

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)

May 31, 1984

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THIRD SPECIAL SESSION

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HOUSE

Thursday, January 12, 1984

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

Prayer by Reverend Keith Cushman of Dyer Brook Community Church, Island Falls.

The Journal of Tuesday, January 10, 1984, was read and approved.

Papers from the Senate

The following Communication:

January 10, 1984

Honorable Edwin H. Pert
Clerk of the House
111th Legislature
Augusta, Maine 04333
Dear Clerk Pert:

Senate Paper 439, Legislative Document 1318, AN ACT Pertaining to the Political Rights of State Employees, having been returned by the Governor together with his objections to the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration the Senate proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor."

Seventeen Senators having voted in the affirmative and thirteen Senators having voted in the negative, accordingly it was the vote of the Senate that the Bill not become a law and the veto was sustained.

Respectfully,
JOY J. O'BRIEN

Secretary of the Senate

Was read and ordered placed on file.

Bill, "An Act to Set Conditions for Timber Harvesting in Certain State Parks." (S. P. 685) (L. D. 1892)

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

Was referred to the Committee on Energy and Natural Resources in concurrence.

Bill, "An Act Concerning Municipal Snowmobile Registration." (S. P. 687) (L. D. 1894)

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

Was referred to the Committee on Fisheries and Wildlife in concurrence.

Bill "An Act Concerning Repeal of Commercial Fishing for Atlantic Salmon in the St. Croix River." (S. P. 686) (L. D. 1893)

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

(The Committee on Reference of Bills had suggested reference to the Committee on Fisheries and Wildlife)

On motion of Representative MacEachern of Lincoln, was referred to the Committee on Marine Resources in concurrence.

Bill, "An Act to Limit the Prohibition on Prescriptive Pole and Wire Easements to Public Ways." (S. P. 688) (L. D. 1895)

Bill, "An Act to Include Proceedings of the Public Utilities Commission in the Statutory Method for Calculation of Statutory time Periods." (S. P. 689) (L. D. 1896)

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

Were referred to the Committee on Public Utilities in concurrence.

Non-Concurrent Matter

Bill, "An Act Relating to the School Year for School Administrative District Number 57." (Emergency) (S. P. 642) (L. D. 1805)

In House, Passed to be Enacted on September 6, 1983.

In Senate, Passed to be Enacted on September 6, 1983.

(Recalled from the Governor's Desk pursuant to Joint Order H. P. 1417)

Came from the Senate with the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

In the House: The House voted to recede and concur.

**Non-Concurrent Matter
Tabled and Assigned**

RESOLVE, Authorizing the Commissioner of Marine Resources to Lease Land and Buildings in West Boothbay Harbor (Emergency) (H. P. 1405) (L. D. 1827) which was referred to the Committee on Appropriations and Financial Affairs in the House on January 4, 1984.

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

In the House: Representative Crowley of Stockton Springs moved that the House recede and concur.

On motion of Representative Carter of Winslow, tabled pending the motion of Representative Crowley to recede and concur and specially assigned for Tuesday, January 17.

Messages and Documents

The following Communication: (S. P. 690)

January 6, 1984

The Honorable Kenneth P. Hayes
The Honorable Stephanie Locke
Chairpersons, Committee on Education
111th Legislature
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated James S. Bowers of Washington for appointment as the Student Member of the University of Maine Board of Trustees.

Pursuant to Title 20 MRSA Section 2251, this nomination will require review by the Joint Standing Committee on Education and confirmation by the Senate.

Sincerely,
S/GERARD P. CONLEY
President of the Senate

S/JOHN L. MARTIN
Speaker of the House

Came from the Senate Read and referred to the Committee on Education.

Was read and referred to the Committee on Education in concurrence.

The following Communication:

State of Maine
Department of
Educational and Cultural Services
State House Station 23
Augusta, Maine 04333

January 9, 1984

TO: Joy O'Brien, Secretary of the Senate
Edwin H. Pert, Clerk of the House
FROM: Robert E. Boose, Commissioner
RE: Report on Actions Taken Regarding the Education for Habitual Truants

I am pleased to transmit herein my report on the number of habitual truants identified during the past school year along with the actions that have been taken regarding alternative education programs and other referral actions at the local level:

State Totals Age 7-13 — 14-16

1. Number of Truants Identified—107; 560.

A. Resolved administratively at the local Level—2; 315.

B. Referred to alternative program within the school system—8; 68.

C. Referred to alternative program offered by another school system—2; 5.

D. Referred to alternative program offered by existing agency external to the school system—2; 9.

E. Not resolved or referred to date

Total of all reasons—33; 163.

2. Number Referred to School Board—17;

162.

A. Parents instructed of legal responsibility—17; 63.

B. Compulsory education waived—98.

C. Special work permit issued—1.

3. Number of Parents Referred to Court Action—13; 12.

A. Number of parents fined or confined—8; 5.

B. Number of parents referred to counseling—5; 7.

No. Programs—No. Students

Continuing Programs which are Permanent—36; 174.

Continuing Programs which are not Permanent—8; 20

Programs new this year which are Permanent—3; 20

Programs new this year which are not Permanent—5; 5.

Additional information regarding the above statistics as well as more detailed information describing some of the alternative programs being offered may be obtained by contacting the Division Curriculum Resources (289-2033).

Was read and with accompanying report ordered placed on file.

The following paper was taken up out of order by unanimous consent:

Bill, "An Act to Delay Employers' Filing Deadlines under the Chemical Substance Identification Law" (Emergency) (H. P. 1477) (L. D. 1930) (Presented by Representative Cashman of Old Town) (Cosponsors: Senator Pearson of Penobscot, Representatives Lisnik of Presque Isle and Michael of Auburn)

Committee on Energy and Natural Resources was suggested.

Under suspension of the rules, the Bill was read once.

The SPEAKER: The Chair recognizes the gentlewoman from Auburn, Representative Robinson.

Representative ROBINSON: Mr. Speaker, I want to offer an amendment to this bill.

The SPEAKER: The Chair would advise the gentlewoman that this is not the time to be offering amendments.

Under suspension of the rules, the Bill was read the second time.

On motion of Representative Higgins of Scarborough, tabled pending passage to be engrossed and later today assigned.

**Petitions, Bills and Resolves
Requiring Reference**

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

Appropriations and Financial Affairs

Bill, "An Act to Raise the Annual Public Utilities Commission Regulatory Fund Assessments to \$1,600,000 for Fiscal Year 1985" (Emergency) (H. P. 1458) (L. D. 1910) (Presented by Representative Vose of Eastport) (Cosponsors: Representatives Bost of Orono and Senator Kany of Kennebec) (Submitted by the Public Utilities Commission pursuant to Joint Rule 24)

Bill, "An Act to Establish the Maine Job-start Program" (H. P. 1459) (L. D. 1911) (Presented by Representative Mitchell of Vassalboro) (Cosponsors: Senators Pray of Penobscot, Najarian of Cumberland and Representative Gwadosky of Fairfield) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill, "An Act to Amend the Maine Consumer Credit Code to Exempt Financing of Educational Expenses" (H. P. 1460) (L. D. 1912) (Presented by Representative Nelson of Port-

land) (Cosponsors: Representative Brannigan of Portland, Senators Perkins of Hancock and Clark of Cumberland) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

Bill, "An Act to Provide for Competitive Equality Between Financial Entities" (H. P. 1461) (L. D. 1913) (Presented by Representative Brannigan of Portland) (Cosponsors: Senators Perkins of Hancock, Charette of Androscoggin and Representative Pouliot of Lewiston) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

Bill, "An Act to Clarify the Reciprocity Provisions of Maine's Interstate Banking Act" (Emergency) (H. P. 1472) (Presented by Representative Brannigan of Portland) (Cosponsors: Representatives Stevens of Bangor, Perkins of Brooksville, and Senator Charette of Androscoggin) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)

Sent up for concurrence.

Education

Bill, "An Act to Clarify the Definition of School Construction" (H. P. 1462) (L. D. 1914) (Presented by Representative Brown of Gorham) (Cosponsors: Representatives Crouse of Washburn, Soucy of Kittery and Locke of Sebec) (Submitted by the Department of Educational and Cultural Services pursuant to Joint Rule 24)

Bill, "An Act Concerning Military Recruitment in Public Schools" (H. P. 1463) (L. D. 1915) (Presented by Representative Ainsworth of Yarmouth) (Cosponsors: Representatives Crowley of Stockton Springs and Paradis of Old Town) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

Bill, "An Act to Allow Coordination of Services to Preschool Handicapped Children Below the Age of 3 Years" (H. P. 1464) (L. D. 1916) (Presented by Representative Benoit of South Portland) (Cosponsors: Representatives Locke of Sebec, Lisnik of Presque Isle and Senator Hayes of Penobscot) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)

Sent up for concurrence.

Bill, "An Act to Amend the Air Emission License Law" (H. P. 1465) (L. D. 1917) (Presented by Representative Ridley of Shapleigh) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

Bill, "An Act to Amend the Provisions to Control Hazardous Air Pollutants" (H. P. 1473) (Presented by Representative Hall of Sangerville) (Cosponsors: Senator Kany of Kennebec, Representatives Bost of Orono, and Cooper of Windham) (Submitted by the Department of Environmental Protection pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

Health and Institutional Services

Bill, "An Act Relating to Public Guardianship and Disclosure of Information" (H. P. 1466) (L. D. 1918) (Presented by Representative Melendy of Rockland) (Cosponsors: Representatives Carroll of Gray and Roberts of Buxton) (Submitted by the Department of Mental Health and Mental Retardation pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill, "An Act to Revise the Laws Pertaining to Bail in Criminal Cases" (H. P. 1467) (L. D. 1919) (Presented by Representative Crowley of Stockton Springs) (Cosponsors: Senator Carpenter of Aroostook, Representatives Allen of Washington and Murphy of Kennebunk) (Ap-

proved for introduction by the Legislative Council pursuant to Joint Rule 26)

Bill, "An Act to Clarify the Power of the Supreme Judicial Court to Issue Rules for Probate Courts" (H. P. 1468) (L. D. 1920) (Presented by Representative Hayden of Durham) (Cosponsor: Senator Collins of Knox) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)

Sent up for concurrence.

Labor

Bill, "An Act to Prevent Unfair Charges for Submitting Applications for Work" (Emergency) (H. P. 1469) (L. D. 1921) (Presented by Representative Beaulieu of Portland) (Cosponsors: Senator Hayes of Penobscot, Representatives Gauvreau of Lewiston and Zirkilton of Mount Desert) (Submitted by the Department of Labor pursuant to Joint Rule 24)

Bill, "An Act Relating to Occupational Safety and Health of Agricultural Workers" (H. P. 1474) (Presented by Representative Swazey of Bucksport) (Cosponsors: Senator Dutremble of York and Representative Tammara of Baileyville) (Submitted by the Department of Labor pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill, "An Act to Establish the Maritime Territory of the State of Maine and to Amend the Law Relating to the Taxation of Watercraft" (Emergency) (H. P. 1470) (L. D. 1922) (Presented by Representative Vose of Eastport) (Cosponsors: Representatives Scarpino of St. George, Crowley of Stockton Springs and Senator Erwin of Oxford) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)

Sent up for concurrence.

Transportation

Bill, "An Act Concerning the Stopping of Trucks at Roadside Weighing Points" (H. P. 1475) (Presented by Representative Carroll of Limerick) (Cosponsor: Representative Macomber of South Portland) (Submitted by the Department of Public Safety pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

Pursuant to the Statutes —

Committee on Audit and Program Review

Representative Rolde from the Committee on Audit and Program Review pursuant to the Maine Revised Statutes Annotated, Title 3, Chapter 23 ask leave to submit its findings and to report that the accompanying Bill "An Act to Create the Maine Uniform Accounting and Auditing Practices Act for Community Agencies" (H. P. 1471) (L. D. 1929) be referred to this Committee for public hearing and printed pursuant to Joint Rule 18.

Report was read and accepted, the Bill referred to the Committee on Audit and Program Review, ordered printed and sent up for concurrence.

Orders of the Day

The following matters, in the consideration of which the House was engaged at the time of adjournment on Tuesday, January 10, 1984, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 24.

The Chair laid before the House the first item of Unfinished Business:

An Act to Create a Maine Commission on Excellence in Education (H. P. 1279) (L. D. 1696) (H. "B" H-391; C. "A" H-375)

In House, Passed to be Enacted on June 16, 1983.

In Senate, Passed to be Enacted on June 23,

1983.

Recalled from the Governor's Desk pursuant to Joint Order H. P. 1417.

On motion of Mrs. Mitchell of Vassalboro, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be enacted.

On motion of the same gentlewoman, the Bill and all its accompanying papers were indefinitely postponed in non-concurrence and sent up for concurrence.

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

Bill, "An Act to Create the Independent Office of Hearing Examiners" (H. P. 1437) (L. D. 1882)

Tabled—January 10, 1984 by Representative Vose of Eastport.

Pending—Reference.

Thereupon, on motion of Representative Vose of Eastport, the Bill was referred to the Committee on State Government, ordered printed and sent up for concurrence.

The Chair laid before the House the following matter:

Bill, "An Act to Delay Employers' Filing Deadlines under the Chemical Substance Identification Law" (Emergency) (H. P. 1477) (L. D. 1930) which was tabled and later today assigned pending passage to be engrossed.

Thereupon, the Bill was passed to be engrossed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

House at Ease

Called to order by the Speaker.

The following paper was taken up out of order by unanimous consent:

Passed to Be Enacted Emergency Measure

An Act to Delay Employers' Filing Deadlines under the Chemical Substance Identification Law (H. P. 1477) (L. D. 1930)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

The SPEAKER: The Chair recognizes the gentlewoman from Auburn, Representative Robinson.

Representative ROBINSON: Mr. Speaker, Ladies and Gentlemen of the House: The law that this bill addresses has caused as much concern among the people of this state as anything else that was passed over the objections of the minority in this House during the first regular session. This is a law which is especially hard on our really small businesses, such as gas stations, beauty shops, doughnut shops, that type of business. It is a law that imposes an additional tax—\$30 to, I believe, \$300 on employers. It is a law which, in my opinion, should be repealed.

Today what the bill in front of us does is it buys some time before the law goes into effect. I believe that that is a good thing to do and I think that we should probably try to buy that time and vote in favor of this bill today. However, during this one month that we are buying, I hope that we can see fit to rectify the situation and make substantial changes in the law that was passed last Spring.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Cashman.

Mr. CASHMAN: Mr. Speaker, Men and Women of the House: I would agree with Representative Robinson, we do need more time to work on the solutions to the problems that the original bill has created, but I think the problems are primarily administrative problems. The fact is, I think, that there was a wide consensus in this House during the first session of the 111th that the intent of the bill was good, I still think that it is, and I think that the bill, while it does require filing by small businesses and gas stations and so forth, the bill

has been a pro employer as well as a pro employee bill.

The fact is, employers who are now handling toxic substances, that are handling chemicals, have nowhere to turn for advice and consultation at the state level on how to handle these materials properly. This is something that has been done not just in Maine but it has become a matter of state law in most states in the country, because with the increasing use of toxic substances, we can't just bury our heads in the sand and ignore the hazards that are caused by them.

I think the original intent of the bill was fine. The bill before us and the bill we are voting on right now is to delay implementation for a month so we can work the administrative bugs out of it.

The SPEAKER: The pending question is on passage to be enacted. This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

132 having voted in favor of same and one against, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith.

House at Ease

Called to order by the Speaker.

The following paper was taken up out of order by unanimous consent:

Bill, "An Act to Extend the Deadlines for the Filing of Various Reports with the Legislature" (Emergency) (H. P. 1478) (L. D. 1932) (Presented by Representative Higgins of Portland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Committee on State Government was suggested.

Under suspension of the rules, the Bill was read twice, passed to be engrossed without reference to any committee and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The following papers were taken up out of order by unanimous consent:

The following Joint Order: (S. P. 700)

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Tuesday, January 17, 1984, at 10:00 in the morning.

Came from the Senate read and passed.

Was read and passed in concurrence.

Passed to Be Enacted Emergency Measure

An Act to Extend the Deadlines for the Filing of Various Reports with the Legislature (H. P. 1478) (L. D. 1932)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 109 voted in favor of same and one against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith.

On motion of Representative Kelleher of Bangor,

Adjourned until Tuesday, January 17, 1984, at ten o'clock in the morning.