

# 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

Thursday, March 21, 1985

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

Prayer by Lieutenant James Guest, Salvation Army, Rockland.

Quorum called; was held.

The Journal of yesterday was read and approved.

In accordance with House rule 56 and Joint Rule 34, the following item:

Recognizing:

Maine Farmers and the State's agricultural industry on Maine Agricultural Day, March 21, 1985; (HLS 186) by Representative MICHAEL of Auburn. (Cosponsors: Senators ERWIN of Oxford, CARPENTER of Aroostook, BLACK of Cumberland, Representatives McCOLLISTER of Canton, CROUSE of Caribou, DAGGETT of Manchester, TARDY of Palmrya, SHERBURNE of Dexter, PARENT of Benton, BRAGG of Sidney, LORD of Waterboro, and WHITCOMB of Waldo)

Was read and passed. Sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

At this point, the Speaker appointed the following members to escort the Agricultural Queens to the Rostrum:

Melendy of Rockland  
Gwadlosky of Fairfield  
Martin of Van Buren  
Allen of Washington  
Nadeau of Saco  
Dillenback of Cumberland  
Taylor of Camden  
Crouse of Caribou  
McHenry of Madawaska

The following Agricultural Queens were escorted to the rostrum amid the applause of the House:

Gail Hawes, Blueberry Queen  
Diana Witham, Egg Festival Queen  
Julie Lapointe, Farm Bureau Queen  
Linda Blanchard, Sea Goddess  
Robin Ann Schildroth, Rodeo Queen  
Kim Andrews, Downeast Congress Queen  
Melody Morse, Honey Queen  
Todd Winslow, Pres. of Me. Future Farmers of America  
Sherri Labbe, Potato Queen

Miss GAIL HAWES: Ladies and Gentlemen of the House: Maine's blueberry industry has entered a critical and challenging period. Growers have been able to increase their production and produce record crops in the past few years, thanks to the research and the assistance of the cooperative extension service. Although 1984 did not produce a record crop, yielding only 24.7 million pounds as compared to 44.6 million pounds in 1983, the average price paid to blueberry growers has decreased to less than half of what it was two years ago. In 1982, they received 53 cents per pound and that went down to 37 cents a pound in 1983. In 1984, the growers only received 25 cents a pound for their crops. This decline in crop value is due to the record breaking crops of 1982 and 1983 which left substantial inventories on hand when the 1984 harvest began. This increase in production, coupled with foreign competition, has put pressure on the blueberry industry; therefore, additional marketing efforts have been made to utilize this surplus of blueberries such as the U.S. Department of Agriculture purchasing frozen blueberries for school lunch programs and the promotion of the sale of blueberries to foreign countries such as Japan. The blueberry industry is entering a new phase in which these cooperative marketing efforts will make a big difference in the price paid to Maine blueberry growers and keeping the Maine wild blueberry industry going strong.

In closing, I would like to invite you all down for the 25th Anniversary of the crowning of the blueberry queen at our Maine Blueberry Festival which is held at the Union Fair and this year it will be on August 23rd. Thank you. (applause)

Miss DIANA WITHAM: Hello, my name is Diana Witham. I am a freshman attending the University of New Hampshire and I represent the egg industry, more specifically the Egg Festival in Pittsfield and I will be giving up my crown in July. Thank you. (applause)

Miss JULIE LAPOINTE: Hello, my name is Julie Lapointe and I am a sophomore attending Revere College in Nashua, New Hampshire and I am currently majoring in chemistry and biology.

I believe we have a gift to give to the Speaker, which is representative of all the products that the Farm Bureau represents. (applause)

The SPEAKER: Thank you Julie, now everyone want to know who is coming to lunch.

Miss LINDA BLANCHARD: Good morning. I would like to say, first of all, that I am not a native Mainer, I have only lived in the state for six years, but I love the state enough so that it convinced me to stay in Maine to go to school and I am a freshman at Bowdoin College. I never expected to be the Maine Sea Goddess of the state but here I am representing seafood in Maine and it has really been an educational year. It has made me much more aware of the different aspects of agriculture because of the difference expositions and trade shows that I have been to so it really has been a good experience and I hope that the rest of my term will be equally educational.

I would invite all of you to come down to the Rockland Seafood Festival which is going to be in August and I hope that I see you there. Thank you. (applause)

Miss ROBIN ANN SCHILDROTH: Good morning. My name is Robin Schildroth from Saco, Maine. I am Miss Rodeo of Maine, 1985. Being Miss Rodeo of Maine not only enables me to represent rodeo in Maine but it also enables me to promote horses and their fascinating versatility. The horse industry in Maine is large and abundant consisting of many breeds, styles of riding, and means of use. My knowledge in horses began several years ago with 4-H as a background and in my eyes, 4-H is a solid base for any interest in the horse industry. As my interest grew in the horse industry, so did my goals. I became the 1984 Maine Appaloosa Queen and the President for the Maine Appaloosa Youth Club. After my reign as the 1984 Appaloosa Queen was up, I decided to run for Miss Rodeo of Maine which was held last August at the Downeast Horse Congress knowing if I won the title of Miss Rodeo of Maine I would have to go to Oklahoma City to represent our great state in the Miss Rodeo America Pageant, I was all for going. I did go and I had a wonderful time in Oklahoma City. I had fun meeting all the other people from all the other states and representing our wonderful state and it has been quite an experience. Thank you. (applause)

Miss KIM ANDREWS: Good morning. My name is Kim Andrews and I am from Yarmouth, Maine. I am presently a senior at McAuley High School. I represent another horse industry called the Downeast Horse Congress. It is an association that gets together in a big horse show every year at the Lewiston Fairgrounds during the month of August. How I became the Downeast Horse Congress Queen was I had to ride a pattern and I was interviewed on personality and horse knowledge and to my great pleasure, I became the Downeast Horse Congress Queen. My years of experience with horses has been very brief — it has only been three years but so far I am looking forward to a great future in the horse industry. Thank you. (applause)

Miss MELODY MORSE: Good morning. My

name is Melody Morse. I am 21 years old, from Camden, Maine and I am the second Honey Queen to hold this title. I am an assistant dance teacher at the MaryAnn Carey Dance Studio.

The Maine Beekeepers Association would like to present the Speaker with a jar of honey. (applause)

The SPEAKER: It is obvious that some people just don't think I am sweet enough.

Mr. TODD WINSLOW: Mr. Speaker, Members of the House, Distinguished guests: My name is Todd Winslow and I am the President of the Maine Association of Future Farmers of America. I am a graduate of the Presque Isle High School and I am currently enrolled in the Department of Animal Sciences at the University of Maine in Orono.

The FFA in the State of Maine has been decreasing in membership and chapters in vocational agriculture but we are confident that the legislature will do its most to help the FFA build agricultural leaders for the future. Thank you. (applause)

Miss SHERRI LABBE: Good morning. As a Potato Queen, I have become more aware of the problems involving the industry. Living in Madawaska on the Canadian border has a lot to do with it for I have experienced, first-hand, the frustration of local farmers over the importation of Canadian potatoes. I have seen the international bridge blocked with potatoes and I have seen the despair on the farmers faces. It is extremely unfortunate that President Reagan did not speak with Prime Minister Mulroney about the potato industry but I do know that the U.S. Secretary of Agriculture, John Block, is meeting today with his advisory committee in Washington concerning the potato industry. I share Dorothy Kelly's concern over the unequal representation from those in the east, the very area that is receiving the brunt of the problem. However, I hope that some compromise can be reached to keep American and Canadian relationships positive.

I also notice that you all have received our delicious potatoes and I trust that you will enjoy them. Thank you. (applause)

Thereupon, the Agricultural Queens were escorted from the Hall of the House, amid applause.

## Papers from the Senate

The following Joint Order: (S.P. 390)  
ORDERED, the House concurring, that Joint Order, establishing a Joint Select Committee to Study the Shoe Industry, S.P. 121, be amended by striking out all of the 6th paragraph and inserting in its place the following:

'ORDERED, that the committee shall consist of 7 members, as follows: Four members of the House of Representatives to be appointed by the Speaker of the House; 3 members of the Senate to be appointed by the President of the Senate. The President of the Senate and the Speaker of the House shall be ex officio members of the committee. The committee shall select chairmen from among its members, one of whom shall be a Senator and one of whom shall be a Representative; and be it further'

Came from the Senate, read and passed.

Was read and passed in concurrence.

Bill "An Act to Expand the Number of Elder Volunteers in the Retired Senior Volunteer Programs, Foster Grandparents Programs and the Senior Companion Program" (S.P. 387) (L.D. 1066)

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

Was referred to the Committee on Appropriations and Financial Affairs in concurrence.

Bill "An Act to Provide for Adequate Funding of the Chemical Substance Identification Law" (Emergency) (S.P. 384) (L.D. 1064)

Came from the Senate, referred to the Com-

mittee on Energy and Natural Resources and Ordered Printed.

Was referred to the Committee on Energy and Natural Resources in concurrence.

Bill "An Act to Amend Certain Provisions of the Laws Pertaining to Child Support" (S.P. 385) (L.D. 1065)

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 Improve the Lobster Fund" (S.P. 388) (L.D. 1067)

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

Was referred to the Committee on Marine Resources in concurrence.

#### Unanimous Leave to Withdraw

Report of the Committee on Legal Affairs reporting "Leave to Withdraw" on Bill "An Act to Require Investigations and Reports on All Accidents Involving Police Cars" (S.P. 266) (L.D. 709)

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

#### Ought to Pass in Second 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 Second 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. 386) (L.D. 1056).

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

The Report was read and accepted.

Under suspension of the rules, the New Draft read twice, passed to be engrossed in concurrence.

#### Non-Concurrent Matter

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) (H.P. 348) (L.D. 469) which was passed to be engrossed as amended by Committee Amendment "A" (H-18) in the House on March 13, 1985.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-18) as amended by Senate Amendment "A" (S-18) thereto in non-concurrence.

The House voted to recede and concur.

#### 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:

##### Business and Commerce

Bill "An Act to Regulate Membership Camping" (H.P. 773) (Presented by Representative STEVENS of Bangor) (Cosponsors: Representatives HAYDEN of Durham, CASHMAN of Old Town and MARTIN of Van Buren) (Ordered Printed)  
Sent up for concurrence.

##### Energy and Natural Resources

Bill "An Act to Provide for a Forest Campsite Program" (H.P. 774) (Presented by Representative MITCHELL of Freeport)

(Cosponsors: Representatives JACQUES of Waterville, LAW of Dover-Foxcroft and Senator USHER of Cumberland) (Submitted by the Department of Conservation pursuant to Joint Rule 24)

Bill "An Act to Investigate the Importation and Disposal of Solid Waste and Hazardous Waste in Maine" (H.P. 775) (Presented by Representative WILLEY of Hampden) (Cosponsors: Representatives BROWN of Livermore Falls, MICHAUD of Medway and Senator KANY of Kennebec)

(Ordered Printed)  
Sent up for concurrence.

##### Human Resources

Bill "An Act to Exempt Home-based Early Intervention and Prevention Services from Regulations Governing the Licensing and Functioning of Home Health Care Services" (Emergency) (H.P. 776) (Presented by Representative STEVENS of Bangor) (Cosponsors: Representatives MURRAY of Bangor and MANNING of Portland)

(Ordered Printed)  
Sent up for concurrence.

##### State Government

Bill "An Act Related to the Observance of Memorial Day" (Emergency) (H.P. 777) (Presented by Representative TELOW of Lewiston) (Cosponsors: Representatives REEVES of Pittston, Aliberti of Lewiston and Senator ANDREWS of Cumberland)

(Ordered Printed)  
Sent up for concurrence.

##### Transportation

Bill "An Act Concerning Handicapped Motor Vehicle Registration Plates or Placards" (H.P. 778) (Presented by Representative RACINE of Biddeford) (Cosponsors: Representatives MURPHY of Kennebunk, SPROUL of Augusta and Senator DUTREMBLE of York)

(Ordered Printed)  
Sent up for concurrence.

##### Utilities

Bill "An Act to Amend the Charter of the Bingham Water District" (H.P. 779) (Presented by Representative ROTONDI of Athens) (Cosponsor: Senator WEBSTER of Franklin)

Bill "An Act to Limit Investments by Electric Companies in Certain Generating Facilities without Stockholder Approval" (H.P. 780) (Presented by Representative BROWN of Gorham) (Cosponsors: Representatives CONNOLLY of Portland and REEVES of Pittston)

(Ordered Printed)  
Sent up for concurrence.

##### Orders

On motion of Representative McSWEENEY of Old Orchard Beach, the following Order: ORDERED, that Representative Richard P. Ruhlin of Brewer be excused March 27 and 28 for personal reasons.

Was read and passed.

##### Reports of Committees

###### Unanimous Leave to Withdraw

Representative STEVENS from the Committee on Business and Commerce Bill "An Act Prohibiting Banks from Imposing Fees Against the Accounts of Persons over 65 Years of Age" (H.P. 420) (L.D. 600) reporting "Leave to Withdraw"

Representative ALIBERTI from the Committee on Business and Commerce on Bill "An Act to Allow Equitable Adjustments of Assessments for Members of the Maine Self-insurance Guarantee Association" (Emergency) (H.P. 350) (L.D. 471) 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

###### Pursuant to Joint Order (H.P. 56)

Representative McHENRY from the Committee on Local and County Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Waldo County for the Year 1985 (H.P. 781) (L.D. 1075) reporting "Ought to Pass" — Pursuant to Joint Order (H.P. 56) (Emergency)

Report was read and accepted and the bill read once.

Under suspension of the rules, the Bill 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. 132) (L.D. 157) Bill "An Act to Amend the Town Manager Plan Under the Municipal Law" Committee on Local and County Government reporting "Ought to Pass" (H.P. 315) (L.D. 404) Bill "An Act to Require Legislative Confirmation of the Commissioners and the Directors of the Maine State Lottery" Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-29)

There being no objections, the above items were ordered to appear on the Consent Calendar of Friday, March 22, 1985 under the listing of Second Day.

##### Consent Calendar

###### Second Day

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

Bill "An Act to Shorten the Period which Members of the Maine State Retirement System Must Wait for the Refund of Accumulated Contributions" (H.P. 388) (L.D. 537)

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 Streamline Review of Road Construction in Unorganized Areas" (H.P. 762) (L.D. 1058)

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)

Were reported by the Committee on Bills in the Second Reading and read a second time, passed to be engrossed and sent up for concurrence.

##### Tabled and Assigned

Bill "An Act Relating to Retirement Benefits of Superior Court Employees" (H.P. 81) (L.D. 101)

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

The SPEAKER: The Chair recognizes the Representative from Madawaska, Representative McHenry.

Representative McHENRY: Mr. Speaker, I would inquire if this bill should have a fiscal note attached to it.

The SPEAKER: The Chair would advise members of the House that L.D. 101 does have a fiscal impact; however, Joint Rule 21 requires the fiscal impact be placed on a bill only when it affects the state budget. In this particular instance, L.D. 101 has a fiscal impact on the county and, therefore, this bill does not require a fiscal note but the fiscal note from the Finance Office does show that this bill will have a fiscal impact on the county budget.

The Chair recognizes the Representative from Madawaska, Representative McHenry.

Representative McHENRY: Mr. Speaker, I believe that once we mandate the county to

pay that the state is responsible for a percentage of that payment. Am I correct or not?

The SPEAKER: The Representative is getting into a debate situation with the Chair that the Chair is not in a position to respond except to say that it is the Chair's recollection that any assessments upon municipalities or counties that are involved in the State Retirement System that the entire burden falls upon the recipient receiving the retirement; that is, the county or the municipality, that it would have an impact on the property tax and not on the state budget.

The Chair would simply suggest that if people are concerned about the fiscal impact on counties that the bill be tabled so that it can be appropriately assessed.

On motion of Representative McCollister of Canton, tabled pending passage to be engrossed and tomorrow assigned.

Adjourned until twelve o'clock tomorrow morning.

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 Make Additional Allocations to the Department of Inland Fisheries and Wildlife for the Fiscal Year Ending June 30, 1985 (H.P. 635) (L.D. 903)

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

An Act to Amend the Maine Spruce Budworm Management Act (H.P. 267) (L.D. 337) (C. "A" H-19)

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.

**Consent Calendar  
First Day**

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

(H.P. 296) (L.D. 385) Bill "An Act to Permit the Department of Corrections to Accept Certain Categories of United States Prisoners" Committee on Human Resources reporting "Ought to Pass"

There being no objections, the above item was ordered to appear on the Consent Calendar of Friday, March 22, 1985 under the listing of Second Day.

**Orders of the Day  
Tabled and Assigned**

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

Bill "An Act to Amend the Weir Licensing Law" (Emergency) (H.P. 677) (L.D. 939)

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

—In Senate, Passed to be Engrossed as Amended by Senate Amendment "A" (S-17) in non-concurrence.

TABLED—March 19, 1985 by Representative CROWLEY of Stockton Springs.

PENDING—Further Consideration.

On motion of Representative Crowley of Stockton Springs, retabled pending further consideration and specially assigned for Tuesday, March 26, 1985.

**(Off Record Remarks)**

On motion of Representative Masterman of Milo.