

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, February 13, 1985

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

Prayer by Father Valmont Gilbert, St. Augustine's Catholic Church, Augusta.

Quorum called; was held.

The Journal of yesterday was read and approved.

Papers from the Senate

Bill "An Act to Require the Executive Director of the Maine State Retirement System to Employ Qualified Physicians for Determining Eligibility for Disability" (S.P. 192) (L.D. 510)

Bill "An Act to Provide an Accident and Sickness or Health Insurance Program to Retired Teachers" (S.P. 193) (L.D. 511)

Came from the Senate, referred to the Committee on Aging, Retirement and Veterans and Ordered Printed.

Were referred to the Committee on Aging, Retirement and Veterans in concurrence.

Bill "An Act to Provide State Funding Necessary to Match Federal Funds for Home and Community Based Services for Older Citizens" (S.P. 194) (L.D. 512)

Bill "An Act Concerning the Payment and State Reimbursement to Boarding Care Facilities" (S.P. 195) (L.D. 513)

Bill "An Act to Make Allocations from the Maine Hazardous Waste and Low-level Waste Siting Funds for the Fiscal Years Ending June 30, 1986, and June 30, 1987" (Emergency) (S.P. 196) (L.D. 514)

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 Increase the Number of Superior Court Justices and District Court Judges" (S.P. 197) (L.D. 523)

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

Was referred to the Committee on Judiciary in concurrence.

Messages and Documents

The following Communication:

STATE OF MAINE
DEPARTMENT OF LABOR
BUREAU OF LABOR STANDARDS
STATE HOUSE STATION 45
AUGUSTA, MAINE 04333

February 8, 1985

Honorable Edwin H. Pert

Clerk of the House

State House Station 2

Augusta, Maine 04333

Dear Clerk Pert:

Public Law Chapter 347, Sec. 2, approved by Governor Brennan on May 26, 1983 requires the submittal of rules, if promulgated, to the Legislature regarding power boiler attendants.

Copies of the report and rules which were promulgated are being sent to you under separate cover for distribution to the Representatives.

Sincerely,
S/ MARVIN W. EWING
Director, Bureau of
Labor Standards

Chairman, Board of Boiler Rules
Was read and with accompanying report ordered placed on file.

The following Communication:

STATE OF MAINE
House of Representatives
Speaker's Office
Augusta, Maine 04333

February 12, 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 M.R.S.A. 20A, Section 603, I have today appointed Rep. Steven E. Crouse to serve on the Education Commission of the State.

Sincerely,
S/ JOHN L. MARTIN
Speaker of the House

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE
MAINE STATE RETIREMENT SYSTEM
AUGUSTA, ME 04333

February 7, 1985

Honorable Charles P. Pray, President

Maine State Senate

Honorable John Martin, Speaker

House of Representatives

Dear President Pray and Speaker Martin:

In accordance with the provisions of 5 MRSA, Section 1128, the Board of Trustees of the Maine State Retirement System hereby notifies you that a 4% increase in the retirement benefits paid to retired state employees, teachers and retirees of certain participating local districts was authorized effective September 1, 1984. This was a cost-of-living increase. The Consumer Price Index (CPI-U), published by the United States Department of Labor, Bureau of Labor Statistics, increased 4.2% in the twelve month period ending June 1984.

The 4% cost-of-living increase paid to state employees and teachers will cost approximately \$3.7 million in the current year. The total increase in the System's reserve requirements generated by this cost-of-living increase is \$38.8 million.

Sincerely,
S/ ROBERTA M. WEIL
Executive Director

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:

Aging, Retirement and Veterans

Bill "An Act to Shorten the Period which Members of the Maine State Retirement Must Wait for the Refund of Accumulated Contributions" (H.P. 388) (L.D. 537) (Presented by Representative HICKEY of Augusta) (Cosponsors: Representatives LACROIX of Oakland, JALBERT of Lisbon and HARPER of Lincoln) (Ordered Printed.)

Sent up for concurrence.

Appropriations and Financial Affairs

Bill "An Act to Establish a Budget Stabilization Fund" (H.P. 389) (L.D. 538) (Presented by Representative BELL of Paris) (Cosponsors: Senator PERKINS of Hancock and Representatives HIGGINS of Scarborough and FOSTER of Ellsworth) (Ordered Printed.)

Sent up for concurrence.

Education

Bill "An Act to Increase the Limit on New School Bus Purchases" (H.P. 390) (L.D. 539) (Presented by Representative WALKER of Norway) (Cosponsor: Representative JACKSON of Harrison)

Bill "An Act Concerning Remuneration for Substitute School Teachers" (H.P. 391) (L.D. 540) (Presented by Representative MCCOLLISTER of Canton)

Bill "An Act to Provide Faculty and Instructor Recognition Grants to Vocational-technical

Institute Faculty and Instructors" (H.P. 392) (L.D. 541) (Presented by Representative BEAULIEAU of Portland) (Cosponsor: Representative MacBRIDE of Presque Isle) (Ordered Printed.)

Sent up for concurrence.

Fisheries and Wildlife

Bill "An Act Concerning the Fee Charges for Agents Selling Fisheries and Wildlife Licenses" (H.P. 393) (L.D. 542) (Presented by Representative CARROLL of Gray) (Ordered Printed.)

Sent up for concurrence.

Judiciary

Bill "An Act Concerning the Posting of Bonds by Plaintiffs in Medical Malpractice Suits" (H.P. 394) (L.D. 543) (Presented by Representative BONNEY of Falmouth) (Ordered Printed.)

Sent up for concurrence.

Labor

Bill "An Act Concerning the Minimum Wage for Minors" (H.P. 395) (L.D. 544) (Presented by Representative SIMPSON of Casco) (Cosponsors: Representatives CARROLL of Gray, BOUTILIER of Lewiston and HALE of Sanford) (Ordered Printed.)

Sent up for concurrence.

Legal Affairs

Bill "An Act to Require 11 Days' Residence for Voter Registration" (H.P. 396) (L.D. 545) (Presented by Representative BAKER of Orrington) (Cosponsor: Representative BEGLEY of Waldoboro)

Bill "An Act to Provide a License to Florists for Sale of Wine and Champagne in Connection with Floral Business" (H.P. 397) (L.D. 546) (Presented by Representative HICKEY of Augusta) (Cosponsor: Representative PARADIS of Augusta) (Ordered Printed.)

Sent up for concurrence.

Marine Resources

Bill "An Act to Establish a State Clam Digging License" (H.P. 398) (L.D. 547) (Presented by Representative CONNERS of Franklin) (Cosponsor: Representative BEGLEY of Waldoboro) (Ordered Printed.)

Sent up for concurrence.

State Government

Bill "An Act to Prohibit Financing of Commercial Fishing Vessels under all Financing Programs of the Finance Authority of Maine" (H.P. 399) (L.D. 548) (Presented by Representative MANNING of Portland)

RESOLUTION, Proposing an Amendment to the Constitution of Maine Reducing the Size of the House of Representatives to 99 Members (H.P. 400) (L.D. 549) (Presented by Representative BROWN of Livermore Falls) (Ordered Printed.)

Sent up for concurrence.

Transportation

Bill "An Act Relating to Issuance of License Plates under the Motor Vehicle Laws" (H.P. 401) (L.D. 550) (Presented by Representative MICHAUD of Medway) (Cosponsors: Representative HIGGINS of Portland and President Pray of Penobscot) (Ordered Printed.)

Sent up for concurrence.

Study Report—Committee on Education

Representative FOSS from the Committee on Education to which was referred by the Legislative Council the Study Relative to Authority and Statutory Status of the Maine Secondary School Principals' Association have had the same under consideration and ask

leave to submit its findings and to report that the accompanying Bill "An Act Concerning Decisions on Student Eligibility to Participate in Interscholastic Activities" (H.P. 387) (L.D. 531) be referred to this Committee for public hearing and printed pursuant to Joint Rule 19.

Report was read and accepted, and the bill referred to the Committee on Education, ordered printed and sent up for concurrence.

as Speaker Pro Tem, for Thursday, February 14, 1985.

(Off Record Remarks)

On motion of Representative McGowan of Pittsfield,
Adjourned until Thursday, February 14, 1985
at ten o'clock in the morning.

Orders

Reports of Committees

Unanimous Leave to Withdraw

Representative JOSEPH from the Committee on Labor on Bill "An Act to Authorize Unemployment Compensation for School Bus Drivers during Summer Vacations" (H.P. 113) (L.D. 138) 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. 40) (L.D. 46) Bill "An Act to Amend the Community School District Committee's Ability to Make Additional Assessments" Committee on Education reporting "Ought to Pass"

(S.P. 54) (L.D. 73) Bill "An Act Amending the Charter of the Androscoggin Reservoir Company" Committee on Energy and Natural Resources reporting "Ought to Pass"

(H.P. 96) (L.D. 116) Bill "An Act to Clarify the Authority of the Department of Transportation to Manage and Dispose of Property" Committee on Transportation reporting "Ought to Pass"

There being no objections, the above items were ordered to appear on the Consent Calendar of Thursday, February 14, 1985 under the listing of Second Day.

Consent Calendar

Second Day

In accordance with House Rule 19, the following items appeared on the Consent Calendar for the Second Day:

(H.P. 15) (L.D. 13) Bill "An Act Relating to the Registration of Soil Amendments"

(H.P. 20) (L.D. 18) Bill "An Act to Amend the Laws Concerning Fire Prevention and Protection" (C. "A" H-4)

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

**Passed to Be Engrossed
As Amended**

Bill "An Act Relating to Conferring of Degrees by the Yacht Design Institute Schools" (S.P. 33) (L.D. 41) (S. "A" S-2)

Was reported by the Committee on Bills in the Second Reading, read the second time and Passed to be Engrossed as Amended in concurrence.

Orders of the Day

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

Bill "An Act to Amend Cable Television Franchise Procedures" (Emergency) (H.P. 381) (L.D. 522)

(Committee on Utilities suggested.)

Tabled—February 12, 1985 by Representative VOSE of Eastport.

Pending—Reference.

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

At this point, the Speaker appointed Representative Michaud of Medway to serve