

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

Friday, February 1, 1985

The House met according to adjournment and was called to order by the Speaker pro tem. Prayer by Reverend Moses Baker, Kennebec Valley Assembly of God, Augusta.

The Journal of the previous session was read and approved.

Quorum called; was held.

**Petitions, Bills and Resolves
Requiring Reference**

The following Bills were received and, upon recommendation of the Committee of Bills, were referred to the following Committees:

Appropriations and Financial Affairs

Bill "An Act Relating to Increases of Salaries for District Attorneys and Assistant District Attorneys" (Emergency) (H.P. 265) (L.D. 361) (Presented by Representative LISNIK of Presque Isle) (Cosponsors: Representatives STEVENS of Bangor, KANE of South Portland and Senator PEARSON of Penobscot) (Ordered Printed.)

Sent up for concurrence.

Audit and Program Review

Bill "An Act to Amend the Maine Community Services Act" (H.P. 266) (L.D. 336) (Presented by Representative ROLDE of York) (Cosponsors: Representatives BOUTILIER of Lewiston, LACROIX of Oakland and Senator DIAMOND of Cumberland) (Submitted by the Executive Department, Division of Community Services pursuant to Joint Rule 24) (Ordered Printed.)

Sent up for concurrence.

Energy and Natural Resources

Bill "An Act to Amend the Maine Spruce Budworm Management Act" (H.P. 267) (L.D. 337) (Presented by Representative MICHAUD of Medway) (Cosponsors: Representatives LAW of Dover-Foxcroft, DEXTER of Kingfield and Senator USHER of Cumberland) (Submitted by the Department of Conservation pursuant to Joint Rule 24) (Ordered Printed.)

Sent up for concurrence.

Fisheries and Wildlife

Bill "An Act Authorizing the Department of Inland Fisheries and Wildlife to Continue to Regulate the Harvest of Antlerless Deer" (H.P. 268) (L.D. 338) (Presented by Representative JACQUES of Waterville) (Cosponsors: Senators MATTHEWS of Kennebec, USHER of Cumberland and Representative GREENLAW of Standish) (Submitted by the Department of Inland Fisheries and Wildlife pursuant to Joint Rule 24) (Ordered Printed.)

Sent up for concurrence.

Human Resources

Bill "An Act to Regulate Smoking in Retail Food Stores and Restaurants" (H.P. 269) (L.D. 339) (Presented by Representative MANNING of Portland) (Cosponsor: Representative PINES of Limestone) (Ordered Printed.)

Sent up for concurrence.

Judiciary

Bill "An Act Concerning Good Time for Persons Convicted of Murder" (H.P. 270) (L.D. 340) (Presented by Representative MICHAUD of Medway) (Cosponsors: Representatives RIDLEY of Shapleigh, PARADIS of Augusta and ALLEN of Washington) (Ordered Printed.)

Sent up for concurrence.

Labor

Bill "An Act to Require that Workers' Compensation Cases be Decided on their Merits"

(H.P. 271) (L.D. 341) (Presented by Representative WILLEY of Hampden) (Cosponsors: Senator TWITCHELL of Oxford and Representative ZIRNKILTON of Mt. Desert and TAMMARO of Baileyville) (Ordered Printed.)

Sent up for concurrence.

Legal Affairs

Bill "An Act Relating to Absentee Voting" (H.P. 272) (L.D. 342) (Presented by Representative HANDY of Lewiston) (Cosponsors: Representatives MURPHY of Berwick, HAYDEN of Durham and POULIOT of Lewiston)

Bill "An Act Concerning Absentee Balloting by Persons 65 Years of Age or Older" (H.P. 273) (L.D. 343) (Presented by Representative BOULTIER of Lewiston) (Cosponsors: Senator DIAMOND of Cumberland and Representatives HICKEY of Augusta and WARREN of Scarborough)

Bill "An Act to Amend the Election Laws" (H.P. 274) (L.D. 344) (Presented by Representative ALIBERTI of Lewiston) (Cosponsors: Senator TRAFTON of Androscoggin and Representative REEVES of Pittsford)

Bill "An Act Concerning Notice to Wholesalers of Retail Liquor License Transfers" (H.P. 275) (L.D. 345) (Presented by Representative HANDY of Lewiston) (Cosponsors: Representatives NICKERSON of Turner, PERRY of Mexico and BOST of Orono)

Bill "An Act to Amend the Law Relating to the Installation of Smoke, Heat or Fire Detection Systems in Certain Hotels" (H.P. 276) (L.D. 346) (Presented by Representative BEAULIEU of Portland) (Cosponsors: Representative DUFFY of Bangor and Senators GAUVREAU of Androscoggin and NAJARIAN of Cumberland) (Submitted by the Department of Public Safety pursuant to Joint Rule 24)

Bill "An Act to Provide a Discount to Restaurant on the Sale of Alcoholic Beverages" (H.P. 277) (L.D. 347) (Presented by Representative ROLDE of York) (Cosponsors: Representatives JOSEPH of Waterville, HANDY of Lewiston and MURPHY of Kennebunk)

Bill "An Act Concerning the Use of False Identification to Procure Alcoholic Beverages" (H.P. 278) (L.D. 348) (Presented by Representative RIOUX of Biddeford) (Cosponsors: Representative DESCOTEAUX of Biddeford and BOUTILIER of Lewiston)

Bill "An Act to Amend the Law Concerning Smoke Detectors in all Multiapartment Dwellings" (H.P. 279) (L.D. 349) (Presented by Representative PAUL of Sanford) (Cosponsors: Representatives BEAULIEU of Portland, RYDELL of Brunswick and Senator CLARK of Cumberland)

Bill "An Act to Allow Absentee Voting in a Clerk's Presence" (H.P. 280) (L.D. 350) (Presented by Representative MELENDY of Rockland) (Cosponsors: Representatives POULIOT of Lewiston, HOLLOWAY of Edgecomb and CAHILL of Woolwich)

Bill "An Act to Insure Competitive Equality for the Maine Liquor Industry" (H.P. 281) (L.D. 351) (Presented by DILLENBACK of Cumberland) (Cosponsored by Representative HANDY of Lewiston, NADEAU of Lewiston and Senator GAUVREAU of Androscoggin) (Ordered Printed.)

Sent up for concurrence.

Local and County Government

Bill "An Act to Authorize a Self-liquidating Bond Issue for Waldo County for Renovation of an Addition to the Waldo County Court Facility" (Emergency) (H.P. 282) (L.D. 352) (Presented by Representative DRINKWATER of Belfast) (Cosponsors: Representatives CROWLEY of Stockton Springs, STEVENSON of Unity and Senator CHALMERS of Knox) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Bill "An Act to Authorize a Self-liquidating

Bond Issue for Waldo County to Construct Building to House County Extension Services" (H.P. 283) (L.D. 353) (Presented by Representative DRINKWATER of Belfast) (Cosponsors: Representatives STEVENSON of Unity, ALLEN of Washington and TARDY of Palmyra) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27) (Ordered Printed.)

Sent up for concurrence.

Taxation

Bill "An Act to Phase out the Sales and Use Tax on Energy Used in Manufacturing" (H.P. 284) (L.D. 354) (Presented by Representative CASHMAN of Old Town) (Cosponsors: Representatives ZIRNKILTON of Mt. Desert and Senators DIAMOND of Cumberland and TWITCHELL of Oxford)

Bill "An Act to Provide Sales Tax Equity for Lessees of Depreciable Machinery and Equipment" (H.P. 285) (L.D. 355) (Presented by Representative ARMSTRONG of Wilton) (Cosponsors: Representatives LORD of Waterboro, SHERBURNE of Dexter and Senator TWITCHELL of Oxford)

Bill "An Act to Allow all Disabled Veterans and Those 62 Years of Age to Receive a \$4,000 Property Tax Exemption" (H.P. 286) (L.D. 356) (Presented by Representative CAHILL of Woolwich) (Cosponsors: Representatives STEVENSON of Unity, HICKEY of Augusta and MELENDY of Rockland)

Bill "An Act Concerning the Rate of Return on Investment Factor Under the Railroad Excise Tax" (H.P. 287) (L.D. 357) (Presented by Representative MANNING of Portland) (Cosponsor: Senator TWITCHELL of Oxford)

Bill "An Act Concerning Just Property Valuation Under Veterans' Property Tax Exemptions" (H.P. 288) (L.D. 358) (Presented by Representatives RACINE of Biddeford) (Cosponsors: Representatives SCARPINO of St. George and SWAZEY of Bucksport)

Bill "An Act to Exempt from State of Maine Sales Tax Meals Prepared and Served in the Field by Licensed Guides and Whitewater Outfitters" (H.P. 289) (L.D. 359) (Presented by Representative MURRAY of Bangor) (Cosponsors: Representatives JACQUES of Waterville, MCGOWAN of Canaan and Senator USHER of Cumberland) (Ordered Printed.)

Sent up for concurrence.

Utilities

Bill "An Act to Amend the Electric Rate Reform Act to Explicitly Allow Conservation Activities by Gas Utilities" (H.P. 290) (L.D. 360) (Presented by Representative BAKER of Portland) (Cosponsors: Representatives BOUTILIER of Lewiston, NADEAU of Lewiston and Senator ANDREWS of Cumberland) (Submitted by the Office of Public Advocate pursuant to Joint Rule 24) (Ordered Printed.)

Sent up for concurrence.

Orders

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

ORDERED, that Representative Darryl N. Brown of Livermore Falls be excused February 1 for Legislative Business. Was read and passed.

Orders of the Day

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

Bill "An Act Relating to the Time of Penobscot Nation Trust Land Acquisition" (S.P. 99) (L.D. 297)

—In Senate, referred to Committee on Legal Affairs.

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

Tabled—January 31, 1985 by Representative Kane of South Portland.

Pending—Reference.

On motion of Representative Carrier of Westbrook, referred to the Committee on Judiciary in non-concurrence and sent up for concurrence.

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

Bill "An Act to Establish the Department of Post-secondary Vocational-technical Education" (H.P. 162) (L.D. 196)

—In House, Referred to the Committee on Education on January 29, 1985.

—In Senate, Referred to the Committee on State Government in non-concurrence on January 31, 1985.

Tabled—January 31, 1985 by Representative Diamond of Bangor.

Pending—Reference.

On motion of Representative Brown of Gorham, the House voted to recede and concur.

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

Bill "An Act to Provide Technical Assistance to Water Utilities in Developing Ground Water Source Protection Plans" (H.P. 291) (Committee on Appropriations and Financial Affairs suggested)

Tabled—January 31, 1985 by Representative Diamond.

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.

(Off Record Remarks)

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

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

Papers from the Senate

Bill "An Act Relating to County Extension Work in Maine" (S.P. 129) (L.D. 369)

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

Was referred to the Committee on Agriculture in concurrence.

Bill "An Act to Amend the Law Relating to Regulation of Business Practices Between Motor Vehicle Manufacturers, Distributors and Dealers" (S.P. 126) (L.D. 366)

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 Establishing a Pilot Project to Provide Liaison to Families of Children with Special Needs Within the Department of Educational and Cultural Services" (S.P. 131) (L.D. 371)

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 Establish a Maine Wild Turkey Hunting Season" (S.P. 127) (L.D. 367)

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 Amend the Statute Providing for the Appointment of Clerks of Judicial Courts" (S.P. 125) (L.D. 365)

Bill "An Act to Establish a Commission to Study the Defense of Insanity and Treatment of Persons Adjudged not Guilty by Reason of Insanity" (Emergency) (S.P. 130) (L.D. 370)

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 Clarify the Status of Workfare Recipients under the Workers' Compensation Act" (S.P. 128) (L.D. 368)

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

Was referred to the Committee on Labor in concurrence.

Bill "An Act to Increase Fees for Beano and Games of Chance" (S.P. 123) (L.D. 363)

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 Authorize the Use of Blue Lights on Liquor Enforcement Vehicles" (S.P. 122) (L.D. 362)

Bill "An Act to Allow the Use of Bid Bonds on State Highway Projects" (S.P. 124) (L.D. 364)

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

Were referred to the Committee on Transportation in concurrence.

On motion of Representative Rydell of Brunswick.

Adjourned until 10:00 a.m., Tuesday, February 5, 1985.