

# 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 13, 1985

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

Prayer by Reverend Nathan Garnett, South Liberty Baptist Church, Liberty.

Quorum called; was held.

The Journal of yesterday was read and approved.

**Papers from the Senate  
Unanimous Ought Not To Pass**

Report of the Committee on Transportation reporting "Ought Not to Pass" on Bill "An Act to Make the Photo Drivers License Discretionary" (S.P. 191) (L.D. 509)

Report of the Committee on Fisheries and Wildlife reporting "Ought Not to Pass" on Bill "An Act to Remove the Fees for Selling Out-of-State Hunting Licenses" (S.P. 100) (L.D. 298)

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

**Unanimous Leave to Withdraw**

Report of the Committee on Taxation reporting "Leave to Withdraw" on RESOLVE, Establishing a Commission to Study State and Local Property Taxes (S.P. 96) (L.D. 294)

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

**Ought to Pass in New Draft**

Report of the Committee on Local and County Government on Bill "An Act Concerning the Licensing of Victuallers, Innkeepers and Tavernkeepers" (S.P. 42) (L.D. 59) reporting "Ought to Pass" in New Draft (S.P. 357) (L.D. 938)

Came from the Senate, with the report read and accepted and the New Draft passed to be engrossed.

The Report was read and accepted, the New Draft read once and assigned for Second Reading tomorrow.

**Non-Concurrent Matter**

Bill "An Act Concerning the Forfeiture of Vehicles of Persons Operating after License Suspension who are Operating under the Influence" (H.P. 684) (L.D. 970) which was referred to the Committee on Judiciary in the House on March 8, 1985.

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

The House voted to recede and concur.

**Messages and Documents**

The following Communication: (S.P. 366)  
112th Maine Legislature

March 8, 1985

Senator John E. Baldacci  
Representative Harry L. Vose  
Chairpersons

Committee on Utilities  
112th Legislature  
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated Cheryl Harrington of Winthrop for appointment as a Commissioner of the Public Utilities Commission.

Pursuant to Title 35 MRSA Section 1, this nomination will require review by the Joint Standing Committee on Utilities 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 Utilities.

Was Read and Referred to the Committee on Utilities in 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:

**Aging, Retirement and Veterans**

Bill "An Act Relating to Retirement Options for Legislators" (H.P. 703) (Presented by Representative DILLENBACK of Cumberland) (Cosponsor: Senator CLARK of Cumberland) (Ordered Printed)  
Sent up for concurrence.

**Agriculture**

Bill "An Act to Implement Procedures for Insuring the Safe Return and Proper Disposal of Restricted Pesticide Containers" (Emergency) (H.P. 704) (Presented Representative MICHAEL of Auburn) (Cosponsors: Senators ERWIN of Oxford, BLACK of Cumberland, and Representative PARENT of Benton) (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 Extend Medical Assistance to Families with Dependent Children due to Employment" (H.P. 705) (Presented by Representative CONNOLLY of Portland) (Cosponsors: Speaker MARTIN of Eagle Lake and Senator CLARK of Cumberland)

Bill "An Act to Increase Appropriations for State Public Transportation Funds for Operating and Capital Assistance to Public Transportation Providers" (H.P. 706) (Presented by Representative MELENDY of Rockland) (Cosponsors: Representatives CARROLL of Gray, DRINKWATER of Belfast, and REEVES of Pittston)

Bill "An Act to Provide for State Research Grants" (H.P. 707) (Presented by Representative CARTER of Winslow) (Cosponsors: Speaker MARTIN of Eagle Lake, President PRAY of Penobscot, and Senator KANY of Kennebec)

(Ordered Printed)

Sent up for concurrence.

**Business and Commerce**

Bill "An Act to Require Disclosures by Transient Sellers" (H.P. 708) (Presented by Representative ALIBERTI of Lewiston) (Cosponsors: Senator BUSTIN of Kennebec, Representatives MARTIN of Van Buren, and CROWLEY of Stockton Springs)

Bill "An Act to Increase the Rights of Consumers who Purchase Used Cars that Cannot Pass Inspection" (H.P. 709) (Presented by Representative BRANNIGAN of Portland)

Bill "An Act to Require All Restaurants to Provide Rest Rooms for their Patrons" (H.P. 710) (Presented by Representative SEAVEY of Kennebunkport)

Bill "An Act to Regulate Rate of Insurance Charged to Motor Coaches used in the Tourist Trade" (H.P. 711) (Presented by Representative ROLDE of York) (Cosponsors: Representatives FOSTER of Ellsworth, HILLOCK of Gorham, and MILLS of Bethel)

Bill "An Act Concerning Inclusion of Sales Tax in Payments on Insurance Claims" (H.P. 712) (Presented by Representative WHITCOMB of Waldo) (Cosponsors: Representatives ARMSTRONG of Wilton, HILLOCK of Gorham, and McGOWAN of Canaan)

Bill "An Act to Create a Competitive State Fund for Workers' Compensation Insurance" (H.P. 713) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsor: President PRAY of Penobscot)

Bill "An Act to Provide Consumers who Purchase Automobiles with Tampered Odometers with Additional Remedies" (H.P. 714) (Presented by Representative BRANNIGAN of

Portland) (Cosponsor: Representative MURRAY of Bangor)

Bill "An Act to Increase Consumers' Remedies under the Unfair Trade Practices Laws" (H.P. 715) (Presented by Representative BRANNIGAN of Portland) (Cosponsor: Representative MURRAY of Bangor)

Bill "An Act to Recover Certain Refund Values Retained under the Beverage Container Law" (H.P. 716) (Presented by Representative WARREN of Scarborough) (Cosponsor: Representative MASTERMAN of Milo) (Ordered Printed)

Sent up for concurrence.

**Education**

Bill "An Act to Change the Name of the University of Maine at Orono to the University of Maine and the University of Maine to the University of Maine System" (H.P. 717) (Presented by Representative BOST of Orono) (Cosponsors: Representatives MILLS of Bethel, STEVENS of Bangor, and Senator BALDACCIO of Penobscot)

Bill "An Act to Improve the Laws on School Health Programs" (H.P. 718) (Presented by Representative BROWN of Gorham) (Cosponsors: Senator BROWN of Washington, Representatives HANDY of Lewiston, and FOSS of Yarmouth) (Submitted by the Department of Educational and Cultural Services pursuant to Joint Rule 24)

Bill "An Act to Provide for the Education of Students Residing in Long-term Drug Treatment Centers" (H.P. 719) (Presented by Representative ROLDE of York) (Cosponsor: Representative KIMBALL of Buxton)

Bill "An Act to Amend the Effective Dates of Various Parts of the Education Reforms Enacted in September 1984" (Emergency) (H.P. 720) (Presented by Representative BROWN of Gorham) (Cosponsors: Representatives CROUSE of Caribou, MATTHEWS of Caribou, and Senator BROWN of Washington) (Submitted by the Department of Educational and Cultural Services pursuant to Joint Rule 24) (Ordered Printed)

Sent up for concurrence.

**Tabled and Assigned**

Bill "An Act to Amend the Wood Measurement Law" (Emergency) (H.P. 721) (Presented by Representative DEXTER of Kingfield) (Cosponsors: Representatives LANDER of Greenville and RIDLEY of Shapleigh)

The Committee on Energy and Natural Resources was suggested.

On motion of Representative Michaud of Medway, tabled pending reference and specially assigned for Friday, March 15, 1985.

**Energy and Natural Resources**

Bill "An Act Concerning Revision or Amendment of Approved Subdivision Plans" (H.P. 722) (Presented by Representative LEBOWITZ of Bangor) (Cosponsor: Representative JACKSON of Harrison) (Ordered Printed)

Sent up for concurrence.

**Fisheries and Wildlife**

Bill "An Act Relating to the Regulations and Distribution of Funds for All-terrain Vehicles" (H.P. 723) (Presented by Representative RIDLEY of Shapleigh) (Cosponsors: Representatives LORD of Waterboro, PAUL of Sanford, and McGOWAN of Canaan)

(Ordered Printed)

Sent up for concurrence.

**Judiciary**

Bill "An Act to Mandate a Moment of Silence in Public Schools" (H.P. 724) (Presented by Representative POULIOT of Lewiston) (Cosponsors: Representative RACINE of Biddeford, Senators PERKINS of Hancock, and DUTREMBLE of York)

(Ordered Printed)

Sent up for concurrence.

#### Legal Affairs

Bill "An Act to Prohibit the Dissemination of Obscene Material" (H.P. 725) (Presented by Representative SCARPINO of St. George) (Cosponsors: Senator MATTHEWS of Kennebec, Representatives VOSE of Eastport, and LANDER of Greenville)

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 Concerning the Plea of Innocent by Reason of Insanity" (H.P. 726) (Presented by Representative CLARK of Millinocket) (Cosponsors: Representatives RIDLEY of Shapleigh, PAUL of Sanford, and SOUCY of Kittery)

Bill "An Act Concerning Pretrial Determination of Ownership of Personal Property" (H.P. 727) (Presented by Representative BROWN of Gorham) (Cosponsors: Senators USHER of Cumberland and DIAMOND of Cumberland) (Ordered Printed)

Sent up for concurrence.

#### Labor

Bill "An Act Providing for a Maine Labor Relations Law" (H.P. 728) (Presented by Representative BEAULIEU of Portland)

Bill "An Act to Reduce the Workers' Compensation Borders on Sheltered Workshops" (H.P. 729) (Presented by Representative ZIRN-KILTON of Mount Desert) (Cosponsor: Representative BONNEY of Falmouth)

Bill "An Act to Expand the Membership of the Maine Occupational Information Coordinating Committee" (H.P. 730) (Presented by Representative LACROIX of Oakland) (Cosponsors: Representatives GWADOSKY of Fairfield, BEAULIEU of Portland, and Senator TUTTLE of York) (Submitted by the Department of Labor pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

#### Legal Affairs

Bill "An Act to Amend the Absentee Ballot Law Concerning Voting by Residents of Certain Care Facilities" (H.P. 731) (Presented by Representative BELL of Paris) (Cosponsors: Representatives REEVES of Pittston, TAYLOR of Camden, and Senator BROWN of Washington)

Bill "An Act Concerning Abandoned or Unclaimed Property and Security Deposits in a Landlord and Tenant Agreement" (H.P. 732) (Presented by Representative MANNING of Portland) (Cosponsors: Senator NAJARIAN of Cumberland and Representative REEVES of Pittston)

(Ordered Printed)

Sent up for concurrence.

#### Marine Resources

Bill "An Act Relating to the Management and Conservation of the Lobster Resource" (H.P. 733) (Presented by Representative SCARPINO of St. George)

Bill "An Act Concerning the Taking of Smelts" (H.P. 734) (Presented by Representative RUHLIN of Brewer) (Cosponsors: Representatives SCARPINO of St. George, CROWLEY of Stockton Springs, and RICE of Stonington) (Submitted by the Department of Marine Resources pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

#### State Government

RESOLVE, to Establish the Commission on the Evaluation of Occupational and Professional Licensing Boards (Emergency) (H.P. 735) (Presented by Representative THERIAULT of

Fort Kent) (Cosponsors: Representatives LISNIK of Presque Isle, BRANNIGAN of Portland, and Senator VIOLETTE of Aroostook)

(Ordered Printed)

Sent up for concurrence.

#### Taxation

Bill "An Act to Provide Funding for the Maine State Housing Authority H.O.M.E. Program and Adjust the Real Estate Transfer Tax" (Emergency) (H.P. 736) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsors: Representatives MAYO of Thomaston, DIAMOND of Bangor, and President PRAY of Penobscot) (Submitted by the Department of Finance and Administration pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

#### Transportation

Bill "An Act to Expand the Inspection of Used Car Dealers Conducted by the Division of Motor Vehicles" (H.P. 737) (Presented by Representative THERIAULT of Fort Kent) (Cosponsors: Representatives BRANNIGAN of Portland, McHENRY of Madawaska, and Senator VIOLETTE of Aroostook)

(Ordered Printed)

Sent up for concurrence.

#### Utilities

Bill "An Act Establishing a Statewide Emergency 9-1-1 Telephone System" (H.P. 738) (Presented by Representative SWAZEY of Bucksport) (Cosponsors: Representatives CHONKO of Topsham, WEYMOUTH of West Gardiner, and Senator BALDACCI of Penobscot)

(Ordered Printed)

Sent up for concurrence.

#### Orders

On motion of Representative McSWEENEY of Old Orchard Beach, the following Order: ORDERED, that Representative Robert E. Murray, Jr., of Bangor be excused March 7 and 8 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Joseph C. Brannigan of Portland be excused March 7, 8, and 14 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Vinton T. Ridley of Shapleigh be excused March 13, 14, and 19 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Phyllis R. Erwin of Rumford be excused March 14 for legislative business.

Was read and passed.

#### Reports of Committees

##### Unanimous Ought Not to Pass

Representative SWAZEY from the Committee on Taxation on Bill "An Act to Increase the Veterans' Property Tax Exemption" (H.P. 123) (L.D. 148) 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 THERIAULT from the Committee on Transportation on RESOLVE, to Name the Bridge Between Randolph and Gardiner the Philip E. Woods Bridge (H.P. 503) (L.D. 706) reporting "Leave to Withdraw"

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

##### Refer to the Committee on Labor

Representative MICHAEL from the Committee on Agriculture on Bill "An Act to Define Farm Laborers" (H.P. 470) (L.D. 673) reporting that it be referred to the Committee on

Labor.

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

(H.P. 267) (L.D. 337) Bill "An Act to Amend the Maine Spruce Budworm Management Act" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-19)

(S.P. 164) (L.D. 433) Bill "An Act Amending the Municipal Public Employees Labor Relations Act to Provide for Newly Recognized or Certified Bargaining Agent to Bargain Fiscal Matters within 120 Days of Conclusion of Current Fiscal Operating Budget" Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (S-11)

(H.P. 635) (L.D. 903) Bill "An Act to Make Additional Allocations to the Department of Inland Fisheries and Wildlife for the Fiscal Year Ending June 30, 1985" (Emergency) Committee on Fisheries and Wildlife reporting "Ought to Pass"

There being no objections, the above items were ordered to appear on the Consent Calendar of Thursday, March 14, 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:

(S.P. 46) (L.D. 63) Bill "An Act to Allow the Secretary of State to Issue License Plates for Former Prisoners of War" (C. "A" S-10)

(H.P. 213) (L.D. 247) Bill "An Act Relating to the Adulteration of Food" (C. "A" H-17)

(H.P. 348) (L.D. 469) Bill "An Act to Establish the Cost of the 1985 Spruce Budworm Suppression Project and to Provide Operating Funds for the Spruce Budworm Management Program" (Emergency) (C. "A" H-81)

No objections have been noted at the end of the Second Legislative Day, the Senate Paper was Passed to be Engrossed as Amended in concurrence and the House Papers were Passed to be Engrossed as Amended and sent up for concurrence.

##### Passed to Be Engrossed

Bill "An Act Concerning Dogs Running-at-Large" (H.P. 701) (L.D. 959)

Was reported by the Committee on Bills in the Second Reading, read the second time, Passed to be Engrossed, and sent up for concurrence.

##### As Amended

Bill "An Act Regarding Notice of Municipal Shellfish Conservation Programs" (H.P. 45) (L.D. 51) (C. "A" H-15)

Was reported by the Committee on Bills in the Second Reading, read the second time, Passed to be Engrossed as Amended, 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 Establish a Maine Rivers Grant Program (H.P. 100) (L.D. 125) (C. "A" H-12)

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. 132 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.

An Act to Amend the Weights and Measures Law (H.P. 233) (L.D. 274)

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

An Act to Ensure Consistency Between 2 State Laws Concerning Personal Care Assistance Services (S.P. 35) (L.D. 43) (C. "A" S-7)

An Act to Lower the Storage Temperature of Milk (H.P. 146) (L.D. 180) (C. "A" H-13)

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 Later Today Assigned**

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

Bill "An Act to Provide for Contingency Needs of Intermediate Care Facilities for the Mentally Retarded" (S.P. 346) (L.D. 941)

— In Senate, Referred to Committee on Human Resources.

TABLED—March 12, 1985 by Representative CARTER of Winslow.

PENDING—Reference in Concurrence.

Representative Carter of Winslow moved that the Bill be referred to the Committee on Appropriations and Financial Affairs in non-concurrence.

On motion of Representative Diamond of Bangor, tabled pending the motion of Representative Carter of Winslow that the Bill be referred to the Committee on Appropriations and Financial Affairs in non-concurrence and later today assigned.

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

Bill "An Act Pertaining to Law Enforcement Officers and Public Office Holding" (Emergency) (H.P. 467) (L.D. 616) (S. "A" S-8)

Failed Passage to Be Enacted in the House on March 1, 1985

Came from the Senate, Passed to be Engrossed as amended by Senate Amendment "A" (S-8)

TABLED—March 12, 1985 by Representative DIAMOND of Bangor.

PENDING—Ruling of the Chair.

Representative Higgins of Scarborough withdrew House Amendment "A."

Whereupon, the House voted to concur.

#### **Bills Held Tabled and Assigned**

An Act to Amend the Law Concerning Pension Benefits for Dependents of Sheriffs (H.P. 149) (L.D. 183) (C. "A" H-9)

— In House, Passed to be Enacted on March 12, 1985.

HELD at the request of Representative HICKEY of Augusta.

Representative HICKEY of Augusta moved that the House reconsider its action whereby the Bill was passed to be enacted.

On further motion of the same Representative, tabled pending his motion to reconsider and tomorrow assigned.

#### **Tabled and Assigned**

An Act Concerning Expiration of Motor Vehicle Drivers' Licenses for Persons 65 Years of Age and Older (H.P. 209) (L.D. 243)

— In House, Passed to be Enacted on March 12, 1985.

HELD at the request of Representative THERIAULT of Fort Kent.

Representative Theriault of Fort Kent moved that the House reconsider its action whereby the Bill was passed to be enacted.

On further motion of the same Representative, tabled pending his motion to reconsider and tomorrow assigned.

#### **Tabled and Assigned**

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

— In House, Passed to be Enacted on March 12, 1985.

HELD at the request of Representative HICKEY of Augusta.

Representative HICKEY of Augusta moved that the House reconsider its action whereby the Bill was passed to be enacted.

On further motion of the same Representative, tabled pending his motion to reconsider and tomorrow assigned.

The Chair laid before the House the following: Bill "An Act to Provide for Contingency Needs of Intermediate Care Facilities for the Mentally Retarded" (S.P. 346) (L.D. 941) which was tabled earlier and later today assigned pending the motion of the Representative from Winslow, Representative Carter, that the Bill be referred to the Committee on Appropriations and Financial Affairs in non-concurrence.

Whereupon, the Bill was referred to the Committee on Appropriations and Financial Affairs in non-concurrence and sent up for concurrence.

#### **(Off Record Remarks)**

On motion of Representative Clark of Millinocket.

Adjourned until ten o'clock tomorrow morning.