

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 12, 1985

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

Prayer by Reverend Daryl L. Lavway, Damariscotta Baptist Church.

National Anthem by the Rockland District High School Band.

Quorum called; was held.

The Journal of Friday, February 8, 1985 was read and approved.

Papers from the Senate**Appropriations and Financial Affairs**

Bill "An Act to Make Allocations from the Public Utilities Commission Regulatory Fund for the Fiscal Years Ending June 30, 1986, and June 30, 1987" (Emergency) (S.P. 170) (L.D. 493)

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.

Ought to Pass

Report of the Committee on Education reporting "Ought to Pass" on Bill "An Act Relating to Conferring of Degrees by the Yacht Design Institute Schools" (S.P. 33) (L.D. 41).

Came from the Senate, with the report read and accepted and the bill passed to be engrossed as amended by Senate Amendment "A" (S-2).

Report was read and accepted. The bill read once. Senate Amendment "A" (S-2) was read and adopted and the Bill assigned for second reading Wednesday, February 13, 1985.

Non-Concurrent Matter

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Permit the Governor to Veto Items Contained in Bills Appropriating Money and Retaining the Power within the Legislature to Override such Item Vetoes (H.P. 344) (L.D. 461) which was referred to the Committee on State Government in the House on February 7, 1985.

Came from the Senate referred to the Committee on Appropriations and Financial Affairs in non-concurrence.

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

Petitions, Bills and Resolves**Requiring Reference**

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

Appropriations and Financial Affairs

Bill "An Act to Make Allocations for the Administrative Expenses of the Bureau of Alcoholic Beverages, the Department of Finance and Administration and the State Liquor Commission for the Fiscal Years Ending June 30, 1986, and June 30, 1987" (Emergency) (H.P. 374) (L.D. 515) (Presented by Representative CHONKO of Topsham) (Cosponsors: Senator PEARSON of Penobscot, Representatives LISNIK of Presque Isle and HIGGINS of Scarborough) (Submitted by the Department of Finance and Administration pursuant to Joint Rule 24)

(Ordered Printed.)

Sent up for concurrence.

Education

Bill "An Act to Increase the Daily Compensation of Substitute Teachers" (H.P. 375) (L.D. 516) (Presented by Representative HANDY of Lewiston) (Cosponsors: Representatives MATTHEWS of Caribou, BEAULIEU of Portland and Senator BROWN of Washington)

(Ordered Printed.)

Sent up for concurrence.

Legal Affairs

(3-3) Bill "An Act Concerning 'Beano' or 'Bingo' on Indian Reservations" (H.P. 376) (L.D. 517) (Presented by Representative RACINE of Biddeford) (Cosponsors: Representatives MURPHY of Kennebunk, GREENLAW of Standish and Senator NAJARIAN of Cumberland)

(The Committee on Judiciary was suggested.)

On motion of Representative Kane of South Portland, referred to the Committee on Legal Affairs, ordered printed and sent up for concurrence.

Judiciary

Bill "An Act Concerning Peer Review Immunity and Confidentiality of Records in the Fields of Dentistry and Dental Hygiene" (H.P. 377) (L.D. 518) (Presented by Representative PARADIS of Augusta) (Cosponsor: Senator CARPENTER of Aroostook)

Bill "An Act to Locate the Supreme Judicial Court in the City of Augusta" (H.P. 378) (L.D. 519) (Presented by Representative FOSTER of Ellsworth) (Cosponsor: Senator TRAFTON of Androscoggin)

(Ordered printed.)

Sent up for concurrence.

Local and County Government

Bill "An Act to Provide a Referendum to Abolish County Government and Authorize Reassignment of its Functions and Duties to Appropriate State and Municipal Agencies" (H.P. 379) (L.D. 520) (Presented by Representative CARTER of Winslow) (Cosponsors: Representative PARADIS of Augusta, Speaker MARTIN of Eagle Lake, and Senator BALDWIN of Penobscot)

(Ordered printed.)

Sent up for concurrence.

State Government

RESOLVE, Establishing a Commission to Review Upper Management in State Government" (H.P. 380) (L.D. 521) (Presented by Representative THERIAULT of Fort Kent) (Cosponsors: Speaker MARTIN of Eagle Lake, Representative GWADOSKY of Fairfield, and Senator VIOLETTE of Aroostook)

(Ordered Printed.)

Sent up for concurrence.

Utilities

(Later Reconsidered)

Bill "An Act to Amend Cable Television Franchise Procedures" (Emergency) (H.P. 381) (L.D. 522) (Presented by Representative MANNING of Portland) (Cosponsors: Senators CHALMERS of Knox and Representative COOPER of Windham)

(Ordered Printed.)

Sent up for concurrence.

Orders

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

ORDERED, that Representative Merle Nelson of Portland be excused February 5, 1985 through the duration of her illness.

Was read and passed.

Reports of Committees**Unanimous Ought Not to Pass**

Representative STEVENSON from the Committee on Aging, Retirement and Veterans on Bill "An Act to Compensate Teachers and Other School Employees for Unused Sick Leave upon Retirement from a School Administrative Unit" (H.P. 41) (L.D. 47) reporting "Ought Not to Pass"

Was placed in the Legislative Files without further action pursuant to Joint Rule 15 and 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. 15) (L.D. 13) Bill "An Act Relating to the Registration of Soil Amendments" Committee on Agriculture reporting "Ought to Pass"

There being no objections, the above items were ordered to appear on the Consent Calendar of Wednesday, February 13, 1985 under the listing of Second Day.

CONSENT CALENDAR**Second Day**

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

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

(H.P. 42) (L.D. 48) Bill "An Act to Repeal the Statute Concerning Premarital Medical Examinations"

No objections having been noted at the end of the Second Legislative Day, the House Papers were Passed to be Engrossed and sent up for concurrence.

Orders of the Day

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

HOUSE DIVIDED REPORT — Majority (12) "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) — Minority (1) "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) — 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)

Tabled—February 7, 1985 by Representative MICHAEL of Auburn.

Pending—Motion of same representative to Accept the Majority Report.

On motion of Representative Michael of Auburn, retabled pending his motion to accept the Majority "Ought to Pass" Report" and specially assigned for Thursday, February 14, 1985.

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

Bill "An Act to Provide for Local Administration of the Emergency Assistance Program for Needy Families with Children" (H.P. 355) (Committee on Human Resources suggested.) Tabled—February 8, 1985 by Representative MANNING of Portland.

Pending—Reference. On motion of Representative Carter of Winslow, referred to the Committee on Appropriations and Financial Affairs, ordered printed and sent up for concurrence.

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

Bill "An Act to Amend the Municipal Development District Law" (H.P. 370) (Committee on Taxation suggested.) Tabled—February 8, 1985 by Representative HIGGINS of Portland.

Pending—Reference. On motion of Representative Higgins of Portland, referred to Committee on Local and County Government, ordered printed and sent up for concurrence.

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

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)

—In Senate, Referred to Committee on State

Government.

Tabled—February 8, 1985 by Representative BRANNIGAN of Portland.

Pending—Reference in concurrence.

On motion of Representative Brannigan, referred to the Committee on Business and Commerce, Ordered Printed and sent up for concurrence.

The Chair laid before the House the fifth tabled and today assigned matter.

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)

—In Senate, Referred to Committee on Taxation.

Tabled—February 8, 1985 by Representative McHENRY of Madawaska.

Pending—Reference in concurrence.

On motion of Representative McHenry of Madawaska, referred to Committee on Taxation in concurrence.

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

Bill "An Act to Require Motorcycle Liability Insurance to Include Passenger Coverage" (H.P. 382) (Presented by Representative BRANNIGAN of Portland) (Cosponsors: Senator DANTON of York, Representatives CARROLL of Gray, and ARMSTRONG of Wilton)

(Ordered Printed.)

Sent up for concurrence.

Energy and Natural Resources

Bill "An Act to Regulate the Drilling of Wells" (H.P. 383) (Presented by Representative SCARPINO of St. George)

(Ordered Printed.)

Sent up for concurrence.

Judiciary

Bill "An Act to Restrict Contingency Fees Charged by Attorneys in Medical Malpractice Suits" (H.P. 384) (Presented by Representative BONNEY of Falmouth)

(Ordered printed.)

Sent up for concurrence.

Marine Resources

Bill "An Act to Regulate Harvesting Methods on Aquaculture Leases" (H.P. 385) (Presented by Representative SCARPINO of St. George) (Cosponsor: Representative CONNERS of Franklin)

(Ordered Printed.)

Sent up for concurrence.

State Government

Bill "An Act to Control the Growth of State Expenditures" (H.P. 386) (Presented by Representative JACKSON of Harrison) (Cosponsors: Representatives STETSON of Damariscotta, HIGGINS of Scarborough, and ARMSTRONG of Wilton)

(Ordered Printed.)

Sent up for concurrence.

Orders

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

ORDERED, that Representative Charlene B. Rydell of Brunswick be excused February 8 and 12 for personal reasons.

Was read and passed.

Reports of Committees

Unanimous Leave to Withdraw

Representative GWADOSKY from the Committee on State Government on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Remove the Restriction that Prevents a Person from Serving more than 2 Consecutive Terms as Governor (H.P. 122) (L.D. 147) reporting "Leave to Withdraw"

Was placed in the Legislative Files without further action pursuant to Joint Rule 15 and 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. 20) (L.D. 18) Bill "An Act to Amend the Laws Concerning Fire Prevention and Protection" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-4)

There being no objections, the above item was ordered to appear on the Consent Calendar of Wednesday, February 13, 1985 under the list of Second Day.

Passed to Be Enacted

Emergency Measure

An Act for the Town of Brownville to Acquire the Assets and Liabilities of the Brownville Junction Water District (H.P. 51) (L.D. 57) (C. "A" H-3)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 131 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Extend the Maximum Length of Agreements in the University of Maine Labor Relations Act from 2 Years to 3 Years (H.P. 17) (L.D. 15) (C. "A" H-2)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

On motion of Representative Vose of Eastport, the House reconsidered its action whereby Bill "An Act to Amend Cable Television Franchise Procedures" (Emergency) (H.P. 381) (L.D. 522) was referred to the Committee on Utilities.

On further motion of the same Representative, tabled pending reference and tomorrow assigned.

(Off Record Remarks)

On motion of Representative Mitchell of Freeport,

Adjourned until ten o'clock tomorrow morning.