

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 20, 1985

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

Prayer by Reverend Nina Sedlock, East Pittston United Methodist Church, Pittston.

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 19, 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 Judiciary, the Governor's nomination of Alexander MacNichol of Cape Elizabeth for appointment as a Judge-at-Large of the District Court.

Mr. MacNichol is replacing Millard Emanuelson.

Sincerely,

S/ JOY O'BRIEN

Secretary of the Senate

Was read and ordered placed on file.

The following Communication:

The Senate of Maine

Augusta

March 19, 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 Fisheries and Wildlife, the Governor's nomination of Asa Holmes of Belfast for appointment to the Inland Fisheries and Wildlife Advisory Council.

Sincerely,

S/ JOY O'BRIEN

Secretary of the Senate

Was read and ordered placed on file.

The following Communication:

The Senate of Maine

Augusta

March 19, 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 Fisheries and Wildlife, the Governor's nomination of Marc S. Plourde of Eagle Lake for reappointment to the Inland Fisheries and Wildlife Advisory Council.

Sincerely,

S/ JOY O'BRIEN

Secretary of the Senate

Was read and ordered placed on file.

Unanimous Leave to Withdraw

Report of the Committee on Aging, Retirement and Veterans reporting "Leave to Withdraw" on Bill "An Act to Require the Executive Director of the Maine State Retirement System to Employ Qualified Physicians for Determining Eligibility for Disability" (S.P. 192) (L.D. 510)

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

Non-Concurrent Matter

Bill "An Act to Mandate a Moment of Silence in Public Schools" (H.P. 724) (L.D. 1033) which was referred to the Committee on Judiciary in the House March 13, 1985.

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

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Prohibit the Dissemination of Obscene Material" (H.P. 725) (L.D. 1034) which was referred to the Committee on Legal Affairs in the House on March 13, 1985.

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

On motion of Representative Kane of South Portland, the House voted to recede and concur.

Non-Concurrent Matter

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) which was Passed to be Enacted in the House on March 12, 1985.

Came from the Senate Failing of Passage to be Enacted in non-concurrence.

Representative Reeves of Pittston moved that the House recede and concur.

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

Representative PARADIS: Mr. Speaker, I would request a roll call.

The SPEAKER: The Representative from Old Town, Representative Paradis, requests a roll call.

The Representative may continue.

Representative PARADIS: Mr. Speaker, Members of the House: I am opposed to the recede and concur motion. To do so at this time after our nearly 100 vote support for this bill the other day, I would consider it to be quite flighty and almost irresponsible for us to send it back after the one vote margin that was received in the other body yesterday.

The SPEAKER: The Chair would caution the Representative from discussing the vote of the other body.

Representative PARADIS: Thank you, Mr. Speaker. I hope that the House will do nothing today to cloud the issue on the standing that we have made in regard to this bill and that we display a good, solid, support for it as we have done in the past.

I hope that you will follow my light on the motion so that we may move to adhere and we will send this bill back to the other body to hold their feet to the fire again one more time.

The SPEAKER: A roll call has been requested. 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 the motion of the Representative from Pittston, Representative Reeves, that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

ROLL CALL No. 11

YEAS:—Allen, Baker, H.R.; Beaulieu, Bost, Bott, Boutillier, Brannigan, Brodeur, Brown, A.K.; Carroll, Cashman, Coles, Connolly, Cooper, Crouse, Diamond, Duffy, Handy, Hayden, Hoglund, Joseph, Kane, Lacroix, Lisnik, Manning, Mayo, McGowan, McHenry, Melendy, Michael, Michaud, Mills, Mitchell, Murray, Nadeau, G.G.; Nadeau, G.R.; Nelson, Paul, Priest, Reeves, Rolde, Ruhlman, Rydell, Stevens, P.; Warren, The Speaker

NAYS:—Aliberti, Armstrong, Baker, A.L.; Begley, Bell, Bonney, Bragg, Brown, D.N.;

Cahill, Callahan, Carrier, Carter, Chonko, Clark, Connors, Cote, Crowley, Daggett, Davis, Dellert, Descoteaux, Dexter, Dillenback, Drinkwater, Erwin, Farnum, Foss, Foster, Greenlaw, Gwadnosky, Hale, Harper, Hepburn, Hichborn, Hickey, Higgins, L.M.; Hillock, Ingraham, Jackson, Jacques, Jalbert, Kimball, Lander, Law, Lawrence, Lebowitz, Lord, MacBride, Macomber, Martin, H.C.; Masterman, Matthews, McCollister, McPherson, McSweeney, Moholland, Murphy, E.M.; Murphy, T.W.; Nicholson, Nickerson, O'Gara, Paradis, E.J.; Paradis, P.E.; Parent, Perry, Pines, Pouliot, Racine, Randall, Rice, Richard, Ridley, Rioux, Roberts, Rotondi, Salsbury, Scarpino, Seavey, Sherburne, Small, Smith, C.W.; Soucy, Sproul, Stetson, Stevens, A.G.; Stevenson. Strout, Swazey, Tammaro, Taylor, Telow, Theriault, Vose, Walker, Webster, Wentworth, Weymouth, Whitcomb, Willey

ABSENT:—Higgins, H.C.; Holloway, Simpson, Smith, C.B.; Tardy, Zirkilton

Forty-six having voted in the affirmative and ninety-nine in the negative with six being absent, the motion did not prevail.

Whereupon, the House adhered. Sent up for 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:

Fisheries and Wildlife

Bill "An Act Concerning Snowmobile Registration Fund Distribution" (H.P. 755) (Presented by Representative PINES of Limestone) (Cosponsors: Representative MARTIN of Van Buren, JACQUES of Waterville and Senator VIOLETTE of Aroostook)

Bill "An Act to Amend Certain Fish and Game Laws" (H.P. 756) (Presented by Representative MICHAUD of Medway)

(Ordered Printed)

Sent up for concurrence.

Labor

Bill "An Act to Reform the Maine Workers' Compensation System" (H.P. 757) (L.D. 1062) (Presented by Representative MCGOWAN of Canaan) (Cosponsors: Senator DIAMOND of Cumberland, Representatives JOSEPH of Waterville and BRANNIGAN of Portland)

Bill "An Act Concerning the Waiting Period for the Receipt of Unemployment Benefits" (H.P. 758) (Presented by Representative LEBOWITZ of Bangor) (By Request)

Bill "An Act to Improve the Workers' Compensation System and Reform the Rate-making Process" (H.P. 771) (L.D. 1063) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsors: President PRAY of Penobscot, Representative TELOW of Lewiston and GWADOSKY of Fairfield)

(Ordered Printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act to Provide Police Officers with Copies of Certain Laws" (H.P. 759) (Presented by Representative MCPHERSON of Eliot)

Bill "An Act Concerning the Serving of Liquor for On-premise Consumption in Certain Restaurants" (H.P. 760) (Presented by Representative BAKER of Portland)

(Ordered Printed)

Sent up for concurrence.

Marine Resources

Bill "An Act to Increase Fees for Licenses Issued by the Department of Marine Resources" (H.P. 761) (Presented by Representative VOSE of Eastport) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act to Provide Equity Among Municipalities with Regard to Property Tax Assessment" (H.P. 762) (Presented by Representative CAHILL of Woolwich) (Cosponsors: Representatives JACKSON of Harrison and CASHMAN of Old Town)

Bill "An Act to Allow Collection of the County Tax" (H.P. 763) (Presented by Representative VOSE of Eastport) (Cosponsor: Representative ALLEN of Washington) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Bill "An Act Relating to the Affixing of Indicia of Payment of Real Estate Transfer Tax" (H.P. 764) (Presented by Representative HIGGINS of Portland) (Cosponsor: Representative DAVIS of Monmouth)

(Ordered Printed)

Sent up for concurrence.

Transportation

Bill "An Act to Provide for Motor Vehicle Registration and Inspection at the Same Time" (H.P. 765) (Presented by Representative PARADIS of Old Town)

Bill "An Act Concerning the Operation of All Terrain Vehicles" (H.P. 766) (Presented by Representative CARROLL of Gray)

(Ordered Printed)

Sent up for concurrence.

Business and Commerce

Bill "An Act to Require Financial Responsibility and Insurance Provided before being Permitted to Operate a Motor Vehicle" (H.P. 767) (Presented by Representative JOSEPH of Waterville) (Cosponsor: Representative HANLEY of Lewiston)

(The Committee on Transportation was suggested.)

On motion of Representative Theriault of Fort Kent, referred to the Committee on Business and Commerce Ordered Printed, and sent up for concurrence.

Transportation

Bill "An Act Relating to Under-registration Violations" (H.P. 768) (Presented by Representative SOUCY of Kittery) (Cosponsors: Representatives POULIOT of Lewiston and McPHERSON of Eliot) (Submitted by the Department of Transportation pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

Orders

On motion of Representative DIAMOND of Bangor, the following Joint Order: (H.P. 770) ORDERED, the Senate concurring that "An Act Establishing Scholarships for Children of Firefighters and Police Officers who Die in the Performance of Their Duty," (H.P. 478) (L.D. 681), be recalled from the legislative files to the House.

Was read.

The SPEAKER: The pending question is passage of the Order. This requires a two-thirds vote of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken. 110 having voted in the affirmative and three in the negative, the Order was passed. Sent up for concurrence.

Reports of Committees

Unanimous Ought Not to Pass

Representative BROWN from the Committee on Education on Bill "An Act to Modify the Laws Governing Certification of Educational Personnel" (H.P. 157) (L.D. 191) reporting "Ought Not to Pass"

Representative NICKERSON from the Committee on Legal Affairs on Bill "An Act to Require more Complete Disclosure of Campaign

Contributions" (H.P. 217) (L.D. 251) reporting "Ought Not to Pass"

Representative JOSEPH from the Committee on Labor on Bill "An Act Concerning Payment of Unemployment Benefits to Persons Employed in the United States for only a Brief Period of Time" (H.P. 442) (L.D. 624) reporting "Ought Not to Pass"

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

Unanimous Leave to Withdraw

Representative BROWN from the Committee on Education on Bill "An Act Concerning Truancy" (H.P. 259) (L.D. 313) reporting "Leave to Withdraw"

Representative BOTT from the Committee on Legal Affairs on Bill "An Act to Limit Contributions which Candidates may Receive from Political Action Committees" (H.P. 243) (L.D. 284) reporting "Leave to Withdraw"

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

Ought to Pass in New Draft

Representative MICHAUD from the Committee on Energy and Natural Resources on Bill "An Act to Streamline Review of Road Construction in Unorganized Areas" (H.P. 166) (L.D. 200) reporting "Ought to Pass" in New Draft (H.P. 752) (L.D. 1058)

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

Ought to Pass in New Draft/New Title

Representative MCSWEENEY from the Committee on Aging, Retirement and Veterans on Bill "An Act to Establish Eligibility for Burial on the Maine Veterans' Memorial Cemetery for Members of the Maine National Guard" (H.P. 90) (L.D. 110) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Establish Eligibility for Burial in the Maine Veterans' Memorial Cemetery for Members of the Maine National Guard" (H.P. 769) (L.D. 1061)

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

Ought to Pass

Pursuant to Joint Order (H.P. 56)

Representative MASTERMAN from the Committee on Local and County Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Cumberland County for the Year 1985 (Emergency) (H.P. 753) (L.D. 1059) reporting "Ought to Pass" — Pursuant to Joint Order (H.P. 56)

Report was read and accepted and the Resolve read once.

Under suspension of the rules, the Resolve was read a second time, passed to be engrossed and sent up for concurrence.

Ought to Pass

Pursuant to Joint Order H.P. 56)

Representative WENTWORTH from the Committee on Local and County Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of York County for the Year 1985 (Emergency) (H.P. 754) (L.D. 1060) reporting "Ought to Pass" — pursuant to Joint Order (H.P. 56)

Report was read and accepted and the Resolve read once.

Under suspension of the rules, the Resolve 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 items appeared on the Consent Calendar for the First Day:

(H.P. 388) (L.D. 537) Bill "An Act to

Shorten the Period which Members of the Maine State Retirement System Must Wait for the Refund of Accumulated Contributions" Committee on Aging, Retirement and Veterans reporting "Ought to Pass"

There being no objections, the above item was ordered to appear on the Consent Calendar of Thursday, March 21, 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. 81) (L.D. 101) Bill "An Act Relating to Retirement Benefits of Superior Court Employees"

On objection of Representative McHenry of Madawaska, was removed from Consent Calendar, Second Day.

Whereupon, the Committee Report was accepted, the Bill read once and assigned for Second Reading tomorrow.

(H.P. 301) (L.D. 390) Bill "An Act Concerning the Shellfishing Industry"

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 Engrossed

Bill "An Act to Restrict the Payment of Unemployed Compensation Benefits to Workers Who are on Strike" (H.P. 751) (L.D. 1057)

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 Concerning the Holidays on which Courts must Close" (S.P. 48) (L.D. 64) (C. "A" S-15)

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

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

Passed to Be Enacted

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

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

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

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:

An Act to Establish Rivers Grants Program (Emergency) (H.P. 100) (L.D. 125) (C. "A" H-12) TABLED—March 19, 1985 by Representative MICHAUD of Medway.

PENDING—Motion of Representative JACQUES of Waterville to Reconsider Passage to be Enacted.

Whereupon, on motion of Representative Jacques of Waterville, the House reconsidered its action whereby the Bill was passed to be enacted.

On motion of Representative Michaud of Medway, under suspension of the rules, the House reconsidered its action whereby L.D. 125 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-26) and moved its adoption.

House Amendment "A" (H-26) was read by the Clerk and adopted.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Jacques.

Representative JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: This is a real good bill but there seems to be some confusion between the powers to be that will be administering this bill on behalf of the people of the State of Maine and the original intent of our committee when we passed this bill out unanimously so we would have some time before we sent this bill on its way to get those problems ironed out so I would ask that somebody table this for a couple of legislative days, please.

On motion of Representative Dexter of Kingfield, tabled pending passage to be engrossed as amended and specially assigned for Friday, March 22, 1985.

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

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) (H "A" H-27)

TABLED—March 19, 1985 by Representative CARTER of Winslow.

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

Representative Carter of Winslow, by Leave of the House, withdrew his motion to reconsider passage to be engrossed.

On motion of Representative Jacques of Waterville, the House reconsidered its action whereby Bill "An Act Concerning the Operation of All Terrain Vehicles" (H.P. 766) was referred to the Committee on Transportation.

On motion of the same Representative, was referred to the Committee on Fisheries and Wildlife, Ordered Printed, and sent up for concurrence.

(Off Record Remarks)

On motion of Representative Smith of Mars Hill.

Adjourned until ten o'clock tomorrow morning.