

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Twelfth
Legislature***

OF THE

STATE OF MAINE

Volume I

FIRST REGULAR SESSION

December 5, 1984 - June 20, 1985

HOUSE

Thursday, January 17, 1985

The House was called to order by the Speaker.

Prayer by Reverend Peter Misner, Winthrop United Methodist Church.

Quorum called; was held.

The Journal of yesterday was read and approved.

Papers from the Senate
Agriculture

Bill "An Act Relating to Agricultural Apprenticeship and Training" (S. P. 52) (L. D. 71)

Came from the Senate, referred to the Committee on Agriculture and Ordered Printed. (The Committee on Reference of Bills had suggested a reference to the Committee on Appropriations and Financial Affairs.)

On motion of Representative Carter of Winslow, tabled pending reference and specially assigned for Tuesday, January 22, 1985.

Energy and Natural Resources

Bill "An Act Amending the Charter of the Androscoggin Reservoir Company" (S. P. 54) (L. D. 73)

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 Utilities.)

On motion of Representative Vose of Eastport, tabled pending reference and specially assigned for Tuesday, January 22, 1985.

Fisheries and Wildlife

Bill "An Act to Clarify and Make Corrections in the Fisheries and Wildlife Laws" (S. P. 50) (L. D. 68)

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.

Judiciary

Bill "An Act to Remove the Small Business Exception Regarding Medical Benefits because of Pregnancy under the Maine Human Rights Act" (S. P. 51) (L. D. 69)

Bill "An Act to Remove the Age Limitation for Apprenticeship Programs in the Maine Human Rights Act" (S. P. 53) (L. D. 72)

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

Were referred to the Committee on Judiciary in concurrence.

Taxation

Bill "An Act Relating to the Sale of Home Heating Fuel" (S. P. 55) (L. D. 74)

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

Was referred to the Committee on Taxation in concurrence.

Transportation

Bill "An Act to Amend Certain Motor Vehicle Laws" (S. P. 56) (L. D. 75)

Bill "An Act Concerning the Administration of Public Improvements Under the Supervision of the Department of Transportation" (S. P. 57) (L. D. 76)

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

Were referred to the Committee on Transportation in concurrence.

Non-Concurrent Matter

Bill "An Act to Compensate Teachers and Other School Employees for Unused Sick Leave upon Retirement from a School Administrative Unit" (H. P. 41) (L. D. 47) which was referred to the Committee on Education in the House on January 15, 1985.

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

The House voted to recede and concur.

Messages and Documents

The Following Communication:

STATE OF MAINE
EXECUTIVE DEPARTMENT
STATE DEVELOPMENT OFFICE
State House Station 59
Augusta, Maine 04333

January 15, 1985

Honorable John L. Martin

Speaker of the House

State House Station 2

Augusta, Maine 04333

Dear Speaker Martin:

Enclosed for your review and consideration is a copy of the report which we are required to submit annually to the State Government Committee describing the programs of the State Development Office, Division of Tourism, and the economic impacts of the tourist industry on the State of Maine.

I appreciate the support which you have given us as the program has been implemented and welcome any comments you may have on the report.

Sincerely'

S/LESLIE E. STEVENS

Director

Was read and with accompanying report ordered placed on file.

The Following Communication:

DEPARTMENT OF
FINANCE AND ADMINISTRATION
STATE CLAIMS BOARD
State House Station 49
Augusta, Maine 04333

January 15, 1985

The Honorable John L. Martin

Speaker of the House

House of Representatives

State House Station 2

Augusta, Maine 04333

Re: Report of Small Claims to Legislature

Dear Speaker Martin:

Herewith is Report of Small Claims which were received in this office during 1984 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 Charles P. Pray, 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 References

The following Bills and Resolves were received and, upon the recommendation of the Committee on Reference of Bills, were referred to the following Committees, Ordered Printed and Sent up for Concurrence:

Agriculture

RESOLVE, Directing the Maine Milk Commission to Delay Implementation of Pricing Order 85—2 which Establishes Different Delivery Price Schedules for Milk at Wholesale" (Emergency) (H. P. 73) (L. D. 94) (Presented by Representative MICHAEL of Auburn) (Cosponsors: Representatives McCOLLISTER of Canton, SHERBURNE of Dexter and Senator HICHENS of York)

(Ordered Printed)

Sent up for concurrence.

Human Resources

Bill "An Act Concerning Persons on Partial

Release from a Mental Health Institution" (Emergency) (H. P. 69) (L. D. 90) (Presented by Representative MELENDY of Rockland) (Cosponsors: Representatives PARADIS of Augusta, KIMBALL of Buxton and Senator BUSTIN of Kennebec) (Submitted by the Department of Mental Health and Mental Retardation pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act to Remove an Absolute Restriction on Law Enforcement Officials under the Liquor Laws" (H. P. 70) (L. D. 91) (Presented by Representative ROLDE of York)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act to Increase the Fee for Issuance of Tax Receipts in Unorganized Places" (H. P. 71) (L. D. 92) (Presented by Representative DEXTER of Kingfield)

(Committee on Local and County Government was suggested)

On motion of Representative HIGGINS of Portland, referred to the Committee on Taxation, Ordered Printed, and sent up for concurrence.

Taxation

Bill "An Act to Provide a Sales Tax, Trade-in Credit for Loaders and Chain Saws used to Harvest Lumber" (H. P. 72) (L. D. 93) (Presented by Representative DEXTER of Kingfield)

(Ordered Printed)

Sent up for concurrence.

Orders

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

ORDERED, That Representative John Jalbert of Lisbon be excused January 22 for personal reasons.

And Be It Further Ordered, that Representative Linwood M. Higgins of Scarborough be excused January 15, 16, and 17 for personal reasons.

Was read and passed.

On motion of Representative CAHILL of Woolwich, the following Joint Resolution: (H. P. 68) (Cosponsors: Representatives HOLLOWAY of Edgecomb, LAWRENCE of Parsonfield, and Senator McBREAIRTY of Aroostook)

JOINT RESOLUTION ON THE INAUGURATION OF RONALD W. REAGAN AS PRESIDENT AND GEORGE H. W. BUSH AS VICE PRESIDENT OF

THE UNITED STATES OF AMERICA

WHEREAS, on January 21, 1985, a unique American tradition called Inauguration Day will occur; and

WHEREAS, following Ronald Wilson Reagan's historical landslide history, the people of this Nation through a free and open election process have clearly placed their faith, trust and confidence in Ronald W. Reagan and George H. W. Bush; and

WHEREAS, all Americans sincerely pray that the next 4 years will be years filled with peace in the world and prosperity without inflation at home, and that the direction taken by this administration will continue to bring new hope and meaning for the people of this country; now, therefore, be it

RESOLVED: That, We the Members of the 112th Legislature of the great and sovereign State of Maine, now assembled, extend our heartiest congratulations to President Reagan and Vice President Bush on the occasion of their inauguration; and be it further

RESOLVED: That, a duly authenticated copy of this Joint Resolution be immediately submitted by the United States, and to each member of the Senate and House of Representatives in the Congress of the United States from this

State.

Was read.

The SPEAKER: The Chair recognizes the Representative from Woolwich, Representative Cahill.

Representative CAHILL: Mr. Speaker, Ladies and Gentlemen of the House: When this Legislature adjourns today, before we reassemble on January 22, the country will witness the historical 50th presidential inauguration. While thinking of remarks worthy of this occasion and worthy of President Reagan and Vice President Bush, I found the words of another great American President to be the most appropriate. "We observe today," he said, "not a victory of party but a celebration of freedom symbolizing an end as well as a beginning, signifying renewal as well as change. For I have sworn before you and Almighty God, the same solemn oath our forebearers prescribed nearly a century and three-quarters ago. The world is very different now, for man holds in his mortal hands the power to abolish all forms of human poverty and all forms of human life and yet the same revolutionary beliefs for which our forebearers fought are still at issue around the globe, the belief that rights of man come not from the generosity of state but from the hand of God. We dare not forget today that we are the heirs of that first revolution. Let the word go forth from this time and place to friend and foe alike that the torch has been passed to a new generation of Americans born in this century, tempered by war disciplined by a hard and bitter peace. Proud of our ancient heritage and unwilling to witness or to permit the slow undoing of those human rights to which we are committed today at home and around the world. Let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe to assure the survival, and success of liberty. This much we pledge."

I believe these words are as pertinent now as they were on January 20, 1961, when they were spoken by President John Kennedy at his inaugural celebration. And I believe these words should remain in the hearts and the minds of all American citizens and all American Presidents, present and future, Republican or Democrat, Catholic or Protestant, man or woman.

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Murphy.

Representative MURPHY: Mr. Speaker, Men and Women of the House: In many other areas of the world, the change in government leadership is accomplished by palace revolt, the assassin's gun or bomb. In America every four years our political nerve endings are a tingle as we do political battle, though bloodless, many involved in the political wars feel that life cannot go on if their candidate loses or if the other person gets in. Election day rolls around, the networks begin projecting the winner before the first poll opens in the West. Concession speeches are made by midnight and America arises the following morning with a new President.

Then an amazing self-healing process unique in America begins to occur, as we near inauguration day in January, we no longer talk in terms of your candidate or our candidate, we begin to speak of our President. It doesn't matter whether that new President hails from Massachusetts, Texas, Michigan, Georgia or California. That former candidate, now with the sacred oath of office, becomes our President. As President Reagan and Vice President Bush prepare to take the oath next Monday, we recognize and support their efforts to keep America at work, reduce the deficit, and make the world truly safer.

The Joint Resolution was adopted and sent up for concurrence.

On motion of Representative Paul of Sanford,

was removed from the Special Sentiment Calendar:

The Sanford High School Key Club, which is celebrating its 25th anniversary; (HLS 39) by Representative PAUL of Sanford. (Cosponsors: Senator TUTTLE of York, Representatives HALE of Sanford, and RIDLEY of Shapleigh) Was read and passed.

Sent up for concurrence.

Passed to be Enacted Emergency Measure

An Act to Amend and Clarify the Law Relating to the Special Commission to Study the Implementation of Educational Reform (H. P. 67) (L. D. 70)

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

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Diamond.

Representative DIAMOND: Mr. Speaker, Men and Women of the House. The item we now have before us is a housekeeping bill that deals with the Joint Special Commission to study the implementation of education reform. It was an item that was brought before this body about two weeks ago with another piece of legislation dealing with its supplemental appropriation. What this proposes to do, is provide a per diem for the non-legislative members of this commission to allow them to receive some form of compensation similar to that already granted to legislators and department officials who serve on this commission with them.

As some of you know, there are three members of this commission who were appointed as legislative members, but are no longer members of the House or the Senate. They were grandfathered under the legislation passed last September. The charge of this commission is extensive and it was decided at that time that the members appointed, back in September, following the enactment of that legislation, would serve for the duration of the commission or until they resign. This would allow for those non-legislative members, both those members who were appointed as citizens and those who were initially appointed as legislators, to receive a \$50 per diem. There is no additional cost as legislators, to receive a \$50 per diem. There is no additional cost involved in this legislation. The money was set aside in the previous bill that was passed two weeks ago. All this would do is put in place the language that would allow them to receive that per diem.

The SPEAKER: The Chair recognizes the Representatives from Bath, Representative Small.

Representative SMALL: Thank you, Mr. Speaker. I'd like to pose a question through the Chair to the Representative from Bangor. Is the \$13,000 that we budgeted here sufficient to carry the committee to June 30, 1985 or December 31, 1985.

The SPEAKER: The Representative from Bath, Representative Small, has posed a question through the Chair to anyone who may answer, if they so desire.

The Chair recognizes the Representative from Bangor, Representative Diamond.

Representative DIAMOND: Thank you Mr. Speaker. In response to the Representative's question, the \$13,000 continues the commission through the rest of this fiscal year which is June 30. It is the same amount of money that was approved in the previous legislation. It is spelled out for you on page two of the bill, but it does not involve any additional appropriation.

The SPEAKER: The Chair recognizes the Representative from Bath, Representative Small.

Representative SMALL: Thank you Mr. Speaker. I would like to pose an additional question. Has money been budgeted for the next fiscal year and if so, how much?

The SPEAKER: The Representative from Bath, Representative Small, has posed a question through the Chair to anyone who desires to answer.

The Chair recognizes the Representative from Bangor, Representative Diamond.

Representative DIAMOND: Thank you Mr. Speaker. In response to the question, the answer is no. The request for funding of this commission for the next fiscal year will come in at the Department of Education's request. This is not under the legislative account, this is under the department's account.

The SPEAKER: The Chair recognizes the Representative from Bath, Representative Small.

Representative SMALL: Thank you Mr. Speaker. I have several concerns about this bill, not so much about the non-legislative members receiving per diem, but concerns about the special commission.

The SPEAKER: The Chair advises the Representative that this bill deals only with the per diem, not with the Commission.

Representative SMALL: If we do not pass this legislation through, the Commission affected?

The SPEAKER: The Chair will answer in the negative.

The Chair recognizes the Representative from Livermore Falls, Representative Brown.

Representative BROWN: Thank you Mr. Speaker, I would like to pose a question if I may, to the Representative from Bangor. I think that you answered this in your discussion, but I think that I missed it. Are current members of the legislature who are serving on that commission now being paid a per diem?

The SPEAKER: The Representative from Livermore Falls, Representative Brown has posed a question to the Chair for anyone who desires to answer.

The Chair recognizes the Representative from Bangor, Representative Diamond.

Representative DIAMOND: Thank you Mr. Speaker. In response to the Representative's question, they are paid a per diem when the legislature is not in session. That means when we are not in formal session for a period of which, in this case, runs approximately until June. They are entitled to compensation as legislators who are here on legislative business and the commission does not meet here. However, they, unlike the other members of the commission, are entitled to receive a per diem when in their role as commission members and legislators they meet when we are out of session in the latter six months of the year. I hope that answers your question.

The SPEAKER: The Chair recognizes the Representative from Orono, Representative Bott.

Representative BOTT: I wish to pose a question through the Chair if I may. I was wondering if someone could tell me when the commission is scheduled to go out of existence, that special commission that we are referring to.

The SPEAKER: The Representative from Orono, Representative Bott, has posed a question through the Chair to anyone who desires to answer.

The Chair recognizes the Representative from East Machias, Representative Randall.

Representative RANDALL: The Commission is scheduled to go out of existence, I believe, in 1988, if we look at the law that was passed in September.

The SPEAKER: The Chair recognizes the Representative from Bath, Representative Small.

Representative SMALL: As far as when this commission is scheduled to go out of existence, from what I've read, it says that the first report shall be due on April 1, 1985, and the succeeding years the commission shall report annually on January 1, until such time as the committee determines it has completed its tasks. We do not have a cut off date.

The SPEAKER: The Chair recognizes the

Representative from Gorham, Representative Brown.

Representative BROWN: Mr. Speaker, Ladies and Gentlemen of the House. As far as the date of the commission to expire does not go on and on as now. The Education Committee is well aware of this fault in the law and I have talked with the Department of Education this morning and I have talked with Commissioner Boose, and there will be some legislation in the Education Committee that can take care of these problems. There isn't anyone that I've talked to that wants this to go on any longer than April 1st. So I believe that we will take care of the problem in committee.

The SPEAKER: This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 115 voted in favor of the same and 25 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The following item appearing on Supplement No. 1 was taken up out of order by unanimous consent:

The following Joint Order: (S. P. 58)

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Tuesday, January 22, 1985, at 10:00 in the morning.

Came from the Senate, read and passed.

Was read and passed in concurrence.

The following item appearing on Supplement No. 3 was taken up out of order by unanimous consent:

**Petitions, Bills and Resolves
Requiring Reference
Legal Affairs**

Bill "An Act to Strengthen the Laws Relating to Operating Under the Influence" (H. P. 75) (Presented by Representative COLES of Harpswell) (Cosponsors: Senator GAUVREAU of Androscoggin, Representatives McHENRY of Madawaska, and PRIEST of Brunswick) (Ordered Printed)
Sent up for concurrence.

The following item appearing on Supplement No. 4 was taken up out of order by unanimous consent:

**Petitions, Bills and Resolves
Requiring Reference
Study Report—Committee on
State Government**

Representative GWADOSKY from the Committee on State Government to which was referred by the Legislative Council the Study Relative to Policies and Procedures of State Economic Development Agencies have had the same under consideration and ask leave to submit its findings and to report that the accompanying RESOLVE, Creating a Joint Select Committee on Economic Development (Emergency) (H. P. 74) (L.D. 95) be referred to this Committee for public hearing and printed pursuant to Joint Rule 19.

Report was read and accepted, and the bill referred to the Committee on State Government, ordered printed and sent up for concurrence.

(At Ease)

The House was called to order by the Speaker.

The following items appearing on Supplement No.2 were taken up out of order by unanimous consent:

Bill "An Act to Clarify the Laws Relating to School of Barbering and Schools of Cosmetology" (S. P. 60) (L. D. 86)

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 Relating to Absentee Voting for Residents of Coastal Islands" (S. P. 61) (L. D. 87)

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 Provide a Sales Tax Exemption for Electricity used in an Electrothermal Manufacturing Process" (S. P. 62) (L. D. 88)

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

Was referred to the Committee on Taxation in concurrence.

Bill "An Act Requiring Protective Headgear for all Motorcycle, Motor Driven Cycle and Moped Riders" (S. P. 63) (L. D. 89)

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

Was referred to the Committee on Transportation in concurrence.

The following items appearing on Supplement No. 5 were taken up out of order by unanimous consent:

Bill "An Act Concerning the Licensing of Victuallers, Innkeepers and Tavernkeepers" (S. P. 42) (L. D. 59)

Came from the Senate, referred to the Committee on Local and County Government in concurrence.

Non-Concurrent Matter

Bill "An Act to Measure Mileage Payments to Jurors" (H. P. 63) (L. D. 81) which was referred to the Committee on Legal Affairs in the House on January 16, 1985.

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

The House voted to recede and concur.

(Off Record Remarks)

On motion of Representative Smith of Island Falls, adjourned pursuant to Joint Order (S.P. 58).