

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

Thursday, February 14, 1985

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

Prayer by Reverend William Smith, Windsor Memorial Baptist Church.

The Journal of yesterday was read and approved.

Quorum called; was held.

Papers from the Senate

Bill "An Act to Conform Maine Committee on Aging Legislation with the 1981 Older Americans Act Amendments" (S.P. 198) (L.D. 532)

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

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

Bill "An Act to Provide Free Choice Under Hospital Service, Medical Service and Health Care Plans and Group and Blanket Insurance Policies by Including within the Coverage of Such Plans and Policies Coverage for Chiropractic Services" (S.P. 200) (L.D. 534)

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 to Establish a Division of Deafness within the Bureau of Rehabilitation" (S.P. 202) (L.D. 552)

Bill "An Act to Establish a Downeast Emergency Medical Services Regional Office to Serve Hancock and Washington Counties" (S.P. 199) (L.D. 533)

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

Were referred to the Committee on Human Resources in concurrence.

Bill "An Act to Reenact Provisions for the Court, for Good Cause, to Hear Certain Contested Motions in Separation, Annulment or Divorce Proceedings Where There are Minor Children of the Parties Prior to Referring to Mediation" (Emergency) (S.P. 203) (L.D. 553)

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 Adopt the Uniform Conservation Easement Act" (S.P. 201) (L.D. 551)

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 Energy and Natural Resources.)

Was referred to the Committee on Judiciary in concurrence.

Bill "An Act to Add Real Property or Rent to the Definition of Theft of Services" (S.P. 204) (L.D. 535)

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 Legal Affairs.)

Was referred to the Committee on Judiciary in concurrence.

Bill "An Act to Require Deeds to Contain Mailing Addresses of Grantees" (S.P. 206) (L.D. 554)

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 Local and County Government.)

On motion of Representative McHENRY of Madawaska, tabled pending reference in concurrence and specially assigned for Tuesday, February 19, 1985.

Bill "An Act Relating to Fishing by Net, Trap or Weir in the Waters of Union River Bay in Hancock County" (S.P. 207) (L.D. 536)

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

Was referred to the Committee on Marine Resources in concurrence.

Non-Concurrent Matter

Bill "An Act to Provide for Local Administration of the Emergency Assistance Program for Needy Families with Children" (H.P. 355) (L.D. 524) which was referred to the Committee on Appropriations and Financial Affairs in the House on February 12, 1985.

Came from the Senate referred to the Committee on Human Resources in non-concurrence.

On motion of Representative CARTER of Winslow, tabled pending reference and specially assigned for Tuesday, February 19, 1985.

Non-Concurrent Matter

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) (L.D. 470) which was referred to the Committee on State Government in the House on February 8, 1985.

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

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

Non-Concurrent Matter

Bill "An Act to Amend the Municipal Development District Law" (H.P. 370) (L.D. 525) which was referred to the Committee on Local and County Government in the House on February 12, 1985.

Came from the Senate referred to the Committee on Taxation in non-concurrence.

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

Non-Concurrent Matter

Bill "An Act to Control the Growth of State Expenditures" (H.P. 386) (L.D. 530) which was referred to the Committee on State Government in the House on February 12, 1985.

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

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

Messages and Documents

The following Communication:

112th Maine Legislature

February 11, 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 our authority under Joint Order, S.P. 65, we have today appointed the following to serve on the Joint Select Committee on Alcoholism Services.

Sen. Thomas Andrews, Senate Chair
Sen. Beverly Bustin
Sen. Barbara Gill
Sen. Thomas Perkins

Rep. Alfred Brodeur, House Chair

Rep. Neil Rolde
Rep. Polly Reeves
Rep. Laurence Connolly, Jr.
Rep. Stephen Bost
Rep. Joseph Mayo
Rep. Kenneth Matthews
Rep. Ruth Foster
Rep. Stephen M. Zirkilton

Sincerely,

S/ CHARLES P. PRAY S/ JOHN L. MARTIN
President of the Senate 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:

Aging, Retirement and Veterans

Bill "An Act Permitting Addresses to be Obtained from State Tax Information and Used for the Proper Operation of the Maine State Retirement System" (H.P. 402) (L.D. 555) (Presented by Representative McSWEENEY of Old Orchard Beach) (Cosponsors: Senator GAUVREAU of Androscoggin, Representatives STEVENSON of Unity, and FARNUM of South Berwick)

Bill "An Act to Prevent Double Benefits for the Same Period of Service, to Provide Membership as of the Effective Date of First Contributions and to Provide that Benefits be Paid only to Members, their Dependents or Beneficiaries" (H.P. 403) (L.D. 556) (Presented by Representative HICKEY of Augusta)

(Ordered Printed)

Sent up for concurrence.

Appropriations and Financial Affairs

Bill "An Act to Make Supplemental Allocations from the Transportation Safety Fund for the Fiscal Years Ending June 30, 1986, and June 30, 1987" (Emergency) (H.P. 404) (L.D. 557) (Presented by Representative NADEAU of Lewiston) (Cosponsor: Representatives SMITH of Mars Hill, McGOWAN of Canaan, and Senator DOW of Kennebec) (Submitted by the Department of Finance and Administration pursuant to Joint Rule 24)

Bill "An Act to Make Additional Allocations from the Federal Block Grant Fund for the Fiscal Year Ending June 30, 1985" (Emergency) (H.P. 405) (L.D. 558) (Presented by Representative CHONKO of Topsham) (Cosponsors: Representatives HIGGINS of Scarborough and McGOWAN of Canaan) (Submitted by the Department of Finance and Administration pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

Business and Commerce

Bill "An Act to Provide for Public Rest Rooms in Eating Places" (H.P. 406) (L.D. 559) (Presented by Representative ARMSTRONG of Wilton) (Cosponsors: Representatives DAVIS of Monmouth and MICHAEL of Auburn)

(Ordered Printed)

Sent up for concurrence.

Energy and Natural Resources

Bill "An Act to Clarify the Law Enforcement Responsibilities of the Forest Fire Control Division" (H.P. 407) (L.D. 560) (Presented by Representative JACQUES of Waterville) (Cosponsors: Representatives MASTERMAN of Milo, DEXTER of Kingfield, and Senator CARPENTER of Aroostook) (Submitted by the Department of Conservation pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

Fisheries and Wildlife

Bill "An Act to Modify and Update Certain

Laws Pertaining to Inland Fisheries and Wildlife" (H.P. 408) (L.D. 561) (Presented by Representative JACQUES of Waterville) (Cosponsors: Representatives WALKER of Norway, DUFFY of Bangor, and Senator USHER of Cumberland) (Submitted by the Department of Inland Fisheries and Wildlife pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act Relating to Forcible Entry and Detainer Actions" (H.P. 409) (L.D. 562) (Presented by Representative CONNOLLY of Portland) (Cosponsor: Senator GAUVREAU of Androscoggin)

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 Amending the Maine Juvenile Code to Allow the Attorney General to Exercise the Powers of a Juvenile Caseworker in Appropriate Cases" (H.P. 410) (L.D. 563) (Presented by Representative CARRIER of Westbrook)

(Ordered Printed)

Sent up for concurrence.

Marine Resources

Bill "An Act to Clarify the Use of the Hand Fishing Scallop License" (H.P. 411) (L.D. 564) (Presented by Representative VOSE of Eastport) (Cosponsors: Representatives SCARPINO of St. George, CROWLEY of Stockton Springs, and Senator BROWN of Washington) (Submitted by the Department of Marine Resources pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

State Government

Bill "An Act to Provide for Termination or Nonrenewal of State Contract Funds to Private Nonprofit Organizations for Cause" (H.P. 412) (L.D. 565) (Presented by Representative RYDELL of Brunswick) (Cosponsors: Senators KANY of Kennebec, GILL of Cumberland, and Representative ROLDE of York)

Bill "An Act to Provide for the 1985 Amendments to the Maine Housing Authorities Act" (Emergency) (H.P. 413) (Presented by Representative DIAMOND of Bangor) (Cosponsors: Representatives LACROIX of Oakland, DILLENBACK of Cumberland, and Senator VIOLETTE of Aroostook) (Submitted by the Maine State Housing Authority pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

Transportation

Bill "An Act to Protect Railroad Rights-of-way" (H.P. 414) (Presented by Representative VOSE of Eastport) (Cosponsors: Representatives MOHOLLAND of Princeton, TAMMARO of Baileyville, and Senator BROWN of Washington)

Bill "An Act to Require the Use of Seat Belts in Private Passenger Vehicles" (H.P. 415) (L.D. 566) (Presented by Representative REEVES of Pittston) (Cosponsor: Representative BAKER of Portland)

(Ordered Printed)

Sent up for concurrence.

Utilities

Bill "An Act Concerning the Adoption and Implementation of Mandatory Local Measured Telephone Service" (H.P. 416) (Presented by Representative WEYMOUTH of West Gardiner) (Cosponsors: Senators CHALMERS of Knox, MAYBURY of Penobscot, and Representative RIDLEY of Shapleigh)

Bill "An Act to Increase the Annual Public Utilities Commission Regulatory Fund Assessment and to Clarify the Current Statutes" (Emergency) (H.P. 417) (Presented by Representative VOSE of Eastport) (Cosponsors: Senators BALDACCI of Penobscot, ANDREWS of Cumberland, and Representative MCGOWAN of Canaan) (Submitted by the Public Utilities Commission 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 John A. Cashman of Old Town be excused February 19, 20, and 21 for personal reasons.

Was read and passed.

Special Sentiment Calendar

In accordance with House Rule 56 and Joint Rule 34, the following item:

Recognizing:

Harold M. Karkos, whose lifetime of service to Wilton and the surrounding area as tennis teacher, chamber of commerce mainstay, civic leader, church leader, historian and public official, rightly earned him the Western Maine Mountains Chamber of Commerce's 1985 Citizen of the Year Award; (HLS 101) by Representative ARMSTRONG of Wilton. (Cosponsor: Senator ERWIN of Oxford)

On motion of Representative Armstrong of Wilton, removed from the Special Sentiment Calendar:

The SPEAKER pro tem: The Chair recognizes the Representative from Wilton, Representative Armstrong:

Representative ARMSTRONG: Mr. Speaker, Men and Women of the House: There probably aren't many people in the Franklin County area who do not know Harold Karkos. Harold is one of those people who spent a lifetime serving his community, quietly without fanfare and without the motivation of personal gain. I could not begin to list all the things Harold has done. He practically has been a one man Chamber of Commerce for Wilton and almost single-handedly has kept that organization going.

He is responsible for reviving tennis in the Wilton area, restoring the old Wilton Academy tennis courts and getting hundreds of children and adults interested in the sport. He keeps the Wilton Academy Alumni Association going. He was the leader in the Academy Bell Tower Fund after that landmark was destroyed by fire. He was the leader in establishing the Red Schoolhouse Museum on Route #2 in Farmington and preserving that property. He is Wilton's historian, and through his efforts, much of our past has been preserved and be enjoyed by us and our children and our children's children in the Wilton Historical Society's Building. I could go on and on about Harold's work. He is a Sunday school teacher, a church deacon and selectman but he is in the gallery as my guest and I would only be embarrassing him so I will simply close by congratulating him for being named as Western Maine Mountain's Chamber of Commerce "Person of the Year", an outstanding choice. (applause)

Subsequently, was passed and sent up for concurrence.

Reports of Committees

Unanimous Leave to Withdraw

Representative JACQUES from the Committee on Fisheries and Wildlife on Bill "An Act to Restrict Moose Hunting to Bull Moose Only" (H.P. 104) (L.D. 129) reporting "Leave to Withdraw"

Representative JACQUES from the Committee on Fisheries and Wildlife on Bill "An Act Concerning Eligibility to Apply for a Moose Hunting Permit" (H.P. 129) (L.D. 154) reporting "Leave to Withdraw"

Were placed in the Legislative Files without further action pursuant to Joint Rule 15 and sent up for concurrence.

Consent Calendar

Second Day

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

(H.P. 40) (L.D. 46) Bill "An Act to Amend the Community School District School Committee's Ability to Make Additional Assessments" (S.P. 54) (L.D. 73) Bill "An Act Amending the Charter of the Androscoggin Reservoir Company"

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

No objections having been noted at the end of the Second Legislative Day, the Senate Paper was Passed to be Engrossed in concurrence and 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 which Establishes Different Delivery Price Schedules for Milk at Wholesale (Emergency) (H.P. 73) (L.D. 94)

Tabled—February 12, 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 Wednesday, February 20, 1985.

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

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

Paper from the Senate

The following Joint Order: (S.P. 208)

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Tuesday, February 19, 1985 at 10:00 in the morning.

Came from the Senate, read and passed.

Was read and passed in concurrence.

(Off Record Remarks)

The following items appearing on Supplement No. 2 were taken up out of order by unanimous consent:

Papers from the Senate

Bill "An Act to Make Allocations from the Transportation Safety Fund for the Fiscal Years Ending June 30, 1986, and June 30, 1987" (Emergency) (S.P. 210) (L.D. 568)

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.

RESOLVE, to Address Special Education Needs of Learning Disabled Children (S.P. 211) (L.D. 569)

Bill "An Act Concerning Alternatives to Attendance in Public Schools" (S.P. 212) (L.D. 570)

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

Were referred to the Committee on Educa-

tion in concurrence.

Bill "An Act to Include the Mining of Sand, Fill or Gravel for Commercial Purposes under the Site Location of Development Law" (S.P. 213) (L.D. 571)

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 the Maine Certificate of Need Act to Require More Timely Decision Making on the Part of the Department of Human Services" (S.P. 214) (L.D. 572)

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 Amend the Probate Code to Improving Guardianship and Conservatorship Proceedings" (S.P. 218)

Bill "An Act to Make Certain Housekeeping Changes to the Maine Criminal Code" (S.P. 219)

Bill "An Act to Amend the Laws Relating to Admission to the Bar" (S.P. 220)

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 Amend the Adult Protective Services Act" (S.P. 217) (L.D. 575)

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 Human Resources.)

Was referred to the Committee on Judiciary in concurrence.

Bill "An Act to Adjust the Compensation of Committee Chairman" (S.P. 215) (L.D. 573)

Bill "An Act to Expedite Legislative Sessions" (Emergency) (S.P. 216) (L.D. 574)

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 Corporate Tax Credit for Donations of Technological Equipment to Educational Institutions" (S.P. 209) (L.D. 567)

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

Was referred to the Committee on Taxation in concurrence.

Representative Kane of South Portland moved that the House reconsider its action whereby Bill "An Act to Amend the Adult Protective Services Act" (S.P. 217) (L.D. 575) was referred to the Committee on Judiciary in concurrence.

On further motion of the same Representative, tabled pending his motion to reconsider and specially assigned for Tuesday, February 19, 1985.

On motion of Representative Moholland of Princeton, adjourned pursuant to Joint Order (S.P. 208).