

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 was called to order by the Speaker.
Prayer by Reverend Robert Cumler, United
Methodist Church, Vassalboro.
The Journal of yesterday was read and approved.
Quorum call was held.

PAPERS FROM THE SENATE

Bill "An Act to Create a Partnership Program for
Technological Development and Innovation" (S.P. 728)
(L.D. 1851)

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

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

Bill "An Act to Provide for the Licensing of
Persons Engaged in Property Management" (S.P. 726)
(L.D. 1849)

Bill "An Act to Prohibit Insurers from Denying
Medical Malpractice Insurance to Certain Physicians"
(S.P. 727) (L.D. 1850)

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 Require Adequate Social Services
in Maine's Hospitals and Nursing Homes" (Emergency)
(S.P. 724) (L.D. 1847)

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

(The Committee on Reference of Bills had
suggested reference to the Committee on Human
Resources.)

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

Bill "An Act to Require the Department of Human
Services to Calculate Nursing Staff Ratios Taking
into Account Both Nursing Assistants and Certified
Nursing Assistants, Reimburse Nursing Homes for Entry
Level Personnel, to Encourage Consistent Regulatory
Policies Governing such Personnel and for Other
Purposes" (S.P. 723) (L.D. 1846)

Bill "An Act to Provide Greater Community Input
into Alcohol and Drug Planning" (S.P. 725) (L.D. 1848)

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

Were referred to the Committee on Human Resources
in concurrence.

Bill "An Act to Amend the Charter of the
Lucerne-in-Maine Village Corporation" (Emergency)
(S.P. 720) (L.D. 1843)

Came from the Senate, referred to the Committee
on Local and County Government and Ordered Printed.

Was referred to the Committee on Local and County
Government in concurrence.

Bill "An Act to Create an Ongoing Cooperative
Association Between the Department of Marine
Resources and the University of Maine." (S.P. 719)
(L.D. 1842)

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

Was referred to the Committee on Marine Resources
in concurrence.

Bill "An Act To Create the Job Protection Act"
(Emergency) (S.P. 718) (L.D. 1841)

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

Was referred to the Committee on State Government
in concurrence.

Bill "An Act to Exempt the Spent Nuclear Fuel
Disposal Trust Fund from State Taxation" (S.P. 730)
(L.D. 1867)

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

Was referred to the Committee on Taxation in
concurrence.

Bill "An Act to Clarify the Rate Design Stability
Responsibilities of the Public Utilities Commission"
(Emergency) (S.P. 717) (L.D. 1840)

Bill "An Act Concerning Filing Fees to the Public
Utilities Commission" (S.P. 729) (L.D. 1852)

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

Were referred to the Committee on Utilities in
concurrence.

Unanimous Leave to Withdraw

Report of the Committee on State Government reporting "Leave to Withdraw" on Bill "An Act to Encourage Industrial Product Development in the State" (S.P. 143) (L.D. 410)

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

Non-Concurrent Matter

Bill "An Act to Provide a Sales Tax, Trade-in Credit for Loaders and Chain Saws used to Harvest Lumber" (H.P. 72) (L.D. 93) which was passed to be engrossed as amended by Committee Amendment "A" (H-434) in the House on January 13, 1986.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-434) as amended by Senate Amendment "B" (S-369) thereto in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

RESOLVE, Authorizing Continued Study of Information Processing in Social Service Agencies (Emergency) (S.P. 527) (L.D. 1422) (C. "A" S-273)
- In House, finally passed on June 14, 1985.
- In Senate, finally passed on June 14, 1985.
- Recalled from the Governor's Desk pursuant to Joint Order (S.P. 690)

Came from the Senate with the Bill and accompanying papers indefinitely postponed in non-concurrence.

The House voted to recede and concur.

COMMUNICATIONS

The following Communication: (S.P. 732)

112th Maine Legislature

January 14, 1985

Senator Ronald Usher
Representative Michael Michaud
Chairpersons
Joint Committee on Energy and Natural Resources
112th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated Howard E. Spencer, Jr. of Ellsworth for appointment to the Citizens' Forestry Advisory Council.

Pursuant to Title 12 M.R.S.A Section 5101-B, this

nomination will require review by the Joint Standing Committee on Energy and Natural Resources and confirmation by the Senate.

Sincerely,

S/Charles P. Pray
President of the Senate

S/John L. Martin
Speaker of the House

Came from the Senate, Read and Referred to the Committee on Energy and Natural Resources.

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

The following Communication: (S.P. 733)

112th Maine Legislature

January 14, 1985

Senator Michael E. Carpenter
Representative Edward J. Kane
Chairpersons
Joint Committee on Judiciary
112th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated Paul A. MacDonald of Woolwich for reappointment as an Active Retired Judge of the Maine District Court.

Pursuant to Title 4 M.R.S.A Section 157, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,

S/Charles P. Pray
President of the Senate

S/John L. Martin
Speaker of the House

Came from the Senate, Read and Referred to the Committee on Judiciary.

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

The following Communication: (S.P. 734)

112th Maine Legislature

January 14, 1986

Senator Michael E. Carpenter
Representative Edward J. Kane
Chairpersons
Joint Committee on Judiciary
112th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated James E. Smith, Esq. of Whitefield for appointment as Commissioner of the Workers' Compensation Commission.

Pursuant to Title 39 M.R.S.A. Section 91, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,

S/Charles P. Pray
President of the Senate

S/John L. Martin
Speaker of the House

Came from the Senate, Read and Referred to the Committee on Judiciary.

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

The following Communication:

State of Maine
Senate Chamber
Augusta, Maine 04333

January 14, 1986

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

Dear Clerk Pert:

Please be advised that pursuant to my authority under Chapter 79 of the Private and Special Laws of 1985, I have appointed Mr. William Brockman of Milo to the Special Select Commission on the Administration and Financing of General Assistance.

Mr. Brockman replaces Mr. Stephen T. Honey, who has resigned this position.

Please let me know if you have any questions about this appointment.

Sincerely,

S/Charles P. Pray
President of the Senate

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:

Appropriations and Financial Affairs

Bill "An Act to Insure Training and Employment Opportunities for All Aid to Families with Dependent Children Recipients" (H.P. 1339) (L.D. 1876) (Presented by Representative LISNIK of Presque Isle) (Cosponsors: Representatives CHONKO of Topsham and ALLEN of Washington) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Provide Funds to Continue a Study of Bedrock Ground Water in Aroostook County" (H.P. 1340) (L.D. 1877) (Presented by Representative LISNIK of Presque Isle) (Cosponsors: Speaker MARTIN of Eagle Lake, Representative SMITH of Mars Hill, and Senator MCBREAIRTY of Aroostook) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Bill "An Act Pertaining to Fort Point State Park" (H.P. 1341) (L.D. 1878) (Presented by Representative CROWLEY of Stockton Springs) (Cosponsor: Senator SHUTE of Waldo) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Bill "An Act Relating to Day Treatment Services for Emotionally Disturbed Children" (Emergency) (H.P. 1342) (L.D. 1879) (Presented by Representative CONNOLLY of Portland) (Cosponsors: Representatives NADEAU of Lewiston, NELSON of Portland, and Senator CLARK of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

RESOLVE, to Provide Financial Assistance for Existing Programs within the University of Maine System (H.P. 1343) (L.D. 1880) (Presented by Representative BOST of Orono) (Cosponsors: Representatives BOTT of Orono, CASHMAN of Old Town, and Senator PEARSON of Penobscot) (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 Increase Truth in Advertising" (H.P. 1344) (L.D. 1881) (Presented by Representative DUFFY of Bangor) (Cosponsors: Representatives RUHLIN of Brewer, SWAZEY of Bucksport, and STEVENS of Bangor) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)
Sent up for concurrence.

Education

Bill "An Act to Reapportion the Wells-Ogunquit Community School District" (Emergency) (H.P. 1345) (L.D. 1882) (Presented by Representative WENTWORTH of Wells) (Cosponsors: Senators HICHENS of York, DUTREMBLE of York and Representative BROWN of Gorham) (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 Amend the Classification of Certain Maine Rivers" (H.P. 1346) (L.D. 1893) (Presented by Representative DAVIS of Monmouth) (Cosponsors: Representatives HOGGLUND of Portland, HOLLOWAY of Edgecomb and Senator USHER of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)
Sent up for concurrence.

Human Resources

Bill "An Act Relating to Medicaid Fees for Pharmacies" (H.P. 1347) (L.D. 1883) (Presented by Representative LISNIK of Presque Isle) (Cosponsors: Representatives NELSON of Portland, PINES of Limestone and Senator GILL of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Provide Medicaid Coverage for Mental Health Services for Children in Certain Hospital Facilities" (H.P. 1348) (L.D. 1884) (Presented by Representative ROLDE of York) (Cosponsors: Senator GILL of Cumberland, Representatives NELSON of Portland, and RYDELL of Brunswick) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)
Sent up for concurrence.

Judiciary

Bill "An Act Concerning the Court Appointed Special Advocate Program and the Conduct of Court

Appointed Special Advocates" (H.P. 1349) (L.D. 1885) (Presented by Representative HAYDEN of Brunswick) (Cosponsors: Representatives FOSTER of Ellsworth, LISNIK of Presque Isle and DAVIS of Monmouth) (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 Require the Payment of Sales and Use Tax on Isolated Transactions Involving the Sale of Pleasure Boats" (H.P. 1350) (L.D. 1886) (Presented by Representative RYDELL of Brunswick) (Cosponsors: Representatives HOGGLUND of Portland, CASHMAN of Old Town and Senator GAUVREAU of Androscoggin) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)
Sent up for concurrence.

Utilities

Bill "An Act to Amend the Charter of the Camden and Rockland Water Company" (Emergency) (H.P. 1351) (L.D. 1887) (Presented by Representative ALLEN of Washington) (Cosponsors: Senator CHALMERS of Knox, Representatives WHITCOMB of Waldo and MELENDY of Rockland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)
Sent up for concurrence.

ORDERS OF THE DAY

CONSENT CALENDAR FIRST DAY

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

(H.P. 1200) (L.D. 1705) Bill "An Act Relating to the Enforcement of the United States Heavy Vehicle Use Tax" (Emergency) Committee on Taxation reporting "Ought to Pass"

There being no objections, the above item was ordered to appear on the Consent Calendar of Monday, January 20, 1986 under the listing of Second Day.

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

Bill "An Act Relating to Taking of Land Under the Coastal Island Registry Law" (H.P. 1321) (L.D. 1856) (Committee on Energy and Natural Resources suggested)
TABLED - January 15, 1986 by Representative MAYO

of Thomaston.

PENDING - Reference.

On motion of Representative Michaud of Medway, referred to the Committee on Judiciary, ordered printed and sent up for concurrence.

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

JOINT ORDER - Relative to amending Joint Rules 11, 15, 19, 21, 24, 25, 26, 27, 29, 30, 32 and 32-A (H.P. 1317)

Read in House January 15.

TABLED - January 15, 1986 by Representative HAYDEN of Brunswick.

PENDING - Passage.

The Joint Order was passed and sent up for concurrence.

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

HOUSE ORDER - Relative to amending House Rules 15 and 42

TABLED - January 15, 1986 by Speaker MARTIN of Eagle Lake.

(Pursuant to House Rule #54)

PENDING - Passage.

The Order was passed.

By unanimous consent, all matters having been acted upon requiring Senate concurrence were ordered sent forthwith to the Senate.

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

PAPER FROM THE SENATE

The following Joint Order: (S.P. 740)

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Monday, January 20, 1986, at 12 o'clock in the afternoon.

Came from the Senate, read and passed.

Was read and passed in concurrence.

On motion of Representative Martin of Eagle Lake, Recessed until the sound of the gong.

(After Recess)

The House was called to order by the Speaker.

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

PAPERS FROM THE SENATE

Bill "An Act to Fund a Long-term Care Budget for Maine's Elderly, Handicapped and At-risk Citizens who Need Support and Health Services" (Emergency) (S.P. 735) (L.D. 1888)

Bill "An Act to Provide for Continuation of the Living in the Community Program for Chronically Mentally Ill Persons" (Emergency) (S.P. 737) (L.D. 1890)

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 Define Terms in the Manufactured Housing Zoning Law" (S.P. 738) (L.D. 1891)

Bill "An Act to License Building Contractors and Subcontractors to a Statewide Building Code" (S.P. 739) (L.D. 1892)

Bill "An Act Concerning Independent Contractors in the Forest Industry" (S.P. 742) (L.D. 1895)

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.

RESOLVE, Amending the Reporting Date of the Joint Select Committee for Learning Disabled Children (Emergency) (S.P. 741) (L.D. 1894)

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 Clarify the Law Relating to Authorization by Divorced Parents for the Exhumation of the Body of a Child" (S.P. 736) (L.D. 1889)

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

Was referred to the Committee on Judiciary in concurrence.

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

PAPER FROM THE SENATE

Refer to the Committee on Appropriations and Financial Affairs

Report of the Committee on Human Resources on Bill "An Act to Continue Protection and Advocacy Services at the Current Level" (Emergency) (S.P. 663) (L.D. 1700) reporting that it be referred to the Committee on Appropriations and Financial Affairs.

Came from the Senate with the report read and accepted and the bill referred to the Committee on Appropriations and Financial Affairs.

Report was read and accepted and the bill referred to the Committee on Appropriations and Financial Affairs in concurrence.

(Off Record Remarks)

On motion of Representative Rydell of Brunswick, Adjourned until Monday, January 20, 1986 at twelve o'clock noon, pursuant to Joint Order (S.P. 740).
