

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, March 14, 1985

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

Prayer by Reverend Arthur St. Pierre, Immaculate Heart of Mary, Fairfield.

Quorum called; was held.

The Journal of yesterday was read and approved.

Papers from the Senate

Bill "An Act to Prohibit the Use of Chemical Insecticides in the State Budworm Suppression Program after 1985" (S.P. 350) (L.D. 978)

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

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

On motion of Representative Michael of Auburn, tabled pending reference and specially assigned for Tuesday, March 19, 1985.

Bill "An Act to Amend the Social Worker Registration Act with Respect to Employment by Nursing Homes" (Emergency) (S.P. 358) (L.D. 979)

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

On motion of Representative Murray of Bangor, referred to the Committee on Business and Commerce in non-concurrence and sent up for concurrence.

Bill "An Act to Provide for Prompt Dispute Resolution under Maine's State Bargaining Law" (S.P. 359) (L.D. 980)

Bill "An Act Relating to Unemployment Compensation Claimants Seeking Retraining" (S.P. 364) (L.D. 984)

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

Were referred to the Committee on Labor in concurrence.

Bill "An Act Relating to the Selection of Counters under the Election Laws" (S.P. 360) (L.D. 981)

Bill "An Act to Permit Fraternal Organizations to have the Game Machines on Premises when Proceeds are used for Charitable Purposes" (S.P. 361) (L.D. 982)

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 Concerning Commercial Fishing and Maritime Activity Zones" (S.P. 365) (L.D. 985)

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

Was referred to the Committee on Marine Resources in concurrence.

Bill "An Act Concerning Property Tax Exemptions for Veterans and Widows of Certain Veterans" (S.P. 362) (L.D. 983)

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

Was referred to the Committee on Taxation in concurrence.

Unanimous Ought Not To Pass

Report of the Committee on Appropriations and Financial Affairs reporting "Ought Not to Pass" on Bill "An Act to Provide for Equitable Treatment to Certain State Employees who did not Receive the Benefits of the Retroactive Pay Raises made to State Employees under the Collective Bargaining Agreements" (S.P. 105) (L.D. 320)

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

concurrence.

Ought to Pass in New Draft/New Title

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act to Make Additional Appropriations from the General Fund for the Fiscal Year Ending June 30, 1985" (Emergency) (S.P. 177) (L.D. 495) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Making Appropriations from the General Fund and Changing Certain Provisions of the Law Necessary for the Proper Operation of State Government for the Fiscal Years Ending June 30, 1985, and June 30, 1986" (Emergency) (S.P. 349) (L.D. 937).

Came from the Senate with the Bill and Accompanying Papers Recommended to the Committee on Appropriations and Financial Affairs.

On motion of Representative Carter of Winslow, recommended to the Committee on Appropriations and Financial Affairs in concurrence.

Non-concurrent Matter

Bill "An Act to Provide Signs on the Maine Turnpike Indicating Exit for Oxford Plains Speedway" (H.P. 674) (L.D. 957) which was referred to the Committee on Transportation in the House on March 7, 1985.

Came from the Senate with the Bill and Accompanying Papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Establish Signs on Interstate 95 in Kittery to Indicate Directions to the State Discount Liquor Store" (H.P. 690) (L.D. 976) which was referred to the Committee on Transportation in the House on March 8, 1985.

Came from the Senate with the Bill and Accompanying Papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Eliminate Volume Determined Delivery Prices of Milk" (Emergency) (H.P. 320) (L.D. 431) (H. "A" H-7) which was Passed to be Enacted in the House on March 6, 1985.

Came from the Senate Passed to be Engrossed as amended by House Amendment "A" (H-7) as amended by Senate Amendment "A" (S-14) thereto in non-concurrence.

The House voted to recede and concur.

By unanimous consent, ordered sent forthwith to the Senate.

Messages and Documents

The following Communication:

STATE OF MAINE
DEPARTMENT OF PUBLIC SAFETY
36 HOSPITAL STREET
AUGUSTA, MAINE 04330

March 1, 1985

The Honorable John L. Martin, Speaker
Maine House of Representatives

State House

Augusta, Maine 04333

Dear Speaker Martin:

Enclosed herewith please find a report to the 112th Maine Legislature on "The Effectiveness of the Current Motorcycle Helmet Law" prepared by the Department of Public Safety, Bureau of Safety in compliance with Chapter 415 — Public Laws of 1983.

It is my pleasure to transmit this report to the Legislature and should any questions arise concerning its contents, please have your members contact this office at any time.

Sincerely,

Bureau of Safety

S/ ALBERT L. GODFREY, SR.

Director

Was read and with accompanying report ordered placed on file.

STATE OF MAINE

MAINE DEPARTMENT OF CONSERVATION
STATE HOUSE STATION 22
AUGUSTA, MAINE 04333

March 11, 1985

To: Speaker John L. Martin

From: Richard B. Anderson, Commissioner
Department of Conservation

Subject: Report on the Maine Conservation Corps

The Maine Conservation Corps recently completed its first program year. As required by L.D. 1510, a report on its activities has been written for the Legislature. The attached report documents the accomplishments of what I and many others consider a very successful program.

Governor Brennan has submitted legislation which will authorize the Conservation Corps beyond its current expiration date of June 30, 1985.

I would be pleased to provide any additional information you need about the year's activities or the proposed legislation.

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:

Appropriations and Financial Affairs

Bill "An Act to Make Allocations from the Maine Nuclear Emergency Planning Fund for the Fiscal Years Ending June 30, 1986, and June 30, 1987" (Emergency) (H.P. 741) (Presented by Representative NADEAU of Lewiston) (Cosponsors: Representatives CHONKO of Topsham and SMITH of Mars Hill) (Submitted by the Department of Finance and Administration pursuant to Joint Rule 24)

Bill "An Act to Make Additional Allocations from the Federal Expenditure Fund for the Fiscal Year Ending June 30, 1985" (Emergency) (H.P. 742) (Presented by Representative CONNOLLY of Portland) (Cosponsors: Senator McBREAIRTY of Aroostook and Representative NADEAU of Lewiston) (Submitted by the Department of Finance and Administration pursuant to Joint Rule 24)

Bill "An Act Making Allocations for the Administrative Expenses of the State Lottery Commission for the Fiscal Years Ending June 30, 1986, and June 30, 1987" (Emergency) (H.P. 743) (Presented by Representative CARTER of Winslow) (Cosponsors: Representatives NADEAU of Lewiston, BELL of Paris and Senator DOW of Kennebec) (Submitted by the Department of Finance and Administration pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act to Amend the Landlord-tenant Laws to Provide Stricter Heating Standards" (H.P. 744) (Presented by Representative PARADIS of Augusta) (Cosponsor: Senator BUSTIN of Kennebec)

(Ordered Printed)

Sent up for concurrence.

Transportation

Resolve, to Name the New Vinalhaven Ferry for the Honorable Edwin F. Maddox of Vinalhaven (H.P. 745) (Presented by Representative SCARPINO of St. George) (Cosponsors: Representatives STROUT of Corinth and ROLDE of York)

(Ordered Printed)

Sent up for concurrence.

Orders

On motion of Representative McSWEENEY of Old Orchard Beach, the following Order: ORDERED, that Representative Patrick E.

Paradis of Augusta be excused March 7 and 8 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Merle Nelson of Portland be excused March 14 for legislative business and March 19 for personal reasons.

Was read and passed.

Reports of Committees

Unanimous Ought Not to Pass

Representative HIGGINS from the Committee on Taxation on Bill "An Act Concerning Just Property Valuation Under Veterans' Property Tax Exemptions" (H.P. 288) (L.D. 358) 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 HIGGINS from the Committee on Taxation on Bill "An Act Concerning Widow's Exemptions for Local Property Taxes" (H.P. 203) (L.D. 237) 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 Fisheries and Wildlife

Representative CARTER from the Committee on Appropriations and Financial Affairs on Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Department of Inland Fisheries and Wildlife Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1986, and June 30, 1987" (Emergency) (H.P. 632) (L.D. 900) reporting that it be referred to the Committee on Fisheries and Wildlife.

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

Refer to the Committee on Taxation

Representative JALBERT from the Committee on Aging, Retirement and Veterans on Bill "An Act Permitting Addresses to be Obtained from State Tax Information and Used for the Proper Operation of the Maine State Retirement System" (H.P. 402) (L.D. 555) 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.

Ought to Pass in New Draft

Representative MACOMBER from the Committee on Transportation on Bill "An Act Relating to Legislative Plate Assignments Under the Motor Vehicle Laws" (Emergency) (H.P. 208) (L.D. 242) reporting "Ought to Pass" in New Draft (Emergency) (H.P. 740) (L.D. 998)

The Report was read and accepted, the Bill read once and assigned for Second Reading Tuesday, March 19, 1985.

Ought to Pass in New Draft/New Title

Representative CARTER from the Committee on Appropriations and Financial Affairs on Bill "An Act Making Appropriations to the State Planning Office to Conduct Inventories of Natural Areas Worthy of Preservation for the Fiscal Year Ending June 30, 1987" (H.P. 99) (L.D. 124) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Making Appropriations to the State Planning Office to Conduct Inventories of Natural Areas Worthy of Preservation for the Fiscal Year Ending June 30, 1987 and to Authorize the State Planning Office to Charge for Publication" (H.P. 739) (L.D. 997).

The Report was read and accepted, the Bill

read once and assigned for Second Reading Tuesday, March 19, 1985.

Consent Calendar

First Day

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

(H.P. 230) (L.D. 271) Bill "An Act to Clarify Accidental Death Benefits Payable to Spouses and Children of Members" Committee on Aging, Retirement and Veterans reporting "Ought to Pass" as amended by Committee Amendment "A" (H-21)

(H.P. 325) (L.D. 442) Bill "An Act to Clarify Restoration to Service Provisions for Recipients of Disability Allowances and Recipients of Retirement Allowances" Committee on Aging, Retirement and Veterans reporting "Ought to Pass" as amended by Committee Amendment "A" (H-22)

(H.P. 35) (L.D. 37) Bill "An Act to Allow the Department of Corrections to Release Certain Information Pertaining to its Inmates which is a Matter of Public Record" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-23)

There being no objections, the above items were ordered to appear on the Consent Calendar of Tuesday, March 19, 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. 267) (L.D. 337) Bill "An Act to Amend the Maine Spruce Budworm Management Act" (C. "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" (C. "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)

No objections having 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 or Passed to be Engrossed as Amended and sent up for concurrence.

Passed to Be Engrossed

Bill "An Act Concerning the Licensing of Victuallers, Innkeepers and Tavernkeepers" (S.P. 357) (L.D. 938)

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

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. 380)
ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn on Tuesday, March 19, 1985, at 10:00 in the morning.

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

The following items appearing on Supplement No. 2 were taken up out of order by unanimous consent:

Passed to Be Enacted

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

An Act Relating to Radiation User Fees Under the Human Services Law (S.P. 86) (L.D. 267) (H. "A" H-20)

An Act to Restrict the Number of Advertising Signs Which May be Displayed by Licensed Retailers (S.P. 147) (L.D. 414)

An Act to Clarify the Maine Administrative Procedure Act (H.P. 303) (L.D. 392)

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

An Act to Establish Alcohol Awareness Week (H.P. 676) (L.D. 936)

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 items appearing on Supplement No. 3 were taken up out of order by unanimous consent:

Consent Calendar

First Day

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

(H.P. 294) (L.D. 383) Bill "An Act to Assess the Impact of Agricultural Chemicals and Practices on Ground Water" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-24)

(H.P. 165) (L.D. 199) Bill "An Act to Extend the Shoreland Zone in some Municipalities" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-25)

There being no objections, the above items were ordered to appear on the Consent Calendar of Tuesday, March 19, 1985 under the listing of Second Day.

The following item appearing on Supplement No. 4 was taken up out of order by unanimous consent:

Passed to Be Enacted

Emergency Measure

An Act to Eliminate Volume Determined Prices of Milk (H.P. 320) (L.D. 431) (S. "A" S-14 to H. "A" H-7)

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

Representative Diamond of Bangor requested a roll call.

The SPEAKER: 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.

A vote of the House was taken and, 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 passage to be enacted.

The Chair recognizes the Representative from Canaan, Representative McGowan.

Representative McGOWAN: Mr. Speaker, pursuant to Joint Rule 10, I ask to be excused from this vote.

The SPEAKER: The Chair will grant permission to the Representative from Canaan, Representative McGowan to be excused from voting on this item.

The pending question is on passage to be enacted. This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor of this Bill being passed to be enacted will vote yes; those opposed will vote no.

ROLL CALL No. 9

YEAS:—Aliberti, Allen, Armstrong, Baker, H.R.; Begley, Bell, Bott, Bragg, Brodeur, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Carrier, Carroll, Carter, Cashman, Chonko, Clark, Coles, Connors, Connolly, Cote, Crouse, Daggett, Dellert, Descoteaux, Dexter, Diamond, Dillenback, Drinkwater, Duffy, Farnum, Foss, Foster, Greenlaw, Hale, Handy, Harper, Hayden, Hichborn, Hickey, Higgins, H.C.; Hig-

gins, L.M.; Ingraham, Jackson, Jacques, Jalbert, Kimball, Lacroix, Lander, Law, Lawrence, Lebowitz, Lisnik, Lord, MacBride, Macomber, Manning, Martin, H.C.; Masterman, Matthews, McHenry, McPherson, McSweeney, Melendy, Michael, Mills, Moholland, Murphy, E.M.; Murphy, T.W.; Murray, Nadeau, G.G.; Nadeau, G.R.; Nicholson, Nickerson, Paradis, E.J.; Paradis, P.E.; Parent, Paul, Perry, Pines, Priest, Randall, Reeves, Rice, Richard, Rioux, Roberts, Rotondi, Ruhlin, Rydell, Salsbury, Scarpino, Seavey, Sherburne, Simpson, Small, Smith, C.W.; Soucy, Sproul, Stetson, Stevens, A.G.; Stevens, P.; Stevenson, Swazey, Tammaro, Tardy, Taylor, Telow, Theriault, Vose, Walker, Webster, Wentworth, Weymouth, Whitcomb, Willey

NAYS:—Baker, A.L.; Beaulieu, Cooper, Hepburn, Hoglund, Holloway, Mayo, Pouliot, Racine, Strout

ABSENT:—Bonney, Bost, Boutilier, Brannigan, Crowley, Davis, Erwin, Gwadosky, Hillock, Joseph, Kane, McCollister, Michaud, Mitchell, Nelson, O'Gara, Ridley, Rolde, Smith, C.B.; Warren, Zirkilton, The Speaker

EXCUSED:—McGowan

118 having voted in the affirmative and 10 in the negative with 22 being absent and one excused, the Bill was 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:

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

TABLED—March 13, 1985 by Representative HICKEY of Augusta.

PENDING—Motion of same Representative to Reconsider Passage to be Enacted.

Representative Hickey of Augusta withdrew his motion to reconsider passage to be enacted.

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

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

TABLED—March 13, 1985 by Representative HICKEY of Augusta.

PENDING—Motion of the same Representative to Reconsider Passage to be Enacted.

Representative Hickey of Augusta withdrew his motion to reconsider passage to be enacted.

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

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

TABLED—March 13, 1985 by Representative THERIAULT of Fort Kent.

PENDING—Motion of same Representative to Reconsider Passage to be Enacted.

Representative Theriault of Fort Kent withdrew his motion to reconsider passage to be enacted.

Bill Held

An Act to Establish a Maine Rivers Grants Program (Emergency) (H.P. 100) (L.D. 125) (C. "A" H-12)

— In House, Passed to be Enacted on March 13, 1985.

HELD at the Request of Representative JACQUES of Waterville,

Representative Jacques of Waterville 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 specially assigned for Tuesday, March 19, 1985.

(Off Record Remarks)

On motion of Representative Stevens of

Sabattus,

Adjourned pursuant to Joint Order S.P. 380.