

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, May 9, 1985

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

Prayer by Father Thomas Joyce, St. Mary's Catholic Church, Augusta.

Quorum called; was held.

The Journal of yesterday was read and approved.

Papers from the Senate Ought to Pass in New Draft

Report of the Committee on Energy and Natural Resources on Bill "An Act to Clarify Certain Aspects of Mineral Exploration, Development and Disclosure" (S.P. 282) (L.D. 771) reporting "Ought to Pass" in New Draft (S.P. 549) (L.D. 1466)

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 Friday, May 10, 1985.

Non-Concurrent Matter

Bill "An Act Prohibiting Bond Issues of Less than \$2,000,000" (H.P. 202) (L.D. 236) which was passed to be engrossed in the House on May 7, 1985.

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

Representative Sproul of Augusta moved the House adhere to its previous action whereby the Bill was passed to be engrossed.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Augusta, Representative Sproul.

Representative SPROUL: Mr. Speaker, Ladies and Gentlemen of the House: I am the prime sponsor of this bill. It came out of the State Government Committee with a unanimous "Ought to Pass" Report. There was no opposition at the public hearing. This bill is a bill which I believe will encourage the state to take a more 'pay as you go' approach to state government. Two million dollars sounds like a lot of money and it is. However, if you put it in perspective, \$2 million is roughly two-tenths of one percent of the general fund. If you put that into terms of a family who has an annual household income of \$10,000, for them to borrow the equivalent amount, they would go to their banker and ask for a 15 year personal loan on an item that cost \$20.00. As head of my household, I don't do that, I would feel rather foolish going to my banker and asking for that. I believe this body was absolutely correct when its gone with unanimous consent twice. I would hope you would adhere to that and Mr. Speaker I ask for a roll call.

The SPEAKER PRO TEM: A roll call has been requested.

The Chair recognizes the Representative from Saco, Representative Nadeau.

Representative NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: I would like to go on record at this time as saying that, unfortunately, due to circumstances, I was not around at the work session when this bill came out. Therefore, it is an erroneous statement that this came out with the unanimous "Ought to Pass" Report. I would urge you to strongly consider your vote on this issue.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Portland, Representative Connolly.

Representative CONNOLLY: Mr. Speaker and Members of the House: I happened to notice this bill, I hadn't been paying any attention to this particular piece of legislation until the other day when I saw it was—I believe on the consent calendar and was in second reader—and nobody had raised any issues that were related to it.

I guess I would like to pose a question because this bill apparently ran into some

serious difficulty yesterday at the other end of the hall. It is my understanding right now, that when we have any issue that this legislature would contemplate a bonding matter, that this legislature would contemplate sending out to the voters for their approval or their rejection. In order for that to occur, before the voters have an opportunity to vote on the legislation, that particular bonding measure must first get two-thirds approval of both bodies of the Legislature and that seems to me to be sufficient protection about any, what the gentlemen from Augusta might refer to as minor matters, minor dollar figure matters, and it would seem to me the legislature perhaps ought not to give up that power, that authority that it has now, that protection. If there is an issue that the legislature or the Governor's Office or someone else is contemplating sending out for the approval of the voters, this legislature in its wisdom can make a decision on each individual item as to whether that should go out for a vote or whether we should deal with it and fund it out of the legislation makes a great deal of sense and I would urge the members of the legislature to oppose the motion of the gentlemen from Augusta, Representative Sproul.

Representative Brodeur of Auburn moved the House recede and concur.

Representative Sproul of Augusta requested a roll call vote on the motion to recede and concur.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Wells, Representative Wentworth.

Representative WENTWORTH: Mr. Speaker and Members of the House: I would urge you to follow Representative Sproul's recommendation and vote against the recede and concur. I agree it is time the state should pay as you go as much as possible.

The SPEAKER PRO TEM: 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 PRO TEM: The pending question before the House is the motion of the Representative from Auburn, Representative Brodeur, that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

ROLL CALL No. 60

YEAS:—Aliberti, Baker, H.R.; Beaulieu, Brannigan, Brodeur, Carroll, Carter, Cashman, Connolly, Erwin, Handy, Kane, Lisnik, Macomber, Martin, H.C.; Melendy, Mitchell, Moholland, Murray, Nadeau, G.G.; Nadeau, G.R.; Nelson, Perry, Priest, Reeves, Rioux, Rolde, Tammaro, Theriault, Vose, Walker

NAYS:—Allen, Armstrong, Baker, A.L.; Begley, Bell, Bonney, Bott, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Chonko, Clark, Coles, Connors, Cote, Crowley, Daggett, Davis, Dellert, Descoteaux, Dexter, Dillenback, Drinkwater, Duffy, Farnum, Foss, Foster, Hale, Harper, Hepburn, Hichborn, Hickey, Higgins, L.M.; Ingraham, Jackson, Jacques, Jalbert, Kimball, Lacroix, Lander, Law, Lawrence, Lebowitz, MacBride, Masterman, Matthews, McCollister, McGowan, McHenry, McPherson, McSweeney, Michael, Michaud, Murphy, E.M.; Murphy, T.W.; Nicholson, Nickerson, O'Gara, Paradis, E.J.; Paradis, P.E.; Parent, Paul, Pines, Racine, Rice, Ridley, Roberts, Salisbury, Scarpino, Seavey, Simpson, Small, Smith, C.B.; Smith, C.W.; Soucy, Sproul, Stevens, A.G.; Stevenson, Strout, Swazey, Tardy, Taylor, Telow, Webster, Wentworth, Weymouth, Willey

ABSENT:—Bost, Boutillier, Bragg, Carrier, Cooper, Crouse, Diamond, Greenlaw,

Gwadosky, Hayden, Higgins, H.C.; Hillock, Hoglund, Holloway, Joseph, Lord, Manning, Mayo, Mills, Pouliot, Randall, Richard, Rotondi, Ruhlin, Rydell, Sherburne, Stetson, Stevens, P.; Warren, Whitcomb, Zirkilton, The Speaker

31 having voted in the affirmative and 88 in the negative with 32 being absent, the motion did not prevail.

Representative Sproul of Augusta withdrew his request for a roll call vote on the motion to adhere.

Thereupon, the House voted to adhere to its previous action whereby the Bill was passed to be engrossed. 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:

Aging, Retirement and Veterans

Bill "An Act Allow the New Spouse of a Remarried Retirement System Member to be covered After the Member's Death" (H.P. 1020) (L.D. 1473) (Presented by Representative PARADIS of Augusta) (Cosponsors: Representative HICKEY of Augusta and Senator GAUVREAU of Androscoggin) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27) (Ordered Printed.)

Sent up for concurrence.

Agriculture

Bill "An Act Relating to the Transportation of Pasteurized Milk" (H.P. 1021) (L.D. 1474) (Presented by Representative MICHAEL of Auburn) (Cosponsors: Representative DAGGETT of Manchester, TARDY of Palmyra and Parent of Benton) (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 Revise the Maine Securities Act" (H.P. 1022) (Presented by Representative MURRAY of Bangor) (Cosponsors: Representatives NADEAU of Lewiston and Senator SEWALL of Lincoln)

Bill "An Act Concerning Exemptions to Licensing Requirements for Tree Removal" (H.P. 1023) (L.D. 1475) (Presented by Representative MAYO of Thomaston) (Cosponsor: Senator CHALMERS of Knox) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Bill "An Act to Amend the Provisions Governing the Conversion of a Mutual Insurer" (Emergency) (H.P. 1024) (L.D. 1476) (Presented by Representative MURRAY of Bangor) (Cosponsor: Representative RYDELL of Brunswick)

(Ordered Printed.)

Sent up for concurrence.

Education

Bill "An Act Concerning Service Requirements for Medical Students" (H.P. 1025) (L.D. 1477) (Presented by Representative BOTT of Orono) (Cosponsors: Representatives MICHAEL of Auburn and BOST of Orono) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27) (Ordered Printed.)

Sent up for concurrence.

Energy and Natural Resources

Bill "An Act to Reauthorize the Forest Resource Assessment and Marketing Program" (Emergency) (H.P. 1026) (L.D. 1478) (Presented by Representative MICHAUD of Medway) (Cosponsors: Representatives JACQUES of Waterville, DEXTER of Kingfield and Senator USHER of Cumberland)

Bill "An Act to Clarify the Use of Public Reserved Lands Acquisition Fund Money" (H.P. 1032) (L.D. 1484) (Presented by Representative MITCHELL of Freeport) (Cosponsors: Representative DEXTER of Kingfield) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27) (Ordered Printed.)

Sent up for concurrence.

Fisheries and Wildlife

Bill "An Act to Establish a 5-day Special Muzzle-loading Hunting Season" (H.P. 1027) (L.D. 1479) (Presented by Representative CLARK of Millinocket) (Cosponsors: Representatives JACQUES of Waterville, ROTONDI of Athens and President PRAY of Penobscot) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27) (Ordered Printed.)

Sent up for concurrence.

Human Resources

Bill "An Act to Adjust the Statutory Ceiling for the Certificate of Need Development Account" (H.P. 1028) (L.D. 1480) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsors: Senator PERKINS of Hancock, President PRAY of Penobscot and Representative MURPHY of Kennebunk) (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 Providing for a Study of the Unorganized Territory" (H.P. 1029) (L.D. 1481) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsor: Senator McBREAIRTY of Aroostook) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Bill "An Act to Exclude Certain Disability Benefits from State Income Tax" (H.P. 1030) (L.D. 1482) (Presented by Representative HAPRER of Lincoln) (Cosponsor: Representative HICHBORN of LaGrange) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Bill "An Act to Exempt Search and Rescue Units from the Sales and Use Tax" (H.P. 1031) (L.D. 1483) (Presented by Representative SALSBURY of Bar Harbor) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

(Ordered Printed.)

Sent up for concurrence.

Reported Pursuant to the Statutes Appropriations and Financial Affairs

Representative WEYMOUTH from the Committee on Fisheries and Wildlife pursuant to the Revised Statutes, Title 12, section 7035, subsection 4, paragraph B ask leave to submit its findings and report that the accompanying Bill "An Act to Reimburse the Department of Inland Fisheries and Wildlife for Search and Rescue Operations" (H.P. 1033) (L.D. 1485) be referred to the Joint Standing Committee on Appropriations and Financial Affairs for Public Hearing and printed pursuant to Joint Rule 18.

Report read and accepted. Referred to the Committee on Appropriations and Financial Affairs, Ordered Printed, and sent up for concurrence.

Orders

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

ORDERED, that Representative Polly Reeves of Pittsboro be excused May 10 and 13 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Jean T. Dellert of Gardiner be excused May 13, 14, and 15 for personal reasons.

Was read and passed.

Reports of Committees

Unanimous Ought Not to Pass

Representative HIGGINS from the Committee on Taxation on Bill "An Act to Provide Equity Among Municipalities with Respect to Property Tax Assessment" (H.P. 762) (L.D. 1082) reporting "Ought Not to Pass"

Representative HIGGINS from the Committee on Taxation on Bill "An Act Concerning Registration and Excise Tax on Recreational Vehicles" (H.P. 887) (L.D. 1244) reporting "Ought Not to Pass"

Representative HIGGINS from the Committee on Taxation on Bill "An Act to Allow Collection of the County Tax" (H.P. 763) (L.D. 1083) reporting "Ought Not to Pass"

Representative HIGGINS from the Committee on Taxation on Bill "An Act Permitting Addresses to be Obtained from State Tax Information and Used for the Proper Operation of the Maine State Retirement System" (H.P. 402) (L.D. 555) reporting "Ought Not to Pass"

Representative GWADOSKY from the Committee on State Government on RESOLVE, Concerning State Government Reorganization (H.P. 649) (L.D. 919) 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 NICHOLSON from the Committee on Utilities on Bill "An Act to Implement the Policy in Favor of Universal Telephone Service" (H.P. 210) (L.D. 244) reporting "Leave to Withdraw"

Representative HIGGINS from the Committee on Taxation on Bill "An Act to Allow Officers to Waive Foreclosure of a Real Estate Tax Lien as an Alternative to Granting a Poverty Tax Abatement" (H.P. 138) (L.D. 163) reporting "Leave to Withdraw"

Representative HIGGINS from the Committee on Taxation on Bill "An Act Concerning Tax Assessors and Assessments" (H.P. 886) (L.D. 1243) reporting "Leave to Withdraw"

Representative HIGGINS from the Committee on Taxation on Bill "An Act Establishing a Farm Equipment Tax Exemption Number" (H.P. 846) (L.D. 1195) reporting "Leave to Withdraw"

Representative BRANNIGAN from the Committee on Business and Commerce on Bill "An Act to Prohibit Banks from Charging an Assumption Fee for Assumable Mortgages" (H.P. 817) (L.D. 1158) reporting "Leave to Withdraw"

Representative ALIBERTI from the Committee on Business and Commerce on Bill "An Act Concerning Conversion of Mutual Financial Institutions" (H.P. 895) (L.D. 1290) reporting "Leave to Withdraw"

Representative NICKERSON from the Committee on Legal Affairs on Bill "An Act to Protect Tenants Affected by Condominium Conversions" (H.P. 519) (L.D. 724) reporting "Leave to Withdraw"

Representative NICKERSON from the Committee on Legal Affairs on Bill "An Act to Require Tenants Injured on the Landlord's Premises to Notify the Landlord Within 30 Days of the Injury" (H.P. 444) (L.D. 626) reporting "Leave to Withdraw"

Representative NICKERSON from the Committee on Legal Affairs on Bill "An Act to Change the Date of the Primary Election to the First Tuesday after the 2nd Monday in September" (H.P. 116) (L.D. 141) reporting "Leave to Withdraw"

Representative HANDY from the Committee on Education on Bill "An Act to Promote Aviation and Aerospace Technology in Maine Schools" (H.P. 840) (L.D. 1190) reporting "Leave to Withdraw"

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

Refer to the Committee on Energy and Natural Resources

Representative HIGGINS from the Committee on Taxation on Bill "An Act to Create the Northern and Eastern Maine Emergency Forestry District" (H.P. 245) (L.D. 286) reporting that it be referred to the Committee on Energy and Natural Resources.

Report was read and accepted and the bill referred to the Committee on Energy and Natural Resources and sent up for concurrence.

Refer to the Joint Select Committee on Alcoholism Services

Representative MATTHEWS from the Committee on Education on Bill "An Act to Provide for the Education of Students Residing in Long-term Drug Treatment Centers" (H.P. 719) (L.D. 1029) reporting that it be referred to the Joint Select Committee on Alcoholism Services.

Report was read and accepted and the bill referred to the Joint Select Committee on Alcoholism Services 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. 764) (L.D. 1084) Bill "An Act Relating to the Affixing of Indicia of Payment of Real Estate Transfer Tax" Committee on Taxation reporting "Ought to Pass"

(H.P. 405) (L.D. 558) Bill "An Act to Make Additional Allocations from the Federal Block Grant Fund for the Fiscal Year Ending June 30, 1985" (Emergency) Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-121)

(H.P. 743) (L.D. 1053) Bill "An Act Making Allocations for the Administrative Expenses of the State Lottery Commission for the Fiscal Years Ending June 30, 1986, and June 30, 1987" (Emergency) Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-122)

(H.P. 819) (L.D. 1160) Bill "An Act to Amend the Maine Lemon Law" Committee on Business and Commerce reporting "Ought to Pass" as amended by Committee Amendment "A" (H-124)

(H.P. 557) (L.D. 829) Bill "An Act Permitting Retention of Loss in Excess Fund by Group Self-insurers" Committee on Business and Commerce reporting "Ought to Pass" as amended by Committee Amendment "A" (H-123)

There being no objections, the above items were ordered to appear on the Consent Calendar of Friday, May 10, 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. 358) (L.D. 979) Bill "An Act to Amend the Social Worker Registration Act with Respect to Employment by Nursing Homes" (Emergency)

(S.P. 404) (L.D. 1114) Bill "An Act Relating to the Use of School Buses for Nonschool Activities when Operated by a Motor Carrier" (C. "A" S-72)

(H.P. 572) (L.D. 843) Bill "An Act Concerning Striped Bass"

(H.P. 374) (L.D. 515) Bill "An Act to Make Allocations for the Administrative Expenses of the Bureau of Alcoholic Beverages, the Department of Finance and Administration and the State Liquor Commission for the Fiscal Years Ending June 30, 1986, and June 30, 1987" (Emergency)

(H.P. 341) (L.D. 458) RESOLVE, Creating the Commission to Study Emergency Medical Services in Maine (C. "A" H-116)

(H.P. 588) (L.D. 858) Bill "An Act to Clarify Sentences Permissible for a Crime Committed by a Parolee" (C. "A" H-117)

(H.P. 361) (L.D. 481) Bill "An Act to Amend Certain Aspects of Post-conviction Review" (C. "A" H-118)

(H.P. 266) (L.D. 336) Bill "An Act to Amend the Maine Community Services Act"

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 Requiring Employee Rest Breaks" (H.P. 1018) (L.D. 1471)

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

RESOLVE, to Provide for an Agreement Between the State and the City of Augusta to Establish a Greenbelt Area on State-owned Land on the East Bank of the Kennebec River in Augusta (H.P. 1017) (L.D. 1468)

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

On motion of Representative Michaud of Medway, tabled pending passage to be engrossed and tomorrow assigned.

Bill "An Act to Require the Reporting of Factors Contributing to the Causation of Cancer" (H.P. 1019) (L.D. 1472)

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 Relating to Structures Located in Proposed Ways" (S.P. 265) (L.D. 708) (C. "A" S-74)

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

On motion of Representative Carter of Winslow, tabled pending passage to be engrossed and tomorrow assigned.

Orders of the Day

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

COMMITTEE OF CONFERENCE REPORT—on RESOLVE, to Name the Wiscasset Bridge the Donald E. Davey Bridge (H.P. 373) (L.D. 492)

TABLED—May 8, 1985 by Representative STROUT of Corinth.

PENDING—Acceptance of Committee Report. (Roll Call Requested)

The SPEAKER PRO TEM: The Chair recognizes the Representative from Rockland, Representative Melendy.

Representative MELENDY: Mr. Speaker, Ladies and Gentlemen of the House: I would ask that we tabled this until the 13th at which time the sponsor of this bill will be returning to legislative business.

On motion of Representative Brannigan of Portland, retabbed pending acceptance of the committee report and specially assigned for Monday, May 13, 1985.

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

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)

TABLED—May 8, 1985 by Representative

HICKEY of Augusta.

PENDING—Passage to be Enacted.

On motion of Representative Hickey of Augusta, retabbed pending passage to be enacted and specially assigned for Monday, May 13, 1985.

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

An Act to Clarify the Definition of Spouse (H.P. 426) (L.D. 606) (C. "A" H-102)

TABLED—May 8, 1985 by Representative HICKEY of Augusta.

PENDING—Passage to be Enacted.

On motion of Representative Hickey of Augusta, retabbed pending passage to be enacted and specially assigned for Monday, May 13, 1985.

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 8, 1985 by Representative DIAMOND of Bangor.

PENDING—Passage to be Engrossed.

On motion of Representative Lacroix of Oakland, retabbed pending passage to be engrossed and tomorrow assigned.

(Off Record Remarks)

On motion of Representative Erwin of Rumford,

Adjourned until 12:00 o'clock noon tomorrow.