

MAINE STATE LEGISLATURE

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

VOLUME III

FIRST CONFIRMATION SESSION

August 21, 1987
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FIRST SPECIAL SESSION

October 9, 1987 to October 10, 1987
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SECOND SPECIAL SESSION

October 21, 1987 to November 20, 1987
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SECOND REGULAR SESSION

January 6, 1988 to March 24, 1988

Washington, Representative Allen.

Representative ALLEN: Mr. Speaker, Men and Women of the House: I am sure that data is available through any of the organizations that represent the oil dealers or the gasoline dealers in this state. Quite frankly, the committee didn't study any data as to the impact that it would actually have because there was really no serious discussion of applying this law to all self-service gasoline stations such as Cumberland Farms, the Big Apple, Gibbs, those self-service that offer discount prices without attendants to pump the gas.

As far as its impact in the rural area, I represent eight rural towns in Knox, Waldo, and Lincoln Counties and, thinking very quickly about the service stations in my area, there are none that offer both services. Most of them offer full-service -- in other words, they will come out and pump your gas. Only a very few offer total self-service. So, the only people truly impacted by this bill are those stations that are only offering self-service. Often times, those stations offering self-services besides the Gibbs, the Big Apple, are your real small stores in the rural areas that have people pump their own gas and they only have a single attendant in the store. So, there are statistics available, we don't have them because we didn't pursue this matter to that point in committee.

In getting the support of the oil dealers, gasoline station people and all of that, it was the fact that it would affect only the self-service stations that also have full-service.

The SPEAKER: The pending question before the House is the motion of Representative Allen of Washington that House Amendment "B" (H-461) to Committee Amendment "A" (H-456) be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

98 having voted in the affirmative and 20 in the negative, the motion did prevail.

Subsequently, Committee Amendment "A" was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" and sent up for concurrence.

Representative Mills of Bethel was granted unanimous consent to address the House:

Representative MILLS: Mr. Speaker, Men and Women of the House: Since the ruling on germaneness from the Speaker will be coming up later and I will be out of state for a wedding, I just wanted to correct for the Record something I quoted yesterday -- District of Columbia vs. McGhee and it should have been Smith vs. District of Columbia which did not violate the supremacy clause; did not violate the commerce clause; was not vague, arbitrary and did not violate due process.

I would just point out that I did not research these cases myself, they were from the Office of Policy and Legal Analysis and you can get a copy of all the cases on this. If you would like one later on, you can get a copy from the office or from anyone on the committee.

(Off Record Remarks)

On motion of Representative Manning of Portland,
Adjourned until Wednesday, March 2, 1988, at nine o'clock in the morning.

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

In Senate Chamber
Tuesday
March 1, 1988

Senate called to Order by the President.

Prayer by Pastor Andrew Spohrer of the United Baptist Church in Old Town.

PASTOR SPOHRER: Shall we pray. Heavenly Father we praise You this morning for all that You are, for Your holiness and justice. We praise You for the privilege of living in this beautiful state and for the government that we have and for these who have given of their time and energy even at personal sacrifice to give us leadership. We pray Your blessing upon them today that You will give them direction, that You will give them wisdom, that You will give them courage to make hard decisions that will be best for all of us for years to come. Grant Lord the understanding that can come only from You as they lead us today. We pray in Jesus name. Amen.

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE
Non-concurrent Matter

Bill "An Act to Provide for Allocations of the State Ceiling on Private Activity Bonds" (Emergency)
S.P. 910 L.D. 2376

Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS suggested and ORDERED PRINTED.

In Senate, February 26, 1988, referred to the Committee on STATE AND LOCAL GOVERNMENT.

Comes from the House referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

House Papers

Bill "An Act Concerning Shoreline Alteration of Artificially Created Great Ponds"

H.P. 1737 L.D. 2382

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 to Extend the Coyote Night Hunting Season"

H.P. 1735 L.D. 2380

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

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

Off Record Remarks

Bill "An Act to Improve Supervision of Prison Furloughs"

H.P. 1736 L.D. 2381

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.

SENATE PAPERS

Bill "An Act to Regulate Marketing and Bargaining in the Maine Blueberry Industry"

S.P. 918 L.D. 2394

Presented by Senator RANDALL of Washington
Cosponsored by: Representative TAMMARO of Baileyville, Representative MOHOLLAND of Princeton, Representative FARREN of Cherryfield
Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 27
Which was referred to the Committee on AGRICULTURE and ORDERED PRINTED.
Sent down for concurrence.

Bill "An Act to Provide for the Safety of Health Care Workers Involved with the Care and Treatment of AIDS Patients and Clarify the Ability of Hospitals to Recover Increased Costs Resulting from the Adoption of Recommended Treatment Protocols"

S.P. 916 L.D. 2392

Presented by Senator GILL of Cumberland
Cosponsored by: Senator BRANNIGAN of Cumberland, Representative DIAMOND of Bangor, Representative DELLERT of Gardiner
Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26
Which was referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED.
Sent down for concurrence.

Bill "An Act to Prohibit the Use of Airplanes or Aerial Surveillance in the Taking of Any Tuna"

S.P. 917 L.D. 2393

Presented by Senator TUTTLE of York
Cosponsored by: Representative WENTWORTH of Wells, Representative MITCHELL of Freeport
Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26
Which was referred to the Committee on MARINE RESOURCES and ORDERED PRINTED.
Sent down for concurrence.

Off Record Remarks

COMMITTEE REPORTS

House

Ought to Pass

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Make Additional Allocations from the Public Utilities Regulatory Fund for the Fiscal Years Ending June 30, 1988, and June 30, 1989" (Emergency)

H.P. 1479 L.D. 2014

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 APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Fund and Implement Certain Collective Bargaining Agreements and to Fund and Implement Benefits for Certain Employees Excluded from Collective Bargaining" (Emergency)

H.P. 1578 L.D. 2153

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 Hancock County for the Year 1988 (Emergency)

H.P. 1734 L.D. 2379

Reported that the same Ought to Pass, pursuant to Joint Order H.P. 1489.
Comes from the House with the Report READ and ACCEPTED and the Resolve PASSED TO BE ENGROSSED.
Which Report was READ and ACCEPTED, in concurrence.
The Resolve READ ONCE.
The Resolve TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass As Amended

The Committee on UTILITIES on Bill "An Act to Clarify the Status of Meetings and Records of the Public Utilities Commission Under the Freedom of Access Law"

H.P. 1456 L.D. 1967

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-459).
Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-459)
Which Report was READ and ACCEPTED, in concurrence.
The Bill READ ONCE.
Committee Amendment "A" (H-459) READ and ADOPTED, in concurrence.
The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senate
Ought to Pass

Senator ESTES for the Committee on EDUCATION on Bill "An Act to Amend the Law Concerning the Blaine House Scholars Program"

S.P. 735 L.D. 1994

Reported that the same Ought to Pass.
Which Report was READ and ACCEPTED.
The Bill READ ONCE.
The Bill TOMORROW ASSIGNED FOR SECOND READING.

SECOND READERS

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

Senate

Bill "An Act to Establish a Commemorative Day for Margaret Chase Smith and Edmund S. Muskie"
S.P. 773 L.D. 2030
Which was READ A SECOND TIME and PASSED TO BE ENGROSSED.
Sent down for concurrence.

Senate As Amended

Bill "An Act to Bring the Computer Services Section of the Department of Professional and Financial Regulation into the Division of Administrative Services"

S.P. 734 L.D. 1993

(C "A" S-320)
Which was READ A SECOND TIME and PASSED TO BE
ENGROSSED, as Amended.
Sent down for concurrence.

Senate at Ease
Senate called to order by the President.

ENACTORS

The Committee on Engrossed Bills reported as
truly and strictly engrossed the following:
An Act to Clarify the Method of Computing Unusual
Enrollment Adjustments

H.P. 1469 L.D. 1980
(C "A" H-453)

An Act Requiring that Curb Ramps be Constructed
in Accordance with the American National Standards
Institute Standards

H.P. 1483 L.D. 2017
(C "A" H-452)

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 Create the Maine Choice Fund

H.P. 1695 L.D. 2328

On motion by Senator BERUBE of Androscoggin,
placed on the SPECIAL APPROPRIATIONS TABLE, pending
ENACTMENT.

Emergency

An Act to Amend the Law Concerning the Maine
Student Incentive Scholarship Program

S.P. 730 L.D. 1989
(C "A" S-317)

On motion by Senator BERUBE of Androscoggin,
placed on the SPECIAL APPROPRIATIONS TABLE, pending
ENACTMENT.

Senator CLARK of Cumberland was granted unanimous
consent to address the Senate off the Record.

Off Record Remarks

On motion by Senator PERKINS of Hancock,
ADJOURNED until Wednesday, March 2, 1988, at 9:00 in
the morning.

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE
SECOND REGULAR SESSION

Wednesday, March 2, 1988

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

Prayer by Reverend Trueman Bray, Penney Memorial
United Baptist Church, Augusta.

The Journal of Tuesday, March 1, 1988, was read
and approved.

Quorum call was held.

SENATE PAPERS

Bill "An Act to Regulate Marketing and Bargaining
in the Maine Blueberry Industry" (S.P. 918) (L.D.
2394)

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

Was referred to the Committee on Agriculture in
concurrence.

Bill "An Act to Provide for the Safety of Health
Care Workers Involved with the Care and Treatment of
AIDS Patients and Clarify the Ability of Hospitals to
Recover Increased Costs Resulting from the Adoption
of Recommended Treatment Protocols" (S.P. 916) (L.D.
2392)

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 Prohibit the Use of Airplanes or
Aerial Surveillance in the Taking of Any Tuna" (S.P.
917) (L.D. 2393)

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

Was referred to the Committee on Marine Resources
in concurrence.

PETITIONS, BILLS AND RESOLVES

REQUIRING REFERENCE

The following Bills and Resolves were received
and, upon the recommendation of the Committee on
Reference of Bills, were referred to the following
Committees, Ordered Printed and Sent up for
Concurrence:

Agriculture

Bill "An Act to Define the Financial Relationship
of the Maine Potato Board and the Department of
Agriculture, Food and Rural Resources" (H.P. 1761)
(L.D. 2414) (Presented by Representative TARDY of
Palmyra) (Cosponsors: Representatives PARENT of
Benton and MAHANY of Easton) (Approved for
introduction by a majority of the Legislative Council
pursuant to Joint Rule 26)

Ordered Printed.

Sent up for Concurrence.

Business Legislation

Bill "An Act to Amend the Cosmetology Laws" (H.P.
1759) (L.D. 2408) (Presented by Representative
PARADIS of Frenchville) (Cosponsors: Representatives
MAHANY of Easton, ALLEN of Washington, and KILKELLY
of Wiscasset) (Approved for introduction by a
majority of the Legislative Council pursuant to Joint
Rule 27)

Ordered Printed.

Sent up for Concurrence.