

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred and Twelfth
Legislature
OF THE
STATE OF MAINE

VOLUME I
SECOND REGULAR SESSION
January 8 - April 2, 1986

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

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

Quorum call was held.

The Journal of Wednesday, January 8, 1986, was read and approved.

S/Patricia M. McDonough
Commissioner

Was read and with accompanying report ordered placed on file.

TABLED AND ASSIGNED

The following Communication:

State of Maine
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333

January 9, 1986

To: Honorable Members of the 112th Maine Legislature:

I am returning without my signature or approval L.D. 1381, "An Act to Amend the Wood Measurement Law."

There are three reasons for my decision.

1. This bill re-establishes an unequal and unfair relationship between woods workers and the businesses for whom they work which was only recently made fairer and more equitable by passage of the Wood Measurement Law in 1984.

Our State and nation decided several decades ago that the relationship between a worker and his employer was inherently unequal. Without the intervention of the State by way of laws legalizing collective bargaining, establishing fair labor standards, and otherwise placing the workplace relationship on a level playing field, the status of the worker would have continued to be one of inequality and disadvantage. The Wood Measurement Law of 1984 brought these principles of equality and balance to one of the last vestiges of the old, non-level playing field: the woods industry. To allow this bill to become law would be a setback to woods workers' rights.

2. This bill also allows the return of a practice, known as "discounting", which permits the making of deductions from woods workers' payments based on the quality of the wood they cut.

When a potato harvester picks a barrel of potatoes, he is paid for a barrel of potatoes. When a blueberry harvester rakes a twenty-five pound box of berries, he is paid for twenty-five pounds of blueberries. But, prior to passage of the Wood Measurement Law in 1984, a wood harvester who cut ten cords of pulpwood could receive payment for less than half of what he cut.

"Discounting" is at odds with the fundamental principle of the Wood Measurement Law, the principle that payment for services in harvesting wood must be based on full measurement of all wood harvested and prepared as directed. This principle brings to the measurement of wood the basic concepts of fairness, accuracy, and verifiability which apply to the measurement of all other commodities. The result is greater fairness and consistency throughout the forest products industry.

PAPERS FROM THE SENATE

Bill "An Act to Amend the State Subsurface Waste Water Disposal Laws" (S.P. 686) (L.D. 1775)

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

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

Bill "An Act to Protect Homeowners Against Workers' Compensation Exposures" (S.P. 688) (L.D. 1776)

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

Was referred to the Committee on Labor in concurrence.

COMMUNICATIONS

The following Communication:

STATE OF MAINE
DEPARTMENT OF LABOR
AUGUSTA, MAINE 04333

January 7, 1986

The Honorable John L. Martin
Speaker of the House of Representatives
State of Maine
State House Station 2
Augusta, Maine 04333

Dear Speaker Martin:

Pursuant to Public Law 1985, Chapter 346, enclosed please find the report to the 112th Legislature on the use of funds for training and supportive services for those workers eligible under the Dislocated Workers Fund.

If there are any questions or comments, please do not hesitate to contact me.

Very truly yours,

3. Finally, I must point out that nothing in the Wood Measurement Law affects the rate at which workers are paid. While the full measurement requirement clearly means that workers must be paid for all of the wood on which they work, instead of some portion of it, there is no provision establishing or even influencing the rate at which they must be paid. The financial effects of the full measurement requirement are matters for negotiation between the parties, and appropriately so.

The Wood Measurement Law in general, and the full measurement principle in particular, clearly require that the forest products industry change many of its practices. The law has been in effect since July 25, 1984, and the rules since April 30, 1985. Many in the industry have made good faith efforts to comply and have changed their practices; and the transition is clearly underway. What is needed now is stability and certainty, not continued change. It is my intention, in vetoing this bill, to contribute to that needed stability and certainty.

For these reasons, I respectfully request the Legislature to sustain my veto.

Sincerely,

S/JOSEPH E. BRENNAN
Governor

Was read and ordered placed on file.

The accompanying Bill "An Act to Amend the Wood Measurement Laws" (H.P. 960) (L.D. 1381) (S. "A" S-299 to C. "A" H-272)

On motion of Representative Diamond of Bangor, tabled pending reconsideration and specially assigned for Monday, January 13, 1986.

The following Communication:

STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333

January 9, 1986

Hon. Edwin H. Pert
Clerk of the House
State House Station #2
Augusta, Maine 04333

Dear Clerk Pert:

This is to notify you that pursuant to my authority under Title 3 M.R.S.A., Section 227, I have today appointed William Osborne, of Old Town, to serve on the Maine-Canadian Legislative Advisory Commission.

Sincerely,

S/John L. Martin
Speaker of the House

Was read and 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:

Aging, Retirement and Veterans

Bill "An Act to Grandfather Current Employees Regarding the Purchase of Military Service Time" (H.P. 1272) (L.D. 1789) (Presented by Representative HICKEY of Augusta) (Cosponsors: Senators GAUVREAU of Androscoggin, CLARK of Cumberland, and Representative CROWLEY of Stockton Springs) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)
Sent up for concurrence.

Agriculture

Bill "An Act to Amend the Maine Agricultural Marketing and Bargaining Act of 1973" (H.P. 1273) (L.D. 1790) (Presented by Representative MAYO of Thomaston) (Cosponsors: Senators CARPENTER of Aroostook, SHUTE of Waldo, and Representative WHITCOMB of Waldo) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

(Ordered Printed)
Sent up for concurrence.

Appropriations and Financial Affairs

Bill "An Act to Fund Training for Boards of Directors of Social Service Agencies" (H.P. 1274) (L.D. 1791) (Presented by Representative TAYLOR of Camden) (Cosponsor: Representative PRIEST of Brunswick) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Provide Funds for Repair and Maintenance of the Montpelier Museum at Thomaston" (H.P. 1275) (L.D. 1792) (Presented by Representative MAYO of Thomaston) (Cosponsors: Senator CHALMERS of Knox, Representative DIAMOND of Bangor, and Speaker MARTIN of Eagle Lake) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Create a Rape Crisis Center in Augusta" (H.P. 1276) (L.D. 1793) (Presented by

Representative PARADIS of Augusta) (Cosponsors: Representatives DAGGETT of Manchester, REEVES of Pittston, and ALLEN of Washington) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)
Sent up for concurrence.

Bill "An Act to Provide Funds to the Maine State Prison Farm" (H.P. 1277) (L.D. 1794) (Presented by Representative MAYO of Thomaston) (Cosponsors: Senators PERKINS of Hancock, CHALMERS of Knox, and Representative MELENDY of Rockland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)
Sent up for concurrence.

Business and Commerce

Bill "An Act to Authorize the Establishment of a Standard of Care for Commercial Whitewater Outfitters" (H.P. 1278) (L.D. 1795) (Presented by Representative MCGOWAN of Canaan) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)
Sent up for concurrence.

Energy and Natural Resources

Bill "An Act Authorizing the Department of Environmental Protection to Contract for Certain Services" (H.P. 1279) (L.D. 1796) (Presented by Representative MICHAUD of Medway) (Cosponsor: Representative BROWN of Livermore Falls) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Bill "An Act Concerning State Contributions to Pollution Abatement" (H.P. 1280) (L.D. 1797) (Presented by Representative BEGLEY of Waldoboro) (Cosponsors: Representatives MAYO of Thomaston, MICHAUD of Medway, and HOLLOWAY of Edgecomb) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)
Sent up for concurrence.

Fisheries and Wildlife

Bill "An Act to Establish a One-day Fishing License" (H.P. 1281) (L.D. 1798) (Presented by Representative ROTONDI of Athens) (Cosponsors: Representatives SMITH of Island Falls, LANDER of Greenville, and CONNERS of Franklin) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Improve Whitewater Rafting" (H.P. 1292) (Presented by Representative MCGOWAN of Canaan) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Human Resources

Bill "An Act Concerning Required Request for Organ Donation" (H.P. 1282) (L.D. 1799) (Presented by Representative NELSON of Portland) (Cosponsor: Senator CLARK of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)
Sent up for concurrence.

Labor

Bill "An Act to Amend the Safety Education and Training Fund" (H.P. 1283) (L.D. 1800) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsor: Representative BEAULIEU of Portland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)
Sent up for concurrence.

Legal Affairs

Bill "An Act to Clarify and Make Corrections in the Election Laws" (H.P. 1284) (L.D. 1801) (Presented by Representative COTE of Auburn) (Cosponsors: Representatives SWAZEY of Bucksport, HANDY of Lewiston, and JOSEPH of Waterville) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)
Sent up for concurrence.

Local and County Government

Bill "An Act Relating to the Acceptance of Public Easements by Municipalities" (H.P. 1285) (L.D. 1802) (Presented by Representative FOSTER of Ellsworth) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)
Sent up for concurrence.

Marine Resources

Bill "An Act to Prohibit Scallop Dragging from Sunset to Sunrise During the Entire Scallop Season" (H.P. 1286) (L.D. 1803) (Presented by Representative ZIRNKILTON of Mount Desert) (Cosponsors: Representatives SALSBURY of Bar Harbor, CROWLEY of Stockton Springs, and HOLLOWAY of Edgecomb) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Bill "An Act Concerning the Labeling of Seafood" (H.P. 1293) (Presented by Representative SCARPINO of St. George) (Cosponsor: Representative HOLLOWAY of Edgecomb) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)
Sent up for concurrence.

State Government

Bill "An Act to Authorize Adoption of a 'Buy America' Policy by the State of Maine" (H.P. 1287) (L.D. 1804) (Presented by Representative MCGOWAN of Canaan) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)
Sent up for concurrence.

Taxation

Bill "An Act to Increase the Eligibility Guidelines under the Elderly Householders Tax and Rent Refund Act and the Elderly Low Cost Drug Program" (H.P. 1288) (L.D. 1805) (Presented by Representative MICHAUD of Medway) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Exempt Nonprofit Hospice Organizations from the Sales Tax" (H.P. 1289) (L.D. 1806) (Presented by Representative ZIRNKILTON of Mount Desert) (Cosponsors: Representatives MAYO of Thomaston, CASHMAN of Old Town, and Speaker MARTIN of Eagle Lake) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Clarify the Applicability of Tax Base Sharing to Plantations" (H.P. 1290) (L.D. 1807) (Presented by Representative MILLS of Bethel) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)
Sent up for concurrence.

Transportation

Bill "An Act Concerning the Specifications of Auxiliary Lights on Motor Vehicles" (H.P. 1291) (L.D. 1808) (Presented by Representative PRIEST of Brunswick) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)
Sent up for concurrence.

By unanimous consent, all matters having been

acted upon requiring Senate concurrence and those bills requiring printing were ordered sent forthwith.

ORDERS

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

ORDERED, that Representative H. Craig Higgins of Portland be excused January 8 for the duration of his illness.

Was read and passed.

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

ORDERS

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

ORDERED, that Representative Stephen J. Law of Dover-Foxcroft be excused January 15 and 16 for legislative business.

Was read and passed.

CONSENT CALENDAR FIRST DAY

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

(H.P. 1199) (L.D. 1704) Bill "An Act to Reauthorize the Dislocated Workers Fund" (Emergency) Committee on Labor reporting "Ought to Pass"

Under suspension of the rules, Second Day Consent Calendar notification was given.

The Bill was passed to be engrossed and sent up for concurrence.

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

PAPERS FROM THE SENATE

RESOLVE, to Establish a Commission to Study the Integration of the Maine State Retirement System with the Social Security System (S.P. 691) (L.D. 1777)

Bill "An Act to Equalize the Right to Military Leave Credits under the Maine State Retirement System for Vietnam Veterans" (S.P. 692) (L.D. 1778)

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

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

Bill "An Act to Fund and Implement Certain Judicial Department Collective Bargaining Agreements and to Fund and Implement Salary Increases and Benefits for Judicial Department Employees Excluded from Collective Bargaining" (Emergency) (S.P. 693) (L.D. 1779)

Bill "An Act in Support of Increasing Per Capita Funds for Public Libraries" (S.P. 694) (L.D. 1780)

Bill "An Act to Authorize the Issuance of a Bond not Exceeding \$8,000,000 for the Financing of the Maine Inland Fisheries and Wildlife Acquisition Fund" (S.P. 695) (L.D. 1781)

Bill "An Act Concerning the Conservation and Preservation of Unique State Historical and Library Research Material" (S.P. 696) (L.D. 1782)

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

Were referred to the Committee on Appropriations and Financial Affairs in concurrence.

Bill "An Act to Provide State Funding for the Educational Costs of Students Placed by State Agencies" (S.P. 698) (L.D. 1783)

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

The SPEAKER: The Chair recognizes the Representative from Winslow, Representative Carter.

Representative CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair and ask the Chair respectfully whether this bill is in violation of Joint Rule 37 where this bill, I believe, was defeated or was introduced in the last session and the same topic is currently being studied by the Appropriations Committee.

The SPEAKER: Would the Representative please provide the Sergeant-at-Arms with the document to be brought to the Chair?

The SPEAKER: This matter will be tabled pending a ruling by the Chair.

Bill "An Act to Clarify Set-back Requirements under the Shoreland Zoning Law" (S.P. 699) (L.D. 1784)

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

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

Bill "An Act to Provide Immunity from Civil Liability for Court Mediators" (S.P. 700) (L.D. 1785)

Bill "An Act Concerning Mental Examination of

Incarcerated Persons Accused of Crime" (S.P. 701) (L.D. 1786)

Bill "An Act Establishing an Immunity from Civil Liability for Certain Shelters for the Homeless" (Emergency) (S.P. 702) (L.D. 1787)

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 Review the New England Electric Power Agreement" (S.P. 703) (L.D. 1788)

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

Was referred to the Committee on Utilities in concurrence.

The following items appearing on Supplement No. 3 were taken up out of order by unanimous consent.

PAPERS FROM THE SENATE

The following Joint Order: (S.P. 704)

Ordered, the House concurring that Bill, "AN ACT to Require the State to Comply with Municipal Ordinances Governing the Construction of Buildings", S.P. 185, L.D. 503, be recalled from the Governor's desk to the Senate.

Came from the Senate, read and passed.

Was read and passed in concurrence.

ORDERS

On motion of Representative DIAMOND of Bangor, the following Joint Order: (H.P. 1294)

Ordered, the Senate concurring, that Bill "AN ACT Relating to Retirement Compensation for Judges Who Ceased to Serve Prior to December 1, 1984," H.P. 841, L.D. 1191, be recalled from the Governor's desk to the House.

Was read and passed and sent up for concurrence. By unanimous consent, ordered sent forthwith to the Senate.

(Off Record Remarks)

Representative Stetson of Damariscotta was granted unanimous consent to address the House.

Representative STETSON: Mr. Speaker, Ladies and Gentlemen of the House: It is with sadness that I

bring to your attention the death of James William Reeves who was born at Newcastle, Maine on September 27, 1925. Graduated from Lincoln Academy. He served in the 75th Infantry Division during World War II, participating in the Battle of the Bulge and he also received the Bronze Star. He served for 20 years in the Maine State Police as a trooper and he served in this body for six years in the 109th, 110th and 111th. He also served as Selectmen for the town of Newport for three years.

Mr. Speaker, I move that when we adjourn today, it be in memory of the public service of this fine gentlemen who is no longer with us, James William Reeves.

On motion of Representative Stetson of Damariscotta.

Adjourned until Monday, January 13, 1986, at twelve o'clock noon in memory of James William Reeves.
