

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 Clerk of the House, pursuant to House Rule 3.

Prayer by Rabbi Raymond Krinsky, Beth Israel Congregation, Waterville.

The Journal of Monday, January 27, 1986, was read and approved.

COMMUNICATIONS

The following Communication:

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

January 28, 1986

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

Dear Clerk Pert:

Due to the passing of my sister-in-law, I will be out of state on Thursday, January 30.

I have appointed Representative Dan A. Gwadosky of Fairfield to serve as Speaker pro tempore for the session that day.

Sincerely,

S/John L. Martin
Speaker of the House

Was read and ordered placed on file.

At this point, the Sergeant-at-Arms escorted Representative Gwadosky of Fairfield to the rostrum to act as Speaker pro tem.

Quorum call was held.

The following Communication: (S.P. 771)

112th Maine Legislature

January 27, 1986

Senator Larry M. Brown
Representative Ada K. Brown
Chairpersons
Joint Committee on Education
112th Legislature

Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated Stewart Smith of Dexter for appointment to the University of Maine, Board of Trustees.

Pursuant to Title 20 M.R.S.A Section 2251, this nomination will require review by the Joint Standing Committee on Education 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 Education.

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

The following Communication: (S.P. 772)

112th Maine Legislature

January 27, 1986

Senator Larry M. Brown
Representative Ada K. Brown
Chairpersons
Joint Committee on Education
112th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated Robert Dunfey of Cape Elizabeth for reappointment to the University of Maine, Board of Trustees.

Pursuant to Title 20 M.R.S.A Section 2251, this nomination will require review by the Joint Standing Committee on Education 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 Education.

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

The following Communication:

THE SENATE OF MAINE
AUGUSTA, MAINE 04333

January 27, 1986

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

Dear Clerk Pert:

Pursuant to my authority under the Private and Special Laws of 1985, Chapter 84, I have appointed Senator Jean B. Chalmers to the Maine Sentencing Guidelines Commission.

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 Provide for a Clean-up Program Concerning Natural Die-off of Fish in the Coastal Waters of the State" (H.P. 1383) (L.D. 1952) (Presented by Representative SMALL of Bath) (Cosponsors: Representatives CAHILL of Woolwich, HOLLOWAY of Edgecomb, 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.

Transportation

Bill "An Act Concerning Surety Bonds Required of Motor Vehicle Dealers to Guarantee Title and Mileage of Vehicles Sold" (H.P. 1380) (L.D. 1948) (Presented by Representative CARTER of Winslow) (Cosponsors: Representatives CAHILL of Woolwich, RACINE of Biddeford, and Senator PERKINS of Hancock) (Approved for introduction by a majority of the Legislative

Council pursuant to Joint Rule 26)

(The Committee on Business and Commerce was suggested.)

On motion of Representative Brannigan of Portland, was referred to the Committee on Transportation, Ordered Printed, and sent up for concurrence.

Business and Commerce

Bill "An Act to Require Employers to Notify Employees of the Termination of Group Insurance" (H.P. 1384) (L.D. 1953) (Presented by Representative RUHLIN of Brewer) (Cosponsors: Senator TUTTLE of York, Representatives TAMMARO of Baileyville, and HALE of Sanford) (Submitted by the Department of Labor pursuant to Joint Rule 24)

(Ordered Printed)
Sent up for concurrence.

Energy and Natural Resources

Bill "An Act to Revise the Energy Building Standards Act" (H.P. 1385) (L.D. 1954) (Presented by Representative MITCHELL of Freeport) (Cosponsors: Senator USHER of Cumberland, Representatives COLES of Harpswell, and MICHAUD of Medway) (Submitted by the Office of Energy Resources pursuant to Joint Rule 24)

(Ordered Printed)
Sent up for concurrence.

Human Resources

Bill "An Act to Exclude Out-of-state Revenue Sources from the Hospital Cost Containment Law" (H.P. 1386) (L.D. 1955) (Presented by Representative ROLDE of York) (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 to Permit Assessment of a Reimbursement Fee against Jail Prisoners to Help Defray the Costs of Incarceration" (H.P. 1381) (L.D. 1949) (Presented by Representative PARADIS of Augusta) (Cosponsor: 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.

ORDERS

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

ORDERED, that Representative Alfred L. Brodeur of Auburn be excused January 20, 21, 22, 27, and 30 for personal reasons.

Was read and passed.

REPORTS OF COMMITTEES

Refer to the Committee on Legal Affairs

Representative KANE from the Committee on Judiciary on Bill "An Act Relating to Penobscot Nation Game Wardens" (H.P. 1194) (L.D. 1691) reporting that it be referred to the Committee on Legal Affairs.

Report was read and accepted and the bill referred to the Committee on Legal Affairs and sent up for concurrence.

CONSENT CALENDAR
FIRST DAY

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

(H.P. 1220) (L.D. 1728) Bill "An Act to Expand Investment Opportunities for State-chartered Credit Unions" Committee on Business and Commerce reporting "Ought to Pass"

(H.P. 1258) (L.D. 1768) Bill "An Act Concerning Emergency Medical Services Personnel" Committee on Human Resources reporting "Ought to Pass"

(H.P. 1255) (L.D. 1765) Bill "An Act to Provide for the Use of the So-called 'Interim Bank Approach' to Facilitate the Formation of a Financial Institution Holding Company" (Emergency) Committee on Business and Commerce reporting "Ought to Pass"

There being no objections, the above items were ordered to appear on the Consent Calendar of Friday, January 31, 1986 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. 1225) (L.D. 1732) Bill "An Act to Authorize the Superintendent of Insurance to Promulgate Rules Relating to Coordination of Group Health Insurance Benefits"

(S.P. 676) (L.D. 1749) Bill "An Act Pertaining to Product Liability Risk Retention Groups"

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

PASSED TO BE ENGROSSED
As Amended

Bill "An Act to Amend the Maine Community Services Act" (H.P. 1234) (L.D. 1743) (C. "A" H-491)

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

PASSED TO BE ENACTED
Emergency Measure

An Act to Clarify the Referendum Provision to Revise and Modernize the Charter of the York Sewer District (H.P. 1176) (L.D. 1671) (C. "A" H-490)

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. 134 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 Bring Title 29 into Agreement with the Regional Fuel Tax Agreement Laws (S.P. 665) (L.D. 1707)

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. 132 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.

ORDERS OF THE DAY

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

Bill "An Act Relating to Staff Retention in Community-based Residential Facilities for Persons with Mental Retardation" (S.P. 757) (L.D. 1921)

- In Senate, Referred to the Committee on Human Resources.

TABLED - January 27, 1986 by Representative NELSON of Portland.

PENDING - Motion of Representative CARTER of Winslow to refer to Appropriations and Financial Affairs.

Subsequently, was referred to the Committee on

Appropriations and Financial Affairs, Ordered Printed, and sent up for concurrence.

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

CONSENT CALENDAR
FIRST DAY

(H.P. 1264) (L.D. 1773) Bill "An Act to Increase the State's Deductible of Self-insured Retention" Committee on Business and Commerce reporting "Ought to Pass"

There being no objections, the above item was ordered to appear on Consent Calendar of January 31, 1986, under the listing of Second Day.

(Off Record Remarks)

Representative McGowan of Canaan was granted unanimous consent to address the House:

Representative McGOWAN: Mr. Speaker, Ladies and Gentlemen of the House: It is with great sorrow that I rise this afternoon to speak in memory of the seven member crew of the Space Shuttle Challenger. It is as though space travel was a way of transportation that came without danger. Our many successful voyages led us to believe this. Many of us who carried space helmets around as children and dreamed at night that we would some day travel into space remember the dark and lonely days of our space program when Gus Grissom and other brave astronauts perished. We especially remember the glorious days of John Glenn's orbits and Alan Shepard's triumph. Now we feel those initial pains and sorrows again today.

To every school child in this state and country who watched the Challenger explode, we say keep the faith, keep believing that the unexplored in our universe will lead to the betterment of mankind. Keep believing that the courage and sense of adventure that Christa McAuliffe had, along with her other crew members, will be passed along to those of us left living on this planet, and continue believing that, in her own words, "if you dare to dream, your dreams will come true."

It is with her words, Mr. Speaker, and the hopes of a man who lugged a toy space helmet around in the early 60's that I move we adjourn in memory of the Space Shuttle Challenger's crew so tragically lost this past Tuesday.

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

Representative JACQUES: Mr. Speaker, Men and Women of the House: I would like to add a little bit to what you just heard. I think that it is very important that we take note of the people that were involved. We had Francis R. Scobee, 46, flight commander; a combat fighter pilot who leaves a wife and two children.

Navy Commander Mike Smith, 40, the pilot; a test pilot who leaves a wife and three children;

Ronald E. McNair, 36, a research scientist who leaves a wife and two children;

Air Force Lt. Col. Ellison S. Onizuka, 39, an aerospace engineer and test pilot, who leaves a wife and two children;

Astronaut Judy Resnik, 36, a classical pianist and electrical engineer;

Gregory Jarvis, 41, a Hughes Aircraft Co. engineer, who leaves a wife;

Last but not least, Sharon Christa McAuliffe, 37, a Concord, New Hampshire high school social studies teacher who was the first private citizen selected in national competition to fly on the space shuttle. She leaves a husband and two children.

Our hearts today go out to the families of these people, but I have to think specifically of the children of these people because from this day forward, these children are going to be missing one of the set of hands that was set to be on their shoulders to help guide them through the rest of their lives. I am sure that the parents who are left are going to strongly miss those extra set of hands.

As we all sat and watched, I think you had to kind of fall in love with the school teacher from Concord, New Hampshire. She told us why she wanted to get involved and the basic reason was for children. She said that she wanted to go out there and be able to come back and tell those children of her experiences. Now, can you imagine if this had gone off successfully, what experiences that lady could have shared with those children that she taught? You know -- what visions and what ideas that came into their heads when she was there ready to share the experiences she had just gone through? I think you have heard many times -- everybody said that one of the things she tried to emphasize was, "anybody can do anything if they set out to do it, rich or poor, black or white, it doesn't matter, you can accomplish great things in life." I think, at 36 years old, she probably left quite a legacy to the children whose lives she touched.

The unknown resents gratefully when we try to withdraw some of its secrets and it does so sometimes at a great cost. I think January 28, 1986 reminds us of what that cost could be.

Representative Hillock of Gorham was granted unanimous consent to address the House:

Representative HILLOCK: Mr. Speaker, Ladies and Gentlemen of the House: This Tuesday we all became painfully aware of the tragedy of the Space Shuttle Challenger. I am requesting that we adjourn today in memory of those who died for their country and send condolences to their families. I would also like to share some personal reflections of this aviation tragedy.

The Challenger's Seven member crew were pioneers on the frontier of space. This team was a cross-section of America's best. They were black, white, and oriental, men and women, civilian and military. These courageous volunteers went into harms way in the quest for knowledge for all mankind. The future does not belong to the faint hearted, it belongs to the brave. The space program is pulling us into the future and we will continue to follow.

The tragedy of this shuttle is truly a national loss. For 25 years the space program has dazzled us. Today, we realize that we are still on the frontier. These young men and women were pioneers on this frontier. They were willing to take the risk to help discover the unknown.

I would like to read into the record the names of the astronauts that will go down in history as the heroes of Challenger Seven -- Christa McAuliffe, Judy Resnik, Ellison S. Onizuka, Francis R. Scobee, Ronald E. McNair, Gregory Jarvis and Mike Smith.

In closing, I will read a poem that reflects this true aviation spirit. My wife gave me this poem while I was in military flight training. It was dear to me then and it still is. It hangs in my office today. This poem, "High Flight" was written by John Gillespie Magee, Jr. who was a 19 year old American aviation volunteer, who died in a Royal Canadian Air Force training accident, December 11, 1941.

Oh, I have slipped the surly bonds of earth and danced the skies on laughter silvered wings;

Sunward I've climbed and joined the tumbling mirth of sun split clouds and done a hundred things you have not dreamed of -- wheeled and soared and swung high in the sunlit silence.

Hov'ring there -- I've chased the shouting wind along, and flung my eager craft through footless halls of air.

Up, up the long, delicious, burning blue I've topped the windswept heights with easy grace where never lark or even eagle flew.

And, while with silent, lifting mind I've trod the high untrespassed sanctity of space, put out my hand, and touched the face of God.

On motion of Representative McGowan of Canaan,
Adjourned until twelve o'clock noon, January 31,
1986, in memory of the Space Shuttle Challenger's crew.
