

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, March 6, 1985

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

Prayer by Father Royal J. Parent, St. Teresa's Church, Brewer.

Quorum called; was held.

The Journal of yesterday was read and approved.

Papers from the Senate

The following Communication:

THE SENATE OF MAINE
AUGUSTA

March 5, 1985

Edwin H. Pert
Clerk of the House
112th Legislature
Augusta, Maine 04333
Dear Clerk Pert:

Please be advised that the Senate today adhered to its action on 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); whereby the Senate referred this bill to the Committee on Education in non-concurrence.

Sincerely,

S/ JOY J. O'BRIEN

Secretary of the Senate

Was read and ordered placed on file.

Bill "An Act to Increase the Length of the Bear Hunting Season" (S.P. 341) (L.D. 927)

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 to Change Election Dates" (S.P. 339) (L.D. 925)

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 to Allow Municipalities to Fix their Speed Limits Upon Notification to the Department of Transportation and the State Police" (S.P. 340) (L.D. 926)

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

Was referred to the Committee on Transportation in concurrence.

Non-Concurrent Matter

Bill "An Act to Exempt Houses of Worship from Inspection Fees for Elevators" (H.P. 595) (L.D. 865) which was referred to the Committee on Labor in the House on February 28, 1985.

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

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Require a Life Safety Sprinkler System in Certain Residential Occupancies" (H.P. 601) (L.D. 871) which was referred to the Committee on Legal Affairs in the House on February 28, 1985.

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

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act Concerning Child Protective Services" (H.P. 173) (L.D. 207) on which the Unanimous "Refer to Committee on Education" Report of the Committee on Human Resources was read and accepted and the Bill and accompanying papers referred to the Committee on Education in the House on March 1,

1985.

Came from the Senate with the Bill and accompanying papers referred to the Committee on Judiciary in non-concurrence.

The House voted to recede and concur.

Messages and Documents

The following Communication:

STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
STATE HOUSE STATION 16
AUGUSTA, MAINE 04333

March 4, 1985

Mr. Edwin Pert
Clerk of the House
State House Station 2
Augusta, Maine 04333
Dear Clerk Pert:

In accordance with Executive Order No. 11 FY 83/84, dated June 1, 1985, I am submitting the final report of the "Governor's Advisory Committee for the Development of a Rail Transportation Policy for the State of Maine" to the 112th Legislature.

Sincerely,

S/ DANA F. CONNORS

Commissioner

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 Concerning Deductions from State Disability Retirement Allowances of Social Security Disability Benefits" (H.P. 656) (L.D. 928) (Presented by Representative McSWEENEY of Old Orchard Beach) (Ordered Printed)

Sent up for concurrence.

Fisheries and Wildlife

Bill "An Act to Establish a Coyote Awards Program" (H.P. 657) (L.D. 929) (Presented by Representative ROLDE of York)

(Ordered Printed)

Sent up for concurrence.

Local and County Government

Bill "An Act to Increase Citizen Participation in the Municipal Charter Revision Process" (H.P. 658) (L.D. 930) (Presented by Representative BEAULIEU of Portland)

(Ordered Printed)

Sent up for concurrence.

Transportation

Bill "An Act Concerning the Designation and Presentation of Scenic Roads" (H.P. 659) (L.D. 931) (Presented by Representative ROLDE of York)

Bill "An Act to Exempt Certain Unused Railroad Crossings from the Requirement to Stop" (H.P. 660) (L.D. 932) (Presented by Representative McPHERSON of Eliot)

(Ordered Printed)

Sent up for concurrence.

Reports of Committees**Unanimous Leave to Withdraw**

Representative TARDY from the Committee on Agriculture on Bill "An Act to Establish a Maine Agricultural Limestone Material Act" (H.P. 251) (L.D. 305) reporting "Leave to Withdraw"

Representative LORD from the Committee on Agriculture on Bill "An Act Concerning the Date by Which Dogs Must be Licensed" (H.P. 148) (L.D. 182) reporting "Leave to Withdraw"

Representative McCOLLISTER from the Committee on Agriculture on Bill "An Act Concerning Cruelty to Animals" (H.P. 144) (L.D. 178) reporting "Leave to Withdraw"

Representative WARREN from the Committee on Legal Affairs on Bill "An Act Concerning Notice to Wholesalers of Retail Liquor License Transfers" (H.P. 275) (L.D. 345) 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 items appeared on the Consent Calendar for the First Day:

(S.P. 16) (L.D. 9) Bill "An Act to Clarify the Enforcement of Private Septage Disposal Sites" Committee on Energy and Natural Resources reporting "Ought to Pass"

(S.P. 147) (L.D. 414) Bill "An Act to Restrict the Number of Advertising Signs Which May be Displayed by Licensed Retailers" Committee on Business and Commerce reporting "Ought to Pass"

(S.P. 86) (L.D. 267) Bill "An Act Relating to Radiation User Fees Under the Human Services Law" Committee on Human Resources reporting "Ought to Pass"

(H.P. 100) (L.D. 125) Bill "An Act to Establish a Maine Rivers Grants Program" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-12)

(H.P. 233) (L.D. 274) Bill "An Act to Amend the Weights and Measures Law" Committee on Agriculture reporting "Ought to Pass"

(H.P. 146) (L.D. 180) Bill "An Act to Lower the Storage Temperature of Milk" Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-13)

There being no objections, the above items were ordered to appear on the Consent Calendar of Thursday, March 7, 1985 under the listing of Second Day.

Consent Calendar Second Day

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

(H.P. 201) (L.D. 235) Bill "An Act to Designate the 3rd Week in October as Maine Business Women's Week" (C. "A" H-10)

(H.P. 8) (L.D. 6) Bill "An Act to Allow Municipal Officers to Appoint Deputy Treasurers and Deputy Tax Collectors"

(H.P. 64) (L.D. 82) Bill "An Act to Clarify the Procedure for Preparing Ballots for Municipal Elections"

(H.P. 91) (L.D. 111) Bill "An Act to Establish a Uniform Fee for Whitewater Guides Licenses" (Emergency)

(H.P. 248) (L.D. 302) Bill "An Act for the Repeal of Obsolete Provisions Providing Accidental Death Benefits"

No objections having been noted at the end of the Second Legislative Day, the House Papers were Passed to be Engrossed or Passed to be Engrossed as Amended and sent up for concurrence.

Passed to Be Engrossed

Bill "An Act to Deny Certain State Funds to Any Person Who Refuses to Register Under the United States Military Selective Services Act" (H.P. 643) (L.D. 897)

Was reported by the Committee on Bills in the Second Reading and read a second time.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Brodeur.

Representative BRODEUR: Thank you Mr. Speaker. I move that this Bill and all of its accompanying papers be indefinitely postponed.

Mr. Speaker and Members of the House: Yesterday after the debate on this Bill, I saw both Representative Dillenback from Cumberland and the Representative from Old

Town, Representative Paradis and they were waiting for me to speak, so as not to disappoint them today, I thought I would proceed. Although, I was a little bit uneasy with the characterization of myself as a big gun by the Representative from Old Town, Mr. Paradis, I don't feel very comfortable with that characterization.

When I speak, I in no way mean to offend or to take anything away from the glory and pride of the men and women who served the people of our nation in war for my father served with them. They deserve our respect for their commitment, their bravery and their sacrifice.

Our history tells of the glory and pride of the United States as it defended itself, history of which many of you lived through with our allies against fascism and aggressive imperialism of axis powers, forty years ago. Our democracy and our allies were threatened. We, and other nations, were unjustly attacked forty years ago. Our country was defending itself. Defending democracy and defending the basic human rights of nations and its peoples. But it is the experience of the draft of the last twenty years that I am most familiar with.

When we debate a Bill in this chamber, we usually look at many of the implications and possible results of the Bill. I want to present the results of some of our past experiences and past results along with possible results and implications of this Bill.

When I turned eighteen, I too registered for the draft. My friends and classmates were those who were drafted though. Some never came back alive and some came back physically, psychologically and chemically injured. It is a fact that many of those who resisted are now better off than those who did serve. Unfortunately, the war in Vietnam wasn't fought to promote democracy, but to oppose it. It wasn't fought to foster the human rights of people, but to deny them. It wasn't fought as the defender of liberty and unjust aggression, we were the aggressor. Killing one million people in Vietnam, 500,000 of them children, injuring and making homeless 5 million people, poisoning their farm lands and leaving the countryside with mines and chemicals that continue to injure today.

But I would like to focus on this Bill on a personal level. Draft registration is not only making up a roster, but a necessary step towards registration and towards the draft, towards men fighting a war. The Representatives from Cumberland and Old Town both said that this was to be available in time of need, to meet manpower objectives to meet it's national objectives. That is a nice clean way of stating what time of need is and what national objective is. But I think that the history that I am familiar with, another way of putting that is that you offer your sons and your grandsons and our constituents' sons and grandsons as a sacrificial offering to the whims of other politicians. I strongly object to that. Do we have to wait until forty thousand more young men and women are killed in a conflict with no just cause before we act? I hope not. In the situation we are faced with today, we have two fleets on the shores of Nicaragua. We have six or seven bases in Honduras against Congressional intent and Congressional directives, ready to fight a war there. A democratic nation where there are six or seven political parties that just had an election in which one party received a high percentage of the vote. A democratic nation. A new nation that just had a revolution. A democratic nation where all the people who can have arms, have arms, and if they had an oppressor there, they could use their arms against any oppressor. I hope that we don't go down the path of encouraging our young men to proceed blindly to the whims of politicians. I think we should look very carefully at where we are heading and I hope this isn't the direction that we take.

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Paradis.

Representative PARADIS: Mr. Speaker, Members of the House, I request a roll call.

Members of the House: We gave this Bill a good hearing yesterday and with a good solid vote for passage. I hope that we would do the same again today. Let's pass this Bill and send it on its way to the other body so that they can act on it. I hope that puts this to rest for some period of time. Thank you.

The SPEAKER: A roll call has been requested. In order for the Chair to order a roll call it must have the expressed desire of more than one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

Obviously, more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question before the House is the motion of the Representative from Auburn, Representative Brodeur, that L.D. 897 be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL No. 6

YEAS:—Allen, Beaulieu, Bost, Bott, Brannigan, Brodeur, Brown, A.K.; Carroll, Cashman, Coles, Connolly, Cooper, Crouse, Diamond, Duffy, Hale, Handy, Higgins, H.C.; Hoglund, Joseph, LaCroix, Manning, Mayo, McHenry, Melendy, Michael, Michaud, Mills, Mitchell, Murray, Nadeau, G.G.; Nadeau, G.R.; Nelson, Paul, Priest, Reeves, Rydell, Stevens, P. Warren.

NAYS:—Aliberti, Armstrong, Baker, A.L.; Begley, Bell, Bonney, Bragg, Brown, D.N.; Cahill, Callahan, Carter, Chonko, Clark, Connors, Cote, Crowley, Davis, Descoteaux, Dexter, Dillenback, Drinkwater, Erwin, Farnum, Foss, Foster, Greenlaw, Gwadosky, Harper, Hichborn, Hickey, Hillock, Holloway, Ingraham, Jackson, Jacques, Jalbert, Kimball, Lander, Law, Lawrence, Lebowitz, Lisnik, Lord, MacBride, Macomber, Martin, H.C.; Masterman, Matthews, McColister, McPherson, McSweeney, Moholland, Murphy, E.M.; Murphy, T.W.; Nicholson, Nickerson, O'Gara, Paradis, E.J.; Paradis, P.E.; Parent, Perry, Pines, Racine, Randall, Rice, Richard, Ridley, Rioux, Roberts, Rotondi, Salsbury, Scarpino, Seavey, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soucy, Stetson, Stevens, A.G.; Stevenson, Strout, Swazey, Tammara, Tardy, Taylor, Telow, Theriault, Vose, Walker, Webster, Wentworth, Weymouth, Whitcomb, Willey, Zirnkilton.

ABSENT:—Baker, H.R.; Boutilier, Carrier, Daggett, Dellert, Hayden, Hepburn, Higgins, L.M.; Kane, McGowan, Pouliot, Rolde, Ruhlin, Simpson, Sproul, The SPEAKER:

39 voted in the affirmative and 96 in the negative with 16 absent, the motion did not prevail.

Whereupon, the Bill was passed to be engrossed and sent up for concurrence.

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

Passed to be Enacted Emergency Measure

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) (H. "A" H-6; C. "A" H-5)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 128 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Eliminate Volume Determined Delivery Prices of Milk (H.P. 320) (L.D. 431) (H.

"A" H-7)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

The SPEAKER: The Chair recognizes the Representative from Canton, Representative McColister.

Representative MCCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: Ever since I have been in this body, I have supported farm measures that truly help the farmers. I believe I have voted for most Bills that truly help the consumer. Those two issues sometimes do conflict. But on this Bill, I do not believe there is a conflict between the farmer and the consumer. I would hope you would vote with me to defeat this measure.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Connolly.

Representative CONNOLLY: Mr. Speaker: I would ask for a roll call.

The SPEAKER: A roll call has been requested. In order for the Chair to order a roll call, it must have the expressed desire of one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

Obviously, more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question before this House is passage to be enacted. Those in favor will vote yes; those opposed will vote no.

The Chair recognizes the Representative from Canaan, Representative McGowan.

Representative MCGOWAN: Thank you Mr. Speaker. Ladies and Gentlemen of the House. Pursuant to the Joint Rule 10, I asked to be excused awaiting the ruling from the Governmental Ethics Commission. I think it is only fair.

The SPEAKER: The Chair will grant the request of the Representative from Canaan, Representative McGowan, that he be excused pursuant to Rule 10.

ROLL CALL No. 7

YEAS:—Aliberti, Armstrong, Begley, Bell, Bonney, Bost, Bott, Bragg, Brannigan, Brodeur, Brown, A.K.; Cahill, Callahan, Carroll, Carter, Cashman, Chonko, Clark, Coles, Connors, Connolly, Cote, Crouse, Crowley, Davis, Descoteaux, Dexter, Diamond, Dillenback, Drinkwater, Duffy, Erwin, Farnum, Foss, Foster, Gwadosky, Hale, Handy, Harper, Hayden, Hichborn, Hickey, Hillock, Ingraham, Jackson, Jalbert, Joseph, Kimball, LaCroix, Lander, Law, Lawrence, Lebowitz, Lisnik, Lord, MacBride, Macomber, Manning, Martin, H.C.; Masterman, Matthews, McHenry, McPherson, McSweeney, Melendy, Michael, Michaud, Mills, Moholland, Murphy, E.M.; Murphy, T.W.; Murray, Nadeau, G.R.; Nelson, Nicholson, Nickerson, O'Gara, Paradis, E.J.; Paradis, P.E.; Parent, Paul, Perry, Pines, Priest, Randall, Rice, Richard, Ridley, Rioux, Roberts, Rotondi, Ruhlin, Rydell, Salsbury, Scarpino, Seavey, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soucy, Stetson, Stevens, A.G.; Stevens, P.; Stevenson, Swazey, Tammara, Tardy, Taylor, Telow, Theriault, Vose, Walker, Warren, Webster, Wentworth, Whitcomb, Willey, Zirnkilton, Mr. SPEAKER.

NAYS:—Allen, Baker, A.L.; Beaulieu, Brown, D.N.; Cooper, Greenlaw, Higgins, H.C.; Hoglund, Holloway, Jacques, Mayo, McColister, Mitchell, Racine, Strout.

ABSENT:—Baker, H.R.; Boutilier, Carrier, Daggett, Dellert, Hepburn, Higgins, L.M.; Kane, Nadeau, G.G.; Pouliot, Reeves, Rolde, Simpson, Sproul, Weymouth.

EXCUSED:—McGowan

120 having voted in favor and 15 against with 15 being absent and one excused, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Oxford County for the year 1985 (H.P. 544) (L.D. 756)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 127 voted in favor of the same and one against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Hancock County for the Year 1985. (H.P. 545) (L.D. 757)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 128 voted in favor of the same and none against and accordingly, the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Sagadahoc County for the year 1985. (H.P. 546) (L.D. 758)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 122 voted in favor of the same and none against and accordingly, the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Somerset County for the year 1985 (H.P. 547) (L.D. 759)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 121 voted in favor of the same and none against and accordingly, the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Washington County for the Year 1985 (H.P. 548) (L.D. 760)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 127 voted in favor of the same and none against and accordingly, the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Piscataquis County for the Year 1985 (H.P. 550) (L.D. 762)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 128 voted in favor of the same and none against and accordingly, the Resolve was finally passed, signed by the Speaker and sent to the Senate.

An Act to Clarify Provisions Relating to Contributions by Participating Local Districts and to Provide for Collection of Delinquent Contributions (H.P. 98) (L.D. 123)

An Act to Provide Standards for Waiver of Set-back Requirements under the Transportation Law (H.P. 226) (L.D. 260)

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.

Orders of the Day

The Chair laid before the House the first

tabled and today assigned matter.

Bill "An Act to Amend the Eastport Port Authority Charter" (H.P. 629)

(Committee on Utilities suggested)

TABLED—March 1, 1985 by Representative VOSE of Eastport.

PENDING—Reference.

The SPEAKER: The Chair recognizes the Representative from Eastport, Representative Vose.

Representative VOSE: Thank you Mr. Speaker. Ladies and Gentlemen of the House: I have been tabling this Bill awaiting an affirmative vote of the Port Authority and the Eastport City Council whether or not to proceed with this Bill. I have not received it as yet and it may take a period of a couple of weeks. I would appreciate it if this could be Tabled Unassigned.

On motion of Representative Diamond from Bangor, Tabled Unassigned.

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

Bill "An Act Concerning Fraudulent Procurement of Fuel and Weatherization Assistance" (S.P. 302) (L.D. 791)

—In Senate, Referred to Committee on Human Resources.

TABLED—March 5, 1985 by Representative PARADIS of Augusta.

PENDING—Reference in Concurrence.

On motion of Representative Paradis of Augusta, referred to the Committee on Judiciary in non-concurrence, and sent up for concurrence.

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

Bill "An Act Relating to Service of Process by Sheriffs, Deputies and Constables" (S.P. 307) (L.D. 796)

—In Senate, Referred to Committee on Judiciary.

(Committee on Legal Affairs suggested.)

TABLED—March 5, 1985 by Representative McHENRY of Madawaska.

PENDING—Reference in concurrence.

On motion of Representative McHenry of Madawaska, referred to the Committee on Local and County Government, in non-concurrence and sent up for concurrence.

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

Bill "An Act to Increase the Fees of Bail Commissioners" (H.P. 9) (L.D. 7) (C. "A" H-8)

TABLED—March 5, 1985 by Representative CONNOLLY of Portland.

PENDING—Passage to be Engrossed.

On motion of Representative Diamond of Bangor, retabled, pending passage to be engrossed and tomorrow assigned.

On motion of Representative Rolde of York. Adjourned until ten o'clock tomorrow morning.