

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, May 1, 1985

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

Prayer by Father Roland Lajoie, St. John the Baptist Catholic Church, Brunswick.

Quorum Called; was held.

The Journal of yesterday was read and approved.

Papers from the Senate

The following Communication:

The Senate of Maine

Augusta

April 30, 1985

The Honorable Edwin H. Pert

Clerk of the House

112th Legislature

Augusta, Maine 04333

Dear Clerk Pert:

In reference to the action of the Senate on April 29, 1985 whereby the Senate insisted and moved to join in a Committee of Conference, the President has appointed the following on the part of the Senate as conferees:

Senator Danton of York

Senator Chalmers of Knox

Senator Shute of Waldo

Thank you.

Sincerely,

S/ JOY J. O'BRIEN

Secretary of the Senate

Was read and ordered placed on file.

Bill "An Act to Allow the Department of Human Services to Investigate and Provide Information on Community Health Issues" (S.P. 535) (L.D. 1436)

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

Was referred to the Committee on Human Resources in concurrence.

Bill "An Act Concerning Access to Telephone Toll Records by Prosecutors" (S.P. 536) (L.D. 1437)

Came from the Senate, referred to the Committee on Judiciary and Order Printed.

Was referred to the Committee on Judiciary in concurrence.

Unanimous Leave to Withdraw

Report of the Committee on Appropriations and Financial Affairs reporting "Leave to Withdraw" on Bill "An Act Concerning a Maine Vietnam Veterans' Memorial" (S.P. 456) (L.D. 1259)

Report of the Committee on Energy and Natural Resources reporting "Leave to Withdraw" on RESOLVE, Concerning a Study of the Impact of Residential Heating by Wood Stoves on Ambient Air Quality (S.P. 401) (L.D. 1111)

Were 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 Appropriations and Financial Affairs on Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund, 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) (S.P. 532) (L.D. 1427)

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

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

Messages and Documents

The following Communication: (S.P. 538)

112th Maine Legislature

April 29, 1985

Senator Edgar E. Erwin

Representative John M. Michael

Chairpersons

Committee on Agriculture

112th Legislature

Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated James M. Begert of Lewiston for appointment to the State Harness Racing Commission.

Pursuant to Title 8 MRSA Section 261, this nomination will require review by the Joint Standing Committee on Agriculture 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 Agriculture.

Was Read and Referred to the Committee on Agriculture in concurrence.

Petitions, Bills and Resolves**Requiring Reference**

The following Bills and Resolves were received and, upon the recommendation of the Committee on Reference Bills, were referred to the following Committees, Ordered Printed and Sent up for Concurrence:

Education

Bill "An Act Concerning the Education Laws and Compensation and Recognition of Teachers" (H.P. 1001) (L.D. 1443) (Presented by Representative HIGGINS of Scarborough)

(The Committee on Appropriations and Financial Affairs was suggested.)

On motion of Representative Carter of Winslow, referred to the Committee on Education, Ordered Printed, and sent up for concurrence.

Appropriations and Financial Affairs

Bill "An Act Relating to Increased Financial Support for the University of Maine" (H.P. 1002) (L.D. 1444) (Presented by Representative BOST of Orono) (Cosponsors: Senator BROWN of Washington, Representatives BOTT of Orono and CROUSE of Caribou)

(Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

(Ordered Printed).

Sent up for concurrence.

Business and Commerce

Bill "An Act to Require Recognition of Nursing Licenses Granted in other Jurisdictions" (H.P. 1003) (L.D. 1445) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsor: Senator VIOLETTE of Aroostook)

(Ordered Printed)

Sent up for concurrence.

Orders

On motion of Representative McSWEENEY of Old Orchard Beach, the following Order: ORDERED, that Representative Priscilla G. Taylor of Camden be excused April 23 and 24 due to illness.

Was read and passed.

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

Representative BROWN from the Committee on Education on Bill "An Act to Provide Faculty and Instruction Recognition Grants to Vocational-technical Institute Faculty and Instructors" (H.P. 392) (L.D. 541) reporting "Ought Not to Pass"

Representative HANDY from the Committee on Education on Bill "An Act to Improve Teachers' Salaries" (H.P. 353) (L.D. 474) reporting "Ought Not to Pass"

Representative JACQUES from the Commit-

tee on Energy and Natural Resources on Bill "An Act to Permit Mediation of Water Level Disputes" (H.P. 565) (L.D. 836) 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 HIGGINS from the Committee on Taxation on Bill "An Act Concerning Issuance of Licenses and Permits to Persons Whose Personal Property Tax is Unpaid" (Emergency) (H.P. 88) (L.D. 108) reporting "Leave to Withdraw"

Representative BROWN from the Committee on Education on Bill "An Act to Amend the Education Laws" (H.P. 796) (L.D. 1126) reporting "Leave to Withdraw"

Representative BROWN from the Committee on Education on Bill "An Act to Permit Restructuring of School Administrative Districts" (H.P. 870) (L.D. 1227) 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 DUFFY from the Committee on Fisheries and Wildlife on Bill "An Act to Increase Penalties for Certain Hunting Violations Involving Big Game Animals" (H.P. 571) (L.D. 842) reporting "Ought to Pass" in New Draft (H.P. 1000) (L.D. 1442)

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

Consent Calendar**First Day**

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

(H.P. 512) (L.D. 717) Bill "An Act to Mandate Smoke Alarms in all New, Converted or Restored Single-family Dwellings" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-103)

(H.P. 722) (L.D. 1031) Bill "An Act Concerning Revision or Amendment of Approved Subdivision Plans" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-104)

There being no objections, the above items were ordered to appear on the Consent Calendar of Thursday, May 2, 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. 444) (L.D. 1247) Bill "An Act Relating to Regulation Fees Under the Manufacturing of Bedding, Upholstered Furniture and Cushion Law"

(H.P. 279) (L.D. 349) Bill "An Act to Amend the Law Concerning Smoke Detectors in all Multiapartment Dwellings"

(H.P. 152) (L.D. 186) Bill "An Act to Establish a Fire Fighter Training Facilities Grant Program" (C. "A" H-100)

(H.P. 426) (L.D. 606) Bill "An Act to Clarify the Definition of Spouse and to Add a Definition of Substantial Gainful Activity" (C. "A" H-102)

No objections having been noted at the end of the Second Legislative Day, the Senate Paper was Passed to be Engrossed 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 Provide for Adequate Funding of the Chemical Substance Identification Law" (Emergency) (S.P. 521) (L.D. 1405)

RESOLVE, Pertaining to a State Employee Health Promotion (Emergency) (H.P. 990) (L.D. 1428)

Bill "An Act to Establish the Departmental Indirect Cost Allocation Program" (Emergency) (H.P. 998) (L.D. 1440)

Bill "An Act to Prevent Double Benefits for the Same Period of Service, to Provide Membership as of the Effective Date of First Contributions and to Provide that Benefits be Paid only to Members, their Dependents or Beneficiaries" (H.P. 999) (L.D. 1441)

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

Orders of the Day

The Chair laid before the House the first item of Unfinished Business:

The following matters, in the consideration of which the House was engaged at the time of adjournment yesterday, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 24.

An Act to Establish Fixed Dates for the Adjournment of the First and Second Regular Sessions of the Legislature (Emergency) (H.P. 928) (L.D. 1333)

TABLED - April 26, 1985 by Representative DIAMOND of Bangor.

PENDING - Passage to be Enacted.

On motion of Representative Diamond of Bangor, retabled pending passage to be enacted and tomorrow assigned.

The Chair laid before the House the second matter of Unfinished Business:

An Act to Require Completion of an Education Program in Order to be Eligible to Purchase an Initial Trapping License (H.P. 527) (L.D. 747)

TABLED - April 30, 1985 (Till Later Today) by Representative JACQUES of Waterville.

PENDING - Passage to be Enacted.

Whereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

Reports of Committees

Unanimous Ought Not to Pass

Representative MOHOLLAND from the Committee on Transportation on Bill "An Act Related to Enforcement Action for Violations of Proper Display of License Plates and Motor Vehicle Inspection Requirements" (H.P. 502) (L.D. 705) reporting "Ought Not to Pass"

Representative ALLEN from the Committee on Judiciary on Bill "An Act to Permit Reasonable Visitation Rights for Grandparents when a Parent is Deceased" (H.P. 170) (L.D. 204) reporting "Ought Not to Pass" (Senator CHALMERS of Knox - of the Senate - Abstained)

Representative PARADIS from the Committee on Judiciary on Bill "An Act to Require Registration of Sex Offenders by Local Municipalities" (H.P. 486) (L.D. 689) 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 MOHOLLAND from the Committee on Transportation on Bill "An Act to Require Seat Belts for Persons Riding in Open-back Vehicles" (H.P. 246) (L.D. 287) reporting "Leave to Withdraw"

Representative CASHMAN from the Committee on Taxation on Bill "An Act to Provide for a Sales Tax on the Advertising of Alcoholic Beverages" (H.P. 639) (L.D. 907) 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/New Title

Representative MacBRIDE from the Committee on Judiciary on Bill "An Act to Establish a Living Will" (H.P. 458) (L.D. 660) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Concerning Living Wills" (H.P. 1004) (L.D. 1448)

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 LEBOWITZ from the Committee on Judiciary on Bill "An Act to Revise the Laws Pertaining to Real Estate Attachments, Disclosure Proceedings, Levy on Execution and Exempt Property" (H.P. 322) (L.D. 437) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Revise the Laws Pertaining to Real Estate Attachments, Levy on Execution and Exempt Property" (H.P. 1005) (L.D. 1449)

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

(Off Record Remarks)

On motion of Representative Strout of Corinth, adjourned until nine o'clock tomorrow morning in memory of Clyde L. Smith, Sr., a former Legislator.