

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eleventh
Legislature***

OF THE

STATE OF MAINE

SECOND REGULAR SESSION

January 4, 1984 to April 25, 1984

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FOURTH CONFIRMATION SESSION

(FIRST CONFIRMATION SESSION – SECOND REGULAR SESSION)

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HOUSE

Tuesday, January 10, 1984

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

Prayer by Father Royal Parent of St. Theresa's Catholic Church, Brewer.

The members stood at attention during the playing of the National Anthem by the Monmouth Academy Band.

The journal of Thursday, January 5, 1984, was read and approved.

Papers from the Senate

Bill "An Act Relating to Record-keeping Requirements for Retail Licensees Concerning Beer and Soft Drinks." (S. P. 680) (L. D. 1858)

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

Was referred to the Committee on Legal Affairs in concurrence.

Bill "An Act to Amend the Charter of the Jackman Sewer District to Clarify the Limit on Indebtedness and to Clarify Certain Other Language in the Charter." (Emergency) (S. P. 681) (L. D. 1859)

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

Was referred to the Committee on Public Utilities in concurrence.

Petitions, Bills and Resolves Requiring Reference

The following Bills and Resolves were received and, upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

Agriculture

Bill "An Act to Amend the Law Regarding Immunization of Dogs Against Rabies as a Prerequisite to Licensing" (H. P. 1418) (L. D. 1863) (Presented by Representative Dexter of Kingfield) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill "An Act Concerning Charges for Copies of Personal Hospital Records" (H. P. 1416) (L. D. 1862) (Presented by Representative Jacques of Waterville) (Cosponsors: Representatives Racine of Biddeford, Rotondi of Athens, and Joseph of Waterville) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Clarify Disposition of Assets of Maine Self-Insurance Guarantee Association in the Event of Dissolution" (Emergency) (H. P. 1419) (L. D. 1864) (Presented by Speaker Martin of Eagle Lake) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

Bill "An Act Providing for the Termination of Stale or Abandoned Securities Registration" (Emergency) (H. P. 1420) (L. D. 1865) (Presented by Representative Stevens of Bangor) (Cosponsors: Senator Charette of Androscoggin, Representatives Murray of Bangor and Perkins of Brooksville) (Submitted by the Department of Business, Occupational and Professional Regulation pursuant to Joint Rule 24)

Bill "An Act to Clarify Executive and Judicial Authority Regarding the Dissolution of Delinquent Insurers" (H. P. 1445) (L. D. 1897) (Presented by Representative Benoit of South Portland) (Cosponsors: Representatives Racine of Biddeford and Stevens of Bangor) (Submitted by the Department of Business, Occupational and Professional Regulation pursuant to Joint Rule 24)

Bill "An Act Facilitating Maine's Participation in the National Central Registration Depository" (H. P. 1446) (L. D. 1898) (Presented

by Representative Murray of Bangor) (Cosponsors: Representatives Martin of Van Buren and Pouliot of Lewiston) (Submitted by the Department of Business, Occupational and Professional Regulation pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

Education

Bill "An Act to Permit School Administrative Units to Acquire Certain Small Parcels of Land without Following the School Construction Project Approval Process" (H. P. 1447) (L. D. 1899) (Presented by Representative LaPlante of Sabattus) (Cosponsors: Representatives Matthews of Caribou and Crouse of Washburn) (Submitted by the Department of Educational and Cultural Services pursuant to Joint Rule 24)

Bill "An Act to Include the Towns of Gilead and Upton within Vocational Region 9, Northern Oxford County" (Emergency) (H. P. 1421) (L. D. 1866) (Presented by Representative Mills of Woodstock) (Cosponsor: Senator Erwin of Oxford) (Submitted by the Department of Educational and Cultural Services pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

Energy and Natural Resources

Bill "An Act Concerning the Open Burning of Leaves and Brush" (H. P. 1422) (L. D. 1867) (Presented by Representative Racine of Biddeford) (Cosponsors: Representatives Dexter of Kingfield, Ridley of Shapleigh and Jacques of Waterville) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Ensure Public Safety on Public Reserved and Other Public Lands" (H. P. 1423) (L. D. 1868) (Presented by Representative Jacques of Waterville) (Cosponsors: Representatives Moholland of Princeton, Rotondi of Athens and Senator Pearson of Penobscot) (Submitted by the Department of Conservation pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

Health and Institutional Services

Bill "An Act Regarding the Improvement of Immunization Levels Against Specific Preventable Diseases in School Children" (H. P. 1424) (L. D. 1869) (Presented by Representative Nelson of Portland) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Amend the Statutes Governing the Licensing and Approval of Adult and Child Care Programs" (H. P. 1425) (L. D. 1870) (Presented by Representative Nelson of Portland) (Cosponsors: Representatives Manning of Portland and Pines of Limestone) (Submitted by the Department of Human Services pursuant to Joint Rule 24)

Bill "An Act to Amend the Statutes Governing the Licensing of Children's Homes" (H. P. 1448) (L. D. 1900) (Presented by Representative Melendy of Rockland) (Cosponsors: Representatives Nelson of Portland and Carroll of Gray) (Submitted by the Department of Human Services pursuant to Joint Rule 24)

Bill "An Act to Amend the Statute Governing the Licensing of Child Placing Agencies" (H. P. 1449) (L. D. 1901) (Presented by Representative Manning of Portland) (Cosponsors: Senator Bustin of Kennebec and Representative Carroll of Gray) (Submitted by the Department of Human Services pursuant to Joint Rule 24)

Bill "An Act to Amend the Adult Protective Services Act" (Emergency) (H. P. 1426) (L. D. 1871) (Presented by Representative Richard of Madison) (Cosponsors: Senator Bustin of Kennebec, Representatives Melendy of Rockland and Pines of Limestone) (Submitted by the Department of Human Services pursuant

to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act to Permit Public Service in Lieu of Fines for Indigent Offenders Under the Drunk Driving Law" (H. P. 1427) (L. D. 1872) (Presented by Representative Gauvreau of Lewiston) (Cosponsors: Senator Trafton of Androscoggin, Representatives Benoit of South Portland and Mayo of Thomaston) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

Bill "An Act Relating to Retirement Compensation for Judges" (H. P. 1428) (L. D. 1873) (Presented by Representative Kelleher of Bangor) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

Bill "An Act Concerning Interviews of Accused Persons by Bail Commissioners or Judges" (H. P. 1429) (L. D. 1874) (Presented by Representative Foster of Ellsworth) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Amend the Probate Code to Provide for Temporary Guardianships Under Certain Emergency Conditions" (H. P. 1430) (L. D. 1875) (Presented by Representative Carroll of Gray) (Cosponsors: Representatives Richard of Madison, Melendy of Rockland and Nelson of Portland) (Submitted by the Department of Human Services pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

Labor

Bill "An Act to Amend the Cessation of Employment Law" (H. P. 1450) (L. D. 1902) (Presented by Representative Tuttle of Sanford) (Cosponsor: Representative Norton of Biddeford) (Submitted by the Department of Labor pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act Relating to State Preemption in the Area of Firearms Regulation" (H. P. 1431) (L. D. 1876) (Presented by Representative Pouliot of Lewiston) (Cosponsors: Senators Charette of Androscoggin, Shute of Waldo and Representative Jacques of Waterville) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Prohibit any Type of Gambling Machine" (H. P. 1432) (L. D. 1877) (Presented by Representative Cox of Brewer) (Cosponsors: Representatives Dudley of Enfield, Perry of Mexico and Smith of Island Falls) (Submitted by the Department of Public Safety pursuant to Joint Rule 24)

Bill "An Act to Allow One Beano Game to be Played in a 24-Hour Period in a Single Location" (H. P. 1433) (L. D. 1878) (Presented by Representative Cote of Auburn) (Cosponsors: Representatives Perry of Mexico and McSweeney of Old Orchard Beach) (Submitted by the Department of Public Safety pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act to Increase Mileage Payments to Jurors" (H. P. 1434) (L. D. 1879) (Presented by Representative Swazey of Bucksport) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

Committee on Local and County Government was suggested.

On motion of Representative McHenry of Madawaska, was referred to the Committee on Judiciary, ordered printed and sent up for concurrence.

Local and County Government

Bill "An Act to Enable Communities to Establish Town Forest Reserve Accounts" (H. P. 1435) (L. D. 1880) (Presented by Representative Rotondi of Athens) (Cosponsors: Senator Twitchell of Oxford, Representatives Hall of Sangerville and Ridley of Shapleigh) (Submitted by the Department of Conservation pursuant to Joint Rule 24)

(Ordered Printed)
Sent up for concurrence.

Maine Resources

Bill "An Act to Clarify the Adoption of Emergency Regulations" (H. P. 1436) (L. D. 1881) (Presented by Representative Ainsworth of Yarmouth) (Cosponsors: Representatives Holloway of Edgecomb, Melendy of Rockland and Senator Minkowsky of Androscoggin) (Submitted by the Department of Marine Resources pursuant to Joint Rule 24)

(Ordered Printed)
Sent up for concurrence.

Tabled and Assigned

Bill "An Act to Create the Independent Office of Hearing Examiners" (H. P. 1437) (L. D. 1882) (Presented by Representative Vose of Eastport) (Cosponsor: Representative Paradis of Old Town) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

Committee on Public Utilities was suggested.
On motion of Representative Vose of Eastport, tabled pending reference and specially assigned for Thursday, January 12.

Public Utilities

Bill "An Act to Amend the Electric Rate Reform Act Regarding Electric Utility Financing or Subsidization of Capital Improvements Undertaken by Ratepayers" (H. P. 1438) (L. D. 1883) (Presented by Representative Vose of Eastport) (Cosponsors: Representatives Bost of Orono, Matthews of Winslow and Senator Baldacci of Penobscot)

Bill "An Act to Clarify the Suspension Powers of the Public Utilities Commission Over Affiliated Interest Contracts" (H. P. 1451) (L. D. 1903) (Presented by Representative Ridley of Shapleigh) (Cosponsors: Representatives Weymouth of West Gardiner and Robinson of Auburn) (Submitted by the Public Utilities Commission pursuant to Joint Rule 24)

Bill "An Act to Authorize the Public Utilities Commission to Return to Firm Customers the Profits from Sales of Gas to Interruptible Users" (H. P. 1452) (L. D. 1904) (Presented by Representative Baker of Portland) (Cosponsors: Representatives Handy of Lewiston, Pouliot of Lewiston and Brannigan of Portland) (Submitted by the Office of Public Advocate pursuant to Joint Rule 24)

Bill "An Act Allowing Revenues from Interruptible Gas Sales to be Credited to the Cost of Gas" (H. P. 1453) (L. D. 1905) (Presented by Representative McGowan of Pittsfield) (Cosponsors: Representatives Ridley of Shapleigh and Handy of Lewiston) (Submitted by the Public Utilities Commission pursuant to Joint Rule 24)

Bill "An Act to Provide for the Transfer of Radio Common Carrier Franchises" (H. P. 1454) (L. D. 1906) (Presented by Representative McGowan of Pittsfield) (Cosponsors: Representative Bost of Orono and Senator Baldacci of Penobscot) (Submitted by the Public Utilities Commission pursuant to Joint Rule 24)

Bill "An Act to Conform the Safety Jurisdiction of the Public Utilities Commission over Gas Utilities to Federal Requirements" (H. P. 1457) (L. D. 1909) (Presented by Representative Baker of Portland) (Cosponsors: Representatives Handy of Lewiston, McGowan of Pittsfield and Senator Kany of Kennebec) (Submitted by the Public Utilities Commission pursuant to Joint Rule 24)

Bill "An Act to Permit the Public Utilities Commission to Adjust for Changes in Capacity

Charges in Fuel Cost Adjustment Proceedings" (H. P. 1439) (L. D. 1884) (Presented by Representative Matthews of Winslow) (Cosponsors: Representatives Bost of Orono, Roderick of Oxford and Senator Kany of Kennebec) (Submitted by the Department of Public Advocate pursuant to Joint Rule 24)

(Ordered Printed)
Sent up for concurrence.

State Government

RESOLVE, Adopting a Permanent Plan for Federal Surplus Property (Emergency) (H. P. 1455) (L. D. 1907) (Presented by Representative Chonko of Topsham) (Cosponsors: Senator Twitchell of Oxford and Representative Daggett of Manchester) (Submitted by the Department of Finance and Administration pursuant to Joint Rule 24)

(Ordered Printed)
Sent up for concurrence.

Taxation

Bill "An Act Concerning Application of Fuel Tax Laws" (H. P. 1440) (L. D. 1885) (Presented by Representative Moholland of Princeton) (Cosponsors: Representatives Theriault of Fort Kent, McPherson of Eliot and Masterman of Milo) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Provide a Sales Tax Exemption for Certain Residential Facilities" (H. P. 1441) (L. D. 1886) (Presented by Representative Paradis of Augusta) (Cosponsor: Representative Smith of Island Falls) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)
Sent up for concurrence.

Later Today Assigned

RESOLVE, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Real Estate in the Unorganized Territory (H. P. 1442) (L. D. 1887) (Presented by Representative Mills of Bethel) (Cosponsors: Representatives Masterman of Milo, Rotondi of Athens and Senator Erwin of Oxford) (Submitted by the Department of Finance and Administration pursuant to Joint Rule 24)

Committee on Taxation was suggested.
On motion of Representative Kelleher of Bangor, tabled pending reference and later today assigned.

Transportation

Bill "An Act to Amend the Highway Transportation Reform Act" (H. P. 1456) (L. D. 1908) (Presented by Representative Theriault of Fort Kent) (Cosponsors: Representatives Callahan of Mechanic Falls and Reeves of Pittsston) (Submitted by the Department of Public Safety pursuant to Joint Rule 24)

Bill "An Act to Provide for Special Motor Vehicle License Plates in Observance of the Bicentennial of the Town of Shapleigh" (H. P. 1443) (L. D. 1888) (Presented by Representative Ridley of Shapleigh) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Amend Certain Motor Vehicle Laws" (H. P. 1444) (L. D. 1889) (Presented by Representative Carroll of Limerick) (Cosponsor: Representative Strout of Corinth) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)
Sent up for concurrence.

At this point, the Chair recognized in the Hall of the House the following members who were recorded as absent on the organizational roll call: Representatives Allen of Washington, Kane of South Portland, Reeves of Newport, and Seavey of Kennebunkport.

The Chair laid before the House the following matter:

RESOLVE, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Real Estate in the Unorganized Territory (H. P. 1442) (L. D. 1887) which was tabled and later today assigned pending reference. (Committee on Taxation was suggested.)

Thereupon, the Resolve was referred to the Committee on Taxation, ordered printed and sent up for concurrence.

(House at Ease)

Called to Order by the Speaker.

On motion of Representative Locke of Sebec, Adjourned until Thursday, January 12, 1984, at ten o'clock in the morning.