

# 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

House, May 10, 1985

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

Prayer by Reverend Alice Ling, Washburn Memorial Church, Sherman Mills.

Quorum called; was held.

Reading of the Journal of yesterday.

**Papers from the Senate**

The following Communication:

The Senate of Maine  
Augusta

May 9, 1985

The Honorable Edwin H. Pert

Clerk of the House

112th Legislature

Augusta, Maine 04333

Dear Clerk Pert:

Please be advised the Senate today voted to Adhere to its action whereby it accepted the Minority Ought Not to Pass Report on Bill "An Act Concerning Good Time for Persons Convicted of Murder," H.P. 270, L.D. 340.

Thank you.

Sincerely,

S/ JOY J. O'BRIEN

Was read and ordered placed on file.

Bill "An Act to Provide for Public Participation in the Development of Emergency Plans" (S.P. 554) (L.D. 1486)

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.

RESOLVE, Establishing an Alcohol Awareness Study for Servers of Alcohol" (S.P. 573) (L.D. 1497)

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

On motion of Representative Carter of Winslow, referred to the Committee on Legal Affairs in non-concurrence and sent up for concurrence.

Bill "An Act to Amend the Maine Consumer Credit Code" (S.P. 558) (L.D. 1487)

Bill "An Act Authorizing Mutual Financial Institutions to Reorganize into Mutual Holding Companies" (S.P. 560) (L.D. 1489)

Bill "An Act to Amend the Maine Insurance Guaranty Association Act" (S.P. 559) (L.D. 1488)

Bill "An Act Establishing Assessments to Defray the Expense of Maintaining the Bureau of Insurance" (S.P. 555) (L.D. 1501)

Bill "An Act Affecting the Statutes of Agencies within the Department of Business, Occupational and Professional Regulation" (S.P. 556) (L.D. 1502)

Came from the Senate, referred to the Committee on Business and Commerce and Ordered Printed.

Were referred to the Committee on Business and Commerce in concurrence.

Bill "An Act to Provide for Continued Educational Opportunities for Disabled Students" (S.P. 567) (L.D. 1495)

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

Was referred to the Committee on Education in concurrence.

Bill "An Act to Amend the Nuclear Issues Clearinghouse Law" (S.P. 561) (L.D. 1490)

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

(The Committee on Reference of Bills had suggested reference to the Committee on Energy and Natural Resources.)

Was referred to the Committee on Education

in concurrence.

Bill "An Act to Establish Mandatory Energy Standards for Publicly-funded Buildings" (S.P. 568) (L.D. 1496)

Bill "An Act to Amend the Classification System for Maine Waters and Change the Classifications of Certain Waters" (S.P. 557) (L.D. 1503)

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

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

Bill "An Act to Ensure Adequate Services for Head Injured Persons in Maine" (S.P. 572) (L.D. 1507)

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

(The Committee on Reference of Bills had suggested reference to the Committee on Appropriations and Financial Affairs.)

Was referred to the Committee on Human Resources in concurrence.

Bill "An Act Amending the Maine Juvenile Code to Allow for Access to Records by Criminal Justice Agencies" (S.P. 565) (L.D. 1493)

Bill "An Act to Prevent Unjust Enrichment by Retention of Surplus Upon Foreclosure of Municipalities, Public Utilities and Sewer Districts" (S.P. 563) (L.D. 1492)

Bill "An Act Concerning Access to Medical Records by Prosecutors" (Emergency) (S.P. 566) (L.D. 1494)

Bill "An Act to Establish the Maine Court Facilities Authority" (S.P. 564) (L.D. 1504)

Bill "An Act to Aid the Victims of Crime" (S.P. 569) (L.D. 1505)

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

Were referred to the Committee on Judiciary in concurrence.

Bill "An Act to Amend the Offenses for Operating under the Influence" (S.P. 562) (L.D. 1491)

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

(The Committee on Reference of Bills has suggested reference to the Committee on Judiciary.)

Was referred to the Committee on Legal Affairs in concurrence.

Bill "An Act to Regulate Recovery of Costs of Canceled or Abandoned Electric Generating Facilities" (S.P. 570) (L.D. 1506)

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

Was referred to the Committee on Utilities in concurrence.

**Unanimous Ought Not to Pass**

Report of the Committee on Local and County Government reporting "Ought Not to Pass" on Bill "An Act to Allow Housing Authority Boards to Appoint Alternate Commissioners" (S.P. 137) (L.D. 376)

Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill "An Act to Provide for an Income Tax Credit for Parents who Pay Private School Tuition" (S.P. 235) (L.D. 597)

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

**Unanimous Leave to Withdraw**

Report of the Committee on Business and Commerce reporting "Leave to Withdraw" on Bill "An Act Concerning Warranties Given by Persons Engaged in the Business of Rust-proofing Motor Vehicles" (S.P. 458) (L.D. 1261)

Report of the Committee on Legal Affairs

reporting "Leave to Withdraw" on Bill "An Act to Establish a Presidential Primary in the State of Maine" (S.P. 233) (L.D. 595)

Report of the Committee on Taxation reporting "Leave to Withdraw" on Bill "An Act to Equalize the Taxation of Telephone Companies with the Taxation of other Business Corporations" (S.P. 43) (L.D. 60)

Report of the Committee on Taxation reporting "Leave to Withdraw" on Bill "An Act to Provide an Exemption from the Gasoline Tax for Nonprofit Sheltered Workshops" (S.P. 418) (L.D. 1148)

Report of the Committee on Taxation reporting "Leave to Withdraw" on Bill "An Act to Permit any Municipality with a License Ordinance to Deny a License to any Person who is Delinquent in Paying Personal Property Taxes" (S.P. 189) (L.D. 507)

Report of the Committee on Taxation reporting "Leave to Withdraw" on Bill "An Act to Amend the Law Concerning the Forest Fire Suppression Tax" (S.P. 67) (L.D. 118)

Report of the Committee on Taxation reporting "Leave to Withdraw" on Bill "An Act to Repeal the Tax Exemption for Income Received as Winnings from the Maine Lottery" (S.P. 161) (L.D. 428)

Report of the Committee on Human Resources reporting "Leave to Withdraw" on Bill "An Act to Alter the Driver Education Evaluation Program" (S.P. 368) (L.D. 1002)

Report of the Committee on Human Resources reporting "Leave to Withdraw" on Bill "An Act Concerning Children in Need of Social Services" (S.P. 478) (L.D. 1285)

Report of the Committee on Utilities reporting "Leave to Withdraw" on Bill "An Act to Provide Toll-free Telephone Lines for Community Emergency Nonprofit Services" (Emergency) (S.P. 494) (L.D. 1320)

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act to Amend the Adult Protective Services Act" (S.P. 217) (L.D. 575)

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 Energy and Natural Resources on Bill "An Act to Establish a Funding Mechanism to Make the Joint Environmental Training Program Self-supporting" (S.P. 459) (L.D. 1262) reporting "Ought to Pass" in New Draft (S.P. 552) (L.D. 1470)

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 Monday, May 13, 1985.

**Ought to Pass in New Draft/New Title**

Report of the Committee on Marine Resources on Bill "An Act Relating to Fishing by Net, Trap or Weir in the Waters of Union River Bay in Hancock County" (S.P. 207) (L.D. 536) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Relating to Fishing by Net, Trap or Weir in the Water of Union River Bay and the Lower Union River in Hancock County" (Emergency) (S.P. 551) (L.D. 1469)

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 Monday, May 13, 1985.

**Non-Concurrent Matter**

RESOLVE, Pertaining to a State Employee Health Promotion (Emergency) (H.P. 990) (L.D. 1428) which was finally passed in the House on May 6, 1985.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A"

(S-79) in non-concurrence.

The House voted to recede and concur.

#### **Messages and Documents**

The following Communication:

STATE OF MAINE  
MAINE DEPARTMENT OF CONSERVATION  
STATE HOUSE STATION 22  
AUGUSTA, MAINE 04333

May 8, 1985

The Honorable John L. Martin, Speaker  
House of Representatives

State House Station # 2  
Augusta, Maine 04333

Dear Speaker Martin:

The Forest Resource Assessment & Marketing Program was created in 1983 by Public Law, Chapter 537. Section 2 of that law requires that the Department of Conservation report to the First Regular Session of the 112th Legislature as to the success of the program.

The Forest Resource Assessment & Marketing Program has, in fact, been an unqualified success. A number of useful studies have been completed, or are near completion, which are critical to an organized approach to the development of forest resource industries. In addition, the program has worked closely with a number of firms in realizing specific forest resource related development projects. A number of these which should begin construction soon account for approximately \$155 million in construction costs and hundred of jobs.

A more detailed report of the activities of the Program is attached.

Sincerely,

S/ RICHARD B. ANDERSON  
Commissioner

Was read and with accompanying report ordered placed on file.

#### **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:

##### **Labor**

Bill "An Act Concerning Unemployment Compensation Contributions by Home Knitting Businesses" (H.P. 1037) (L.D. 1511) (Presented by Representative ROTONDI of Athens) (Cosponsors: Representatives DEXTER of Kingfield, LANDER of Greenville and HOLLOWAY of Edgecomb) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27) (Ordered Printed.)

Sent up for concurrence.

#### **Reports of Committees**

##### **Unanimous Ought Not to Pass**

Representative FOSTER from the Committee on Appropriations and Financial Affairs on RESOLVE, Providing Support to the Regional Agriculture Committee (H.P. 845) (L.D. 1194) 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 NELSON from the Committee on Human Resources on Bill "An Act to Clarify the Determination of Fair Return Allowances for For-profit Hospitals" (H.P. 830) (L.D. 1174) reporting "Leave to Withdraw"

Was 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 MACOMBER from the Committee on Transportation on Bill "An Act to Establish Temporary Handicapped Parking Permits" (H.P. 541) (L.D. 768) reporting "Ought

to Pass" in New Draft (H.P. 1035) (L.D. 1509)

Report was read and accepted, The New Draft read once and assigned for second reading Monday, May 13, 1985.

##### **Ought to Pass in New Draft/New Title**

Representative MACOMBER from the Committee on Transportation on RESOLVE, to Name the Vinalhaven Ferry for the Honorable Edwin F. Maddox of Vinalhaven (H.P. 745) (L.D. 1055) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Grant Authority to the Maine State Ferry Advisory Board to Name Ferries" (H.P. 1034) (L.D. 1508)

Report was read and accepted, The New Draft read once and assigned for second reading Monday, May 13, 1985.

##### **Ought to Pass in New Draft/New Title**

Representative GWADOSKY from the Committee on State Government on Bill "An Act Concerning the Disposition of Certain State Property" (H.P. 493) (L.D. 696) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Authorizing State Employees to Purchase State Property Upon Retirement or Leaving Office" (H.P. 1036) (L.D. 1510)

Report was read and accepted, the New Draft read once and assigned for second reading Monday, May 13, 1985.

#### **Consent Calendar**

##### **First Day**

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

(H.P. 931) (L.D. 1337) RESOLVE, Relating to the Development of an Interagency Plan to Address the Identified Gaps in Mental Health Services for Children and Families (Emergency) Committee on Human Resources reporting "Ought to Pass"

On motion of Representative Nelson of Portland, was removed from the Consent Calendar, First Day.

Whereupon, the Committee Report was accepted, the Resolve read once and assigned for Second Reading, Monday, May 13, 1985.

(H.P. 932) (L.D. 1338) RESOLVE, Relating to Improved Delivery of Services to Juvenile Justice Clients (Emergency) Committee on Human Resources reporting "Ought to Pass"

(H.P. 933) (L.D. 1339) RESOLVE, Relating to the Development of a Plan for the Provision of Court-ordered Evaluations for Juveniles (Emergency) Committee on Human Resources reporting "Ought to Pass"

(H.P. 934) (L.D. 1340) RESOLVE, Relating to the Development of an Interdepartmental Medicaid Review Committee (Emergency) Committee on Human Resources reporting "Ought to Pass"

(H.P. 935) (L.D. 1341) RESOLVE, Extending the Life of the Commission to Examine the Availability, Quality and Delivery of Services Provided to Children with Special Needs (Emergency) Committee on Human Resources reporting "Ought to Pass"

(H.P. 799) (L.D. 1129) RESOLVE, Authorizing the Exchange by the Department of Defense and Veterans' Services of a Certain Parcel of Land in Belfast Fronting on Congress Street and Being Part of the Belfast Armory Lot for Another Parcel of Land to the Rear of Land Adjacent to the Armory with the City of Belfast (Emergency) Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-126)

(S.P. 303) (L.D. 792) Bill "An Act to Provide that an Unpermitted Leave from a Court Appearance shall be Classified as an Escape" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-77)

There being no objections, the above items were ordered to appear on the Consent Calen-

dar of Monday, May 13, 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. 764) (L.D. 1084) Bill "An Act Relating to the Affixing of Indicia of Payment of Real Estate Transfer Tax"

(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) (C. "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) (C. "A" H-122)

(H.P. 819) (L.D. 1160) Bill "An Act to Amend the Maine Lemon Law" (C. "A" H-124)

(H.P. 557) (L.D. 829) Bill "An Act Permitting Retention of Loss in Excess of Loss Fund by Group Self-insurers" (C. "A" H-123)

No objections having been noted at the end of the Second Legislative Day, 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 Clarify Certain Aspects of Mineral Exploration, Development and Disclosure" (S.P. 549) (L.D. 1466)

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

##### **Passed to Be Enacted**

##### **Constitutional Amendment**

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)

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

On motion of Representative Nadeau of Saco, tabled pending passage to be enacted and specially assigned for Monday, May 13, 1985.

##### **Emergency Measure**

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 (S.P. 391) (L.D. 1090) (C. "A" S-71)

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. 113 voted in favor of the same and 2 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

##### **Emergency Measure**

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 (H.P. 891) (L.D. 1280)

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. 113 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.

##### **Emergency Measure**

An Act to Exempt from Home Health Licensure Municipal Entities that Provide Only Non-therapeutic Preventive and Promotional Health Educational Services (H.P. 1006) (L.D. 1453)

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 Housing being necessary, a total was taken. 111 voted in favor of the same and 1 against and accordingly, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Emergency Measure

An Act to Revise the Salaries of Certain County Officers (H.P. 1011) (L.D. 1455)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote was taken. 101 voted in favor of the same and 15 against and accordingly, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Clarify the Law Regarding Peer Review Immunity under the Maine Health Security Act (S.P. 397) (L.D. 1107)

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

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.

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

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative CLARK: Mr. Speaker, Ladies and Gentlemen of the House: I would like to have the Chairman or any member of the committee please explain to me what this bill is. Also the amendment.

I would request a roll call.

The SPEAKER PRO TEM: The Representative from Millinocket, Representative Clark, has posed a question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from Fort Kent, Representative Theriault.

Representative THERIAULT: Mr. Speaker, Members of the House: This would require all persons riding motorcycles to wear some type of eye protection. Much to the committee's surprise, this bill was supported by the Maine Biker's Association, they thought it was a real good idea.

The main purpose for this thing is to protect the eyes from flying insects like bumble bees and the like so the committee thought it made sense so we got a unanimous report on it.

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 passage to be enacted. Those in favor will vote yes; those against will vote no.

#### ROLL CALL No. 61

YEAS:—Aliberti, Baker, H.R.; Begley, Bost, Brannigan, Brodeur, Cahill, Callahan, Carroll, Cashman, Coles, Cooper, Crowley, Crowley, Davis, Descoteaux, Dillenback, Drinkwater, Erwin, Farnum, Foss, Greenlaw, Handy, Hickey, Jacques, Jalbert, Lacroix, Lawrence, Lebowitz, Lisnik, MacBride, Macomber, Matthews, McSweeney, Melendy, Mitchell, Murphy, T.W.; Murray, Nadeau, G.G.; Nadeau, G.R.; Nelson, Nicholson, Nickerson, O'Gara, Paradis E.J.; Paradis, P.E.; Paul, Perry, Pines, Priest, Randall, Rice, Rioux, Roberts, Rolde, Ruhlman, Salsbury,

Scarpino, Smith, C.B.; Soucy, Sproul, Stevens, P.; Stevenson, Strout, Swazey, Telow, Theriault, Vose, Walker, Webster

NAYS:—Allen, Armstrong, Baker, A.L.; Bell, Bonney, Bott, Boutillier, Brown, D.N.; Carter, Clark, Connors, Cote, Daggett, Dellert, Dexter, Duffy, Foster, Hale, Harper, Hepburn, Hichborn, Higgins, L.M.; Hillock, Ingraham, Jackson, Joseph, Lander, Law, Masterman, McCollister, McGowan, McHenry, Michael, Michaud, Murphy, E.M.; Parent, Racine, Ridley, Rotondi, Seavey, Small, Smith, C.W.; Stetson, Stevens, A.G.; Tammaro, Tardy, Taylor, Weymouth, Zirnkilton

ABSENT:—Beaulieu, Bragg, Brown, A.K.; Carrier, Chonko, Connolly, Diamond, Gwadosky, Hayden, Higgins, H.C.; Hoglund, Holloway, Kane, Kimball, Lord, Manning, Martin, H.C.; Mayo, McPherson, Mills, Moholland, Pouliot, Reeves, Richard, Rydell, Sherburne, Simpson, Warren, Wentworth, Whitcomb, Willey, The Speaker

70 having voted in the affirmative and 49 in the negative with 32 being absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

An Act Concerning Private School Activity Buses (H.P. 626) (L.D. 895) (H. "A" H-109)

An Act to Permit Limited Operation of Woods Vehicles on State Highways (H.P. 800) (L.D. 1130)

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

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

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.

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

#### Reports of Committees

##### Unanimous Ought Not to Pass

Representative MASTERMAN from the Committee on Local and County Government on Bill "An Act to Control Motorcycle Noise" (H.P. 431) (L.D. 611) reporting "Ought Not to Pass"

Representative BEAULIEU from the Committee on Labor on Bill "An Act to Reduce the Workers' Compensation Borders on Sheltered Workshops" (H.P. 729) (L.D. 1038) reporting "Ought Not to Pass"

Representative HALE from the Committee on Labor on Bill "An Act to Limit Payment of Attorneys' Fees Under the Workers' Compensation Law" (H.P. 240) (L.D. 281) reporting "Ought Not to Pass"

Representative HALE from the Committee on Labor on Bill "An Act Concerning Average Weekly Wages under the Workers' Compensation Act" (H.P. 667) (L.D. 950) reporting "Ought Not to Pass"

Representative HALE from the Committee on Labor on Bill "An Act to Require that Workers' Compensation Cases be Decided on their Merits" (H.P. 271) (L.D. 341) reporting "Ought Not to Pass"

Representative HALE from the Committee on Labor on Bill "An Act Relating to the Coordination of Benefits under the Workers' Compensation Act" (H.P. 695) (L.D. 990) reporting "Ought Not to Pass"

Representative HALE from the Committee on Labor on Bill "An Act Concerning Lawyers' Fees under the Workers' Compensation Act" (H.P. 60) (L.D. 78) reporting "Ought Not to Pass"

Representative HALE from the Committee on Labor on Bill "An Act to Reform the Current Spendable Earnings Program within the

Workers' Compensation Laws" (H.P. 666) (L.D. 949) reporting "Ought Not to Pass"

Representative HALE from the Committee on Labor on Bill "An Act Establishing a Cap on Workers' Compensation Increase" (H.P. 178) (L.D. 212) reporting "Ought Not to Pass"

Representative HALE from the Committee on Labor on Bill "An Act Relating to Maximum Benefits under the Worker's Compensation Act" (H.P. 179) (L.D. 213) reporting "Ought Not to Pass"

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

#### Unanimous Leave to Withdraw

Representative MacBRIDE from the Committee on Judiciary on Bill "An Act to Prevent Criminals from Profiting as an Indirect Result of their Crime" (H.P. 590) (L.D. 860) reporting "Leave to Withdraw"

Representative PRIEST from the Committee on Judiciary on Bill "An Act to Prohibit the Dissemination of Obscene Material" (H.P. 725) (L.D. 1034) reporting "Ought Not to Pass"

Representative ALLEN from the Committee on Judiciary on Bill "An Act Concerning the Plea of Innocent by Reason of Insanity" (H.P. 726) (L.D. 1035) 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 PERRY from the Committee on Legal Affairs on Bill "An Act to Provide Guidance to Municipal Officers in Granting and Denying Liquor Licenses for On-premises Consumption" (H.P. 364) (L.D. 484) reporting "Ought to Pass" in New Draft (H.P. 1039) (L.D. 1513)

Report was read and accepted. The New Draft read once and assigned for second reading Monday, May 13, 1985.

#### Ought to Pass in New Draft/New Title

Representative RIDLEY from the Committee on Energy and Natural Resources on Bill "An Act to Amend the State's Zoning Laws" (H.P. 875) (L.D. 1232) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Concerning Installation of Service by Utilities" (H.P. 1040) (L.D. 1514)

Report was read and accepted. The New Draft read once and assigned for second reading Monday, May 13, 1985.

#### Consent Calendar

##### First Day

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

(H.P. 585) (L.D. 855) Bill "An Act Amending the Maine Juvenile Code to Provide for Diagnostic Evaluation for Bind-over purposes" Committee on Judiciary reporting "Ought to Pass"

(H.P. 587) (L.D. 857) Bill "An Act to Amend the Definition of Juvenile Crime in the Maine Juvenile Code" Committee on Judiciary reporting "Ought to Pass"

(H.P. 242) (L.D. 283) Bill "An Act to Amend the Laws Relating to Private Investigators" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-127)

There being no objections, the above items were ordered to appear on the Consent Calendar of Monday, May 13, 1985, under the listing of Second Day.

#### Passed to be Enacted Emergency Measure

An Act to Amend the Social Worker Registration Act with Respect to Employment by Nursing Homes (S.P. 358) (L.D. 979)

Was reported by the Committee on Engrossed

Bills as truly and stricly engrossed.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Biddeford, Representative Racine.

Representative RACINE: Mr. Speaker, Ladies and Gentlemen of the House: Before we vote on this Bill, I would like to mention a few things that I think are very pertinent to this matter. When I first was assigned four years ago as a member of the Business Legislation Committee, I believe this matter came up about the fact that social workers that work in nursing homes were not registered and, as a result of it, quite a few of them were not qualified. These individuals are those that take care of the elderly persons that are confined to a nursing home. Now, I could be wrong, but I believe that in 1981 we extended the exemption for two years which would have sunsetted it in 1985. At that time, it was my understanding, and again, I could be wrong, that those individuals that work in a nursing home, I understand that they have their own organization, were supposed to get together with the registration of social workers and come up with something that would be acceptable to all concerned. They met and based on the fact that we are again extending this today, I have to assume and presume that no agreements have been reached. Those are the individuals that take care of our elderly. The exemption was granted to 1985 and, if we pass this bill today, we are giving them another two additional years of an exemption. I think that it is about time that those social workers that work in nursing homes become qualified and be able to register. If I recall, there was an incident that was pointed out to the committee that there was a purchasing agent at one of the nursing homes that was also assigned the duties of being a social worker so you can see that there are or were some problems in that particular area. I, personally, don't think that we should grant this exemption. I think that the social workers working in nursing homes have had sufficient time to be able to fulfill and meet the requirements of being registered.

Mr. Speaker, I ask for a roll call.

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

Representative BRANNIGAN: Mr. Speaker, Men and Women of the House: I worked with Representative Racine on this issue during the past four years and I agree with him in many ways. I agree it is extremely important that the people that work in the social work area in nursing homes be as qualified as possible. I am reluctant to be recommending to you this morning a continued extension. However, great progress has been made in the last four years.

The horror stories of people, who are purchasing agents or kids right out of school being assigned to do that work, those kind of stories we haven't been hearing the last two or three years.

This extension is being recommended by our committee unanimously for one reason, that is that we are going to make—well our top priorities this year is a study of the whole social work registration act, which should make Representative Racine very happy, I hope, and part of that will be to finalize the qualification processes necessary to take care of the situation of the social work design in nursing homes as well as exemptions now in place for hospitals. We plan to take care of it in globe. I have taken a 'leave to withdraw' on my exemption for hospital social worker bill. We need and emergency on this because it sunsets, July 1st. I would ask you to support us with 101 so we can extend it for two more years and we will make serious recommendations to you next January in the second session of this legislature.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Canton, Representative McCollister.

Representative McCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to address a question through the Chair to Representative Brannigan.

How much of this bill, if defeated, will increase the cost of operating a nursing home?

The SPEAKER PRO TEM: Representative McCollister of Canton has posed a question through the Chair to Representative Brannigan of Portland, who may respond if he so desires.

The Chair recognizes that Representative.

Representative BRANNIGAN: Mr. Speaker, Men and Women of the House: That has been one of the sticking points with this whole issue with the Department of Human Services. They have been reluctant to put a dollar figure on it. Years ago, it was going to be \$120,000, \$130,000 or \$140,000. They have been hinting at \$300,000 or \$400,00. Those are the things that we are going to have to work out in this study and we are going to be able to bring the full force of the committee on that subject. Therefore, I would encourage you to allow us to continue this exemption two more years.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Biddeford, Representative Racine.

Representative RACINE: Mr. Speaker, Ladies and Gentlemen of the House: My only concern on this matter is the fact that we have been working on this at least five years. Nothing has been resolved. In the meantime, the individuals that are using those facilities are not receiving the proper care that they should be getting from those individuals that are assigned as social workers. I don't think that we should look at a cost right now. I think that we should look at quality service to take care of our people that are in nursing homes. I think that sufficient time has elapsed by which something should have come up by now. I would venture to say if we again give another two year exemption, two years from now there will be before this body a request for another two year exemption.

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 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 passage to be enacted. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL No. 62

YEAS:—Aliberti, Allen, Armstrong, Baker, A.L.; Baker, H.R.; Begley, Bell, Bott, Boutilier, Brannigan, Brodeur, Brown, D.N.; Cahill, Carroll, Carter, Cashman, Clark, Coles, Connors, Connolly, Cooper, Cote, Crouse, Crowley, Davis, Dellert, Descoteaux, Dexter, Drinkwater, Erwin, Farnum, Foss, Foster, Greenlaw, Hale, Handy, Harper, Hepburn, Hichborn, Hickey, Higgins, L.M.; Hillock, Ingraham, Jackson, Jacques, Jalbert, Joseph, Lacroix, Lander, Law, Lawrence, Lebowitz, Lisnik, MacBride, Macomber, Martin, H.C.; Matthews, McGowan, McSweeney, Melendy, Michael, Michaud, Mitchell, Murphy, E.M.; Murphy, T.W.; Murray, Nadeau, G.G.; Nadeau, G.R.; Nelson, Nickerson, O'Gara, Paradis, E.J.; Paradis, P.E.; Parent, Paul, Perry, Pines, Priest, Randall, Rice, Ridley, Rioux, Roberts, Rolde, Salisbury, Seavey, Small, Smith, C.B.; Smith, S.W.; Soucy, Sproul, Stetson, Stevens, A.G.; Stevens, P.; Strout, Swazey, Tammaro, Taylor, Telow, Therault, Vose, Walker, Webster, Zirkilton

NAYS:—Bonney, Bost, Dillenback, Masterman, McHenry, Racine, Rotondi, Scarpino, Stevenson, Tardy, Weymouth

ABSENT:—Beaulieu, Bragg, Brown, A.K.; Callahan, Carrier, Chonko, Daggett, Diamond, Duffy, Gwadosky, Hayden, Higgins, H.C.; Hoglund, Holloway, Kane, Kimball, Lord, Man-

ning, Mayo, McCollister, McPherson, Mills, Moholland, Pouliot, Reeves, Richard, Ruhlin, Rydell, Sherburne, Simpson, Warren, Wentworth, Whitcomb, Willey, The Speaker

105 having voted in the affirmative and 11 in the negative with 35 being absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

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.

#### Orders of the Day

The Chair laid before the House the first 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 8, 1985 by Representative NADEAU of Saco.

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

On motion of Representative Nadeau of Saco, retabled the motion of Representative Gwadosky of Fairfield to accept the Majority "Ought Not to Pass" Reported and specially assigned for Monday, May 13, 1985.

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

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)

TABLED—May 9, 1985 by Representative MICHAUD of Medway.

PENDING—Passage to be Engrossed.

On motion of Representative Michaud of Medway, retabled pending passage to be engrossed and specially assigned for Friday, May 17, 1985.

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

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

TABLED—May 9, 1985 by Representative CARTER of Winslow.

PENDING—Passage to be Engrossed.

On motion of Representative Carter of Winslow, retabled pending passage to be engrossed 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 9, 1985 by Representative LACROIX of Oakland.

PENDING—Passage to be Engrossed.

Representative Lacroix of Oakland offered House Amendment "C" (H-125) and moved its adoption.

House Amendment "C" (H-125) was read by the Clerk.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Oakland, Representative Lacroix.

Representative LACROIX: Mr. Speaker, Men and Women of the House: This amendment simply prohibits department heads and supervisors from soliciting funds from their employees.

Thereupon, House Amendment "C" (H-125)

was adopted.

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

                      
(Off Record Remarks)

On motion of Representative Melendy of Rockland,

Adjourned until 9:00 o'clock Monday morning, May 13, 1985.