

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

Tuesday, February 5, 1985

The Speaker resumed the Chair and called the House to order.

Prayer by Reverend Peter Mars, United Church of Monmouth.

National Anthem by the Lawrence High School Band, Fairfield.

Quorum called; was held.

The Journal of Friday, February 1, 1985 was read and approved.

Papers from the Senate

The following Communication:

**THE SENATE OF MAINE
AUGUSTA**

February 1, 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 Margaret Kravchuck of Bangor for appointment as a District Court Judge.

Ms. Kravchuck is replacing Eugene Beaulieu.

Sincerely,

SJOY, J. O'BRIEN

Secretary of the Senate

Was read and ordered placed on file.

Bill "An Act to Provide for Licensing of Companies who Apply Pesticides as Custom or Commercial Applicators" (S.P. 133) (L.D.372)

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 Provide Housing Resources to Maine's Older Citizens" (S.P. 134) (L.D.373)

Came from the Senate, Indefinitely Postponed.

(The Committee on Reference of Bills had suggested reference to the Committee on Appropriations and Financial Affairs.)

On motion of Representative Carter of Winslow, tabled pending reference and tomorrow assigned.

Bill "An Act Relating to Periodic Justification of Departments and Agencies of State Government Under the Maine Sunset Laws" (Emergency) (S.P. 141) (L.D.395)

Came from the Senate, referred to the Committee on Audit and Program Review and Ordered Printed.

Was referred to the Committee on Audit and Program Review in concurrence.

Bill "An Act to Regulate Public Swimming Pools and Spas" (S.P. 135) (L.D. 374)

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 Clarify Municipal Authority over Automobile Graveyards and Junkyards" (S.P. 136) (L.D. 375)

Bill "An Act to Allow Housing Authority Boards to Appoint Alternative Commissioners" (S.P. 137) (L.D. 376)

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

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

Bill "An Act to Amend the Maine Administrative Procedure Act to Require the Designation of Federal and State Statutes and Regulations" (S.P. 138) (L.D. 377)

Bill "An Act to Designate the Day of the State General Election a State Holiday" (S.P. 139) (L.D. 378)

Bill "An Act to Clarify the Laws Relating to Notary Public" (S.P. 140) (L.D.379)

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

Were referred to the Committee on State Government in concurrence.

Non-Concurrent Matter

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) which was referred to the Committee on Legal Affairs in the House on February 1, 1985.

Came from the Senate referred to the Committee on Business and Commerce in non-concurrence.

On motion of Representative Brannigan of Portland, tabled pending reference and tomorrow assigned.

Non-Concurrent Matter

Bill "An Act to Amend the Law Concerning Smoke Detectors in all Multiapartment Dwellings" (H.P. 279) (L.D. 349) which was referred to the Committee on Legal Affairs in the House on February 1, 1985.

Came from the Senate, referred to the Committee on Business and Commerce in non-concurrence.

On motion of Representative Brannigan of Portland, tabled pending further consideration and tomorrow assigned.

Messages and Documents

The following Communication:

UNIVERSITY OF MAINE AT ORONO

January 30, 1985

Honorable Edwin H. Pert

Clerk of the House

State House Station 2

Augusta, Maine 04333

Dear Clerk Pert:

We are mailing to you under separate cover 160 copies of the annual report on the administration of the State Government Internship Program as required by the Maine State Statutes, Chapter 14, Paragraph 294, for distribution to the Representatives.

Sincerely,

S/KATHRYN H. GODWIN, Director

Bureau of Public Administration

Was read and with accompanying report ordered placed on file.

The following Communication:

State of Maine**Department of****Educational and Cultural Service**

January 31, 1985

TO: Joy J. O'Brien,

Secretary of the Senate

Edwin H. Pert,

Clerk of the House

G.William Buker,

Bureau of the Budget

FROM: S/Robert E. Boose, Commissioner

RE: Recommendation for 1985-1986

Funding Levels for Adult

Education

Pursuant to the provisions of Title 20-A, M.R.S.A., Chapter 315, Section 8606, I am required to certify annually prior to February 1 to the Legislature and to the Bureau of the Budget a recommendation for the funding level for the various program categories in Adult Education.

Please see the recommendation below:

EDUCATION: ADULT EDUCATION

1985-1986

\$2,425,392*

All Other (Including Category 6300—Grants to Cities and Towns) (This includes programs of High School Completion, Adult Literacy,

General Adult ED, Adult Handicapped, Adult Voc Ed, and Administration)

*For FY 86 the current budget allocation is \$2,137,102 which leaves a \$288,290 shortfall. Was read and ordered placed on file.

Petitions, Bills and Resolves**Requiring Reference**

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

Bill "An Act to Change the Lime Law" (H.P. 307) (L.D. 396)

(Presented by Representative CALLAHAN of Mechanic Falls) (Cosponsor: Representative MICHAEL of Auburn)

(Ordered Printed)

Sent up for concurrence.

Appropriations and Financial Affairs

Bill "An Act to Allocate Oil Overcharge Money" (H.P. 308) (L.D. 397) (Presented by Representative HOGUND of Portland) (Cosponsors: Representative HOLLOWAY of Edgecomb, BROWN of Livermore Falls, and Senator USHER of Cumberland) (Submitted by the Office of Energy Resources pursuant to Joint Rule 24)

RESOLVE, Concerning the Transportation of Prisoners From the Maine State Prison (H.P. 309) (L.D. 398) (Presented by Representative MAYO of Thomaston) (Cosponsors: Senator CHALMERS of Knox, Representatives MELENDY of Rockland, and TAYLOR of Camden)

(Ordered Printed)

Sent up for concurrence.

Education

Bill "An Act to Allow School Administrative Units to Provide Services to Preschool Handicapped Students" (H.P. 310) (L.D.399) (Presented by Representative RYDELL of Brunswick) (Cosponsors: Representative CHONKO of Topsham and Senator BROWN of Washington)

(Ordered Printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act Relating to Employment of Minors Under the Liquor Laws" (H.P. 311) (L.D. 400) (Presented by Representative TELOW of Lewiston) (Cosponsors: Senators TWITCHELL of Oxford, BUSTIN of Kennebec, and Representative PERRY of Mexico)

(Ordered Printed.)

Sent up for concurrence.

Local and County Government

Bill "An Act to Raise the Recording Fees Received by the Register of Deeds" (H.P. 312) (L.D. 401) (Presented by Representative MELENDY of Rockland) (Cosponsor: Representative JALBERT of Lisbon)

Bill "An Act Relating to the Frequency of Payments by Certain County Officials to County Treasurers" (H.P. 313) (L.D.402) (Presented by Representative MANNING of Portland)

(Ordered Printed)

Sent up for concurrence.

State Government

Bill "An Act to Allow Educational Institutions within the State to Purchase State Surplus Property" (H.P. 314) (L.D. 403) (Presented by Representative BRAGG of Sidney) (Cosponsors: Representative RAN-DALL of East Machias and Senator BUSTIN of Kennebec)

Bill "An Act to Require Legislative Confirmation of the Commissioners and the Director of the Maine State Lottery" (H.P. 315) (L.D. 404) (Presented by Representative HANDY of Lewiston) (Cosponsors: Representatives

DILLENBACK of Cumberland, NADEAU of Saco, and Senator DIAMOND of Cumberland)

Bill "An Act to Reduce the Length of the First Legislative Session from 100 Days to 90 Days and Set a Calendar Deadline of June 15th and Reduce the Length of the 2nd Legislative Session from 50 Days to 40 Days and Set a Calendar Deadline of April 15th" (Emergency) (H.P. 319) (L.D. 408) (Presented by Representative MICHAUD of Medway) (Cosponsors: Speaker MARTIN of Eagle Lake, Senators PRAY of Penobscot, and VIOLETTE of Aroostook) (Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act to Make Permanent the Special Fuel Tax Act" (Emergency) (H.P. 316) (L.D. 405) (Presented by Representative HIGGINS of Portland) (Cosponsors: Senator TWITCHELL of Oxford, DANTON of York, and Representative THERIAULT of Fort Kent) (Submitted by the Department of Finance and Administration pursuant to Joint Rule 24)

Bill "An Act to Equalize the Treatment of State Deferred Compensation Plans under the Insurance Premium Tax" (H.P. 317) (L.D. 406) (Presented by Representative MAYO of Thomaston) (Cosponsors: Senators DOW of Kennebec, BUSTIN of Kennebec, and Representative HIGGINS of Portland) (Submitted by the Department of Finance and Administration pursuant to Joint Rule 24)

Bill "An Act to Exempt Used Machinery from the Sales Tax" (H.P. 318) (L.D. 407) (Presented by Representative SWAZEY of Bucksport) (Cosponsor: Senator DIAMOND of Cumberland)

(Ordered Printed)

Sent up for concurrence.

Orders

On motion of Representative CASHMAN of Old Town, the following Joint Order: (H.P. 306) (Cosponsor: Senator PEARSON of Penobscot)

ORDERED, the Senate concurring, that the Joint Rules be amended by adding a new Joint Rule 13A to read:

13A. Joint select committee

There shall be a Joint Select Committee on Indian Affairs to review all legislation relating to Indians and Indian land claims after its submission to a joint standing committee but before a public hearing is held on that legislation. The committee shall consist of the Representatives from House Districts 131, 137, 139 and 141, the Senators from Senate Districts 3 and 6, the member of the Penobscot Indian Tribe and the member of the Passamaquoddy Indian Tribe elected to represent the tribes at the Legislature and the executive secretary of the Tribal State Commission. The President of the Senate and the Speaker of the House of Representatives shall serve as ex officio members of the committee. The Joint Select committee on Indian Affairs may make recommendations to the joint standing committee to which the legislation is referred.

Was read.

On motion of Representative Diamond of Bangor, tabled pending passage and tomorrow assigned.

Reports of Committees

Divided Report

Majority Report of the Committee on Agriculture on 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) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Eliminate Volume Determined Delivery Prices of Milk" (Emergency) (H.P. 320) (L.D. 431)

Signed:

Senators:

CARPENTER of Aroostook
BLACK of Cumberland
ERWIN of Oxford

Representatives:

BRAGG of Sidney
MICHAEL of Auburn
PARENT of Benton
CROUSE of Caribou
TARDY of Palmyra
LORD of Waterboro
WHITCOMB of Waldo
DAGGETT of Manchester
SHERBURNE of Dexter

Minority Report of the same Committee reporting "Ought to Pass" in New Draft under New Title RESOLVE, Modifying Maine Milk Commission Order 85-2 to Remove Volume Discount Pricing (Emergency) (H.P. 321) (L.D. 432)

Signed:

Representative: McCOLLISTER of Canton
The Reports were read.

Representative Michael of Auburn moved acceptance of the Majority "Ought to Pass" Report.

On motion of the same Representative, tabled pending his motion to accept the Majority "Ought to Pass" Report and tomorrow assigned.

Consent Calendar

First Day

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

(H.P. 17) (L.D. 15) Bill "An Act to Extend the Maximum Length of Agreements in the University of Maine Labor Relations Act from 2 Years to 4 Years" Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-2)

There being no objections, the above item was ordered to appear on the Consent Calendar of Wednesday, February 6, under the listing of Second Day.

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

Petitions, Bills and Resolves

Requiring Reference

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

(Reconsidered)

Bill "An Act to Revise the Laws Pertaining to Real Estate Attachments, Disclosure Proceedings, Levy on Execution and Exempt Property" (H.P. 322) (Presented by Representative MANNING of Portland) (Cosponsor: Senator CARPENTER of Aroostook)

(Ordered Printed)

Sent up for concurrence.

Energy and Natural Resources

Bill "An Act to Prohibit Open Burning at All Municipal Solid Waste Disposal Sites" (H.P. 323) (Presented by Representative MITCHELL of Freeport) (Cosponsors: Representatives HOGLUND of Portland and Senator USHER of Cumberland) (Submitted by the Department of Environmental Protection pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

Human Resources

Bill "An Act to Repeal Home Day Care Registration Requirements" (H.P. 324) (Presented by Representative MANNING of Portland) (Cosponsors: Representative CARROLL of Gray and Senator BUSTIN of Kennebec)

(Ordered Printed)

Sent up for concurrence.

(Off Record Remarks)

On motion of Representative Brannigan of Portland, the House reconsidered its action whereby Bill "An Act to Revise the Laws Pertaining to Real Estate Attachments, Disclosure Proceedings, Levy on Execution and Exempt Property" (H.P. 322) was referred to the Committee on Business and Commerce.

On further motion of the same Representative, the Bill was referred to the Committee on Judiciary, Ordered Printed and sent up for concurrence.

Orders of the Day

On motion of Representative Diamond of Bangor, the following was removed from the Tabled and unassigned matters:

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

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

Pending—Reference.

Sent up for concurrence.

On motion of Representative Michael of Auburn, the Bill was indefinitely postponed.

Sent up for concurrence.

On motion of Representative Carrier of Westbrook.

Adjourned until ten o'clock tomorrow morning.