

# 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 19, 1985

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

Prayer by Reverend Robert Hargreaves, St. Mark's Episcopal Church, Augusta.

Pledge of Allegiance.

Quorum called; was held.

The Journal of Thursday, February 14, 1985, was read and approved.

**Papers from the Senate**

Bill "An Act to Recodify the Election Laws" (S.P. 205) (L.D. 576)

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

Was referred to the Committee on Legal Affairs in concurrence.

**Messages and Documents**

The following Communication:

STATE OF MAINE

HOUSE OF REPRESENTATIVES

SPEAKER'S OFFICE

AUGUSTA, MAINE 04333

February 14, 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 Representative Jeffery N. Mills as a House member 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 items appearing on Supplement No. 2 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:

**Appropriations and Financial Affairs**

Bill "An Act to Make Appropriations for Needed Repairs to Historic Buildings" (H.P. 418) (L.D. 598) (Presented by Representative ROLDE of York)

(Ordered Printed)

Sent up for concurrence.

**Business and Commerce**

Bill "An Act to Reduce the Hours Required for Master and Journeymen Electricians" (H.P. 419) (L.D. 599) (Presented by Representative THERIAULT of Fort Kent) (Cosponsors: Representatives CLARK of Millinocket and DUFFY of Bangor)

Bill "An Act Prohibiting Banks from Imposing Fees Against the Accounts of Persons over 65 Years of Age" (H.P. 420) (L.D. 600) (Presented by Representative NADEAU of Saco) (Cosponsors: Representatives HANDY of Lewiston, MASTERMAN of Milo and Senator TWITCHELL of Oxford)

Bill "An Act to Contain Health Care Costs by Providing for a Study of Mandated Benefits" (H.P. 421) (L.D. 601) (Presented by

Representative RACINE of Biddeford) (Cosponsors: Representatives STEVENS of Bangor, ARMSTRONG of Wilton and Senator USHER of Cumberland)

Bill "An Act to Amend Permit Procedures Relative to Final Disposition of Dead Human Bodies" (H.P. 422) (L.D. 602) (L.D. 602) (Presented by Representative CARROLL of Gray) (Cosponsors: Representatives MAN-

NING of Portland, KIMBALL of Buxton and Senator BUSTIN of Kennebec) (Submitted by the Department of Human Services pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

**Education**

Bill "An Act to Provide a 10% Contingency in the School Construction Debt Service Limit" (H.P. 423) (L.D. 603) (Presented by Representative LACROIX of Oakland) (Cosponsors: President PRAY of Penobscot, Representatives MATTHEWS of Caribou and NADEAU of Lewiston)

(Ordered Printed)

Sent up for concurrence.

**Fisheries and Wildlife**

Bill "An Act to Limit Ice Fishing in Class B Waters to the Period January 15th to March 14th" (H.P. 424) (L.D. 604) (Presented by Representative JACQUES of Waterville)

(Ordered Printed)

Sent up for concurrence.

**Human Resources**

Bill "An Act Relating to Contracts for Children's Placement at Residential Treatment Facilities" (H.P. 425) (L.D. 605) (Presented by Representative ROLDE of York) (Cosponsors: Representative MURPHY of Kennebunk, Senators GILL of Cumberland and DANTON of York)

(Ordered Printed)

Sent up for concurrence.

**Judiciary**

Bill "An Act to Clarify the Definition of Spouse and to Add a Definition of Substantial Gainful Activity" (H.P. 426) (L.D. 606) (Presented by Representative McSWEENEY of Old Orchard Beach)

(Cosponsors: Representatives RICHARD of Madison and FARNUM of South Berwick)

Bill "An Act to Amend the Statute of Limitations in Cases Involving Incest" (H.P. 427) (L.D. 607) (Presented by Representative NELSON of Portland)

(Ordered Printed)

Sent up for concurrence.

**Taxation**

Bill "An Act to Revise the Franchise Tax on Financial Institutions" (H.P. 428) (L.D. 608) (Presented by Representative MAYO of Thomaston) (Cosponsors: Senator ANDREWS of Cumberland and Representative JACQUES of Waterville)

Bill "An Act to Change Property Tax from Highest and Best Use to Current Use" (H.P. 429) (L.D. 609) (Presented by Representative SEAVEY of Kennebunkport)

(Ordered Printed)

Sent up for concurrence.

**Transportation**

Bill "An Act to Provide an Exemption from the 7-Day Loaner Plate Limitation" (H.P. 430) (L.D. 610) (Presented by Representative BOTT of Orono) (Cosponsors: Representatives CASHMAN of Old Town, CALLAHAN of Mechanic Falls and Senator PEARSON of Penobscot)

Bill "An Act to Control Motorcycle Noise" (H.P. 431) (L.D. 611) (Presented by Representative SMALL of Bath)

Bill "An Act Concerning Inspection of Safety Seat Belts" (H.P. 432) (L.D. 612) (Presented by Representative BOUTILIER of Lewiston) (Cosponsors: Representatives CARROLL of Gray, BOST of Orono and CAHILL of Woolwich)

(Ordered Printed)

Sent up for concurrence.

**Utilities**

Bill "An Act to Provide Utility Easement by

Implication" (H.P. 433) (L.D. 613) (Presented by Representative SMALL of Bath)

(Ordered Printed)

Sent up for concurrence.

**Orders**

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

ORDERED, that Representative John Michael of Auburn be excused February 19 for personal reasons.

Was read and passed.

**Reports of Committees****Unanimous Leave to Withdraw**

Representative McHENRY from the Committee on Local and County Government on Bill "An Act to Allow Corrections to a Warrant after it has been Committed" (H.P. 87) (L.D. 107) reporting "Leave to Withdraw"

Representative JACQUES from the Committee on Fisheries and Wildlife on Bill "An Act Authorizing Officers of the United States Fish and Wildlife Service to have the Powers of State Game Wardens" (H.P. 83) (L.D. 103) 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****First Day**

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

(S.P. 23) (L.D. 27) Bill "An Act to Amend the Motor Vehicle Inspection Law" Committee on Transportation reporting "Ought to Pass"

There being no objections, the above item was ordered to appear on the Consent Calendar of Wednesday, February 20, 1985 under the listing of Second Day.

**Passed to Be Enacted**

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

**Orders of the Day**

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

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

—In Senate, Referred to Committee on Judiciary.

(The Committee on Reference of Bills had suggested reference to the Committee on Local and County Government.)

Tabled—February 14, 1985 by Representative McHENRY of Madawaska.

Pending—Reference in concurrence.

On motion of Representative DIAMOND of Bangor, retabled pending reference in concurrence and tomorrow assigned.

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) (L.D. 524)

—In House, referred to Committee on Appropriations and Financial Affairs on February 12, 1985.

—In Senate, referred to Committee on Human Resources in non-concurrence.

Tabled—February 14, 1985 by Representative CARTER of Winslow.

Pending—Further consideration.

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

The Chair laid before the House the third

tabled and today assigned matter:

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

Tabled—February 14, 1985 by Representative KANE of S. Portland.

Pending—Motion of the same Representative to Reconsider Reference to the Committee on Judiciary.

On motion of Representative DIAMOND of Bangor, retabled pending the motion to reconsider and tomorrow assigned.

grossed Bills as truly and strictly engrossed to be enacted, signed by the Speaker and sent to the Senate.

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(Off Record Remarks)

On motion of Representative Simpson of Casco.

Adjourned until ten o'clock tomorrow morning.

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

**Messages and Documents**

The Following Communication:

STATE OF MAINE  
DEPARTMENT OF LABOR  
BUREAU OF LABOR STANDARDS  
INDUSTRIAL SAFETY DIVISION  
STATE HOUSE STATION 82  
AUGUSTA, MAINE 04333

February 11, 1985

Honorable Edwin H. Pert

Clerk of the House

State House Station #2

Augusta, Maine 04333

Dear Clerk Pert:

The Chapter 35 Resolve as approved by Governor Brennan on June 3, 1983 requires that the Bureau of Labor Standards report back to the Legislature a summary of the data and information collected, along with any rules promulgated.

Copies of the hearing summaries and the recommendations are being sent to you under separate cover for distribution to the Representatives.

Sincerely,

S/MARVIN W. EWING

Director, Bureau of

Labor Standards

Chairman, OSHA Board

Was read and with accompanying report ordered placed on file.

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**Reports of Committees**

**Unanimous Leave to Withdraw**

Representative MICHAUD from the Committee on Energy and Natural Resources on Bill "An Act to Preserve Maine's Freshwater Wetlands" (H.P. 262) (L.D. 316) reporting "Leave to Withdraw"

Representative HIGGINS from the Committee on Taxation on Bill "An Act to Increase the Property Tax Exemption on Parsonages" (H.P. 54) (L.D. 67) reporting "Leave to Withdraw"

Representative HIGGINS from the Committee on Taxation on Bill "An Act to Amend the Law Relating to the Tax Exemption for Parsonages" (H.P. 89) (L.D. 109) reporting "Leave to Withdraw"

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

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**Passed to Be Enacted**

**Emergency Measure**

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

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all members elected to the House being necessary, a total was taken. 130 voted in favor of the same and 1 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act Amending the Charter of the Androscoggin Reservoir Company (S.P. 54) (L.D. 73)

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

Were reported by the Committee on En-