

# 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 8, 1985

The House met according to adjournment and was called to order by the Speaker.

Prayer by Reverend William Kennison, St. John the Baptist Episcopal Church, Thomaston.

Quorum called; was held.

The Journal of yesterday was read and approved.

**Papers from the Senate**

Bill "An Act to License Dietitians" (S.P. 171) (L.D. 463)

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 Instruction in American Sign Language in Public Schools and Institutions of Higher Education" (S.P. 172) (L.D. 464)

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 Instruction in American Sign Language in Public Schools and Institutions of Higher Education" (S.P. 172) (L.D. 464)

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 State Energy Efficiency Goal" (S.P. 173) (L.D. 465)

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 Amend Certain Judicial Divisions and Districts of the Maine District Court Statutes" (S.P. 174) (L.D. 466)

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 to Amend the Code of Fair Practices and Affirmative Action as the Equal Opportunity Standard for State Financed Agencies" (S.P. 166) (L.D. 453)

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

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

Was referred to the Committee on State Government in concurrence.

RESOLVE, Authorizing the Conveyance of a Certain Unused Building and Land Owned by the State to the Town of Wells (S.P. 175) (L.D. 467)

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

Was referred to the Committee on State Government in concurrence.

**Non-Concurrent Matter**

Bill "An Act to Reduce Workers' Compensation Rates for Unarmed Security Guards and Watchmen" (H.P. 331) (L.D. 447) which was referred to the Committee on Labor in the House on February 6, 1985.

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

The House voted to recede and concur.

**Non-Concurrent Matter**

Bill "An Act to Restrict the Number of Advertising Signs Which May be Displayed by Licensed Retailers" (S.P. 147) (L.D. 414) which was referred to the Committee on Legal Affairs in the House on February 6, 1985.

Came from the Senate with that body having Insisted on its previous action whereby the Bill was referred to the Committee on Business and Commerce in non-concurrence.

The House voted to recede and concur.

**Messages and Documents**

The following Communication:

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
SPEAKER'S OFFICE  
AUGUSTA, MAINE 04333

February 6, 1985

Hon. Edwin H. Pert  
Clerk of the House  
State House Station #2  
Augusta, Maine 04333  
Dear Clerk Pert:

This is to notify you that pursuant to my authority under Chapter 439 of the Public Laws of 1981, I have today appointed Rep. James Mitchell to serve on the Low-Level Waste Siting Commission.

Sincerely,

S/John L. Martin

Speaker of the House

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
SPEAKER'S OFFICE  
AUGUSTA, MAINE 04333

February 6, 1985

Hon. Edwin H. Pert  
Clerk of the House  
State House Station #2  
Augusta, Maine 04333  
Dear Clerk Pert:

This is to notify you that pursuant to my authority under 34 M.R.S.A., Section 2613, I have today appointed Rep. Rita Melendy to the Maine Committee on the Problems of the Mentally Retarded.

Sincerely,

S/John L. Martin

Speaker of the House

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:

**Appropriations and Financial Affairs**

Bill "An Act to Create a Consumer Toll-free 'Hotline' for Information, Referrals and Assistance Pertaining to Medigap Health Insurance Policies" (H.P. 347) (Presented by Representative MELENDY of Rockland) (Cosponsors: Senators GILL of Cumberland, BUSTIN of Kennebec and Representative DELLERT of Gardiner)

(Ordered Printed)

Sent up for concurrence.

**Reconsidered**

Bill "An Act to Establish the Cost of the 1985 Spruce Budworm Suppression Project and to Provide Operating Funds from the Spruce Budworm Management Program" (Emergency) (H.P. 348) (Presented by Representative MICHAUD of Medway) (Cosponsors: Representatives DEXTER of Kingfield, LAW of Dover-Foxcroft and Senator USHER of Cumberland) (Submitted by the Department of Conservation pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

On motion of Representative Carter of Winslow, the House reconsidered its action whereby Bill "An Act to Establish the Cost of the 1985 Spruce Budworm Suppression Project and to Provide Operating Funds for the Spruce Budworm Management Program" (Emergency) (H.P. 348) was referred to the Committee on Appropriations and Financial Affairs.

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

**Later Today Assigned**

Bill "An Act to Authorize Counties, Municipalities and Other Political Subdivisions to Purchase Deferred Compensation Instruments from Financial Institutions, Insurance Companies and Investment Firms" (H.P. 349) (Presented by Representative GWADOSKY of Fairfield) (Cosponsors: Senator BALDACCI of Penobscot and Representative SWAZEY of Bucksport)

(Committee on Business and Commerce was suggested.)

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

**Business and Commerce**

Bill "An Act to Allow Equitable Adjustments of Assessments for Members of the Maine Self-Insurance Guarantee Association" (Emergency) (H.P. 350) (Presented by Representative BRANNIGAN of Portland)

Bill "An Act Relating to Registration of Electrolgist" (H.P. 351) (Presented by Representative BEAULIEU of Portland) (Cosponsor: Speaker MARTIN of Eagle Lake)

(Ordered Printed)

Sent up for concurrence.

**Education**

Bill "An Act to Correct Oversights in the Teacher Recognition Grants" (H.P. 352) (Presented by Representative MANNING of Portland)

Bill "An Act to Improve Teachers' Salaries" (H.P. 353) (Presented by Representative BEAULIEU of Portland) (Cosponsor: Representative HANDY of Lewiston)

(Ordered Printed)

Sent up for concurrence.

**Energy and Natural Resources**

Bill "An Act to Provide More Direct Field Service Through the Division of Forest Management in the Department of Conservation" (H.P. 354) (Presented by Representative BELL of Paris) (Cosponsors: Representatives ROLDE of York, WHITCOMB of Waldo and ALLEN of Washington)

(Ordered Printed)

Sent up for concurrence.

**Human Resources**

Bill "An Act to Provide for Local Administration of the Emergency Assistance Program for Needy Families with Children" (H.P. 355) (Presented by Representative ROLDE of York) (Cosponsors: Representative SPROUL of Augusta and Senator DIAMOND of Cumberland)

Bill "An Act Establishing a System for the Reporting of Selected Occupational Diseases" (H.P. 356) (Presented by Representative MANNING of Portland) (Cosponsors: Representative NELSON of Portland, Senators GILL of Cumberland and BERUBE of Androscoggin)

Bill "An Act to Require the Reporting of Occupationally-related Cancers" (H.P. 357) (Presented by Representative MANNING of Portland) (Cosponsors: Representative NELSON of Portland, Senators GILL of Cumberland and BERUBE of Androscoggin)

(Ordered Printed)

Sent up for concurrence.

**Judiciary**

Bill "An Act to Create a New District for District Court" (H.P. 358) (Presented by Representative SMALL of Bath) (Cosponsor: Representative CAHILL of Woolwich)

Bill "An Act to Create a Maine Sentencing Guidelines Commission" (H.P. 359) (Presented by Representative HAYDEN of Durham) (Cosponsors: Representatives PARADIS of Augusta, KANE of South Portland and DRINKWATER of Belfast)

Bill "An Act to Exempt Clergy from Jury Duty" (H.P. 360) (Presented by Representative MICHAUD of Medway) (Cosponsors: Representatives McGOWAN of Canaan and SMITH of Island Falls)

Bill "An Act to Amend Certain Aspects of Post-conviction Review" (H.P. 361) (Presented by Representative PARADIS of Augusta) (Cosponsor: Representative BOUTILIER of Lewiston)

(Ordered Printed)

Sent up for concurrence.

**Legal Affairs**

Bill "An Act to Permit the Sale of Liquor on Days on Which Statewide General Election is Held" (L.D. 362) (Presented by Representative MICHAUD of Medway) (Cosponsors: Representative HANDY of Lewiston and Senator DANTON of York)

Bill "An Act to Provide for Uniform Polling Times" (H.P. 363) (Presented by Representative HANDY of Lewiston) (Cosponsor: Representative BOUTILIER of Lewiston)

Bill "An Act to Provide Guidance to Municipal Officers in Granting and Denying Liquor Licenses for On-premise Consumption" (H.P. 364) (Presented by Representative MURPHY of Kennebunk) (Cosponsors: Representatives PERRY of Mexico, MURPHY of Berwick and WARREN of Scarborough)

Bill "An Act to Clarify the Fire Prevention and Inspection Laws in Regard to Municipal Enforcement" (Emergency) (H.P. 365) (Presented by Representative BEAULIEU of Portland)

(Ordered Printed)

Sent up for concurrence.

**Local and County Government**

Bill "An Act to Allow Sheriffs' Deputies to Hold Nonpartisan Local Elected Office" (H.P. 366) (Presented by Representative CAHILL of Woolwich) (Cosponsors: Representatives HANDY of Lewiston and SOUCY of Kittery)

(Ordered Printed)

Sent up for concurrence.

**Marine Resources**

Bill "An Act to Require Environmental Impact Studies Prior to the Granting of an Aquaculture Lease" (H.P. 367) (Presented by Representative SCARPINO of St. George) (Cosponsor: Representative CONNERS of Franklin)

(Ordered Printed)

Sent up for concurrence.

**State Government**

Bill "An Act to Divest State Money from Businesses Investing in South Africa and Namibia" (H.P. 368) (Presented by Representative BAKER of Portland) (Cosponsors: Speaker MARTIN of Eagle Lake, Representative RICHARD of Madison and Senator MATHEWS of Kennebec)

(Ordered Printed)

Sent up for concurrence.

**Taxation**

Bill "An Act to Allow Municipalities the Option of Charging Reasonable Service Charges on Certain Tax Exempt Property" (H.P. 369) (Presented by Representative MANNING of Portland) (Cosponsor: Representative MURRAY of Bangor)

(Ordered Printed)

Sent up for concurrence.

**Tabled and Assigned**

Bill "An Act to Amend the Municipal Development District Law" (H.P. 370) (Presented by Representative MURRAY of Bangor) (Cosponsors: Representatives STEVENS of Bangor, MASTERMAN of Milo and Senator BALDACCI of Penobscot)

Committee on Taxation was suggested.

On motion of Representative Higgins of Portland, tabled pending reference and specially assigned for Tuesday, February 12, 1985.

**Taxation**

Bill "An Act Permitting Municipalities to Refuse to Renew Certain Licenses when the Licensee has Failed to Pay Personal Property Tax" (H.P. 371) (Presented by Representative MANNING of Portland) (Cosponsors: Representatives BOUTILIER of Lewiston, MURRAY of Bangor and Senator TUTTLE of York)

(Ordered Printed)

Sent up for concurrence.

**Transportation**

Bill "An Act Relating to Tri-axle Trucks Hauling Forest Products" (H.P. 372) (Presented by Representative HARPER of Lincoln) (Cosponsors: Representatives HICHBORN of LaGrange and PARADIS of Old Town)

RESOLVE, to Name the Wiscasset Bridge the Donald E. Davey Bridge" (H.P. 373) (Presented by Representative MAYO of Thomaston) (Cosponsors: Senator CHALMERS of Knox, Representatives ALLEN of Washington, and MILLS of Bethel)

(Ordered Printed)

Sent up for concurrence.

**Consent Calendar****First Day**

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

(H.P. 136) (L.D. 161) Bill "An Act to Clarify Certain Penalty Provisions of the Marine Resources Laws" (Emergency) Committee on Marine Resources reporting "Ought to Pass"

(H.P. 42) (L.D. 48) Bill "An Act to Repeal the Statute Concerning Premarital Medical Examinations" Committee on Human Resources reporting "Ought to Pass"

There being no objections, the above items were ordered to appear on the Consent Calendar of Tuesday, February 12, 1985 under the listing of Second Day.

On motion of Representative Manning of Portland, the House reconsidered its action whereby Bill "An Act to Provide for Local Administration of the Emergency Assistance Program for Needy Families with Children" (H.P. 355) was referred to the Committee on Human Resources.

On motion of the same Representative, tabled pending reference and specially assigned for Tuesday, February 12, 1985.

By unanimous consent, all matters requiring Senate concurrence were ordered sent forthwith.

(Off Record Remarks)

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

**Papers from The Senate**

Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1986, and June 30, 1987" (Emergency) (S.P. 176)

Bill "An Act to Make Additional Appropriations from the General Fund for the Fiscal Year

Ending June 30, 1985" (Emergency) (S.P. 177)

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

Were referred to the Committee on Appropriations and Financial Affairs in concurrence.

Bill "An Act to Establish a Bounty on Coyote" (S.P. 178)

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 Prohibiting Discrimination Against Medicaid Eligible Persons who Apply for Admission to Nursing Homes" (S.P. 179)

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 Relating to the Guardian Ad Litem in Proceedings Under the Child and Family Services and Child Protection Act" (S.P. 180)

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 to Allocate Costs of Communications by Corporations and Membership Organizations Advocating the Election or Defeat of Candidates" (S.P. 181)

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 Concerning Fees Charged by Municipalities for Copies of Vital Records" (S.P. 182)

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.

**Tabled and Assigned**

Bill "An Act to Provide Greater Discretion to the Governor in Making Appointments to the Maine State Board of Nursing and to Require that this Board Contain at least 2 Representatives with Administrative and Supervisory Experience" (S.P. 183)

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

On motion of Representative Brannigan of Portland, tabled pending reference and specially assigned for Tuesday, February 12, 1985.

Bill "An Act to Create a Commission on the Financial Needs of Maine Small Businesses" (S.P. 184)

Bill "An Act to Require the State to Comply with Municipal Ordinances Governing the Construction of Buildings" (S.P. 185)

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

Were referred to the Committee on State Government in concurrence.

Bill "An Act to Provide a Sales and Use Tax Exemption for Certain Organizations Providing Support to Alcoholics" (S.P. 186)

Bill "An Act to Reform the Law Relating to Farm Equipment Sales Tax Exemption" (S.P. 187)

Bill "An Act Concerning Tax Exemptions for Certain Pollution Control Facilities" (S.P. 188)

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

Were referred to the Committee on Taxation in concurrence.

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**Tabled and Assigned**

Bill "An Act to Permit any Municipality with a License Ordinance to Deny a License to any Person who is Delinquent in Paying Personal Property Taxes" (S.P. 189)

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

On motion of Representative McHenry of Madawaska, tabled pending reference and specially assigned for Tuesday, February 12, 1985.

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Bill "An Act to Exempt Leased Farm Equipment from Use Tax" (S.P. 190)

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

Was referred to the Committee on Taxation in concurrence.

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Bill "An Act to Make the Photo Drivers License Discretionary" (S.P. 191)

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

Was referred to the Committee on Transportation in concurrence.

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The Chair laid before the House the following item: Bill "An Act to Authorize Counties, Municipalities and Other Political Subdivisions to Purchase Deferred Compensation Instruments from Financial Institutions, Insurance Companies and Investment Firms" (H.P. 349) which was tabled earlier and later today assigned pending reference.

On motion of Representative Brannigan of Portland, referred to the Committee on State Government, Ordered Printed and sent up for concurrence.

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On motion of Representative Tammaro of Calais.

Adjourned until Tuesday, February 12, 1985, at 10:00 a.m.