

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)

July 11, 1984

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THIRD SPECIAL SESSION

September 4, 1984 to September 11, 1984

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HOUSE

Tuesday, February 28, 1984

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

Prayer by Father Thomas Joyce, St. Mary's Catholic Church, Augusta.

The Journal of Monday, February 27, was read and approved.

Papers from the Senate

Bill "An Act to Encourage the Use of Wood as a Source of Energy in State-owned Buildings" (Emergency) (S. P. 790) (L. D. 2126)

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

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

On motion of Representative Hall of Sangerville, was referred to the Committee on Energy and Natural Resources in concurrence.

Reports of Committees**Unanimous Leave to Withdraw**

Report of the Committee on Energy and Natural Resources reporting "Leave to Withdraw" on Bill "An Act to Set Conditions for Timber Harvesting in Certain State Parks" (S. P. 685) (L. D. 1892)

Was placed in the Legislative Files without further action pursuant to Joint Rule 15 in concurrence.

Communications

The following Communication: (S. P. 798)

111th Maine Legislature

February 24, 1984

The Honorable Beverly M. Bustin
The Honorable Merle Nelson
Chairpersons, Committee on Health and Institutional Services

111th Legislature
State House
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated Nancy A. Boothby of Brunswick as the Director of the Division of Community Services.

Pursuant to Title 5 M.R.S.A. Section 3515, this nomination will require review by the Joint Standing Committee on Health and Institutional Services 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 Health and Institutional Services.

Was Read and Referred to the Committee on Health and Institutional Services in concurrence.

The following Communication:

UNIVERSITY OF MAINE
107 Maine Avenue
Bangor, Maine 04401

February 21, 1984

Speaker John L. Martin
Box 250

Eagle Lake, ME 04739

Dear Speaker Martin:

Maine law requires that the Chancellor of the University of Maine make an annual report to the Governor and the Legislature.

This years report highlights fiscal and statistical profiles for the current operating year and provides similar analysis for historical periods. We have tried to provide the kind of information in this special section of the annual report necessary for the people of Maine to better understand their University.

Please do not hesitate to call me at anytime if you have comments or questions.

Best personal regards,
S/ PATRICK E. MCCARTHY

Was read and with annual 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:

Business Legislation

Bill "An Act to Increase Capital and Surplus Requirements of Insurers in Order to Hold a Certificate of Authority to Write Insurance" (H. P. 1615) (Presented by Representative Murray of Bangor) (Cosponsors: Representative Telow of Lewiston and Senator Clark of Cumberland) (Submitted by the Department of Business, Occupational and Professional Regulation pursuant to Joint Rule 24)

Bill "An Act to Prevent Deception in the Sale of Life Insurance" (H. P. 1616) (Presented by Speaker Martin of Eagle Lake) (Cosponsor: Senator Clark of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

(Ordered Printed)

Sent up for concurrence.

Energy and Natural Resources

Bill "An Act to Require New Residential and Commercial Buildings that Use Electricity as a Heat Source to Meet the State Energy Efficiency Building Performance Standards" (H. P. 1617) (Presented by Representative McGowan of Pittsfield) (Cosponsors: Senator Pearson of Penobscot, Representatives Bost of Orono and Baker of Portland) (Submitted by the Office of Energy Resources pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

Bill "An Act to Increase the Minimum Wage" (H. P. 1618) (Presented by Representative Connolly of Portland) (Cosponsors: Representatives McHenry of Madawaska, Kelleher of Bangor, and Senator Conley of Cumberland) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

Committee on Reference of Bills had suggested the Committee on Labor.

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: This particular piece of legislation was presented to the Legislative Council earlier this year and the title read "An Act to Increase the Minimum Wage to \$4.00. At that time, the Legislative Council allowed the bill in, although it was not unanimous.

The bill that we have before us today has been shortened some to indicate "An Act to Increase the Minimum Wage," which I believe is identical to the piece of legislation—the title anyway—that we defeated last year. Therefore, I would ask the Speaker to rule on whether or not this legislation is in violation of Joint Rule 37.

The SPEAKER: This matter is tabled pending a ruling from the Chair.

ORDERS

On motion of Representative McSweeney of Old Orchard Beach, the following Order:

ORDERED, that Representative Harriet Lewis Robinson of Auburn be excused March 1 and March 2 for Legislative Business.

Was read and passed.

House Reports of Committees**Unanimous Leave to Withdraw**

Representative Beaulieu from the Committee on Labor on Bill "An Act Relating to Juvenile Employment" (H. P. 1508) (L. D. 1983) reporting "Leave to Withdraw".

Was placed in the Legislative Files without further action pursuant to Joint Rule 15 and

sent up for concurrence.

**Divided Report
Tabled and Assigned**

Majority Report of the Committee on Marine Resources reporting "Ought Not to Pass" on 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)

Signed:

Senators:

DUTREMBLE of York
MINKOWSKY of Androscoggin
SHUTE of Waldo

Representatives:

MITCHELL of Freeport
MELENDY of Rockland
SALSBURY of Bar Harbor
VOSE of Eastport
AINSWORTH of Yarmouth
HOLLOWAY of Edgecomb
CROWLEY of Stockton Springs
MANNING of Portland

Minority Report of the same Committee reporting "Ought to Pass" on same Bill.

Signed:

Representatives:

CONNERS of Franklin
SCARPINO of St. George

Reports were read.

Representative Crowley of Stockton Springs moved that the Majority "Ought Not to Pass" Report be accepted.

On motion of Representative Scarpino of St. George, tabled pending the motion of Representative Crowley to accept the Majority "Ought Not to Pass" Report and specially assigned for Friday, March 2, 1984.

Consent Calendar**First Day**

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

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

There being no objections, the above item was ordered to appear on the Consent Calendar of Wednesday, February 29, 1984, under the listing of Second Day.

(S. P. 705) (L. D. 1952) Resolve, Providing Funds for Portrait of Honorable Lewis O. Barrows. Committee on Appropriations and Financial Affairs reporting "Ought to Pass".

On the request of Representative Racine of Biddeford, was removed from the Consent Calendar.

Thereupon, the Report was accepted in concurrence, the Resolve read once and assigned for second reading tomorrow.

(S. P. 653) (L. D. 1844) Bill "An Act to Amend Certain District Court Divisions and Districts" Committee on Judiciary reporting "Ought to Pass".

(S. P. 692) (L. D. 1924) 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) Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-291).

There being no objections, the above items were ordered to appear on the Consent Calendar of Wednesday, February 29, 1984, under the listing of Second Day.

(S. P. 731) (L. D. 2017) Bill "An Act to Amend Certain Sections of the Law Related to the Department of Labor" Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (S-292).

On the request of Representative Diamond of Bangor, was removed from the Consent Calendar.

Thereupon, the Report was accepted in concurrence and the Bill read once. Committee Amendment "A" (S-292) was read by the Clerk and adopted in concurrence and the Bill assigned for second reading tomorrow.

(H. P. 1442) (L. D. 1887) RESOLVE, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Real Estate in the Unorganized Territory. Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-488).

(H. P. 1564) (L. D. 2073) Bill "An Act to Amend the Statutes Relating to the Approval of Correspondence Schools and Trade and Technical Schools" Committee on Education reporting "Ought to Pass".

There being no objections, the above items were ordered to appear on the Consent Calendar of Wednesday, February 29, 1984, under the listing of Second Day.

(H. P. 1565) (L. D. 2074) Bill "An Act Concerning Local Leeway Under The School Finance Law" Committee on Education reporting "Ought to Pass".

On the request of Representative Locke of Sebec, was removed from the Consent Calendar.

Thereupon, the Report was accepted, the Bill read once and assigned for second reading tomorrow.

Consent Calendar Second Day

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

(H. P. 1518) (L. D. 1999) Bill "An Act to Appropriate Funds for the Governor's Commission on the Status of Education in Maine" (Emergency) (C. "A" H-484)

(H. P. 1562) (L. D. 2064) Bill "An Act to Amend the Charter of the Van Buren Light and Power District" (Emergency)

(H. P. 1563) (L. D. 2065) Bill "An Act to Amend the Charter of the Van Buren Water District" (Emergency)

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

Passed to Be Engrossed As Amended

Bill "An Act Concerning the Use or Disposition of Fort Gorges in Casco Bay" (H. P. 1520) (L. D. 2002) (C. "A" H-481)

Bill "An Act to Fund Rape Crisis Centers" (H. P. 1535) (L. D. 2020) (C. "A" H-485)

Bill "An Act to Change the Name of Coho Salmon to Pacific Salmon" (H. P. 1484) (L. D. 1947) (H. "A" H-487 to C. "A" H-478)

Were reported by the Committee on Bills in the Second Reading, read the second time, Passed to be Engrossed as Amended, and sent up for concurrence.

Passed to Be Enacted Emergency Measure

An Act Concerning Implementation of the Boat Excise Tax. (H. P. 1610) (L. D. 2122)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 110 voted in favor of the same and 12 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Orders of the Day

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

Bill "An Act to Amend the Liquor Laws to Permit the Sale of Beer and Wine at Outdoor Stadiums" (Emergency) (S. P. 752) (L. D. 2055) (S. "A" S-287)

Tabled—February 24, 1984 by Representative McSweeney of Old Orchard Beach.

Pending—Passage to be Engrossed. (Roll Call Requested)

On motion of Representative McSweeney of Old Orchard Beach, retabled pending passage to be engrossed and tomorrow assigned.

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

Bill "An Act to Clarify That Notaries Public who do not Maintain a Seal of Office may Take Acknowledgements" (H. P. 1395) (L. D. 1818) (H. "A" H-467)

Tabled—February 27, 1984 by Representative Diamond of Bangor.

Pending—Passage to be Enacted.

On motion of Representative Diamond of Bangor, retabled pending passage to be enacted and tomorrow assigned.

(Off Record Remarks)

On motion of Representative Martin of Brunswick,

Adjourned until nine o'clock tomorrow morning.