

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

Wednesday, January 30, 1985

Calling of the House to Order by the Speaker.
Prayer by Reverend Elliott Anderson, Windsor Memorial Baptist Church.

The Journal of yesterday was read and approved.

Quorum called; was held.

Papers from the Senate

The following Communication:

THE SENATE OF MAINE

AUGUSTA

January 29, 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 Education, the Governor's nomination of Ralph Conant of Winslow for appointment to the State Board of Education.

Mr. Conant is replacing Gerald E. Talbot.

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 29, 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 Education, the Governor's nomination of Barbara M. Trafton of Auburn and Stanley R. Tupper of Boothbay Harbor for appointments to the Board of Trustees of the Maine Maritime Academy.

Ms. Trafton is replacing Barbara Cassidy.

Mr. Tupper is replacing Leonard C. Mead.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

Was read and ordered placed on file.

Bill "An Act to Extend the Operation of the Low-level Waste Siting Commission and the Low-level Waste Siting Fund" (S.P. 83) (L.D. 264)

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 to Require a Bear Stamp to Hunt Bear" (S.P. 84) (L.D. 265)

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.

Bill "An Act to Allow Certain Fish and Wildlife Offenses to be Treated as Civil Violations" (S.P. 88) (L.D. 269)

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

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

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

Bill "An Act Relating to Radiation User Fees Under the Human Services Law" (S.P. 86) (L.D.

267)

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

Was referred to the Committee on Human Resources in concurrence.

Bill "An Act to Deorganize Plantation 14" (S.P. 90) (L.D. 270)

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

Was referred to the Committee on Local and County Government in concurrence.

Bill "An Act to Modify Inequitable Income Eligibility Guidelines in the Elderly Householders Tax and Rent Refund Act and to Increase Income Eligibility to Conform with Other Federally Established Poverty Levels" (S.P. 85) (L.D. 266)

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 to Require that Motor Vehicle Operators Turn on Their Headlights During Inclement Weather" (S.P. 80) (L.D. 175)

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

Was referred to the Committee on Transportation in concurrence.

Bill "An Act Relating to Source of Supply of the Camden and Rockland Water Company" (S.P. 87) (L.D. 268)

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

Was referred to the Committee on Utilities in concurrence.

Non-Concurrent Matter

Bill "An Act Concerning Recordation of Interment" (H.P. 130) (L.D. 155) which was referred to the Committee on Human Resources in the House on January 24, 1985.

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

Whereupon, the House voted to recede and concur.

Messages and Documents

The following Communication: (S.P. 81)

112th MAINE LEGISLATURE

January 24, 1985

The Honorable Ronald Usher

The Honorable Michael Michaud

Chairpersons, Committee on Energy and Natural Resources

112th Legislature

Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has withdrawn his nomination of Charles F. Canning, Jr. of Augusta for appointment as a member of the Board of Environmental Protection.

Pursuant to Title 38, MRSA Section 431, this nomination is currently pending before the Joint Standing Committee on Energy and Natural Resources.

Sincerely,

S/Charles P. Pray

President of the Senate

S/John L. Martin

Speaker of the House

Came from the Senate, Read and Referred to the Committee on Energy and Natural Resources.

Was Read and Referred to the Committee on Energy and Natural Resources in concurrence.

The following Communication: (S.P. 82)

MAINE STATE LEGISLATURE**COMMITTEE ON JUDICIARY**

The Honorable Charles P. Pray

President of the Senate

The Honorable John L. Martin

Speaker of the House

State House

Augusta, Maine 04333

Dear Mr. President and Mr. Speaker:

Pursuant to 34-B M.R.S.A. Section 7017, please be advised that we are appointing Representative Carol Allen of Washington as the member from the Joint Standing Committee on Judiciary to the Sterilization Procedures Review Committee.

Sincerely,

S/Michael E. Carpenter

Senate Chair

S/Edward J. Kane

House Chair

Came from the Senate, read and ordered placed on file.

Was read and ordered placed on file in concurrence.

The following Communication: (S.P. 89)

MAINE STATE LEGISLATURE**COMMITTEE ON HUMAN RESOURCES**

January 24, 1985

The Honorable Charles P. Pray

President of the Senate

The Honorable John L. Martin

Speaker of the House

State House

Augusta, Maine 04333

Dear Mr. President and Mr. Speaker:

Pursuant to the authority under M.R.S.A. 34-B, Section 7017, we are pleased to appoint Representative Susan J. Pines of Limestone to the Sterilization Procedures Review Committee.

Her appointment will expire on January 23, 1986.

Sincerely,

S/Georgette B. Berube

Senate Chair

S/Merle Nelson

House Chair

Came from the Senate, read and ordered placed on file.

Was read and ordered placed on file in concurrence.

**Petitions, Bills and Resolves
Requiring Reference****Agriculture**

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.

Bill "An Act to Amend the Weights and Measures Law" (H.P. 233) (L.D. 274) (Presented by Representative CARTER of Winslow) (Cosponsors: Senators ERWIN of Oxford and McBREAIRTY of Aroostook)

(Ordered Printed)

Sent up for concurrence.

Business and Commerce

Bill "An Act to Establish a Maine Self-Service Storage Act" (H.P. 234) (L.D. 275) (Presented by Representative HICKEY of Augusta) (Cosponsors: Senator BUSTIN of Kennebec and Representative REEVES of Pittston)

(Ordered Printed)

Sent up for concurrence.

Human Resources

Bill "An Act to Establish Policies Governing Smoking in Places of Work" (H.P. 235) (L.D. 276) (Presented by Representative NELSON of Portland) (Cosponsors: Representatives DEXTER of Kingfield, PINES of Limestone, and Senator VIOLETTE of Aroostook)

Bill "An Act to Amend the Certificate of Need Act" (H.P. 236) (L.D. 277) (Presented by Representative ROLDE of York)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act to Abolish the Insanity Defense but Permit a Verdict of Guilty but Suffering from Mental Disease or Defect" (H.P. 237) (L.D. 278) (Presented by Representative VOSE of Eastport) (Cosponsor: Senator ERWIN of Oxford)

Bill "An Act Relating to Criminal Offenses on the Penobscot Reservation" (H.P. 238) (L.D. 279) (Presented by Representative CASHMAN of Old Town) (Cosponsor: Senator PEARSON of Penobscot)

(Ordered Printed)

Sent up for concurrence.

Appropriations and Financial Affairs

RESOLVE, to Authorize State Funding of the Penobscot Nation Museum (H.P. 239) (L.D. 280) (Presented by Representative CASHMAN of Old Town) (Cosponsor: Senator PEARSON of Penobscot)

(Committee on Judiciary was suggested)

On motion of Representative Carter of Winslow, referred to the Committee on Appropriations and Financial Affairs, Ordered Printed and sent up for concurrence.

Labor

Bill "An Act to Limit Payment of Attorneys' Fees Under the Workers' Compensation Law" (H.P. 240) (L.D. 281) (Presented by Representative COOPER of Windham) (Cosponsors: Senators DUTREMBLE of York, TWITCHELL of Oxford, and Representative POULIOT of Lewiston)

(Ordered Printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act to Enable Use of Certain Procedures for Absentee Ballots" (H.P. 241) (L.D. 282) (Presented by Representative ALIBERTI of Lewiston) (Cosponsors: Representative ROBERTS of Farmington and Senator TRAF-TON of Androscoggin)

Bill "An Act to Amend the Laws Relating to Private Investigators" (H.P. 242) (L.D. 283) (Presented by Representative RIOUX of Biddeford) (Cosponsors: Representatives DILLENBACK of Cumberland, HANDY of Lewiston, and Senator STOVER of Sagadahoc) (Submitted by the Department of Public Safety pursuant to Joint Rule 24)

Bill "An Act to Limit Contributions which Candidates may Receive from Political Action Committees" (H.P. 243) (L.D. 284) (Presented by Representative HANDY of Lewiston) (Cosponsors: Representatives REEVES of Pittston, STEVENSON of Unity, and Senator MATTHEWS of Kennebec)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act to Change the Way the Maximum Rate of Interest on Delinquent Taxes is Calculated" (H.P. 244) (L.D. 285) (Presented by Representative CASHMAN of Old Town) (Cosponsor: Senator DIAMOND of Cumberland)

(Ordered Printed)

Sent up for concurrence.

Energy and Natural Resources

Bill "An Act to Create the Northern and Eastern Maine Emergency Forestry District" (H.P. 245) (L.D. 286) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsor: Senator PRAY of Penobscot)

(Committee on Taxation was suggested.)

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

Transportation

Bill "An Act to Require Seat Belts for Persons Riding in Open-back Vehicles" (H.P. 246) (L.D.

287) (Presented by Representative SMITH of Island Falls) (Cosponsors: Representatives CARROLL of Gray and McPHERSON of Eliot)

(Ordered Printed)

Sent up for concurrence.

Utilities

Bill "An Act to Convert Customer Charges to Minimum Charges for Small Electric Companies" (H.P. 247) (L.D. 288) (Presented by Representative PARADIS of Old Town) (Cosponsor: Representative VOSE of Eastport)

(Ordered Printed)

Sent up for concurrence.

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

Representative GWADOSKY from the Committee on State Government on Bill "An Act to Require Legislative Approval of all Public Improvements Involving the State House" (Emergency) (H.P. 6) (L.D. 5) reporting "Leave to Withdraw"

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

Orders of the Day

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

Bill "An Act to Shorten the Final Pay Settlement of Milk Dealers to Producers" (H.P. 143) (L.D. 177)

(Committee on Agriculture suggested)

Tabled—January 29, 1985 by Representative MICHAEL of Auburn.

Pending—Reference.

On motion of Representative Michael of Auburn, retabled pending reference and tomorrow assigned.

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

Bill "An Act to Amend the Medical Radiation, Health and Safety Act" (H.P. 167) (L.D. 201) (Committee on Energy and Natural Resources suggested)

Tabled—January 29, 1985 by Representative MICHAUD of Medway.

Pending—Reference.

On motion of Representative Michaud of Medway, referred to the Committee on Human Resources, Ordered Printed, and sent up for concurrence.

The Chair laid before the House the third 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 29, 1985 by Representative BROWN of Gorham.

Pending—Reference.

On motion of Representative Brown of Gorham, referred to the Committee on Judiciary, Ordered Printed, and sent up for concurrence.

(Off Record Remarks)

Representative Hayden of Durham was granted unanimous consent to address the House:

Representative HAYDEN: Mr. Speaker, Members of the House: It is with deep regret I have to inform you and other members of the House that last night George Hunter, a friend and a former legislator from the 102nd, 103rd and 104th Legislature, died.

Many of you remember George—he was a man who was big at heart, character and body and was known in his years in the Legislature and afterwards as "the big man from Freeport."

For years, before and after he served in the Legislature, he was the announcer on the

Portland TV and radio early morning farm report from Freeport. It is because of people like George Hunter we have inherited the state we have today. That is a heavy burden and a wonderful bequest and because of that, when the session adjourns today, I ask it be adjourned in respectful memory of George Hunter, "the big man from Freeport."

On motion of Representative Hayden of Durham, adjourned until ten o'clock tomorrow morning in memory of the late George Hunter of Freeport.