

# 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 Speaker resumed the Chair and called the House was to order.

Prayer by Reverend Peter M. Bean, First Congregational Church of Millinocket.

The Journal of yesterday was read and approved.  
Quorum call was held.

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PAPERS FROM THE SENATE

The following Communication:

The Senate of Maine  
Augusta

January 30, 1986

The Honorable John L. Martin  
Speaker of the House  
112th Legislature  
Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Judiciary, the Governor's nomination of Paul A. MacDonald of Woolwich for reappointment as an Active Retired Judge of the Maine District Court.

Sincerely,

S/Joy J. O'Brien  
Secretary of the Senate

Was read and ordered placed on file.

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The following Communication:

The Senate of Maine  
Augusta

January 30, 1986

The Honorable John L. Martin  
Speaker of the House  
112th Legislature  
Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Judiciary, the Governor's nomination of James E. Smith, Esq. of Whitefield for appointment as the Commissioner of the Workers' Compensation Commission.

James E. Smith, Esq. is replacing S. Kirk

Studstrup.

Sincerely,

S/Joy J. O'Brien  
Secretary of the Senate

Was read and ordered placed on file.

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The following Communication:

The Senate of Maine  
Augusta

January 30, 1986

The Honorable John L. Martin  
Speaker of the House  
112th Legislature  
Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on State Government, the Governor's nomination of Wanda P. Calder of Turner for reappointment to the Finance Authority of Maine.

Sincerely,

S/Joy J. O'Brien  
Secretary of the Senate

Was read and ordered placed on file.

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The following Communication:

The Senate of Maine  
Augusta

January 30, 1986

The Honorable John L. Martin  
Speaker of the House  
112th Legislature  
Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Judiciary, the Governor's nomination of Suzanne E.K. Smith of Woolwich for reappointment to the Workers' Compensation Commission as Commissioner.

Sincerely,

S/Joy J. O'Brien  
Secretary of the Senate

Was read and ordered placed on file.

The following Communication:

The Senate of Maine  
Augusta

January 30, 1986

The Honorable John L. Martin  
Speaker of the House  
112th Legislature  
Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Agriculture, the Governor's nomination of Andrew Berry of N. Whitefield for reappointment to the Pesticides Control Board.

Sincerely,

S/Joy J. O'Brien  
Secretary of the Senate

Was read and ordered placed on file.

Bill "An Act to Provide a Single Audit for Community Action Agencies" (S.P. 774) (L.D. 1946)

Came from the Senate, referred to the Committee on Audit and Program Review and Ordered Printed.

Was referred to the Committee on Audit and Program Review in concurrence.

Bill "An Act to Establish Policies Governing Medical Malpractice Claims" (S.P. 773) (L.D. 1945)

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

Was referred to the Committee on Judiciary in concurrence.

RESOLVE, Concerning the Transfer of State-owned Land to Hope House, Incorporated (S.P. 775) (L.D.

1947)

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 Promote Public Health through Required Use of Seat Belts" (S.P. 777) (L.D. 1951)

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

Was referred to the Committee on Transportation in concurrence.

Bill "An Act Defining the Rights of Landlords, Tenants and Cable Television Operators" (S.P. 776) (L.D. 1950)

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

Was referred to the Committee on Utilities in concurrence.

Unanimous Leave to Withdraw

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act Concerning Computer Fraud and Abuse" (S.P. 464) (L.D. 1267)

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

Refer to the Committee on Business and Commerce

Report of the Committee on Labor on Bill "An Act to Protect Homeowners Against Workers' Compensation Exposures" (S.P. 688) (L.D. 1776) reporting that it be referred to the Committee on Business and Commerce.

Came from the Senate with the report read and accepted and the bill referred to the Committee on Business and Commerce.

Report was read and accepted and the bill referred to the Committee on Business and Commerce in concurrence.

COMMUNICATIONS

The following Communication:

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

January 30, 1986

The 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 1 M.R.S.A., §1002, I have today reappointed Richard W. Smith, of Woolwich, to serve on the Commission on Governmental Ethics and Election Practices. This appointment will require a 2/3 vote of concurrence by members of the House.

Sincerely,

S/John L. Martin  
Speaker of the House

Was read and ordered placed on file.

In accordance with Title 1, Section 1002 of the Maine Revised Statutes Annotated, a 2/3 vote of those members present and voting is required. 124 having voted in favor of same and none against, nominee is confirmed.

The following Communication:

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
MAJORITY OFFICE  
AUGUSTA, MAINE 04333

January 28, 1986

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

Dear Clerk Pert:

Pursuant to Title 1, Chapter 25, Sec. 1002 of the Maine Revised Statutes Annotated, I am hereby appointing Paul W. Chaiken of Bangor to the Commission on Governmental Ethics and Election Practices. I understand this appointment requires the approval of two-thirds of the members of the House of Representatives.

Notification of Mr. Chaiken's appointment has been sent to the Honorable John L. Martin, Speaker of the House, and Ms. Rebecca Wyke, Administrative Assistant to the Commission on Governmental Ethics and Election Practices.

Sincerely,

S/John N. Diamond  
House Majority Leader

Was read and ordered placed on file.

In accordance with Title 1, Section 1002 of the Maine Revised Statutes Annotated, a 2/3 vote of those members present and voting is required. 120 having voted in favor of same and none against, nominee is confirmed.

The following Communication:

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
REPUBLICAN OFFICE  
AUGUSTA, MAINE 04333

January 28, 1986

Hon. Edwin Pert  
Clerk of the House  
State House  
Augusta, Maine 04333

Dear Clerk Pert:

Pursuant to my authority under Title 1, MRSA Chapter 25, subsection 1002, I am today appointing Charles L. Cragin of Falmouth to the Commission on Governmental Ethics and Election Practices.

This appointment requires a two-thirds vote of the House of Representatives for concurrence.

Sincerely,

S/Thomas W. Murphy, Jr.  
House Minority Leader

Was read and ordered placed on file.

In accordance with Title 1, Section 1002 of the Maine Revised Statutes Annotated, a 2/3 vote of those members present and voting is required. 118 having voted in favor of same and 1 against, nominee is confirmed.

The following Communication:

112th Maine Legislature

January 27, 1986

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

Dear Clerk Pert:

Pursuant to our authority under the Resolves of 1985, Chapter 44, we have appointed Brenda Farrington to the Maine Commission on the Role of State Government in Providing Living Opportunities and Services to Disabled Persons.

Ms. Farrington replaces Ms. Fran Fink, who resigned this month.

If you have any questions about this appointment, please let us know.

Sincerely,

S/Charles P. Pray  
President of the Senate

S/John L. Martin  
Speaker of the House

Was read and ordered placed on file.

The following Communication:

DEPARTMENT OF FINANCE AND ADMINISTRATION  
STATE CLAIMS BOARD  
STATE HOUSE STATION 49  
AUGUSTA, MAINE 04333

January 28, 1986

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

RE: Report of Small Claim to Legislature

Dear Speaker Martin:

Herewith is Report of Small Claims which were received in this office during 1985 and which is being submitted to you for your information and records in accordance with Title 5 M.R.S.A., Section 1510-A, Subsection 8.

A similar report is also being submitted to the Honorable Charles P. Pray, President of the Senate, and if you or your staff should have any questions in connection with this report, please communicate with this office.

Yours very truly,

S/Ronald M. Roy  
Chief Counsel

Was read and with accompanying report ordered placed on file.

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:

State Government

Bill "An Act to Place the State Lottery Commission and the Director of State Lotteries within the Department of Finance and Administration" (H.P. 1389) (L.D. 1958) (Presented by Representative MURPHY of Kennebunk) (Cosponsors: Representative WHITCOMB of Waldo and Senator PERKINS of Hancock) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)  
Sent up for concurrence.

Study Report - Committee on Utilities

Representative VOSE from the Committee on Utilities to which was referred by the Legislative Council the Study Relative to Local Telephone Service have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Prohibit Local Measured Service Prior to December 31, 1986" (Emergency) (H.P. 1387) (L.D. 1956) be referred to this Committee for public hearing and printed pursuant to Joint Rule 19.

Report was read and accepted, and the bill referred to the Committee on Utilities, ordered printed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Study Report - Committee on Utilities

Representative VOSE from the Committee on Utilities to which was referred by the Legislative Council the Study Relative to Local Telephone Service have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act Concerning Local Telephone Service Rate Structure" (H.P. 1388) (L.D. 1957) be referred to this Committee for public hearing and printed pursuant to Joint Rule 19.

Report was read and accepted, and the bill referred to the Committee on Utilities, ordered printed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

ORDERS

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

ORDERED, that Representative Gwilym Roberts of

Farmington be excused February 3rd and 4th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Richard McCollister of Canton be excused January 30th for Legislative Business.

Was read and passed.

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CONSENT CALENDAR  
FIRST DAY

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

(H.P. 1252) (L.D. 1762) Bill "An Act to Permit the Electricians' Examining Board to Renew Certain Master, Journeyman and Limited Electricians' Licenses" (Emergency) Committee on Business and Commerce reporting "Ought to Pass"

(S.P. 660) (L.D. 1698) Bill "An Act Regarding the Appointment of Harbor Masters" Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-371)

(H.P. 1223) (L.D. 1730) Bill "An Act to Revise the Maine Apiary Laws" Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-492)

No objections having been noted, the above items were ordered to appear on Consent Calendar of February 3, 1986, under listing of Second Day.

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CONSENT CALENDAR  
SECOND DAY

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

(H.P. 1220) (L.D. 1728) Bill "An Act to Expand Investment Opportunities for State-chartered Credit Unions"

(H.P. 1258) (L.D. 1768) Bill "An Act Concerning Emergency Medical Services Personnel"

(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)

(H.P. 1264) (L.D. 1773) Bill "An Act to Increase the State's Deductible or Self-insured Retention"

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

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ORDERS OF THE DAY  
BILL RECALLED FROM GOVERNOR

(Pursuant to Joint Order House Paper 1270)

RESOLVE, Creating a Special Commission to Study Teacher Training in the University of Maine System (H.P. 644) (L.D. 914) (H. "A" H-306 to C. "A" H-302)

- In House, Finally Passed on June 6, 1985.

- In Senate, Finally Passed on June 20, 1985.

On motion of Representative Bost of Orono, under suspension of the rules, the House reconsidered its action whereby L.D. 914 was finally passed.

Subsequently, the Resolve was finally passed, signed by the Speaker and sent to the Senate.

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

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

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.

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(Off Record Remarks)

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On motion of Representative Carter of Winslow, Adjourned until Monday, February 3, 1985 at ten o'clock in the morning.