

# 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**

Monday, April 29, 1985

The Speaker resumed the Chair.

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

Prayer by Monsignor David Fitzpatrick, St. Andrews Catholic Church, Augusta.

National Anthem by the Woodland High School Band.

Quorum called; was held.

The Journal of Friday, April 26, 1985, was read and approved.

**Papers from the Senate**

The following Communication:

State of Maine  
Senate Chamber

April 26, 1985

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

The President appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Protect Lobster Gear" (H.P. 445) (L.D. 627)

Senator Chalmers of Knox  
Senator Bustin of Kennebec  
Senator Shute of Waldo

Sincerely,

S/ VALERIE MITCHELL

Assistant Secretary of the Senate

Was read and ordered placed on file.

Bill "An Act to Make Survivors Benefits Mandatory for any Member of the Maine State Retirement System" (S.P. 524) (L.D. 1419)

Came from the Senate, referred to the Committee on Aging, Retirement and Veterans and Ordered Printed.

Was referred to the Committee on Aging, Retirement and Veterans in concurrence.

**Unanimous Leave to Withdraw**

Report of the Committee on Transportation reporting "Leave to Withdraw" on Bill "An Act to Extend the Fine Schedule and to Make Certain Other Charges for Overweight Violations" (S.P. 389) (L.D. 1089)

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

**Non-Concurrent Matter**

Bill "An Act to Amend the Department of Environmental Protection Laws" (S.P. 414) (L.D. 1144) which was passed to be enacted in the House on April 24, 1985.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-61) in non-concurrence.

The House voted to recede and concur.

**Non-Concurrent Matter**

Bill "An Act to Provide for the 1985 Amendments to the Maine Housing Authorities Act" (Emergency) (H.P. 413) (L.D. 580) which was passed to be engrossed as amended by Committee Amendment "A" (H-82) and House Amendment "A" (H-83) in the House on April 24, 1985.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-82) and Senate Amendment "A" (S-62) 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:

Bill "An Act to Reauthorize the Forest

Resource Assessment and Marketing Program" (Emergency) (H.P. 983) (L.D. 1413) (Presented by Representative MICHAUD of Medway) (Cosponsors: Representatives JACQUES of Waterville, DEXTER of Kingfield, and Senator USHER of Cumberland) (Submitted by the Department of Conservation pursuant to Joint Rule 24)

The SPEAKER: The Chair would rule that L.D. 1413 is in violation of Joint Rule 24 and is not properly before this body.

**Energy and Natural Resources**

Bill "An Act to Assure the Future of Maine's Forest Resources" (H.P. 984) (L.D. 1414) (Presented by Representative LAW of Dover-Foxcroft)

(Ordered Printed)

Sent up for concurrence.

**Human Resources**

Bill "An Act to Encourage the Establishment of Statewide Standards for the Identification and Management of Child Abuse and Neglect" (H.P. 985) (L.D. 1415) (Presented by Representative ROLDE of York) (Cosponsors: Representatives BELL of Paris and KIMBALL of Buxton)

(Ordered Printed)

Sent up for concurrence.

**Marine Resources**

Bill "An Act Relating to Leases of Aquaculture" (H.P. 986) (L.D. 1416) (Presented by Representative SALSBUURY of Bar Harbor)

(Ordered Printed)

Sent up for concurrence.

**State Government**

Bill "An Act Concerning State-guaranteed Mortgages" (H.P. 987) (L.D. 1417) (Presented by Representative SMITH of Island Falls)

(Ordered Printed)

Sent up for concurrence.

Bill "An Act to Provide for a Law Enforcement Telecommunications System" (H.P. 988) (L.D. 1418) (Presented by Representative PAUL of Sanford) (Cosponsors: Representatives RIOUX of Biddeford, NICKERSON of Turner, and Senator NAJARIAN of Cumberland) (Submitted by the Department of Public Safety pursuant to Joint Rule 24)

The SPEAKER: The Chair would rule that L.D. 1418 is in violation of Joint Rule 24 and is not properly before this body.

**Orders**

On a motion of Representative MELENDY of Rockland, under suspension of the rules, the following Joint Resolution: (H.P. 982) (Cosponsors: Representatives MAYO of Thomaston, ALLEN of Washington, SCARPINO of St. George, TAYLOR of Camden, RICE of Stonington, Senators CHALMERS of Knox, PERKINS of Hancock and SEWALL of Lincoln)

**JOINT RESOLUTION COMMEMORATING  
THE 125TH ANNIVERSARY  
OF KNOX COUNTY**

WHEREAS, Knox County commemorated the 125th anniversary of its incorporation on April 1, 1985; and

WHEREAS, the bountiful shoreline of Knox County gave rise to an impressive fishing and commercial industry; and

WHEREAS, the coastal villages of Cushing, Friendship, Owls Head and St. George, while summer havens for artists, are also the homes of the rugged lobstermen famous for providing the world with Maine's most popular delicacy; and

WHEREAS, in Rockland, the State's most productive fishing village, modern manufacturing and traditional crafts, such as boat building, merge to form a strong economic and commercial base for the entire county; and

WHEREAS, the interior hill towns, such as Hope, Appleton, Warren, Union and Washington dotted with lakes and bordered by

rivers, make up the agricultural center of the country with productive and expanding dairy, wood and berry industries; and

WHEREAS, Thomaston, ancestral home of the American Revolution and famous for its historic sea captains' homes is also the home of the county's limerock industry; and

WHEREAS, Knox County, widely known for its lively liming industry which began in the 1700's, has quarries which rank with the deepest excavations for limestone in the world; and

WHEREAS, historically, the thriving interior and active coast lured many a graceful clipper ship to the port towns within Knox County; and

WHEREAS, Knox County, including the Town of Camden and the Town of Rockport, still boasts a lovely and scenic coastline attracting visitors and natives alike; and

WHEREAS, Knox County actively supports and makes available to the public fine works of art and traditional crafts; and

WHEREAS, the county, in celebration of 125 years of hearty existence, is hosting an open house in May, complete with exhibits from all the municipalities in Knox County; and

WHEREAS, county-wide participation in the anniversary of its incorporation on April 1, 1860, is being actively encouraged in the schools of the county with emphasis on art and history reflecting Knox County and exposure to the workings and importance of county government; now, therefore, be it

RESOLVED, That We, the Members of the 112th Legislature assembled in First Regular Session, join together in recognizing and commemorating Knox County on the occasion of its 125th anniversary of incorporation; and be it further

RESOLVED: That suitable copies of this resolution be transmitted to the Knox County commissioners.

Was read and adopted and sent up for concurrence.

**Reports of Committees****Unanimous Ought Not to Pass**

Representative MACOMBER from the Committee on Transportation on Bill "An Act to Reduce the Incidence of Motor Vehicle Accidents among Maine's Young Drivers" (H.P. 624) (L.D. 893) 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 MACOMBER from the Committee on Transportation on Bill "An Act Concerning the Placement of Plows on Motor Vehicles" (H.P. 689) (L.D. 975) reporting "Leave to Withdraw"

Representative HANDY from the Committee on Education on Bill "An Act Concerning Remuneration for Substitute School Teachers" (H.P. 391) (L.D. 540) reporting "Leave to Withdraw"

Representative MACOMBER from the Committee on Transportation on Bill "An Act to Exempt Certain Unused Railroad Crossings from the Requirement to Stop" (H.P. 660) (L.D. 932) reporting "Leave to Withdraw"

Representative BROWN from the Committee on Education on Bill "An Act to Require that the Educational School Year Consist of 175 Consecutive Days" (H.P. 694) (L.D. 989) reporting "Leave to Withdraw"

Representative BROWN from the Committee on Education on Bill "An Act to Amend the Law Relating to School Days, Holidays, and Special Observances" (H.P. 481) (L.D. 684) 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 TARDY from the Committee on Agriculture on Bill "An Act to Shorten the Final Pay Settlement of Milk Dealers to Producers" (H.P. 250) (L.D. 304) reporting "Ought to Pass" in New Draft (H.P. 981) (L.D. 1412)

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 BRANNIGAN from the Committee on Business and Commerce on Bill "An Act to Provide for Public Rest Rooms in Eating Places" (H.P. 406) (L.D. 559) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Provide for Public Rest Rooms in Eating Establishments" (H.P. 980) (L.D. 1411)

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 BROWN from the Committee on Education on Bill "An Act Concerning Uniform Teacher Evaluation Standards" (H.P. 439) (L.D. 621) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Requiring the Department of Educational and Cultural Services to Establish Models for Evaluating Teachers" (H.P. 989) (L.D. 1420)

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

#### **Divided Report**

Majority Report of the Committee on Marine Resources reporting "Ought Not to Pass" on Bill "An Act to Limit Aquaculture Leases to a Period of 5 years" (H.P. 824) (L.D. 1165)

Signed:

Senators:

SHUTE of Waldo  
CHALMERS of Knox  
BROWN of Washington

Representatives:

CONNERS of Franklin  
CROWLEY of Stockton Springs  
VOSE of Eastport  
RICE of Stonington  
COLES of Harpswell  
SALSBURY of Bar Harbor  
MANNING of Portland  
RUHLIN of Brewer  
MITCHELL of Freeport

Minority Report of the same Committee reporting "Ought to Pass" on same Bill.

Signed:

Representative:

SCARPINO of St. George

Reports were read.

Representative Crowley of Stockton Springs moved that the House accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from St. George, Representative Scarpino.

Representative SCARPINO: Mr. Speaker, Men and Women of the House: I have no intention of attempting to fight this report, I just wanted to put a little bit of information on the record.

This is the sixth bill you have seen come from me involving aquaculture in traditional fisheries with the same kind of report. I was going to say that I expected that this would be the last bill involving aquaculture out of Marine Resources this session but I see there is another one on the calendar today which, thankfully, is not mine.

This whole process with the aquaculture bills has been one primarily of information that we have got a virgin aquaculture industry and an existing traditional fishing industry and I have no doubt that, in the future, we are going to see more legislation because of the potential conflict and conflicts that do arise between the two. I just wanted to let everyone know that we will be seeing more of these bills because of the conflicts and just make you aware of just

what is going to be happening down the road.

Whereupon, on a motion of Representative Crowley of Stockton Springs, the Majority "Ought Not to Pass" Report was accepted.

#### **Consent Calendar**

##### **First Day**

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

(H.P. 873) (L.D. 1230) Bill "An Act to Increase the Allocation for Personal Services Expenditures under the Maine Hazardous Waste Fund for Fiscal Year 1985" (Emergency) Committee on Energy and Natural Resources reporting "Ought to Pass"

There being no objections, the above item was ordered to appear on the Consent Calendar of Tuesday, April 30, 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. 802) (L.D. 1136) Bill "An Act Relating to the Hancock County Trustees of Public Reservations" (Emergency)

(S.P. 337) (L.D. 787) Bill "An Act Concerning Land Conveyed by the State to the Town of Bridgton."

(S.P. 322) (L.D. 811) Bill "An Act Making Supplemental Allocations from the Highway Fund for the Fiscal Year Ending June 30, 1985" (Emergency)

(S.P. 135) (L.D. 374) Bill "An Act to Regulate Public Swimming Pools and Spas" (C. "A" S-57)

(S.P. 314) (L.D. 803) Bill "An Act to Raise the Amount over which Contractors must Seek Municipal Bonding" (C. "A" S-56)

(S.P. 296) (L.D. 785) Bill "An Act Relating to the Assessment of Storage Fees by Motor Vehicle Service Stations" (C. "A" S-58)

(H.P. 216) (L.D. 250) Bill "An Act Relating to Conferring Degrees by the University of New England in Biddeford" (C. "A" H-96)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were Passed to be Engrossed or 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 to Authorize the Use of Blue Lights on Liquor Enforcement Vehicles" (S.P. 519) (L.D. 1393)

Bill "An Act to Require Newly Appointed County and Municipal Law Enforcement Officers to Complete a Basic Training Course within the First 6 Months of Their Employment" (S.P. 513) (L.D. 1387)

Bill "An Act to License Dietitians" (S.P. 520) (L.D. 1397)

Were reported by the Committee on Bills in the Second Reading, read a second time, the Senate Papers were passed to be engrossed in concurrence.

#### **Later Today Assigned**

Bill "An Act to Prohibit Open Burning at All Municipal Solid Waste Disposal Sites" (H.P. 976) (L.D. 1399)

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

On motion of Representative Bost of Orono, tabled pending passage to engrossed and later today assigned.

Bill "An Act Concerning Passenger Exclusions in Motorcycle Insurance Policies" (H.P. 975) (L.D. 1398)

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

#### **Orders, cont'd**

On a motion of Representative McSWEENEY of Old Orchard Beach, the following Order:

ORDERED, that Representative Rita B. Melendy of Rockland be excused April 29 and 30 for legislative business.

Was read and passed.

The Chair laid before the House the following matter: Bill "An Act to Prohibit Open Burning at All Municipal Solid Waste Policies" (H.P. 976) (L.D. 1399) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

Representative Bost of Orono offered House Amendment "A" (H-99) and moved its adoption.

House Amendment "A" (H-99) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" and sent up for concurrence.

On a motion of Representative Aliberti of Lewiston,

Adjourned until nine o'clock tomorrow morning.