

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

Tuesday, May 7, 1985

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

Prayer by Reverend Bruce Hudson, Highland Avenue Methodist Church, Gardiner.

Quorum called; was held.

The Journal of yesterday was read and approved.

Papers from the Senate

RESOLVE, Authorizing Colwell Construction Company, Incorporated, to Bring a Civil Action Against the State of Maine (S.P. 550) (L.D. 1467)

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

Was referred to the Committee on Legal Affairs in concurrence.

Unanimous Leave to Withdraw

Report of the Committee on Aging, Retirement and Veterans reporting "Leave to Withdraw" on Bill "An Act to Improve the Benefits under Maine's State Retirement Law" (S.P. 382) (L.D. 1049)

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

Divided Report

Majority Report of the Committee on State Government reporting "Ought to Pass" on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Extend the Tenure for Sheriffs from 2 Years to 4 Years (S.P. 348) (L.D. 943)

Signed:

Senators:

ANDREWS of Cumberland
KANY of Kennebec
HICHENS of York

Representatives:

SPROUL of Augusta
DILLENBACK of Cumberland
COTE of Auburn
DESCOTEAUX of Biddeford
HICHBORN of LaGrange
LACROIX of Oakland
WENTWORTH of Wells
BOUTILIER of Lewiston

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Signed:

Representatives:

GWADOSKY of Fairfield
NADEAU of Saco

Came from the Senate with the Majority "Ought to Pass" Report read and accepted and the Resolution passed to be engrossed.

Reports were read.

On motion of Representative Lacroix of Oakland, the Majority "Ought to Pass" Report was accepted, the Bill read once and assigned for Second Reading tomorrow.

Non-Concurrent Matter

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) (H. "B" H-105) which was passed to be enacted in the House on May 6, 1985.

Came from the Senate failing of passage to be enacted in non-concurrence.

Whereupon, the House voted to insist on its former action whereby the Bill was passed to be enacted.

Non-Concurrent Matter

JOINT RESOLUTION EXPRESSING CONCERN OVER THE VIOLENCE BETWEEN PROTESTANTS AND CATHOLICS IN NORTHERN IRELAND (H.P. 1007) which was read and adopted in the House on May 3, 1985.

Came from the Senate indefinitely postponed in non-concurrence.

Whereupon, the House voted to insist on its

former action whereby the Joint Resolution was adopted.

Orders

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

ORDERED, that Representative Daniel R. Warren of Scarborough be excused May 8, 9, and 10 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Alexander Richard of Madison be excused May 9 and 10 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Charlene B. Rydell of Brunswick be excused May 8, 9, and 10 for legislative business.

Was read and passed.

Special Sentiment Calendar

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

On motion of Representative Higgins of Scarborough, removed from the Special Sentiment Calendar.

Recognizing:

The Scarborough High School U.S. Academic Decathlon Team, as well as their principal, advisors and tutors, which placed 15th in National Competition at Los Angeles, California, and who was outstanding in representing this State in a contest that focuses attention on academic studies; (HLS 374) by Representative HIGGINS of Scarborough. (Cosponsors: Representative WARREN of Scarborough and Senator DANTON of York)

Was read

Whereupon, the Order was passed and sent up for concurrence.

On motion of Representative Higgins of Scarborough, removed from the Special Sentiment Calendar.

Recognizing:

Arthur Drisko, a junior at Scarborough High School, who was one of the top 3 performers nationally in the U.S. Academic Decathlon by winning a gold medal in both math and English, a silver medal in economics and a bronze medal in science; (HLS 375) by Representative HIGGINS of Scarborough. (Cosponsors: Representative WARREN of Scarborough and Senator DANTON of York)

Was read.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Higgins.

Representative HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: Over the past few years, there has been a considerable amount of talk around the nation and certainly in these halls about excellence in education. Today, I want to share with you what I believe is an extremely exciting educational feat accomplished by nine Scarborough high school junior and senior students with the assistance of numerous advisors and tutors.

On April 10th in Los Angeles, California, the U.S. Decathlon was held. At least 35 schools from around the nation competed for top honors. The intent of the decathlon was to encourage high school students to place the same kind of emphasis and enthusiasm on academic winning as there is on athletic winning. Scarborough was selected to represent Maine this year in the national competition because our principal, Sharon Hennessey, agreed to coordinate the statewide competition in next years event. Competition rules required that each team include, not only A students but an equal amount of B and C students as well. For months prior to this event, these nine students and their advisors and tutors spent countless hours, seven days a week, preparing for this test, not only in subjects with history, English, science and math but also becoming well versed in other non-traditional, if you will, areas such as fine arts, economics, and public

speaking. The entire student body and the community itself provided strong support for our team. Besides the tutors who are here today, many fellow students served as study assistants; others helped in raising funds; local clubs and businesses raised over \$13,000 to send these students to Los Angeles.

Now that I have given you the background for this outstanding group, I am extremely proud to say, as you can see on the calendar today, that Scarborough placed 15th nationally against schools from around the nation, many of them who had been in competition for many, many years and certainly schools who were many times the size of Scarborough's.

In addition to this accomplishment as a team, one student, a junior, stood out as one of the top three performers nationally in the competition. Art Driscoll, age 18, won gold medals both in math and English events; silver in economics; and a bronze in science. This best in the nation showing earned him a \$2,000 scholarship. I know that you will agree with me that his performance is a truly amazing feat as well as that of the entire team.

As one of the three Scarborough High alumni in this body, I want you to know how proud I am of their accomplishments. The state has every right to be as proud. We look forward to competing against some of your schools next year and I know that Scarborough High School has supplied some of that excellence in education that I spoke of earlier.

Whereupon, the Order was passed and sent up for concurrence.

Reports of Committees**Ought to Pass in New Draft**

Representative GWADOSKY from the Committee on State Government on Bill "An Act Relating to Membership on the Board of Trustees of the Criminal Justice Academy" (H.P. 223) (L.D. 257) reporting "Ought to Pass" in New Draft (H.P. 1016) (L.D. 1465)

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:

(S.P. 397) (L.D. 1107) Bill "An Act to Clarify the Law Regarding Peer Review Immunity Under the Maine Health Security Act" Committee on Human Resources reporting "Ought to Pass"

(S.P. 391) (L.D. 1090) Bill "An Act Making Allocations Related to the Alcoholism Prevention, Education, Treatment and Research Fund for the Expenditures of State Government for the Fiscal Years Ending June 30, 1986, and June 30, 1987" (Emergency) Joint Select Committee on Alcoholism Services reporting "Ought to Pass" as amended by Committee Amendment "A" (S-71)

There being no objections, the above items were ordered to appear on the Consent Calendar 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. 211) (L.D. 569) RESOLVE, to Address Special Education Needs of Learning Disabled Children (C. "A" S-70)

(H.P. 603) (L.D. 873) Bill "An Act to Prohibit Marriage Between Certain Blood Relatives"

(H.P. 465) (L.D. 666) Bill "An Act to Require Eye Protection for Persons Riding Motorcycles" (C. "A" H-111)

(H.P. 869) (L.D. 1226) Bill "An Act Limiting the Amount of Insurance Coverage which a Mortgagee can Require a Mortgagor to Carry" (C. "A" H-112)

(H.P. 202) (L.D. 236) Bill "An Act Prohibiting Bond Issues of Less than \$2,000,000"

(H.P. 891) (L.D. 1280) Bill "An Act to Reallocate Mortgage Insurance Authority from the Mortgage Insurance Program of the Finance Authority of Maine to the Maine Small Business Loan Program" (Emergency)

(H.P. 842) (L.D. 1192) Bill "An Act Requiring Impartial Summaries of Charter Amendments"

(H.P. 195) (L.D. 229) Bill "An Act Regarding Official Refusal or Neglect of Duty" (C. "A" H-114)

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 As Amended

Bill "An Act Concerning Good Time for Persons Convicted of Murder" (H.P. 270) (L.D. 340) (C. "A" H-110)

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

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

Passed to Be Enacted

An Act Relating to Instruction in American Sign Language in Public Schools and Institutions of Higher Education (S.P. 540) (L.D. 1447)

An Act Concerning Revision or Amendment of Approved Subdivision Plans (H.P. 722) (L.D. 1031) (C. "A" H-104)

An Act to Increase Penalties for Certain Hunting Violations Involving Big Game Animals (H.P. 1000) (L.D. 1442)

Was 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.

An Act Concerning Living Wills (H.P. 1004) (L.D. 1448)

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

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Paradis.

Representative PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: Just before we enact this bill, it was the unanimous report of the Judiciary Committee, but I wanted to pay a special thank you to Representative Foster from Ellsworth.

There were two bills before the Judiciary Committee. Representative Murray from Bangor sponsored one of them and the Representative from Ellsworth, Representative Foster, sponsored the other bill. We reported out Representative Murray's bill but, in no way, did that take away from the credit that Representative Foster is due for having attended every work session on this bill. It is a major comprehensive reform and every one on the committee and this entire body joins me in thanking her for having done the work for the last two years and making it possible to have this unanimous committee report.

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

An Act to Revise the Laws Pertaining to Real Estate Attachments, Levy on Execution and Exempt Property (H.P. 1005) (L.D. 1449)

Was 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.

By unanimous consent, all matters having been acted upon requiring Senate concurrence

were ordered sent forthwith to the Senate.

Orders of the Day

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

SENATE DIVIDED REPORT — Majority (10) "Ought Not to Pass" — Minority (3) "Ought to Pass" in New Draft under New Title Bill "An Act to Reduce Public Health Risks in Spruce Budworm Control Efforts" (S.P. 545) (L.D. 1458) — Committee on Energy and Natural Resources on Bill "An Act to Prohibit the Use of Chemical Insecticides in the State Budworm Suppression Program after 1985" (S.P. 350) (L.D. 978)

—In Senate, Majority "Ought Not to Pass" Report read and accepted.

TABLED — May 6, 1985, by Representative DIAMOND of Bangor.

PENDING — Motion of Representative MICHAUD of Medway to accept the Majority "Ought Not to Pass" Report.

On motion of Representative Michaud of Medway, retabled pending his motion to accept the Majority "Ought Not to Pass" Report and tomorrow assigned.

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

HOUSE DIVIDED REPORT — Majority (7) "Ought Not to Pass" — Minority (6) "Ought to Pass" as amended by Committee Amendment "A" (H-106) — Committee on State Government on Bill "An Act to Establish the Department of Forestry" (H.P. 338) (L.D. 441)

TABLED — May 6, 1985, by Representative GWADOSKY of Fairfield.

PENDING — Motion of same Representative to accept the Majority "Ought Not to Pass" Report.

On motion of Representative Gwadosky of Fairfield, retabled pending his motion to accept the Majority "Ought Not to Pass" Report and tomorrow assigned.

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

An Act to Prohibit Open Burning at All Municipal Solid Waste Disposal Sites (H.P. 976) (L.D. 1399) (H. "A" H-99)

TABLED — May 6, 1985 by Representative MICHAUD of Medway.

PENDING — Motion of Representative SMITH of Island Falls to Indefinitely Postpone Bill and Accompanying Papers.

On motion of Representative Michaud of Medway, retabled pending the motion of Representative Smith of island Falls to indefinitely postpone bill and accompanying papers and tomorrow assigned.

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

Bill "An Act Relating to Solicitations and Public Office Holding by State Employees" (S.P. 533) (L.D. 1434)

TABLED — May 6, 1985 by Representative DIAMOND of Bangor.

PENDING — Passage to be Engrossed.

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

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

HOUSE REPORT — "Ought to Pass" as amended by Committee Amendment "A" (H-115) — Committee on Local and County Government on Bill "An Act to Amend the Charter of the Bustin's Island Village Corporation" (Emergency) (H.P. 38) (L.D. 40)

TABLED — May 6, 1985 by Representative DIAMOND of Bangor.

PENDING — Acceptance of the Committee Report.

On motion of the Representative Diamond of Bangor, retabled pending acceptance of the Committee Report and tomorrow assigned.

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

Reports of Committees

Unanimous Leave to Withdraw

Representative Brannigan from the Committee on Business and Commerce on Bill "An Act Amending the Billboard Law" (H.P. 829) (L.D. 1173) reporting "Leave to Withdraw"

Representative Murray from the Committee on Business and Commerce on Bill "An Act to Require Full Disclosure by Real Estate Brokers" (H.P. 795) (L.D. 1125) reporting "Leave to Withdraw"

Representative Murray from the Committee on Business and Commerce on Bill "An Act Concerning Business Brokers" (H.P. 794) (L.D. 1124) reporting "Leave to Withdraw"

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

(Off Record Remarks)

At this point, Speaker Martin appointed Representative Gwadosky of Fairfield to act as Speaker pro tem for the remainder of the week.

On motion of Representative Hickey of Augusta

Adjourned until 9:00 o'clock tomorrow morning.