

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

Thursday, January 19, 1984

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

Prayer by the Reverend Carolyn Hofacker of the First Congregational Church, Kittery Point.

The Journal of Tuesday, January 17, 1984, was read and approved.

Papers from the Senate

Bill "An Act to Establish Wage-based Cost-of-living Adjustments for Retired State Employees, Teachers and Beneficiaries" (S. P. 701) (L. D. 1939)

Came from the Senate, referred to the Committee on Aging, Retirement and Veterans and Ordered Printed.

Was referred to the Committee on Aging, Retirement and Veterans in concurrence.

RESOLVE, Providing Funds for Portrait of Honorable Lewis O. Barrows (S. P. 705) (L. D. 1952)

Bill "An Act to Appropriate Funds to the Maine State Commission on the Arts and the Humanities for the Maine Touring Artists Program" (Emergency) (S. P. 703) (L. D. 1941)

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

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

Bill "An Act Relating to Counselor Positions in the Offices of the Bureau of Veterans' Services" (S. P. 702) (L. D. 1940)

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

(The Committee on Reference of Bills had suggested reference to the Committee on Aging, Retirement and Veterans).

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

Bill "An Act Relating to Conferring of Degrees by the Yacht Design Institute Schools" (S. P. 706) (L. D. 1953)

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

Was referred to the Committee on Education in concurrence.

Bill "An Act To Clarify Authority and Limit Liability Issues in Community Service Work Programs" (S. P. 694) (L. D. 1926)

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

On motion of Representative Swazey of Bucksport, the Bill was referred to the Committee on Labor in non-concurrence and sent up for concurrence.

Bill "An Act to Provide for Certain License Requirements for School Bus Drivers" (S. P. 704) (L. D. 1951)

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

Was referred to the Committee on Transportation in concurrence.

Non-Concurrent Matter

Bill "An Act Relating to Retirement Compensation for Judges" (H. P. 1428) (L. D. 1873) which was referred to the Committee on Judiciary in the House on January 10, 1984.

Came from the Senate referred to the Committee on Aging, Retirement and Veterans in non-concurrence.

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

Messages and Documents

The following Communication:

January 16, 1984

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

Re: Report of Small Claims to Legislature
Dear Representative Martin:

Herewith is Report of Small Claims which were received in this office during 1983 and which is being submitted to you for your information and records in accordance with Title 5 M.R.S.A., Section 1510-A, Subsection 8.

A similar report is also being submitted to The Honorable Gerard P. Conley, President of the Senate, and if you or your staff should have any questions in connection with this report, please communicate with this office.

Yours very truly,
S/RONALD M. ROY
Chief Counsel

Was read and with accompanying report ordered placed on file.

**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:

Aging, Retirement and Veterans

Bill "An Act Concerning Supplemental Dividend Reimbursement Distribution" (Emergency) (H. P. 1489) (L. D. 1964) (Presented by Representative Hickey of Augusta) (Cosponsors: Senators Dow of Kennebec and Teague of Somerset) (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 Lemon Law to Include Vehicles Such as Tractor Trailers" (H. P. 1490) (L. D. 1965) (Presented by Representative McHenry of Madawaska) (Cosponsors: Representatives Moholland of Princeton, Brannigan of Portland and Senator Sewall of Lincoln) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

Bill "An Act Revising the Maine Bank Holding Company Act" (Emergency) (H. P. 1500) (L. D. 1974) (Presented by Speaker Martin of Eagle Lake) (Cosponsors: Representative Brannigan of Portland, Senators Clark of Cumberland and Collins of Knox) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)

Sent up for concurrence.

Health and Institutional Services

Bill "An Act to Clarify the Licensing Authority of the Board of Registration in Medicine" (H. P. 1491) (L. D. 1966) (Presented by Representative Nelson of Portland) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

Bill "An Act Concerning the Disclosure of Licensing Records Regarding Adult and Child Care Programs" (H. P. 1502) (Presented by Representative Nelson of Portland) (Cosponsors: Senator Bustin of Kennebec and Representative Richard of Madison) (Submitted by the Department of Human Services pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act to Require Commercial Establishments Operating Microwave Ovens to Provide Notice to the Public" (H. P. 1492) (L. D. 1967) (Presented by Representative Clark of Millinocket) (Cosponsors: Representatives McCollister of Canton, Richard of Madison and Mahany of Easton) (Approved for introduc-

tion by the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)

Sent up for concurrence.

Marine Resources

Bill "An Act to Close Fishing by Means of Dragging in the Long Cove Area in the Town of St. George" (H. P. 1493) (L. D. 1968) (Presented by Representative Scarpino of St. George) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Give the Department of Marine Resources the Authority to Charge Fees for Lobster Trap Tags" (H. P. 1494) (L. D. 1969) (Presented by Representative Scarpino of St. George) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)

Sent up for concurrence.

Later Today Assigned

Bill "An Act to Make Additional Allocations from the Public Utilities Commission Regulatory Fund for the Fiscal Year Ending June 30, 1985" (Emergency) (H. P. 1503) (Presented by Representative Matthews of Winslow) (Submitted by the Public Utilities Commission pursuant to Joint Rule 24)

Committee on Public Utilities was suggested. Representative Carter of Winslow moved that the Bill be referred to the Committee on Appropriations and Financial Affairs.

On motion of Representative Vose of Eastport, tabled pending the motion of Representative Carter to refer to the Committee on Appropriations and Financial Affairs and later today assigned.

Tabled and Assigned

Bill "An Act to Authorize Approval by the Governor of Levels of Compensation for Independent Agencies" (H. P. 1495) (L. D. 1970) (Presented by Representative Kelleher of Bangor) (Cosponsors: Speaker Martin of Eagle Lake, Representative Davis of Monmouth and Senator Conley of Cumberland) (Approved for introduction by a majority of Legislative Council pursuant to Joint Rule 27)

Committee on State Government was suggested.

On motion of Representative Gwadosky of Fairfield, tabled pending reference and specially assigned for Tuesday, January 24.

State Government

Bill "An Act Amending the Laws Relating to the Finance Authority of Maine Concerning Eligibility of Small Business for Financing" (H. P. 1496) (L. D. 1971) (Presented by Representative MacBride of Presque Isle) (Cosponsors: Senator Pray of Penobscot and Speaker Martin of Eagle Lake) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Include the Chief Executive Officer of the Finance Authority of Maine as an Ex Officio Corporator of the Maine Development Foundation" (Emergency) (H. P. 1497) (L. D. 1972) (Presented by Representative LaPlante of Sabattus) (Cosponsors: Representatives Lebowitz of Bangor, Ketover of Portland and Senator Baldacci of Penobscot) (Submitted by the State Development Office pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act to Exempt Coastal Islands from the Fire Suppression Tax" (H. P. 1498) (L. D. 1973) (Presented by Representative Scarpino of St. George) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)

Sent up for concurrence.

Transportation

Bill "An Act to Exempt Certain Materials that have no Insurable Value from Insurance Requirements" (H. P. 1504) (Presented by Representative McGowan of Pittsfield) (Cosponsors: Representatives MacEachern of Lincoln and Clark of Millinocket) (Submitted by the Department of Public Safety pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

(Later Reconsidered)

Study Report

Committee on Marine Resources

Representative Crowley from the Committee on Marine Resources to which was referred by the Legislative Council the Study relative to State and Municipal Clam Management have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Permit Possession of Soft-shell Clam Stocks 2 Inches or Greater in the Largest Diameter" (H. P. 1501) (L. D. 1975) 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 Marine Resources, ordered printed and sent up for concurrence.

Study Report

Committee on Public Utilities

Representative Vose from the Committee on Public Utilities to which was referred by the Legislative Council the Study relative to the Feasibility of Public Power have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Promote Competition in the Electric Power Industry" (H. P. 1505) (L. D. 1976) 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 Public Utilities, ordered printed and sent up for concurrence.

Orders

On motion of Speaker MARTIN of Eagle Lake, the following Joint Resolution: (H. P. 1499) (Cosponsors: Senators CONLEY of Cumberland, VIOLETTE of Aroostook and Representative GWADOSKY of Fairfield) (Approved for introduction by the Legislative Council pursuant to Joint Rule 35)

STATE OF MAINE
IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-FOUR
JOINT RESOLUTION
MEMORIALIZING CONGRESS
AND THE PRESIDENT OF
THE UNITED STATES TO
ACT QUICKLY TO EXTEND THE
SUNSET DATE ON THE
PROVISIONS OF FEDERAL
LAW WHICH AUTHORIZE
STATES TO USE TAX-EXEMPT
MORTGAGE REVENUE BONDS TO
PROVIDE MORTGAGE CAPITAL
FOR SINGLE FAMILY HOME BUYERS,
THUS CONTINUING THE AVAILABILITY
OF AFFORDABLE MORTGAGE CAPITAL
CRITICAL TO THE WELL-BEING
OF THE STATE AND NATION

WE, your Memorialists, the Senate and House of Representatives of the State of Maine, the Second Regular Session of the One Hundred and Eleventh Legislature, now assembled, most respectfully present and petition the Honorable Ronald W. Reagan, President of the United States, the President of the United States Senate and the Speaker of the United States House of Representatives, as follows:

WHEREAS, the availability of affordable mortgage capital for the purchase of single family homes is critical to the social, economic and cultural fabric of the State and Nation;

and

WHEREAS, the availability of single family mortgage revenue bonds has provided an additional source of mortgage capital in a capital poor state; and

WHEREAS, the availability of tax-exempt mortgage revenue bonds for the provision of single family mortgage capital has been a demonstrable effective tool in the State of Maine since its original use in 1972, providing mortgage financing to over 8,000 Maine families buying homes of their own, along with the attendant economic activities associated with the construction or sale of such homes; and

WHEREAS, the State of Maine has acknowledged its joint responsibility with the Federal Government to address the problem of affordable mortgage capital through the creation of special housing programs, including the Housing Opportunities for Maine Program; and

WHEREAS, it has been our experience in Maine that the benefits of this program outweigh the public cost whenever the increased economic activities resulting from the investments in housing associated with such bonds have been thoroughly examined; now, therefore, be it

RESOLVED: That We, your Memorialists, express our strong support for the extension of the sunset provision in federal laws associated with tax-exempt mortgage revenue bonds for single family housing and respectfully urge the Congress and the Honorable Ronald W. Reagan, President of the United States, to take all actions necessary so as to permit the continued use of this affordable mortgage capital generating tool so necessary for the future well-being of this State and Nation; and be it further

RESOLVED: That a duly authenticated copy of this resolution be immediately submitted by the Secretary of State to the Honorable Ronald W. Reagan, President of the United States; the President of the Senate and Speaker of the House of Representatives of the United States Congress; and to each member of the Maine congressional delegation.

Was read and adopted and sent up for concurrence.

Consent Calendar

First Day

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

(H. P. 1409) (L. D. 1831) Bill "An Act to Update the Validity Clause for Utilities" Committee On Public Utilities reporting "Ought to Pass"

There being no objections, the above item was ordered to appear on the Consent Calendar of Tuesday, January 24, 1984 under the listing of Second Day.

Consent Calendar

Second Day

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

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

(H. P. 1404) (L. D. 1826) Bill "An Act to Clarify when Counties may Charge Municipalities Interest on Delinquent Taxes"

No objections having been noted at the end of the Second Legislative Day, the House Papers were Passed to be Engrossed and sent up for concurrence.

Orders of the Day

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

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Tuesday, January 24, 1984, at 10:00 in the morning.

Came from the Senate read and passed.
Was read and passed in concurrence.

On motion of Representative Brannigan of Portland, the House reconsidered its action of earlier in the day whereby Bill "An Act to Exempt Certain Materials that have no Insurable Value from Insurance Requirements" (H. P. 1504) was referred to the Committee on Transportation.

On motion of the same gentleman, tabled pending reference and later today assigned.

House at Ease

Called to order by the Speaker.

(Off Record Remarks)

The Chair laid before the House the following matter:

Bill "An Act to Make Additional Allocations from the Public Utilities Commission Regulatory Fund for the Fiscal Year Ending June 30, 1985" (Emergency) (H. P. 1503) which was tabled and later today assigned pending the motion of Representative Carter of Winslow to refer to the Committee on Appropriations and Financial Affairs.

Thereupon, the Bill was referred to the Committee on Appropriations and Financial Affairs, ordered printed and sent up for concurrence.

The Chair laid before the House the following matter:

Bill "An Act to Exempt Certain Materials that have no Insurable Value from Insurance Requirements" (H. P. 1504) which was tabled and later today assigned pending reference.

On motion of Representative Brannigan of Portland, the Bill was referred to the Committee on Business Legislation, ordered printed and sent up for concurrence.

On motion of Representative Jacques of Waterville,

Adjourned until Tuesday, January 24, at ten o'clock in the morning.