

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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FIFTH CONFIRMATION SESSION

(SECOND CONFIRMATION SESSION – SECOND REGULAR SESSION)

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THIRD SPECIAL SESSION

September 4, 1984 to September 11, 1984

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HOUSE

Tuesday, January 17, 1984

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

Prayer by Rabbi Asher Reichart, Shaarey Tphiloh Synagogue, Portland.

The members stood at attention during the playing of the National Anthem by the Belfast Area High School Concert Band.

The Journal of Thursday, January 12, 1984, was read and approved.

Bill "An Act to Provide for Reapportionment of County Commissioner Districts" (H. P. 1487) (L. D. 1950) (Presented by Representative Kelleher of Bangor) (Cosponsors: Senators Sewall of Lincoln, Collins of Knox and Representative Mitchell of Vassalboro) (Submitted by the Apportionment Commission pursuant to the Revised Statutes, Title 30, section 105-V, subsection 1)

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.

Papers from the Senate

The following Communication:

January 12, 1984

The Honorable John L. Martin
Speaker of the House
111th Legislature
Augusta, Maine 04333
Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Judiciary, the Governor's nomination of F. Davis Clark of Bangor for appointment as an Active Retired Judge of the District Court.

Sincerely,
S/ JOY J. O'BRIEN
Secretary of the Senate

Was read and ordered placed on file.

The following Communication:

January 12, 1984

The Honorable John L. Martin
Speaker of the House
111th Legislature
Augusta, Maine 04333
Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Judiciary, the Governor's nomination of L. Damon Scales of Auburn, Courtland D. Perry II. and Julian Wilder Turner of Auburn for reappointment as District Court Judges.

Sincerely,
S/ JOY J. O'BRIEN
Secretary of the Senate

Was read and ordered placed on file.

The following Communication:

January 12, 1984

The Honorable John L. Martin
Speaker of the House
111th Legislature
Augusta, Maine 04333
Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Judiciary, the Governor's nomination of Paul T. Pierson of Caribou for appointment as a Superior Court Justice.

Justice Pierson is replacing Justice MacInnis.

Sincerely,
S/ JOY J. O'BRIEN
Secretary of the Senate

Was read and ordered placed on file.

The following Communication:

January 12, 1984

The Honorable John L. Martin
Speaker of the House
111th Legislature
Augusta, Maine 04333
Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Judiciary, the Governor's nomination of David M. Cox of Bangor for appointment as a District Court Judge.

Justice Cox is replacing Justice Clark.

Sincerely,
S/ JOY J. O'BRIEN
Secretary of the Senate

Was read and ordered placed on file.

The following Communication:

January 12, 1984

The Honorable John L. Martin
Speaker of the House
111th Legislature
Augusta, Maine 04333
Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Judiciary, the Governor's nomination of Peter Michaud of Westbrook for appointment as a Member of the Workers' Compensation Commission.

Sincerely,
S/ JOY J. O'BRIEN
Secretary of the Senate

Was read and ordered placed on file.

Bill "An Act to Appropriate to the Maine State Commission on the Arts and the Humanities Fund for the Management of the Percent for Art Act" (Emergency) (S. P. 692) (L. D. 1924)

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

Was referred to the Committee on Appropriations and Financial Affairs in concurrence.

Bill "An Act to Identify Polychlorinated Biphenyls as Hazardous Waste." (S. P. 684) (L. D. 1891)

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 the Possession of Firearms by Felons" (S. P. 697) (L. D. 1937)

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 Clarify Penalties for Violation of the Public Utilities Insider Law" (S. P. 695) (L. D. 1927)

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

Was referred to the Committee on Public Utilities in concurrence.

RESOLVE, Authorizing the Transfer of State Property in Little Squaw Township for Use as a Sanitary Facility for the Town of Greenville (S. P. 696) (L. D. 1928)

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

Was referred to the Committee on State Government in concurrence.

Bill "An Act to Provide a Sales Tax Exemp-

tion for Community Action Agencies" (S. P. 698) (L. D. 1938)

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

Was referred to the Committee on Taxation in concurrence.

RESOLVE, to Name the Bridge in Hinckley for George Walter Hinckley (S. P. 691) (L. D. 1923)

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

Was referred to the Committee on Transportation in concurrence.

Later Today Assigned

Bill "An Act Concerning the Speed Limit for School Buses" (S. P. 693) (L. D. 1925)

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

(The Committee on Reference of Bills had suggested reference to the Committee on Education).

On motion of Representative Strout of Corinth, tabled pending reference in concurrence and later today assigned.

Non-Concurrent Matter

Bill "An Act Concerning Charges for Copies of Personal Hospital Records" (H. P. 1416) (L. D. 1862) which was referred to the Committee on Business Legislation in the House on January 10, 1984.

Came from the Senate referred to the Committee on Health and Institutional Services in non-concurrence.

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

Non-Concurrent Matter

Bill "An Act to Provide Equal Access to Justice." (S. P. 570) (L. D. 1646)

—In House, Passed to be Enacted on June 10, 1983. (H. "A" H-344)

—In Senate, Passed to be Enacted on June 23, 1983. (H. "A" H-344)

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

Came from the Senate with the Bill and accompanying papers recommitted to the Committee on Judiciary in non-concurrence.

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

Non-Concurrent Matter

Bill "An Act to Remove the Bureau of Alcoholic Beverages from Under the Department of Finance and Administration." (S. P. 539) (L. D. 1574)

—In House, Passed to be Enacted on May 23, 1983. (S. "A" S-121)

—In Senate, Passed to be Enacted on June 23, 1983. (S. "A" S-121)

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: On motion of Representative Gwadodsky of Fairfield, the Bill was recommitted to the Committee on State Government in non-concurrence and sent up for concurrence.

Non-Concurrent Matter

Bill "An Act to Establish a Commission to Review and Evaluate the University of Maine System." (S. P. 537) (L. D. 1566)

—In House, Passed to be Enacted on June 23, 1983. (H. "A" H-335; S. "A" S-244)

—In Senate, Passed to be Enacted on June 24, 1983. (H. "A" H-335; S. "A" S-244)

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

Came from the Senate with the Bill and accompanying Papers recommitted to the Com-

mittee on Education in non-concurrence.

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

Messages and Documents

The following Communication: (S. P. 699)
January 10, 1984

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

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated Joseph G. Hakanson of Westbrook for reappointment to 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: (H. P. 1488)

State of Maine

Department of State

Augusta, Maine 04333

16 January 1984

The Honorable John L. Martin
Speaker of the House of Representatives
of the One Hundred and Eleventh Legislature
Second Regular Session

Dear Mr. Speaker:

In accordance with the provisions of Title 30, Section 253, of the Revised Statutes, as amended in 1981, I have the honor to transmit herewith the budget estimates of expenses of the sixteen counties within the State for the year 1984.

Respectfully,

S/ RODNEY S. QUINN

Secretary of State

Was read and referred to the Committee on Local and County Government and sent up for concurrence.

Petitions, Bills and Resolve Requiring Reference

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

Appropriations and Financial Affairs

RESOLVE, to Authorize State Funding of the Penobscot Nation Museum (H. P. 1479) (L. D. 1942) (Presented by Representative Cashman of Old Town) (Cosponsor: Senator Pearson of Penobscot) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26) (Ordered Printed)

Sent up for concurrence.

Energy and Natural Resources

Bill "An Act to Eliminate the Requirement for a Separate Application for Lands within the Settlement Corridor to be Entered into the Spruce-Fir Forest Protection District" (H. P. 1480) (L. D. 1943) (Presented by Representative Michaud of East Millinocket) (Cosponsors: Senator Pearson of Penobscot, Representatives Moholland of Princeton and Masterman of Milo) (Submitted by the Department of Conservation pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

Health and Institutional Services

Bill "An Act to Assure Greater Independence to the Certificate of Need Advisory Committee and for Other Purposes" (H. P. 1481) (L. D.

1944) (Presented by Representative Rolde of York) (Cosponsors: Representatives Pouliot of Lewiston, Matthews of Waterville and Senator Charette of Androscoggin) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Revise the Maine Certificate of Need Act for Hospitals" (H. P. 1482) (L. D. 1945) (Presented by Representative Rolde of York) (Cosponsors: Representatives McCollister of Canton, Matthews of Waterville and Senator Danton of York) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)

Sent up for concurrence.

Labor

Bill "An Act to Amend the Minimum Wage in Construction Laws" (H. P. 1483) (L. D. 1946) (Presented by Representative Clark of Millinocket) (Cosponsor: Representative Mayo of Thomaston) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)

Sent up for concurrence.

Marine Resources

Bill "An Act to Change the Name of Coho Salmon to Pacific Salmon" (H. P. 1484) (L. D. 1947) (Presented by Representative Rolde of York) (Cosponsor: Representative Mitchell of Freeport) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Authorize a Study of the Subject of a Lobster Trap Limit Off the Coast of Maine" (H. P. 1485) (L. D. 1948) (Presented by Representative Zirkilton of Mount Desert) (Cosponsors: Representatives Scarpino of St. George, Connors of Franklin and Salsbury of Bar Harbor) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)

Sent up for concurrence.

Public Utilities

Bill "An Act Establishing Penalties for Violations of the Disconnection and Deposit Regulations of the Public Utilities Commission" (H. P. 1486) (L. D. 1949) (Presented by Representative Baker of Portland) (Cosponsors: Representatives Mayo of Thomaston, Matthews of Winslow and Senator Baldacci of Penobscot) (Submitted by the Public Utilities Commission pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

Study Report Committee on Audit and Program Review

Representative Rolde from the Committee on Audit and Program Review to which was referred by the Legislative Council the Study Relative to The Separation of Powers Related to Legislative Members on Boards and Commissions have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Provide Policy and Guidelines for Creation and Operation of Boards and Commissions" (H. P. 1476) (L. D. 1931) be referred to this Committee for public hearing and printed pursuant to Joint Rule 18.

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

Consent Calendar

First Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the First Day:

(H. P. 1403) (L. D. 1825) Bill "An Act to Deorganize Blanchard Plantation" (Emergency)—

Committee on Local and County Government reporting "Ought to Pass".

(H. P. 1404) (L. D. 1826) Bill "An Act to Clarify when Counties may Charge Municipalities Interest on Delinquent Taxes"—Committee on Local and County Government reporting "Ought to Pass".

There being no objections, the above items were ordered to appear on the Consent Calendar of Thursday, January 19, 1984 under the listing of Second Day.

Orders of the Day

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

RESOLVE, Authorizing the Commissioner of Marine Resources to Lease Land and Buildings in West Boothbay Harbor (Emergency) (H. P. 1405) (L. D. 1827)

—In House, Referred to the Committee on Appropriations and Financial Affairs on January 4, 1984.

—In Senate, Referred to the Committee on Marine Resources in non-concurrence on January 10, 1984.

Tabled—January 12, 1984 by Representative Carter of Winslow.

Pending—Motion of Representative Crowley of Stockton Springs to Recede and Concur.

On motion of Representative Diamond of Bangor, tabled pending the motion to recede and concur.

House at Ease

Called to order by the Speaker.

The Chair laid before the House the following matter:

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 tabled and later today assigned pending the motion of Representative Crowley of Stockton Springs to recede and concur. (In House, referred to the Committee on Appropriations and Financial Affairs—In Senate, referred to the Committee on Marine Resources in non-concurrence)

Thereupon, the House voted to recede and concur.

The Chair laid before the House the following matter:

Bill "An Act Concerning the Speed Limit for School Buses" (S. P. 693) (L. D. 1925) which was tabled and later today assigned pending reference. (In Senate, referred to the Committee on Transportation)

Thereupon, the Bill was referred to the Committee on Transportation in concurrence.

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

An Act Concerning the Rate of Return on Investment Factor Under the Railroad Excise Tax (H. P. 1288) (L. D. 1708)

In House, Passed to be Enacted on June 3, 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 Representative Higgins of Portland, under suspension of the rules the House reconsidered its action whereby the Bill was passed to be enacted.

On further motion of the same gentleman, under suspension of the rules the House reconsidered its action whereby the Bill was passed to be engrossed.

The same gentleman offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-449) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Portland, Representative Higgins.

Representative HIGGINS: Mr. Speaker, Men

and Women of the House: L. D. 1708 deals with the railroad excise tax, and what this bill proposed was to make permanent the inclusion of long-term freight car leases as credits against the railroad excise tax.

The amendment proposes to sunset this in two years. The immediate need for this bill and amendment at this time is, the railroads are questioning their tax status for 1983, and unless we enact this measure, these long-term leases would not be credits against the railroad excise tax for the year 1983, which was passed, or for the year 1984.

Currently, and in the future, I believe that the Governor's Office, the railroad industry, the Joint Committees on Taxation and Transportation will be reviewing the railroad excise tax, specifically these long-term leases. One of our goals is to provide proper tax policy and incentives so that we might further improve our rail track system within the State of Maine. This could perhaps complement our previous efforts in highways and bridges and cargo port facilities for the State.

Thereupon, House Amendment "A" was adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" in non-concurrence and sent up for concurrence.

House at Ease

Called to order by the Speaker.

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

An Act to Amend the Military Laws of the State of Maine (H. P. 1337) (L. D. 1777) (H. "B" H-430)

— In House, Passed to be Enacted on June 23, 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 Representative Hickey of Augusta, under suspension of the rules the House reconsidered its action whereby the Bill was passed to be enacted.

On further motion of the same gentleman, under suspension of the rules the House reconsidered its action whereby the Bill was passed to be engrossed.

On further motion of the same gentleman, under suspension of the rules the House reconsidered its action whereby House Amendment "B" was adopted.

The same gentleman offered House Amendment "A" to House Amendment "B" and moved its adoption.

House Amendment "A" to House Amendment "B" (H-450) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Representative Hickey.

Representative HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: The purpose of this amendment is to clarify that contractual obligations entered into by the Commissioner of the Department of Defense and Veteran Services are subject to the approval of the Bureau of Public Improvements like contracts for other state agencies.

The amendment also adds an emergency preamble. This bill was originally intended to take effect last summer, at the same time as the recodification of the State Military Laws.

There are many articles incorporated in this bill that are immediately vital to the military and the Maine Veterans Home. Enactment as an emergency measure will avoid further delay in the implementation of these provisions.

Thereupon, House Amendment "A" to House Amendment "B" was adopted.

House Amendment "B" as amended by House Amendment "A" thereto was adopted.

The Bill was passed to be engrossed as amended in non-concurrence and sent up for concurrence.

(Off Record Remarks)

On motion of Representative Martin of Van Buren,

Adjourned until Thursday, January 19, at ten o'clock in the morning.