S.P. 418)
ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, April 21, 1987, at 10 o'clock in the morning.

Came from the Senate, read and passed.

Was read and passed in concurrence.

(Off Record Remarks)

On motion of Representative McGowan of Canaan, Adjourned until Tuesday, April 21, 1987, at ten o'clock in the morning pursuant to Joint Order.

Senate called to Order by the President.

Prayer by Reverend Richard Lloyd of the Faith Baptist Church in Kittery.

REVEREND LLOYD: Shall we pray. Heavenly Father, we come to You with thankful hearts for this privilege of dedicating a few moments to Thee, as the Senate begins its meeting this afternoon. We are aware, Father, that You rule and over rule the affairs of mankind. We thank You for each Senator here, for the skills that You have given to them. For the committee work that is going on and in other cases, that have already gone on. Lord, we would ask for Your direction and blessing during this hour. We commit this time to Thee. We ask that the decisions made today would be those decisions that are right decisions for the State of Maine and the residents here. We thank You for this in Jesus Name. Amen.

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Encourage Sport Fisheries on the Lower Kennebec and Androscoggin Rivers"

H.P. 937 L.D. 1253

Committee on FISHERIES AND WILDLIFE suggested and ORDERED PRINTED.

In House, April 13, 1987, referred to the Committee on MARINE RESOURCES and ORDERED PRINTED.

In Senate, April 14, 1987, referred to the Committee on FISHERIES AND WILDLIFE and ORDERED PRINTED in NON-CONCURRENCE.

Comes from the House, that Body INSISTED.

The Senate RECEDED and CONCURRED.

House Papers

Bill "An Act to Provide Remuneration for Physician Services for Involuntary Commitment of Patients for Psychiatric Hospital Care"

H.P. 949 L.D. 1278

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 to Create a Maine Post-Secondary Educational Loan Program"

H.P. 954 L.D. 1283

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 to Provide a Comprehensive Growth Management Plan for the State"

H.P. 955 L.D. 1284

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.

Resolve, to Establish the Juvenile Corrections Planning Commission

H.P. 951 L.D. 1280

Committee on JUDICIARY suggested and ORDERED PRINTED.

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

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

Off Record Remarks

Out of order and under suspension of the Rules, on motion by Senator DUTREMBLE of York, the following Joint Order:

S.P. 418

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, April 21, 1987, at 10 o'clock in the morning.

Which was READ and PASSED.

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

Bill "An Act to Broaden the Duties of the Commission on Governmental Ethics, Election Practices and Legislative Matters to include Legislative Bill Review to Review Bills Proposed to the Second Regular Session of the Legislature"

H.P. 953 L.D. 1282

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

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

Bill "An Act Concerning the Authority of Crossing Guards in Reporting Motor Vehicle Violations"

H.P. 948 L.D. 1277

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

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

Bill "An Act to Create a Public Service Cable Channel Connected with the University of Maine System"

H.P. 947 L.D. 1276

Bill "An Act to Extend the Boundaries of the Presque Isle Sewer District and the Presque Isle Water District"

H.P. 952 L.D. 1281

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.

Pursuant to Public Law

Committee on STATE AND LOCAL GOVERNMENT

The Committee on STATE AND LOCAL GOVERNMENT for the Board of Commissions, pursuant to Public Law 1985, Chapter 732, Section 7, ask leave to submit its findings and to report that the accompanying Bill "An Act Relating to Boards and Commissions"

H.P. 959 L.D. 1288

Be referred to the Joint Standing Committee on STATE AND LOCAL GOVERNMENT for Public Hearing and printed pursuant to Joint Rule 18.

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 18.

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 18, in concurrence.

Senate at Ease

Senate called to order by the President.

COMMITTEE REPORTS

House

Ought Not to Pass

The following Ought Not to Pass Report shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Bill "An Act to Require Employers to Give Employees 4 Hours Leave on Election Day for the Purpose of Voting"

H.P. 580 L.D. 777

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 Ensure Affordable Telephone Service in all Areas of the State"

H.P. 33 L.D. 34

Bill "An Act to Modernize the Definition of Telephone Utilities Subject to the Jurisdiction of the Public Utilities Commission"

H.P. 103 L.D. 113

Bill "An Act to Establish a Universal Telephone Service Program"

H.P. 358 L.D. 461

Bill "An Act Concerning the Sale of Cable Television Services to Organizations"

H.P. 361 L.D. 475

Bill "An Act to Assure that State Regulation of Agricultural Chemicals will not be More Restrictive than Federal Regulations"

H.P. 460 L.D. 615

Bill "An Act Concerning Tax Deductions"

H.P. 558 L.D. 756

Bill "An Act to Establish Mandatory Fines for Shoplifting"

H.P. 571 L.D. 769

Bill "An Act to Require Monthly Monitoring and Reporting of Political Activities of Utility Companies during Utility-related Referendum Initiating Campaigns"

H.P. 627 L.D. 850

Ought to Pass

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Make Allocations for the Administrative Expenses of the Bureau of Lottery, Department of Finance, for the Fiscal Years Ending June 30, 1988, and June 30, 1989" (Emergency)

H.P. 387 L.D. 521

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 STATE AND LOCAL GOVERNMENT on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Piscataquis County for the Year 1987 (Emergency)

H.P. 956 L.D. 1285

Reported that the same Ought to Pass, pursuant to Joint Order H.P. 23.

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.

Which was, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, in concurrence.

Ought to Pass As Amended

The Committee on LABOR on Bill "An Act to Enhance the Productivity of the Workers' Compensation Commission"

H.P. 632 L.D. 855

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-64).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-64)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-64) READ and ADOPTED, in concurrence.

The Bill 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 Expand the Authority of the Commissioner of Inland Fisheries and Wildlife with Respect to Natural Products in Wildlife Management Areas"

S.P. 51 L.D. 95

Ought to Pass

Senator DOW for the Committee on TRANSPORTATION on Resolve, to Establish a Commission to Study the Feasibility of Constructing a 4-lane Highway from Interstate 95 to the St. John Valley

S.P. 167 L.D. 471

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.

The Resolve READ ONCE.

The Resolve TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass As Amended

Senator PEARSON for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Make Additional Allocations for the Administrative Expenses of the Department of Finance, the Bureau of Alcoholic Beverages and the State Liquor Commission, for the Fiscal Year Ending June 30, 1987" (Emergency)

S.P. 180 L.D. 507

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-34).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-34) 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

Bill "An Act Relating to Legal Status of Partnerships"

H.P. 348 L.D. 447

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

House As Amended

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

H.P. 113 L.D. 138

(C "A" H-61)

Bill "An Act to Amend the Election Laws Regarding Persons Incarcerated in Correctional Facilities"

H.P. 773 L.D. 1036

(H "A" H-63)

Which were 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 Establish a Commemorative Day in Honor of Samantha Smith

S.P. 149 L.D. 403

(C "A" S-24)

An Act to Provide for District Elections in Piscataquis County

S.P. 166 L.D. 470

An Act to Require the Marking of Barriers on Certain Public Ways

H.P. 861 L.D. 1154

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 Open Maine Libraries to Modern Information Technology

H.P. 248 L.D. 321

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

ORDERS OF THE DAY

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

Bill "An Act Concerning the Calculation of the Insured Value Factor in Public Tuition Payments to Private Schools"

H.P. 196 L.D. 248

(C "A" H-58)

Tabled - April 15, 1987, by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENGROSSED AS AMENDED.

(In House, April 10, 1987, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-58).)

(In Senate, April 15, 1987, READ A SECOND TIME.)

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

Senator USHER of Cumberland was granted unanimous consent off the Record.

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

COMMITTEE REPORTS

Senate

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 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

Bill "An Act Relating to the Suspension of Motor Vehicle Licenses for Refusal of Chemical Tests"

S.P. 117 L.D. 312

Bill "An Act to Clarify Standards for Transfer of Title of Motor Vehicles"

S.P. 273 L.D. 783

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

COMMITTEE REPORTS

Senate

Change of Reference

Senator DUTREMBLE for the Committee on LABOR on Bill "An Act to Amend the Reporting Requirements at the Workers' Compensation Commission"

S.P. 322 L.D. 950

Reported that the same be REFERRED to the Committee on BANKING AND INSURANCE.

Which Report was READ and ACCEPTED.

The Bill REFERRED to the Committee on BANKING AND INSURANCE.

Sent down for concurrence.

Ought to Pass As Amended

Senator DOW for the Committee on TRANSPORTATION on Resolve, to Designate a Portion of Route 9 in Clifton the R. Leon Williams Highway

S.P. 275 L.D. 785

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-35).

Which Report was READ and ACCEPTED.

The Resolve READ ONCE.

Committee Amendment "A" (S-35) READ and ADOPTED.

The Resolve as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Off Record Remarks

The ADJOURNMENT ORDER having been returned from the House READ and PASSED in concurrence, on motion by Senator TUTTLE of York, ADJOURNED until Tuesday 21, 1987, at 10:00 in the morning.

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE

FIRST REGULAR SESSION

51st Legislative Day

Tuesday, April 21, 1987

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

Prayer by Reverend David Stinson, Boothbay Harbor Congregational Church.

National Anthem by the University of Southern Maine Concert Band.

The Journal of Thursday, April 16, 1987, was read and approved.

Quorum call was held.

SENATE PAPERS

Unanimous Leave to Withdraw

Report of the Committee on Fisheries and Wildlife reporting "Leave to Withdraw" on Bill "An Act to Expand the Authority of the Commissioner of Inland Fisheries and Wildlife with Respect to Natural Products in Wildlife Management Areas" (S.P. 51) (L.D. 95)

Report of the Committee on Human Resources reporting "Leave to Withdraw" on 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)

Report of the Committee on Transportation reporting "Leave to Withdraw" on Bill "An Act Relating to the Suspension of Motor Vehicle Licenses for Refusal of Chemical Tests" (S.P. 117) (L.D. 312)

Report of the Committee on Transportation reporting "Leave to Withdraw" on Bill "An Act to Clarify Standards for Transfer of Title of Motor Vehicles" (S.P. 273) (L.D. 783)

Were placed in the Legislative Files without further action pursuant to Joint Rule 15 in concurrence.

Refer to the Committee on Banking and Insurance

Report of the Committee on Labor on Bill "An Act to Amend the Reporting Requirements at the Workers' Compensation Commission" (S.P. 322) (L.D. 950) reporting that it be referred to the Committee on Banking and Insurance.

Came from the Senate with the report read and accepted and the bill referred to the Committee on Banking and Insurance.

Report was read and accepted and the bill referred to the Committee on Banking and Insurance in concurrence.

COMMUNICATIONS

The following Communication:

Executive Department
DIVISION OF COMMUNITY SERVICES
State House Station 73
Augusta, Maine 04333

April 16, 1987

The Honorable John L. Martin
Speaker of the House
Maine House of Representatives
State House
Augusta, Maine 04333
Dear Speaker Martin:

In accordance with Title 22 M.R.S.A. Section 5204(3), I am submitting to the 113th Legislature a report on Maine's Home Energy Assistance Program for the year 1985-86.