

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 27, 1985

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

Prayer by Reverend James Murphy, Christian and Missionary Alliance Church, Winthrop.
Quorum called; was held.

The Journal of Tuesday, February 26, 1985 was read and approved.

Papers from the Senate

The following Joint Resolution: (S.P. 264)
JOINT RESOLUTION IN COMMEMORATION OF THE VISIT OF THE FRENCH NAVAL SHIP R.H.M. CENTAURE

WHEREAS, on April 13, 1778, the French naval frigate, "Le Sensible" arrived in Falmouth Harbor, now Portland, for the purpose of delivering to the colonists the Treaty of Alliance advising the colonists that the Government of France had formally and openly acknowledged American independence and pledged its aid and support; and

WHEREAS, word of France's entry into the war spread from Falmouth, in District of Maine, through New England to General George Washington and his troops in Pennsylvania; and

WHEREAS, the decision of France to aid American colonists was of particular importance to the eventual attainment of American independence; and

WHEREAS, this historic occasion will be commemorated in February of 1985, by the City of Portland and the State upon the arrival of the French naval ship Centaure on February 27, 1985; and

WHEREAS, the visit of the French naval ship Centaure is an occasion of great significance to Maine and its citizens; now therefore, be it
RESOLVED: That We, the Members of the 112th Legislature of Maine while duly assembled in regular session do extend our welcome to the officers and crew of the Centaure upon the occasion of their visit to the State and the City of Portland; and be it further

RESOLVED: That a duly authenticated copy of this Resolution of welcome be sent forthwith, on behalf of the Legislature and the people of Maine, to the City of Portland for appropriate transmittal to the commanding officer of the French naval ship Centaure upon the occasion of that vessel's arrival at Portland Harbor.

Came from the Senate, read and adopted.
Was read and adopted in concurrence.

Bill "An Act to Require Guides for Hunters who are not United States Citizens" (S.P. 260) (L.D. 639)

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

Was referred to the Committee on Fisheries and Wildlife in concurrence.

Bill "An Act Relating to Structures Located in Proposed Ways" (S.P. 265) (L.D. 708)

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 Require Investigations and Reports on All Accidents Involving Police Cars" (S.P. 266) (L.D. 709)

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

Was referred to the Committee on Legal Affairs in concurrence.

Bill "An Act Creating a Department of Maine's Economic Future" (S.P. 262) (L.D. 671)

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

Was referred to the Committee on State Government in concurrence.

Bill "An Act Concerning the Maturation of Tax Liens" (S.P. 261) (L.D. 672)

Bill "An Act to Increase Income Limitations Under the Elderly Householders Tax and Rent Refund Act and to Remove People in Subsidized Housing from the Program" (S.P. 263) (L.D. 672)

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

Were referred to the Committee on Taxation in concurrence.

Ought to Pass

Report of the Committee on Education reporting "Ought to Pass" on Bill "An Act to Amend the Law Concerning the Student Incentive Scholarship Program Under the Education Law" (S.P. 68) (L.D. 119)

Came from the Senate, with the bill and accompanying papers recommitted to the Committee on Education.

In the House: The "Ought to Pass" Report was accepted, the Bill was read once and assigned for Second Reading tomorrow.

Messages and Documents

The following Communication: (S.P. 267)
112th Maine Legislature

February 22, 1985

Senator Michael E. Carpenter
Representative Edwards J. Kane
Chairpersons, Committee on Judiciary
112th Legislature
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated Alexander MacNichol of Cape Elizabeth for appointment as a Judge-at-Large of the District Court.

Pursuant to Title 4, MRSA Section 157, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,
S/CHARLES P. PRAY
President of the Senate
S/JOHN L. MARTIN
Speaker of the House

Came from the Senate, Read and Referred to the Committee on Judiciary.

Was Read and Referred to the Committee on Judiciary in concurrence.

The following Communication:
STATE OF MAINE

WORKER'S COMPENSATION COMMISSION
AUGUSTA, MAINE 04333

February 25, 1985

John L. Martin, Speaker
HOUSE OF REPRESENTATIVES
State House Station #2
Augusta, Maine 04333
Joseph E. Brennan, Governor
EXECUTIVE DEPARTMENT
Station House Station #1
Augusta, Maine 04333
Charles P. Pray, President
MAINE STATE SENATE
State House Station #3
Augusta, Maine 04333
Dear Speaker Martin:

I am pleased to forward to you the 1984 annual decisions report for this commission. As you can see, the commissioners issued 3524 written decisions following formal hearings in 1984. The category designated "other" includes decision issued by me and by former commissioners pursuant to Title 39, MRSA section 99. The total number of decisions issued in 1983 was 2968. To my knowledge, this is the highest number of formal decisions issued in the commission's history.

I am also forwarding to you for your information a comprehensive status report of all claims pending by commissioners. There is no

question that the addition of the informal conference procedure has seriously encroached upon time for formal hearings. In addition, the mandate that formal hearings on 1984 claims be scheduled ahead of pre 1984 claims has slowed down the hearings process for older claims.

Sincerely yours,
S/CHARLES D. DEVOE
Chairman

Was read and with accompanying papers 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.

Appropriations and Financial Affairs

Bill "An Act to Assure Appropriate Education and Treatment of People who are Deaf or Hearing Impaired" (H.P. 522) (L.D. 742) (Presented by Representative CONNOLLY of Portland) (Cosponsors: Senator PERKINS of Hancock, Representatives LISNIK of Presque Isle, and SMITH of Mars Hill)

Bill "An Act to Create the Maine Rainy Day Fund" (H.P. 521) (L.D. 741) (Presented by Representative CARTER of Winslow) (Cosponsors: Speaker MARTIN of Eagle Lake, Senator PEARSON of Penobscot, and President PRAY of Penobscot)

Bill "An Act Concerning the Funding of Superior Courts in Maine" (H.P. 523) (L.D. 743) (Presented by Representative MAYO of Thomaston) (Cosponsors: Senator SEWALL of Lincoln, Representatives ROTONDI of Athens and STROUT of Corinth)

(Ordered Printed)

Sent up for concurrence.

Tabled and Assigned

JOINT RESOLUTION MAKING APPLICATION TO CONGRESS CALLING A CONSTITUTIONAL CONVENTION TO PROPOSE AN AMENDMENT TO THE FEDERAL CONSTITUTION TO REQUIRE A BALANCED FEDERAL BUDGET (H.P. 520) (L.D. 740) (Presented by Representative HEPBURN of Skowhegan) (Cosponsor: Representative HIGGINS of Scarborough)

The Committee on Appropriations and Financial Affairs was suggested.

On motion of Representative Carter of Winslow, tabled pending reference and tomorrow assigned.

Appropriations and Financial Affairs

Bill "An Act to Enhance Educational Opportunities at the University of Maine at Augusta, Lewiston-Auburn Learning Center" (Emergency) (H.P. 524) (L.D. 744) (Presented by Representative HANDY of Lewiston) (Cosponsors: Senators BERUBE of Androscoggin, BUSTIN of Kennebec and Representative COTE of Auburn)

The Committee on Education was suggested.

On motion of Representative Carter of Winslow, referred to the Committee on Appropriations and Financial Affairs, ordered printed and sent up for concurrence.

Energy and Natural Resources

Bill "An Act to Prevent Well Water Contamination" (H.P. 525) (L.D. 745) (Presented by Representative COOPER of Windham) (Cosponsors: Senator USHER of Cumberland, Representatives HOLLOWAY of Edgecomb and JACQUES of Waterville)

(Ordered Printed)

Sent up for concurrence.

Fisheries and Wildlife

Bill "An Act to Authorize the Exhibition of Piranha Fish" (H.P. 526) (L.D. 746) (Presented by Representative NADEAU of Saco) (Cospon-

sors: Senator DANTON of York and Representative DESCOTEUX of Biddeford)

Bill "An Act to Require Completion of an Education Program in Order to be Eligible to Purchase an Initial Trapping License" (H.P. 527) (L.D. 747) (Presented by Representative JACQUES of Waterville) (Cosponsors: Representatives MICHAUD of Medway, McGOWAN of Canaan and ROTONDI of Athens) (Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act Concerning the Courtroom Use of Videotaped Testimony of Juveniles" (H.P. 528) (L.D. 748) (Presented by Representative NADEAU of Lewiston) (Cosponsors: Representative ROLDE of York, Senator CARPENTER of Aroostook and Speaker MARTIN of Eagle Lake)

Bill "An Act to Prohibit Consumption of Alcoholic Beverages within 15 Feet of a Public Way" (H.P. 529) (L.D. 749) (Presented by Representative MANNING of Portland) (Cosponsors: Senator NAJARIAN of Cumberland, Representatives MAYO of Thomaston and PERRY of Mexico) (Ordered Printed)

Sent up for concurrence.

Labor

Bill "An Act to Provide for the Negotiability of Transfers, Reassignments and Promotions for Teachers" (H.P. 530) (L.D. 750) (Presented by Representative BAKER of Portland) (Cosponsors: Representatives CLARK of Millinocket, MAYO of Thomaston and Senator GAUVREAU of Androscoggin)

Bill "An Act Concerning the Composition of the Board of Elevator and Tramway Safety" (H.P. 531) (L.D. 751) (Presented by Representative RACINE of Biddeford) (Cosponsors: Representatives KIMBALL of Buxton, HILLOCK of Gorham and Senator BLACK of Cumberland) (Ordered Printed)

Sent up for concurrence.

Human Resources

Bill "An Act to Assure the Public Freedom of Choice of Practitioner in Obtaining Dental Services" (H.P. 532) (L.D. 752) (Presented by Representative MANNING of Portland) (Cosponsors: Senators GILL of Cumberland, WEBSTER of Franklin and Representative PARADIS of Augusta)

The Committee on Labor was suggested.

On motion of Representative Beaulieu of Portland, referred to the Committee on Human Resources, ordered printed and sent up for concurrence.

Legal Affairs

Bill "An Act to Require that the Lottery Commission Return Over 50% of Receipts to Lottery Participants in the Form of Prizes" (H.P. 533) (L.D. 753) (Presented by Representative BOUTILIER of Lewiston) (Ordered Printed)

Sent up for concurrence.

Tabled and Assigned

Bill "An Act to Clarify the Rights of Tenants in Mobile Home Parks" (H.P. 534) (Presented by Representative REEVES of Pittston) (Cosponsor: Representative SWAZEY of Bucksport)

The Committee on Legal Affairs was suggested.

On motion of Representative Brannigan of Portland, tabled pending the motion of Representative Perry of Mexico that the Bill be referred to the Committee on Legal Affairs and tomorrow assigned.

Legal Affairs

Bill "An Act Concerning Retail Sales of Beer and Wine" (H.P. 535) (L.D. 754) (Presented by Representative BOUTILIER of Lewiston)

(Cosponsors: Representatives BRANNIGAN of Portland, MELENDY of Rockland and REEVES of Pittston)

Bill "An Act to Provide Equitable Fees for Nonresident Concealed Weapons Permits and to Provide for Reciprocity" (H.P. 536) (Presented by Representative LANDER of Greenville) (Cosponsors: Representatives CONNERS of Franklin, RIDLEY of Shapleigh, and PAUL of Sanford) (Ordered Printed)

Sent up for concurrence.

State Government

Bill "An Act Concerning Financing of Commercial Fishing Vessels under All Financing Programs of the Finance Authority of Maine" (H.P. 537) (Presented by Representative MANNING of Portland) (Cosponsor: Representative NADEAU of Saco)

RESOLVE, Authorizing the Sale of State-owned Land to the Crisis and Counseling Center (H.P. 538) (Presented by Representative REEVES of Pittston) (Cosponsors: Representatives HICKEY of Augusta and PARADIS of Augusta) (Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act to Impose a Sales Tax on Media Advertising" (H.P. 539) (Presented by Representative HIGGINS of Portland) (Cosponsor: Senator BUSTIN of Kennebec)

Bill "An Act to Provide the Sales and Use Tax Exemption for Community Action Ministries" (H.P. 540) (Presented by Representative DAVIS of Monmouth) (Cosponsors: Senator DIAMOND of Cumberland, Representatives ZIRNKILTON of Mount Desert, and NICKERSON of Turner) (Ordered Printed)

Sent up for concurrence.

Transportation

Bill "An Act to Establish Temporary Handicapped Parking Permits" (H.P. 541) (Presented by Representative STEVENS of Bangor) (Cosponsors: Representatives CARROLL of Gray, MANNING of Portland, and Senator ANDREWS of Cumberland)

Bill "An Act Concerning Public Access to Rest Facilities on Interstate Route 95" (H.P. 542) (Presented by Representative McHENRY of Madawaska) (Cosponsors: Representatives MARTIN of Van Buren, THERIAULT of Fort Kent, and Senator VIOLETTE of Aroostook) (Ordered Printed)

Sent up for concurrence.

Reports of Committees

Unanimous Ought Not to Pass

Representative CLARK from the Committee on Fisheries and Wildlife on Bill "An Act Concerning the Open Season on Partridge" (H.P. 106) (L.D. 131) reporting "Ought Not to Pass"

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

Unanimous Leave to Withdraw

Representative HALE from the Committee on Labor on Bill "An Act to Provide Presumption of Validity to Certain Collective Bargaining Provisions" (H.P. 85) (L.D. 105) reporting "Leave to Withdraw"

Representative WALKER from the Committee on Fisheries and Wildlife on Bill "An Act to Limit the Hunting of Raccoon" (H.P. 59) (L.D. 77) 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 Taxation

Representative THERIAULT from the Committee on Transportation on Bill "An Act Relating to One-way Rental Vehicles" (H.P. 140) (L.D. 165) reporting that it be referred

to the Committee on Taxation.

Report was read and accepted and the bill referred to the Committee on Taxation 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:

(S.P. 37) (L.D. 45) RESOLVE, Authorizing the Director of Parks and Recreation to Convey by Deed the Interest of the State of Maine in Certain Parcels of Real Property Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-4)

(H.P. 98) (L.D. 123) Bill "An Act to Clarify Provisions Relating to Contributions by Participating Local Districts and to Provide for Collection of Delinquent Contributions" Committee on Aging, Retirement and Veterans reporting "Ought to Pass"

(H.P. 226) (L.D. 260) Bill "An Act to Provide Standards for a Waiver of Set-back Requirements under the Transportation Law" 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 28 under the listing of Second Day.

Orders of the Day

Later Today Assigned

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

Bill "An Act Establishing Educational Scholarships for Children of Firefighters and Police Officers who Die in the Performance of Their Duty" (H.P. 478) (L.D. 681)

TABLED—February 26, 1985 by Representative CARTER of Winslow, PENDING—Motion of Representative BROWN of Gorham to refer to Committee on Education.

On motion of Representative Carter of Winslow, tabled pending reference and later today assigned.

Tabled and Assigned

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

Bill "An Act to Relocate the Supreme Judicial Court and Related Functions to the State Capitol at Augusta" (H.P. 485) (L.D. 688)

TABLED—February 26, 1985 by Representative CARTER of Winslow.

PENDING—Motion of Representative PARADIS of Augusta to refer to Committee on Judiciary.

On motion of Representative Carter of Winslow, tabled pending reference and tomorrow assigned.

Tabled and Assigned

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

Bill "An Act Defining the Right of Employees of Public Utilities to Testify before Legislative Committees and the Public Utilities Commission" (H.P. 514) (L.D. 719)

(Committee on State Government suggested.)

TABLED—February 26, 1985 by Representative GWADOSKY of Fairfield.

PENDING—Reference.

On motion of Representative Vose of Eastport, tabled pending reference and tomorrow assigned.

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

HOUSE REPORT — "Ought to Pass — Committee on Transportation on Bill "An Act to Permit a Vehicle to be Registered for the Gross Weight allowed by a Permit under the Motor Vehicle Laws" (H.P. 66) (L.D. 84)

TABLED—February 26, 1985 by Representative THERIAULT of Fort Kent.

PENDING—Acceptance of Committee Report.

Whereupon, the Committee Report was accepted and the Bill read once.

Committee Amendment A (H-5) was read and adopted and the Bill assigned for second reading tomorrow.

The Chair laid before the House the fifth 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 26, 1985 by Representative MICHAEL of Auburn.

PENDING—Motion of same Representative to Accept the Majority Report.

Whereupon, the Majority "Ought to Pass" Report in New Draft was accepted, the Bill was read once and assigned for Second Reading tomorrow.

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

Bill "An Act to Establish a Medicaid Budget Process" (S.P. 227) (L.D. 589)

— In Senate, Referred to Committee on Human Resources.

TABLED—February 26, 1985 by Representative CARTER of Winslow.

PENDING—Motion of same Representative to refer to Committee on Appropriations and Financial Affairs.

Whereupon, on motion of Representative Carter of Winslow, referred to the Committee on Appropriations and Financial Affairs in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter:

Bill "An Act Establishing Educational Scholarships for Children of Firefighters and Police Officers who Die in the Performance of Their Duty" (H.P. 478) (L.D. 681) which was tabled earlier and later today assigned pending the motion of the Representative from Gorham, Representative Brown, that this Bill be referred to the Committee on Education.

Representative Brown of Gorham withdrew her motion that the Bill be referred to the Committee on Education.

On further motion of the same Representative, referred to the Committee on Appropriations and Financial Affairs, Ordered Printed, and sent up for concurrence.

(Off Record Remarks)

On motion of Representative Matthews of Caribou.

Adjourned until ten o'clock tomorrow morning.