

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 24, 1985

Calling of the House to Order by the Speaker.
Prayer by Reverend Lewis G. Gesner, North Vassalboro Baptist Church.
Quorum called; was held.

The Journal of yesterday was read and approved.

Papers from the Senate

The following Communication:
THE SENATE OF MAINE
AUGUSTA

January 23, 1985

The Honorable John L. Martin
Speaker of the House
112th 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 Eugene W. Beaulieu of Milford for appointment as a Superior Court Justice.

Sincerely,
S/Joy J. O'Brien

Secretary of the Senate

Was read and ordered placed on file.

The following Communication:
THE SENATE OF MAINE
AUGUSTA

January 23, 1985

The Honorable John L. Martin
Speaker of the House
112th 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 Robert W. Donovan of Portland for reappointment as a District Court Judge.

Sincerely,
S/Joy J. O'Brien

Secretary of the Senate

Was read and ordered placed on file.

The following Communication:
THE SENATE OF MAINE
AUGUSTA

January 23, 1985

The Honorable John L. Martin
Speaker of the House
112th 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 Robert L. Browne of Bangor for appointment as an Active Retired Justice of the Maine Superior Court.

Sincerely,
S/Joy J. O'Brien

Secretary of the Senate

Was read and ordered placed on file.

Bill "An Act Concerning the Maine Vocational Development Commission" (Emergency) (S.P. 66) (L.D. 117)

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 Amend the Law Concerning the Student Incentive Scholarship Program Under the Education Law" (S.P. 68) (L.D. 119)
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 Increase the Classification for the Crime of Incest" (S.P. 69) (L.D. 120)

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

Was referred to the Committee on Judiciary in concurrence.

Bill "An Act Concerning Salary Provisions for Automotive Industry Personnel" (S.P. 70) (L.D. 121)

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

Was referred to the Committee on Labor in concurrence.

Messages and Documents

The following Communication:

STATE OF MAINE
DEPARTMENT OF CONSERVATION
STATE HOUSE STATION 22
AUGUSTA, MAINE 04333

January 21, 1985

The Honorable John L. Martin

Speaker of the House
112th Maine Legislature
State House

Augusta, Maine 04333

Dear Mr. Speaker:

I have enclosed a copy of the Forest Insect Manager's Report for 1984 (12 MRSA subsection 8429 (3)).

Should you have any questions about the report on the Spruce Budworm Management Program, do not hesitate to call.

Sincerely,
S/Thomas Rumpf

Forest Insect Manager

Was read and with accompanying report ordered placed on file.

The following Communication:

STATE OF MAINE
EXECUTIVE DEPARTMENT
DIVISION OF COMMUNITY SERVICES
STATE HOUSE STATION #73
AUGUSTA, MAINE 04333

January 23, 1985

The Honorable John L. Martin

Speaker of the House
Maine House of Representatives
State House

Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Title 22 M.R.S.A. Section 5204 (3), I am submitting to the 112th Legislature a report on Maine's Home Energy Assistance program for the year 1983-84.

I would be happy to answer any questions you may have concerning this report.

Sincerely,
S/Nancy A. Boothby
Director

Was read and with accompanying report ordered placed on file.

The following Communication:

MAINE STATE LEGISLATURE
Augusta, Maine 04333
LOCAL AND COUNTY GOVERNMENT

January 23, 1985

The Honorable Charles P. Pray

President of the Maine Senate
112th Legislature

Dear President Pray and Speaker Martin:

We are pleased to inform you that all county delegations to the 112th Legislature have organized with choice of chairpersons.

County delegation chairpersons are as follows:

ANDROSCOGGIN	Representative Gregory G. Nadeau
AROOSTOOK	Senator Paul E. Violette
CUMBERLAND	Representative Gary C. Cooper
FRANKLIN	Representative Edward L. Dexter
HANCOCK	Senator Thomas R.

KENNEBEC

KNOX

LINCOLN

OXFORD

PENOBSCOT

PISCATAQUIS

SAGadahoc

SOMERSET

WALDO

WASHINGTON

YORK

Perkins

Representative

Patrick E. Paradis

Representative

Joseph W. Mayo

Senator Charlotte Z.

Sewall

Representative Phyllis

R. Erwin

Representative

Donald A. Strout

Representative John

E. Masterman

Senator Courtney E.

Stover

Representative

Dorothy A. Rotondi

Representative Lloyd

G. Drinkwater

Representative Harry

L. Vose

Representative Vinton

T. Ridley

Sincerely,

S/John L. Tuttle

Senate Chairman

S/Edward A. McHenry

House Chairman

Was read and 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:

Business and Commerce

Bill "An Act Relating to Sale of Mobile Homes by Individual Owner when Located in Mobile Home Park; Not Restricted or Prohibited by Park Owner or Operator" (H.P. 128) (L.D. 153) (Presented by Representative HOGlund of Portland) (Cosponsor: Representative BEaulieu of Portland) (By Request) (Ordered Printed)

Sent up for concurrence.

Fisheries and Wildlife

Bill "An Act Concerning Eligibility to Apply for a Moose Hunting Permit" (H.P. 129) (L.D. 154) (Presented by Representative MacBRIDE of Presque Isle) (Cosponsor: Representative CONNERS of Franklin) (Ordered Printed)

Sent up for concurrence.

Human Resources

Bill "An Act Concerning Recordation of Intermittent" (H.P. 130) (L.D. 155) (Presented by Representative HALE of Sanford) (Cosponsor: Representative MURPHY of Berwick) (Ordered Printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act Concerning Certain Fines for Persons under the Age of 20 Years under the Liquor Laws" (H.P. 131) (L.D. 156) (Presented by Representative SALSBURY of Bar Harbor) (Ordered Printed)

Sent up for concurrence.

Local and County Government

Bill "An Act to Amend the Town Manager Plan Under the Municipal Law" (H.P. 132) (L.D. 157) (Presented by Representative MURPHY of Berwick) (Cosponsor: Senator TUTTLE of York)

Bill "An Act Relating to the Number of Voting Booths Required in Maine Elections" (Emergency) (H.P. 133) (L.D. 158) (Presented by Representative CROWLEY of Stockton Springs) (Cosponsors: Senators SHUTE of Waldo and CHALMERS of Knox) (Ordered Printed)

Sent up for concurrence.

Tabled and Assigned

Bill "An Act Concerning the Price Charged for Copies of Voting List Tapes" (H.P. 134) (L.D. 159) (Presented by Representative McCOLLISTER of Canton)

On motion of Representative McHENRY of Madawaska, tabled pending reference and specially assigned for Tuesday, January 29, 1985.

Tabled and Assigned

Bill "An Act Relating to Residency Requirements under the Election Laws" (H.P. 135) (L.D. 160) (Presented by Representative INGRAHAM of Houlton)

On motion of Representative McHENRY of Madawaska, tabled pending reference and specially assigned for Tuesday, January 29, 1985.

Marine Resources

Bill "An Act to Clarify Certain Penalty Provisions of the Marine Resources Laws" (Emergency) (H.P. 136) (L.D. 161) (Presented by Representative CROWLEY of Stockton Springs)

(Ordered Printed)

Sent up for concurrence.

State Government

Bill "An Act to Create a Seamen's Memorial Day" (H.P. 137) (L.D. 162) (Presented by Representative SCARPINO of St. George) (Cosponsors: Senators DANTON of York, STOVER of Sagadahoc, and Representative VOSE of Eastport)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act to Allow Municipal Officers to Waive Foreclosure of a Real Estate Tax Lien as an Alternative to Granting a Poverty Tax Abatement" (H.P. 138) (L.D. 163) (Presented by Representative O'GARA of Westbrook) (Cosponsors: Senator TWITCHELL of Oxford, Representatives SWAZEY of Bucksport and RIDLEY of Shapleigh)

Bill "An Act Requiring Clarification of Dates Upon Which Local Property Tax Penalties Accrue" (H.P. 139) (L.D. 164) (Presented by Representative STEVENS of Bangor) (Cosponsors: Representatives COTE of Auburn, COOPER of Windham, and CASHMAN of Old Town)

(Ordered Printed)

Sent up for concurrence.

Transportation

Bill "An Act Relating to One-way Rental Vehicles" (H.P. 140) (L.D. 165) (Presented by Representative CAHILL of Woolwich)

(Ordered Printed)

Sent up for concurrence.

Utilities

Bill "An Act to Dissolve the Eastport Utilities District" (H.P. 141) (L.D. 166) (Presented by Representative VOSE of Eastport)

(Ordered Printed)

Sent up for concurrence.

Orders

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

ORDERED, that Representative Daniel R. Warren of Scarborough be excused January 24, 1985 for personal reasons.

Was read and passed.

By unanimous consent, all matters (requiring Senate concurrence) having been acted upon were ordered sent forthwith.

Orders of the Day

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

Bill "An Act to Establish a Maine Rivers Grants Program" (H.P. 100) (L.D. 125)

(Committee on Appropriations and Financial Affairs suggested)

Tabled—January 23, 1985 by Representative CARTER of Winslow.

Pending—Reference.

On motion of Representative Carter of Winslow, referred to the Committee on Energy and Natural Resources, Ordered Printed and sent up for concurrence.

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

Bill "An Act Requiring the Presence of a 2nd Physician when Abortions are Performed after Viability" (H.P. 109) (L.D. 134)

(Committee on Human Resources suggested) Tabled—January 23, 1985 by Representative BRODEUR of Auburn.

Pending—Reference.

On motion of Representative Nelson of Portland, tabled pending reference and specially assigned for Tuesday, January 29, 1985.

(At Ease)

The House was called to order by the Speaker.

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

Senate Papers

The following Joint Order: (S.P. 79) ORDERED, the House concurring, that when the House and Senate Adjourn, they adjourn to Tuesday, January 29, 1985, at 10:00 in the morning.

Came from the Senate, read and passed.

Was read and passed in concurrence.

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

Senate Papers

Bill "An Act to Create a Capital Improvement Fund for the Maine Veterans' Memorial Cemetery" (S.P. 71) (L.D. 167)

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.

Bill "An Act Relating to Additional Charges in Connection with Consumer Credit Transactions" (S.P. 72) (L.D. 168)

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

Was referred to the Committee on Business and Commerce in concurrence.

Bill "An Act Relating to Hunting of Deer During the Bucks-only Hunting Season" (S.P. 73) (L.D. 169)

Bill "An Act to Discourage Violation of Wildlife Laws" (S.P. 74) (L.D. 170)

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

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

Bill "An Act to Amend the Probate Laws to Allow Probate of Property Discovered up to 20 Years after Death" (S.P. 75) (L.D. 171)

Bill "An Act to Prohibit Probate Judges from the Active Practice of Law" (S.P. 76) (L.D. 172)

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

Were referred to the Committee on Judiciary in concurrence.

Bill "An Act to Prohibit Candidates from Securing Absentee Ballots" (S.P. 77) (L.D. 173)

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

Was referred to the Committee on Legal Af-

fairs in concurrence.

Bill "An Act to Require Law Enforcement Officers to Demonstrate Familiarity with the Maine Criminal Code and Motor Vehicle Law to Qualify for Appointment as Law Enforcement Officers" (S.P. 78) (L.D. 174)

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

Was referred to the Committee on State Government in concurrence.

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

House Reports of Committees Unanimous Leave to Withdraw

Representative BEAULIEU from the Committee on Labor on Bill "An Act to Repeal the 10% Increment Plan of Maine's Minimum Wage in Fiscal Years 1986 and 1987" (H.P. 36) (L.D. 38) reporting "Leave to Withdraw"

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

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

Senate Papers

Bill "An Act Relating to Potato Labeling" (Emergency) (S.P. 59) (L.D. 85)

Came from the Senate, under suspension of the rules and without reference to a Committee, the Bill read twice and passed to be engrossed as amended by Senate Amendment "A" (S-1).

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

Under suspension of the rules the Bill was read once without reference to a Committee. Senate Amendment "A" (S-1) was read by the Clerk and adopted. Under further suspension of the rules and without reference to the Committee on Bills in the Second Reading the Bill was read a second time and Passed to be Engrossed as amended by Senate Amendment "A" (S-1) in concurrence.

Sent to Engrossing.

(Off Record Remarks)

On motion of Representative Carter of Winslow, under suspension of the rules, the House reconsidered its action whereby Bill "An Act to Create a Capital Improvement Fund for the Maine Veterans' Memorial Cemetery" (S.P. 71) (L.D. 167) was referred to the Committee on Aging, Retirement and Veterans.

On motion of the same Representative, was referred to the Committee on Appropriations and Financial Affairs in non-concurrence and sent up for concurrence.

On motion of Representative Soucy of Kittery adjourned pursuant to Joint Order (S.P. 79).