

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 20, 1985

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

Prayer by Father Mark Ouellette, St. Augustine's Church, Augusta.

Quorum called; was held.

The Journal of yesterday was read and approved.

Papers from the Senate

Bill "An Act to Reimburse the Unorganized Territory Education and Services Fund for Overcharges from 1978 to 1983" (S.P. 221) (L.D. 584)

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

On motion of Representative Carter of Winslow, referred to the Committee on Taxation in non-concurrence, Ordered Printed and sent up for concurrence.

Bill "An Act Making Authorizations and Allocations Relating to Federal Block Grants for the Expenditures of State Government for the Fiscal Years Ending June 30, 1985, June 30, 1986, and June 30, 1987" (Emergency) (S.P. 222) (L.D. 585)

Bill "An Act to Authorize an Arts Consultant in the Department of Educational and Cultural Services" (S.P. 223) (L.D. 586)

Bill "An Act Requesting Upgrading Fees Paid Providers of Dental Services under the Medical Assistance Program" (S.P. 228) (L.D. 590)

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 Relating to Prearranged Funerals or Burial Plans" (S.P. 224) (L.D. 587)

Bill "An Act to Amend the Maine Consumer Credit Code" (S.P. 225) (L.D. 588)

Bill "An Act to Clarify the Authority of Non-profit Hospital and Medical Service Organizations to Make Incidental Indemnity Payments" (S.P. 230) (L.D. 592)

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

Were referred to the Committee on Business and Commerce in concurrence.

Bill "An Act to Protect Applicants for Admission to Nursing Homes from Unfair and Illegal Trade Practices" (S.P. 229) (L.D. 591)

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 Outlaw 'Happy Hour' in all Retail Establishments that have a Maine Liquor License" (S.P. 232) (L.D. 594)

Bill "An Act to Establish a Presidential Primary in the State of Maine" (S.P. 233) (L.D. 595)

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

Were referred to the Committee on Legal Affairs in concurrence.

Bill "An Act to Extend the Date for Determining the Maine Tree Growth Tax Law Forest Land Values to Apply in 1985" (Emergency) (S.P. 234) (L.D. 596)

Bill "An Act to Provide for an Income Tax Credit for Parents who Pay Private School Tuition" (S.P. 235) (L.D. 597)

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

Were referred to the Committee on Taxation in concurrence.

Messages and Documents

The following Communication:

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE
04333

February 15, 1985

Honorable John L. Martin
Speaker, House of Representatives
State House Station #2
Augusta, Maine 04333
Dear Speaker Martin:

In my recent State of the State message, I indicated my intention to address one part of my legislative package, workers compensation, in a separate speech due to the complexity of the issue. By this letter I am requesting the opportunity to address a Joint Convention of the Legislature on February 28, 1985 at 11 a.m. to present the details of my proposals to reform our workers compensation system.

I look forward to this opportunity to address this important issue.

Sincerely,

S/JOSEPH E. BRENNAN

Governor

Was read and ordered placed on file.

The following Communication:

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

February 19, 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 I have today reappointed Paul L. McCann, of Millinocket, to the State Compensation Commission for this legislative biennium.

Sincerely,

S/JOHN L. MARTIN

Speaker of the House

Was read and ordered placed on file.

The following Communication: (H.P. 448)

STATE OF MAINE
DEPARTMENT OF STATE
STATE HOUSE STATION 101
AUGUSTA, MAINE 04333
DIVISION OF PUBLIC ADMINISTRATION

February 19, 1985

To the Honorable 112th Legislature of the State of Maine

Attention: House of Representatives, Clerk Pert
Info: Senate, Secretary O'Brien

I have the honor to transmit herewith an initiated bill, "AN ACT to Require Voter Approval of the Disposal of Low-Level Radioactive Waste," and the results of the examination by this office of the initiative petitions to it.

The minimum number of valid signatures required to initiate this legislation is 46,030. Between January 9 and January 24, 1985, our office received 2922 petitions. After extensive reviews we have determined the number of valid signatures to be 48,251.

In view of the foregoing determination, I hereby certify that these petitions have met the constitutional requirements of the minimum of 46,030 valid signatures. Since the petitions have previously satisfied the constitutional requirements in all other respects, under the provisions of Article IV, Part Third, Section 18, of the Constitution of Maine, I do hereby declare this initiative petition to be valid.

In the event the Legislature rejects this initiative proposal, a referendum election will be called for November, 1985.

Respectfully,

S/JAMES S. HENDERSON

Deputy Secretary of State

Was read and ordered placed on file and sent up for concurrence.

On motion of Representative DIAMOND of

Bangor, the accompanying Bill I.B. 1, L.D. 615 Bill "An Act to Require Voter Approval of the Disposal of Low-Level Radioactive Waste" was referred to the Committee on Energy and Natural Resources, ordered printed and sent up for concurrence.

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:

Agriculture

Bill "An Act to Create the Commission on Farmland Loss" (H.P. 434) (Presented by Representative MICHAEL of Auburn) (Cosponsors: Representatives WHITCOMB of Waldo and MCGOWAN of Canaan)

(Ordered Printed)

Sent up for concurrence.

Energy and Natural Resources

RESOLVE, Concerning Blackfly Control (H.P. 435) (Presented by Representative MICHAUD of Medway) (Cosponsors: Representative HARPER of Lincoln, Senator PEARSON of Penobscot and Speaker MARTIN of Eagle Lake)

The Committee on Agriculture was suggested.
On motion of Representative Michael of Auburn, referred to the Committee on Energy and Natural Resources, Ordered Printed and sent up for concurrence.

Business and Commerce

Bill "An Act to Assure Equitable Compliance with the Fair Credit Reporting Act" (H.P. 436) (Presented by Representative BRANNIGAN of Portland) (Cosponsor: Representative COLES of Harpswell)

Bill "An Act to License Social Workers Employed by a Hospital" (H.P. 437) (Presented by Representative BRANNIGAN of Portland)

Bill "An Act to Amend the Fair Credit Reporting Act" (H.P. 438) (Presented by Representative BRANNIGAN of Portland) (Cosponsors: Representatives COLES of Harpswell and RIOUX of Biddeford)

(Ordered Printed)

Sent up for concurrence.

Education

Bill "An Act Concerning Uniform Teacher Evaluation Standards" (H.P. 439) (Presented by Representative FOSS of Yarmouth) (Cosponsor: Representative BROWN of Gorham)

(Ordered Printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act to Suspend the Licenses of Underage Drunken Drivers until They Reach Legal Drinking Age" (H.P. 440) (Presented by Representative BEAULIEU of Portland)

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 to Require Criminal History Record Information 7 Days a Week, 24 Hours a Day" (H.P. 441) (Presented by Representative BRANNIGAN of Portland) (Cosponsors: Representatives RYDELL of Brunswick, COLES of Harpswell and RIOUX of Biddeford)

(Ordered Printed)

Sent up for concurrence.

Labor

Bill "An Act Concerning Payment of Unemployment Benefits to Persons Employed in the United States for only a Brief Period of Time" (H.P. 442) (Presented by Representative WHITCOMB of Waldo) (Cosponsors: Repre-

sentative LANDER of Greenville, Senator TWITCHELL of Oxford and Speaker MARTIN of Eagle Lake)

(Ordered Printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act to Provide Retailers of Malt and Vinous Beverages with a 7-Working Day Credit Period" (H.P. 443) (Presented by Representative GWADOSKY of Fairfield)

Bill "An Act to Require Tenants Injured on the Landlord's Premises to Notify the Landlord Within 30 Days of the Injury" (H.P. 444) (Presented by Representative SPROUL of Augusta)

(Ordered Printed)

Sent up for concurrence.

Marine Resources

Bill "An Act to Protect Lobster Gear" (H.P. 445) (Presented by Representative CONNERS of Franklin)

(Ordered Printed)

Sent up for concurrence.

State Government

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require that Local Units of Government be Reimbursed for the Costs Incurred in Executing State-mandated Programs (H.P. 446) (Presented by Representative WEBSTER of Cape Elizabeth) (Cosponsors: Representatives JACKSON of Harrison and BELL of Paris)

(Ordered Printed)

Sent up for concurrence.

Bill "An Act Relating to Measured Local Telephone Charges" (Emergency) (H.P. 447) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsors: Representatives JOSEPH of Waterville, BAKER of Portland, and Senator MATTHEWS of Kennebec)

(Ordered Printed)

Sent up for concurrence.

Orders

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

ORDERED, that Representative Mona Walker Hale of Sanford be excused February 20 for the duration of her illness.

AND BE IT FURTHER ORDERED, that Representative Linwood M. Higgins of Scarborough be excused February 12 and 13 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Richard Armstrong of Wilton be excused February 19 for the duration of his illness.

Was read and passed.

On motion of Representative RIDLEY of Shapleigh, the following Joint Resolution: (H.P. 449)

JOINT RESOLUTION ON THE OCCASION OF THE BICENTENNIAL OF THE TOWN OF SHAPLEIGH

WHEREAS, "A thing of beauty is a joy forever; Its loveliness increases; it can never pass into nothingness;" and

WHEREAS, the citizens of the Town of Shapleigh have known that special joy of seeing their town increase in loveliness since its earliest settlement; and

WHEREAS, before the tide of civilization began to set back into the unbroken forest, sturdy oak and "broad-arrow" pine stood majestically marking this special spot; and

WHEREAS, from the peaceful shores of Square Pond and Mousam Lake, across broad fertile plains to the heights of Fort Ridge this town was shaped, as a jewel is cut, out of rough wilderness; and

WHEREAS, "they who entered this wilderness, subdued these forests, reared the abodes of comfort, located and made these

roads and planted these institutions of learning morality and religion have all gone; . . . but their names, their deeds, their memories, linger behind" and the beautiful town that is Shapleigh forever remains a joy to all and shall never pass into nothingness; now, therefore, be it

RESOLVED: That We, the Members of the Senate and House of Representatives of this the 112th Legislature of the great and sovereign State of Maine, now assembled in Regular Session, take this opportunity to join with the citizens from across the State and our Nation to congratulate the Town of Shapleigh on this the 200th anniversary of its incorporation, March 5, 1985, and in commending its officials and citizens for the success of this community which they achieved together, offer to each our sincere hopes and best wishes for continued success for the future; and be it further

RESOLVED: That a duly attested copy of this resolution be transmitted forthwith to the town officials and the bicentennial committee of this proud community in honor of this historic occasion.

Was read and adopted and sent up for concurrence.

Reports of Committees

Unanimous Leave to Withdraw

Representative CROUSE from the Committee on Agriculture on Bill "An Act Concerning Minimum Wholesale Prices under the Maine Milk Commission Law" (H.P. 211) (L.D. 245) reporting "Leave to Withdraw"

Representative HICKEY from the Committee on Aging, Retirement and Veterans on Bill "An Act to Reduce the Requirement of State Service in Order to Apply Credit for Military Service" (H.P. 150) (L.D. 184) reporting "Leave to Withdraw"

Representative MURRAY from the Committee on Business and Commerce on Bill "An Act to Prohibit Discrimination Based on Residency by Innkeepers" (H.P. 101) (L.D. 126) reporting "Leave to Withdraw"

Representative BROWN from the Committee on Education on Bill "An Act Relating to Employment by School Administrative Unit, School Union and Academy" (H.P. 13) (L.D. 12) reporting "Leave to Withdraw"

Representative REEVES from the Committee on Legal Affairs on Bill "An Act Concerning the Use of False Identification to Procure Alcoholic Beverages" (H.P. 278) (L.D. 348) reporting "Leave to Withdraw"

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

Refer to the Committee on Legal Affairs

Representative MURPHY from the Committee on Local and County Government on Bill "An Act Relating to the Number of Voting Booths Required in Maine Elections" (Emergency) (H.P. 133) (L.D. 158) reporting that it be referred to the Committee on Legal Affairs.

Report was read and accepted and the bill referred to the Committee on Legal Affairs and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Consent Calendar

First Day

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

(H.P. 102) (L.D. 127) Bill "An Act to Count all Students Living on Federal or State Property as Residents of the District but not Residents of a Municipality" (Emergency) Committee on Education reporting "Ought to Pass"

There being no objections, the above item was ordered to appear on the Consent Calendar of Thursday, February 21, 1985 under the listing of Second Day.

Consent Calendar

Second Day

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

(S.P. 23) (L.D. 27) Bill "An Act to Amend the Motor Vehicle Inspection Law"

No objections having been noted at the end of the Second Legislative Day, the Senate Paper was Passed to be Engrossed in 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 14, 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 Report, and specially assigned for Tuesday, February 26, 1985.

The Chair laid before the House the second 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 19, 1985 by Representative DIAMOND of Bangor.

Pending—Reference in concurrence.

On motion of Representative Kane of South Portland, referred to the Committee on Judiciary in concurrence.

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 19, 1985 by Representative DIAMOND of Bangor.

Pending—Motion of Representative KANE of South Portland to Reconsider Reference to the Committee on Judiciary.

On motion of Representative Kane of South Portland, the House granted Leave of the House to withdraw his motion to reconsider reference to the Committee on Judiciary.

At this point, the Speaker appointed Representative Gwadosky of Fairfield to serve as Speaker pro tem, for Thursday, February 21, 1985.

(Off Record Remarks)

On motion of Representative Crowley of Stockton Springs.

Adjourned until ten o'clock tomorrow morning.