

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**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 21, 1985

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

Prayer by Reverend Richard Hasty, First Parish Church, Portland.  
Quorum called; was held.

The Journal of yesterday was read and approved.

**Papers from the Senate**

The following Communication:  
The Senate of Maine  
Augusta

February 20, 1985

The Honorable John L. Martin  
Speaker of the House  
112th Legislature  
Augusta, Maine 04333  
Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Aging, Retirement and Veterans, the Governor's nomination of Gerald M. Tabenken of Bangor for reappointment to the Board of Trustees of the Maine State Retirement System.

Sincerely,  
S/JOY J. O'BRIEN

Secretary of the Senate

Was read and ordered placed on file.

Bill "An Act to License Respiratory Care Practitioners" (S.P. 226) (L.D. 614)

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 Medicaid Budget Process" (S.P. 227) (L.D. 589)

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

Representative CARTER of Winslow moved that the Bill be referred to the Committee on Appropriations and Financial Affairs.

On motion of the same Representative, tabled pending his motion that the Bill be referred to the Committee on Appropriations and Financial Affairs and specially assigned for Tuesday, February 26, 1985.

Bill "An Act Requiring Treatment and Rehabilitation as a Condition for License Restoration when Convicted of Alcohol or Drug Related Vehicular Homicide" (S.P. 231) (L.D. 593)

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

(The Committee on Reference of Bills had suggested reference to the Committee on Judiciary.)

Was referred to the Committee on Legal Affairs in concurrence.

**Non-Concurrent Matter**

Bill "An Act to Provide Utility Easement by Implication" (H.P. 433) (L.D. 613) which was referred to the Committee on Utilities in the House on February 19, 1985.

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

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

**Messages and Documents**

The following Communication: (H.P. 468)  
Maine Legislative Task Force on Head Injury  
32 Winthrop Street  
Augusta, ME 04330

February 4, 1985

The Honorable John L. Martin

Speaker of the Maine House  
State House  
Augusta, Maine 04333

Dear Speaker Martin:

On behalf of the Maine Legislative Task Force on Head Injuries, we are pleased to transmit our report to the Legislature. The report was mandated by resolve of the 111th Legislature and was prepared with funding from the Bureau of Rehabilitation, Department of Human Services. Additional support was provided by the Maine State Planning Council on Developmental Disabilities.

Each year approximately 1500 people with head injuries are discharged from Maine hospitals. Hospital costs alone for this group exceed \$3 million. The report documents steps we can take to significantly reduce the incidence of head injury and to rehabilitate head injured persons.

We would like to acknowledge the many Maine citizens who contributed to the work of the Task Force. They share with us a concern for the rising social and economic costs of head injury.

Sincerely,  
S/JOAN M. JORDAN S/THOMAS H. ANDREWS  
Co-Chairperson State Senator and  
Co-Chairperson

Was read and with accompanying report 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 Provide for the Inclusion of State Paid Employee Retirement Contribution as Part of the Earnable Compensation of Confidential Employees" (H.P. 451) (Presented by Representative STEVENSON of Unity)

(Ordered Printed)

Sent up for concurrence.

**Agriculture**

(Later Reconsidered)

Bill "An Act to Initiate Agricultural Technology Transfer and Special Project Programs" (H.P. 452) (Presented by Representative CROUSE of Caribou) (Cosponsors: Representative LISNIK of Presque Isle, BRAGG of Sidney and Senator ERWIN of Oxford) (Submitted by the Department of Agriculture, Food and Rural Resources pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

**Appropriations and Financial Affairs**

Bill "An Act to Make Supplemental Appropriations from the General Fund for the Fiscal Years Ending June 30, 1986, and June 30, 1987" (Emergency) (H.P. 453) (Presented by Representative CARTER of Winslow) (Cosponsors: Representative NADEAU of Lewiston, FOSTER of Ellsworth and Senator PEARSON of Penobscot) (Submitted by the Department of Finance and Administration pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

**Education**

Bill "An Act to Amend the School Volunteer Program" (Emergency) (Presented by Representative O'GARA of Westbrook) (Cosponsors: Representatives BOST of Orono, DEXTER of Kingfield and Senator GAUVREAU of Androscoggin) (Submitted by the Department of Educational and Cultural Services pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

**Energy and Natural Resources**

Bill "An Act Related to the Use and Development of the West Branch of the Penobscot River" (Emergency) (H.P. 450) (Presented by Representative DIAMOND of Bangor) (Cosponsors: Senator KANY of Kennebec, Representatives HOGLUND of Portland and KIMBALL of Buxton)

(Ordered Printed)

Sent up for concurrence.

**Fisheries and Wildlife**

Bill "An Act to Close Ragged Stream to Caribou Lake to the Taking of Smelts" (H.P. 455) (Presented by Representative JACQUES of Waterville)

Bill "An Act to Close Moosehead Lake to Ice Fishing Within 300 Feet of Shore" (H.P. 456) (Presented by Representative JACQUES of Waterville)

Bill "An Act to Appropriate Funds for the Wildlife Management Institute to Conduct a Study of the Department of Inland Fisheries and Wildlife" (H.P. 457) (Presented by Representative GREENLAW of Standish)

(Ordered Printed)

Sent up for concurrence.

**Human Resources**

Bill "An Act to Amend Provisions Governing the Procedures of the Maine Health Care Finance Commission" (H.P. 459) (Presented by Representative NELSON of Portland) (Cosponsors: Senator BUSTIN of Kennebec, Representatives BRODEAU of Auburn and MANNING of Portland) (Submitted by the Maine Health Care Finance Commission pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

**Judiciary**

Bill "An Act to Establish a Living Will" (H.P. 458) (Presented by Representative MURRAY of Bangor) (Cosponsors: Representatives MITCHELL of Freeport, SMITH of Island Falls and Senator GILL of Cumberland)

(Ordered Printed)

Sent up for concurrence.

**Legal Affairs**

Bill "An Act to Limit the Transportation of Fire Arms in Motor Vehicles" (H.P. 460) (Presented by Representative CONNERS of Franklin)

Bill "An Act to Provide for a Setup Period Prior to Opening of the Polls" (H.P. 461) (Presented by Representative INGRAHAM of Houlton)

Bill "An Act to Permit the Secretary of State to Issue Work-restricted Drivers' Licenses to First Time OUI Offenders" (H.P. 462) (Presented by Representative INGRAHAM of Houlton)

(Ordered Printed)

Sent up for concurrence.

**Taxation**

Bill "An Act to Clarify Just Value as it Relates to Property Assessment" (H.P. 463) (Presented by Representative MURPHY of Kennebunk) (Cosponsors: Representatives RACINE of Biddeford, JACKSON of Harrison and Senator BLACK of Cumberland)

Bill "An Act to Allow a Tax Credit Equal to 30% of the Net Cost of Operating a Child Care Facility to be Used Primarily by the Children of the Taxpayer's Employee's" (H.P. 464) (Presented by Representative FOSS of Yarmouth) (Cosponsor: Representative WEBSTER of Cape Elizabeth)

(Ordered Printed)

Sent up for concurrence.

**Transportation**

Bill "An Act to Require Eye Protection for Persons Riding Motorcycles" (H.P. 465) (Presented by Representative NELSON of

Portland) (Cosponsor: Representative GREEN-LAW of Standish)

RESOLVE, Concerning the Establishment of a Social Services Transportation Review Committee (H.P. 466) (Presented by Representative REEVES of Pittston) (Cosponsors: Senators GILL of Cumberland, DANTON of York and Representative THERIAULT of Fort Kent)

(Ordered Printed)

Sent up for concurrence.

#### Orders

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

ORDERED, that Representative Annette M. Hoglund of Portland be excused February 12, 13, 14, and 19 due to illness.

Was read and passed.

#### Reports of Committees

##### Unanimous Leave to Withdraw

Representative GWADOSKY from the Committee on State Government on Bill "An Act to Repeal the Office of the Commissioner within the Department of Labor which is Funded from Administrative Funds" (H.P. 121) (L.D. 146) reporting "Leave to Withdraw"

Representative CLARK from the Committee on Fisheries and Wildlife on Bill "An Act to Institute the Hunting of Small Game on Sundays" (H.P. 107) (L.D. 132) reporting "Leave to Withdraw"

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

##### Ought to Pass in New Draft/New Title

Representative GWADOSKY from the Committee on State Government on Bill "An Act Concerning Nonpartisan Offices Held by Members of the State Police" (Emergency) (H.P. 31) (L.D. 32) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Pertaining to Law Enforcement Officers and Public Office Holding" (Emergency) (H.P. 467) (L.D. 616).

Report was read and accepted and the New Draft read once.

Under suspension of the rules, the New Draft was read a second time, passed to be engrossed 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:

(H.P. 120) (L.D. 145) Bill "An Act to Authorize an Additional Brigadier General Position in the Maine Army National Guard"

Committee on State Government reporting "Ought to Pass"

There being no objections, the above item was ordered to appear on the Consent Calendar of Tuesday, February 26, 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:

(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)

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

#### Passed to be Enacted

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

An Act to Amend the Laws Concerning Fire Prevention and Protection (H.P. 20) (L.D.

18) (C "A" H-4)

Were 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.

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

#### Papers from the Senate

The following Joint Order: (S.P. 256)

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Tuesday, February 26, 1985 at 10:00 in the morning.

Came from the Senate, read and passed.

Was read and passed in concurrence.

#### (Off Record Remarks)

On motion of Representative CARTER of Winslow, the House reconsidered its action whereby Bill "An Act to Initiate Agricultural Technology Transfer and Special Project Programs" (H.P. 452) was referred to the Committee on Agriculture.

On further motion of the same Representative, tabled pending reference and specially assigned for Tuesday, February 26, 1985.

On motion of Representative Descoteaux of Biddeford, adjourned pursuant to Joint Order (S.P. 256).