# 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 Trueman Bray, Penny Memorial
United Baptist Church, Augusta.
National Anthem by the Winslow High School Band.

The Journal of Thursday, January 16, 1986, was read and approved.

Quorum call was held.

#### **COMMUNICATIONS**

The following Communication:

State of Maine Senate Chamber Augusta, Maine 04333

January 10, 1986

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

Dear Clerk Pert:

Please note that pursuant to my authority under M.R.S.A. 3, Section 227, I have appointed Senator Dennis Dutremble to serve on the Maine Canadian Legislative Advisory Committee. Senator Dutremble is replacing Senator Berube who is unable to serve as the President's appointee.

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 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 Increase the Aid to Families with Dependent Children Standard of Need" (H.P. 1352) (L.D. 1896) (Presented by Representative CONNOLLY of Portland) (Cosponsors: Speaker MARTIN of Eagle Lake and Senator BERUBE of Androscoggin) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Provide Funding for Community Mental Health Programs" (Emergency) (H.P. 1353) (L.D. 1897) (Presented by Representative NADEAU of Lewiston) (Cosponsors: Senators GAUVREAU of Androscoggin, BERUBE of Androscoggin and Speaker MARTIN of Eagle Lake) (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 Decrease Mobile Home Park License Fees" (Emergency) (H.P. 1354) (L.D. 1898) (Presented by Representative AYER of Caribou) (Cosponsors: Senator CLARK of Cumberland, Representatives JALBERT of Lisbon and SWAZEY of Bucksport) (Submitted by the Department of Business, Occupational and Professional Regulation pursuant to Joint Rule 24)

Bill "An Act Regulating Full-contact Karate Known as Kick-boxing" (H.P. 1355) (L.D. 1899) (Presented by Representative BRANNIGAN of Portland) (Cosponsors: Representative MURRAY of Bangor, Senators KERRY of York and BUSTIN of Kennebec) (Submitted by the Department of Business, Occupational and Professional Regulation pursuant to Joint Rule 24)

(Ordered Printed)
Sent up for concurrence.

#### Energy and Natural Resources

Bill "An Act to Require Notice to Municipal Officers of Environmental Protection Violations and Actions within that Community" (H.P. 1356) (L.D. 1900) (Presented by Representative LORD of Waterboro) (Cosponsors: Senator BLACK of Cumberland and Representative BOTT of Orono) (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 to Revise the Certificate of Need Act as it Affects Hospitals, to Simplify the Section 1122 Program and to Require the Establishment of a Methodology for Imposing Reasonable Limitations on Additional Capital and Operating Costs Associated with new Projects" (H.P. 1357) (L.D. 1901) (Presented by Representative MURRAY of Bangor) (Cosponsors: Representatives FOSTER of Ellsworth, ROLDE of York and Senator VIOLETTE of Aroostook) (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 Allow Restaurants and other

Establishments Licensed to Serve Alcoholic Beverages to Purchase these Beverages from Agency Liquor Stores" (H.P. 1358) (L.D. 1902) (Presented by Representative MICHAUD of Medway) (Cosponsor: Representative VOSE of Eastport) (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 Amend the Law Separating the Ogunquit Village Corporation from the Town of Wells" (H.P. 1359) (L.D. 1903) (Presented by Representative WENTWORTH of Wells) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

(The Committee on Local and County Government was suggested.)

On motion of Representative McHenry of Madawaska, was referred to the Committee on Education, Ordered Printed, and sent up for concurrence.

#### Marine Resources

Bill "An Act Concerning a Mussel Dragging Season" (H.P. 1360) (L.D. 1904) (Presented by Representative MITCHELL of Freeport) (Cosponsors: Representatives COLES of Harpswell, DILLENBACK of Cumberland, and Senator STOVER of Sagadahoc) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)
Sent up for concurrence.

#### LATER TODAY ASSIGNED

Bill "An Act Relating to Liquor Excise Taxes and Freight Rates" (H.P. 1361) (L.D. 1905) (Presented by Representative REEVES of Pittston) (Cosponsors: Senator TRAFTON of Androscoggin, Representatives MASTERMAN of Milo, and RIOUX of Biddeford) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

(The Committee on Taxation was suggested.)

On motion of Representative Cashman of Old Town, tabled pending reference and later today assigned.

#### <u>Transportation</u>

Bill "An Act to Establish a Land and Air Search and Rescue Procedure for Missing Aircraft Personnel" (H.P. 1362) (L.D. 1906) (Presented by Representative CROWLEY of Stockton Springs) (Cosponsors: Senator SHUTE of Waldo and 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.

#### ORDERS

## REPORTS OF COMMITTEES UNANIMOUS LEAVE TO WITHDRAW

Representative ROTONDI from the Committee on Fisheries and Wildlife on Bill "An Act to Close Moosehead Lake to Ice Fishing Within 300 Feet of Shore" (H.P. 456) (L.D. 657) reporting "Leave to Withdraw"

Representative WALKER from the Committee on <u>Fisheries and Wildlife</u> on Bill "An Act to Close Ragged Stream to Caribou Lake to the Taking of Smelts" (H.P. 455) (L.D. 656) reporting <u>"Leave to Withdraw"</u>

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

#### CONSENT CALENDAR FIRST DAY

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

(H.P. 1176) (L.D. 1671) Bill "An Act to Clarify the Referendum Provision to Revise and Modernize the Charter of the York Sewer District" (Emergency) Committee on <u>Utilities</u> reporting "Ought to Pass" as amended by Committee Amendment "A" (H-490)

There being no objections, the above item was ordered to appear on the Consent Calendar of Tuesday, January 21, 1986 under the listing of Second Day.

#### CONSENT CALENDAR SECOND DAY

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

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

No objections having been noted at the end of the Second Legislative Day, the House Paper was Passed to be Engrossed and sent up for concurrence.

## PASSED TO BE ENACTED EMERGENCY MEASURE

An Act to Reauthorize the Dislocated Workers Fund (H.P. 1199) (L.D. 1704)

Was reported by the Committee on <a href="Engrossed Bills">Engrossed Bills</a> 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. 139 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.

Representative Jacques of Waterville was granted unanimous consent to address the House:

Representative JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: In reference to L.D. 657, "An Act to Close Moosehead Lake to Ice Fishing Within 300 Feet of Shore" which is on your calendar under "Leave to Withdraw" and L.D. 656, "An Act to Close Ragged Stream to Caribou Lake to the Taking of Smelts" — these were two bills that I put in, in the past legislative session, because of some constitutents and some people I have a lot of respect for.

Although it soon became a personal attack on myself and my integrity, my honesty, my "smarts" even, I did not take it in that light. What eventually came out was that the biologists made it very clear that they took exception to anyone in the legislature putting in a bill that they believed took away any of their authority to promulgate rules and regulations, which is what the legislature had given them in the 70's. I don't look at it that way. I think that, when everything else fails, the only place the people have to go is right here to this legislature, whether it be Fisheries and Wildlife, Education or Agriculture or whatever the case may be. I am not going to be around here forever and neither are any of you but I just hope that the day will never come when your constituents cannot come to you and ask you to put a bill in without your motives or intentions or even your intelligence being questioned. As it turned out, both of these issues should have been brought up because the advisory council unanimously adopted two proposals which will have somewhat of the same effect as both of these bills have and that is going to be to conserve the resources in the State of Maine and in particular the smelts, the salmon brook trout and togue on Moosehead

In the case of Ragged Stream, I agree 100 percent with what was done and I think that both sides worked together to come out with an adequate solution.

In the case of Moosehead Lake, I still have some serious reservations but I am not the Representative from Greenville, I am the Representative from Waterville and I guess I am just going to have to take the backseat to the experts we have up there. They assure me that their actions will save the fishery resource on Moosehead and I guess that is what we pay them big money for so I have decided to go along and let them do that and only time will tell.

I just hope that sooner or later or some time down the line somebody will take time to look at the record and find out what our intentions were and I hope they will find them to be honorable as we intended them to be.

The following item was taken up out of order by unanimous consent:

#### PAPER FROM THE SENATE

The following Joint Resolution: (S.P. 753) Commemorating Martin Luther King Day (Sponsored by the Senator from Kennebec, Senator Matthews and Cosponsored by President Pray of Penobscot, Speaker Martin of Eagle Lake and Representative Bost of Orono:

WHEREAS, January 20, 1985, marks the first national holiday in honor of Dr. Martin Luther King, Jr., commemorating his birth on January 15, 1929; and

WHEREAS, Martin Luther King, Jr., advocated the furtherance of civil rights for black Americans through nonviolence; and

WHEREAS, this man of powerful voice and spirit showed this country a dream, a dream of "An oasis of freedom and justice;" and

WHEREAS, for his tireless work to ensure equality and justice, Dr. King was awarded the high and honorable distinction of the Nobel Peace Prize in 1964; and

WHEREAS, his eloquence, his perseverance and his faith moved mountains and brought about sweeping changes by appealing to the better instincts and consciences of his fellow human beings; and

WHEREAS, the life of Martin Luther King, Jr., which ended so tragically on April 4, 1968, is a shining example to Americans and citizens of the world-at-large of uncompromising dedication to the highest ideals; now, therefore, be it

RESOLVED: That We, the Members of the 112th Legislature in Second Regular Session now assembled, acknowledge the extraordinary life and works of this teacher, reformer and humanitarian, Dr. Martin Luther King, Jr., and pause in our deliberations to recognize and commemorate the occasion of his birth; and be it further

RESOLVED: That suitable copies of this Joint Resolution be sent forthwith by the Secretary of State to Coretta Scott King, widow of Dr. Martin Luther King, Jr., and to the Maine office of the NAACP.

Came from the Senate, read and adopted.

Was read and adopted in concurrence.

The Chair laid before the House the following matter: Bill "An Act Relating to Liquor Excise Taxes and Freight Rates" (H.P. 1361) (L.D. 1905) (Presented by Representative REEVES of Pittston) (Cosponsors: Senator TRAFTON of Androscoggin, Representatives MASTERMAN of Milo and RIOUX of Biddeford) which was tabled earlier in the day and later today assigned pending reference.

On motion of Representative Cashman of Old town,

was referred to the Committee on Legal Affairs, Ordered Printed and sent up for concurrence.

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

## PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

The following Bill was received and, upon the recommendation of the Committee on Reference of Bills, was referred to the following Committee, Ordered Printed and Sent up for Concurrence:

#### Human Resources

Bill "An Act to Remove Barriers to the Appropriate Disclosure of Mental Health Information (H.P. 1363) (Presented by Representative NELSON of Portland) (Cosponsor: Senator GAUVREAU of Androscoggin) (Submitted by the Department of Mental Health and Mental Retardation pursuant to Joint Rule 24)

(Ordered Printed)
Sent up for concurrence.

#### PASSED TO BE ENACTED

An Act to Provide a Sales Tax, Trade-in Credit for Chain Saws used to Harvest Lumber (H.P. 72) (L.D. 93) (S. "B" S-369 to C. "A" H-434)

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.

(Off Record Remarks)

On motion of Representative Carrier of Westbrook, Adjourned until January 21, 1986 at 6:15 p.m.