

# 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 William Irish, Woodfords  
Congregational Church, Portland.  
The Journal of yesterday was read and approved.  
Quorum call was held.

S/Charles P. Pray  
President of the Senate

Was read and ordered placed on file.

PAPERS FROM THE SENATE

Bill "An Act to Amend the Maine Health Care  
Finance Commission Laws with Respect to the  
Certificate of Need Development Account, Recognition  
of Certain Operating Costs, Repeal of Provisions  
Governing Reorganizations and Affiliated Interests,  
Streamlining of Procedure and for Other Purposes"  
(S.P. 781) (L.D. 1965)

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

Was referred to the Committee on Human Resources  
in concurrence.

Bill "An Act Concerning Enforcement of Violations  
Relating to Handicapped Parking" (S.P. 780) (L.D.  
1964)

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

On motion of Representative McHenry of Madawaska,  
was referred to the Committee on Local and County  
Government in non-concurrence and sent up for  
concurrence.

COMMUNICATIONS

The following Communication:

State of Maine  
Senate Chamber  
Augusta, Maine 04333

January 30, 1986

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

Dear Clerk Pert:

Pursuant to my authority under Senate Rule 36, I have  
appointed Senator Thomas Andrews to serve as the  
Senate Chair of the Joint Standing Committee on State  
Government.

Senator Andrews replaces Senator Judy Kany, who has  
resigned this position.

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

Sincerely,

The following Communication:

State of Maine  
Senate Chamber  
Augusta, Maine 04333

January 31, 1986

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

Dear Clerk Pert:

Pursuant to my authority under Senate Rule 36, I have  
appointed Senator Mary Najarian to serve as the  
Senate Chair of the Joint Standing Committee on  
Aging, Retirement, and Veterans.

Senator Najarian replaces Senator Thomas Andrews.

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

Sincerely,

S/Charles P. Pray  
President of the Senate

Was read and ordered placed on file.

The following Communication:

112th Maine Legislature

January 28, 1986

Hon. Vincent L. McKusick  
Chief Justice  
Supreme Judicial Court  
Portland, ME 04112

Dear Mr. Chief Justice:

We cordially invite you and the Associate  
Justices of the Supreme Judicial Court to a Joint  
Convention of the House and Senate to be held in the  
House of Representatives at eleven o'clock on  
Tuesday, February 18, 1986.

At that time we would pleased to have you deliver  
such remarks as you may care to make on the State of  
the Judiciary. We look forward to seeing you and the  
other Justices at that time.

Committee Chair

Sincerely,

S/Charles P. Pray  
President of the Senate

S/John L. Martin  
Speaker of the House

Was read and with accompanying report ordered placed on file.

Was read and ordered placed on file.

The following Communication:

The following Communication:

STATE OF MAINE  
SUPREME JUDICIAL COURT  
PORTLAND, MAINE 04112

January 31, 1986

Hon. Charles P. Pray  
President of the Senate  
Senate Chamber  
State House  
Augusta, ME 04333

Hon. John L. Martin  
Speaker of the House  
House of Representatives  
State House  
Augusta, ME 04333

Dear President Pray and Speaker Martin:

I and my colleagues of the Supreme Judicial Court accept with pleasure your invitation to a Joint Convention of the House and Senate, to be held in the House of Representatives at eleven o'clock on Tuesday, February 18, 1986.

At that time I will be prepared to report to you on the state of the judiciary.

With all best wishes,

Sincerely,

S/Vincent L. McKusick

Was read and ordered placed on file.

The following Communication:

January 31, 1986

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

Dear Speaker Martin:

Herewith is the final report of the Special Legislative Committee to Study the Feasibility of State Assistance to the Rail Industry. The Special Legislative Committee has fulfilled its obligation as directed by Chapter 74, Private and Special Laws of 1985.

Respectfully submitted,

S/Donald V. Carter

STATE OF MAINE  
WORKERS' COMPENSATION COMMISSION  
STATE HOUSE STATION 27  
AUGUSTA, MAINE 04333

January 31, 1986

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

RE: Quarterly Report for Last Quarter of Calendar 1985  
Required by 39 M.R.S.A. §92(3)

Dear Speaker Martin:

Attached are statistical summaries of the Commission workload, including each commissioner's case mix, and caseload. Douglas A. Clapp led the Commission in numbers of decisions issued.

In 1985 the Commission received 62,060 First Reports of Injury. These are injuries in which medical attention was required or the employee experienced lost time.

Out of 62,060 injuries, there were 36,841 filings which indicated some type of payment -- 21,667 indicating medical payment and 15,020 indicating payment of weekly benefits.

There were 2,871 Notices of Controversy filed, of which 1,095 or 38% were resolved prior to an informal conference. 1,776 informal conferences were held.

In connection with 1985 injuries only, 1,071 petitions for formal hearings were filed; 256 written decisions were issued. (Note that 256 is low in comparison to 4,517 total decisions issued in 1985; this is because most decisions related to pre-1985 injuries which had been coming through the pipeline).

Reports on pending cases from each Regional Office indicate wide variance in caseload. For example, Commissioners Bradley and Soucy have lower caseloads; Commissioner Clapp has the highest caseload. We are trying to evaluate this difference and see if there is a real difference or simply a difference in record-keeping method.

On the other hand, in comparing the relative number of decisions per commissioner, the individual totals are more comparable than in past years. There is less variance between commissioners than in the past. This is because we now have a core group of experienced, seasoned commissioners. For example, there have been dramatic increases in the number of

decisions in Millinocket and Northern Penobscot County due to experience gained by Commissioner Peter Michaud.

There have been no complaints or filings in connection with the 30-day decision rule pursuant to Commission Rule 22.11 and §99-B.

As the attached charts indicate, there is a vast amount of data involved in workers' compensation. These charts are an embryonic attempt to assemble and sort some of the information. Our computerization has gathered tremendous amounts of factual information, and we are only now figuring out what questions to ask, and how to extract meaningful answers.

In the near future we will be able to provide more detailed data on the informal conference and direct pay system. We also would like to track average time limits at each stage.

We would be glad to discuss these numbers further at your convenience. Mark Souders, who recently received a masters in economics from the University of Maine at Orono, has been performing yeoman service in his new job as a statistician for this agency.

Sincerely,

S/Ralph L. Tucker  
Chairman

Was read and with accompanying report ordered placed on file.

The following Communication:

STATE OF MAINE  
DEPARTMENT OF HUMAN SERVICES  
AUGUSTA, MAINE 04333

January 31, 1986

TO: Honorable John L. Martin, Speaker of the House

FROM: Michael R. Petit, Commissioner

SUBJECT: Cost of Meeting Various Levels of AFDC Need Standard

Attached is the report required annually by the Maine State Legislature in regard to the cost of meeting various levels of the AFDC Need Standard (22 MRSA 3759).

This is an update of reports forwarded to the Legislature in 1984 and 1985.

The report reflects:

1. The cost of increasing

1. standards to reflect accord with CPI cost of living increase for 1985 (estimate at 5%); and
2. The cost of meeting full need in accord with figures published on current poverty level (Department of Health and Human Services) in conjunction with BLS cost of living index.

Was read and with accompanying report ordered placed on file.

The following Communication:

STATE OF MAINE  
Department of Educational and Cultural Services  
Augusta, Maine 04333

January 31, 1986

To: Joy O'Brien, Secretary of the Senate  
Edwin Pert, Clerk of the House  
G. William Buker, Bureau of the Budget

From: S/Robert Eugene Boose, Commissioner

Re: Recommendation for 1986-1987 Funding Levels for Adult Education

Pursuant to the provision of Title 20, M.R.S.A., Chapter 315, Section 8606, I am required to certify annually prior to February 1, to the Legislature and to the Bureau of the Budget a recommendation for the funding level for the various program categories in Adult Education.

Please see the recommendation below:

EDUCATION: ADULT EDUCATION

1986 = 1987

All Other (Including Category 6300-Grantsto Cities and Towns)

\$2,528,326 \*

(This includes programs of High School Completion, Adult Literacy, General Adult Ed., Adult Handicapped, Adult Voc. Ed., and Administration)

\* For FY 87 the current budget allocation is \$2,220,106 which leaves a \$308,220 shortfall.

Was read and with accompanying paper ordered placed on file.

The following Communication:

The Senate of Maine  
Augusta

February 3, 1986

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

Dear Clerk Pert:

Please be advised that the Senate, by a two-thirds vote, approved the appointment of the Honorable Richard H. Pierce of Waterville to the Commission on Governmental Ethics and Election Practices.

Mr. Pierce was appointed by Senator Thomas R. Perkins, pursuant to his authority under Title I MRSA, Chapter 25, sub-section 1002.

Please be advised that the Senate, by a two-thirds vote, approved the appointment of Charles Sanders of Millinocket to the Commission on Governmental Ethics and Election Practices.

Mr. Sanders was appointed by Senator Charles P. Pray, pursuant to his authority under Title I MRSA, Chapter 25, sub-section 1002.

If you have any questions regarding this appointment, please do not hesitate to contact me.

Sincerely,

S/Joy J. O'Brien  
Secretary 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:

Business and Commerce

Bill "An Act to Guarantee Insurance Coverage for Child Care Centers and Family Day Care Providers Licensed by the State" (H.P. 1394) (L.D. 1966) (Presented by Representative HOGLUND of Portland) (Cosponsors: Representatives RYDELL of Brunswick, FOSS of Yarmouth, and SIMPSON of Casco) (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 Concerning the Protection of the Natural Resources on the Lower Penobscot River" (H.P. 1395) (L.D. 1967) (Presented by Representative RUHLIN of Brewer) (Cosponsors: Speaker MARTIN of Eagle Lake, President PRAY of Penobscot, 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.

Taxation

Bill "An Act to Prohibit Free Distribution and Establish a Warning Label and an Excise Tax for Smokeless Tobacco" (H.P. 1396) (L.D. 1968) (Presented by Representative MELENDY of Rockland) (Cosponsors: Representative PINES of Limestone, Senators GILL of Cumberland, and GAUVREAU of Androscoggin) (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 February 3rd and 4th for personal reasons.

Was read and passed.

REPORTS OF COMMITTEES

Unanimous Leave to Withdraw

Representative JACQUES from the Committee on Energy and Natural Resources on Bill "An Act Authorizing the Department of Environmental Protection to Contract for Certain Services" (H.P. 1279) (L.D. 1796) reporting "Leave to Withdraw"

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

Divided Report

Majority Report of the Committee on Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-496) on Bill "An Act Concerning Local Telephone Service Rate Structure" (H.P. 1388) (L.D. 1957)

Signed:

Senator: BALDACCI of Penobscot  
Representatives: WILLEY of Hampden  
RICHARD of Madison  
PARADIS of Old Town  
NICHOLSON of South Portland  
VOSE of Eastport  
WEYMOUTH of West Gardiner

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Signed:

Senators: WEBSTER of Franklin  
ANDREWS of Cumberland

Representatives: BAKER of Portland  
McHENRY of Madawaska  
WEBSTER of Cape Elizabeth  
CLARK of Millinocket

Reports were read.

On motion of Representative Vose of Eastport, tabled pending acceptance of either report and specially assigned for Friday, February 7, 1986.

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

#### CONSENT CALENDAR

##### SECOND DAY

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

(S.P. 675) (L.D. 1748) Bill "An Act to Allow Administrative Agencies to Continue to Adopt Emergency Rules Where Necessary"

(S.P. 650) (L.D. 1675) Bill "An Act to Clarify Equipment and Vehicle Use Policy" (C. "A" S-372)

(H.P. 1209) (L.D. 1716) Bill "An Act to Amend the Postgraduate Training Requirement for Licensure of Physicians"

(H.P. 1235) (L.D. 1744) Bill "An Act Providing Conformity with the United States Internal Revenue Code under the Maine Income Tax Law" (Emergency) (C. "A" H-494)

(H.P. 1370) (L.D. 1834) RESOLVE, Relating to the Joint Select Committee on Economic Development (Emergency)

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

#### PASSED TO BE ENGROSSED

Bill "An Act to Allow the Disclosure of Certain Employment Security Adjudicatory Records" (H.P. 1390) (L.D. 1961)

Was reported by the Committee on Bills in the Second Reading, read the second time, passed to be engrossed and sent up for concurrence.

#### TABLED AND ASSIGNED

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

Was reported by the Committee on Bills in the Second Reading and read the second time.

Representative Bost of Orono offered House Amendment "A" (H-495) and moved its adoption.

House Amendment "A" (H-495) was read by the Clerk and adopted.

On motion of Representative Diamond of Bangor, tabled pending passage to be engrossed and specially assigned for Friday, February 7, 1986.

#### ORDERS OF THE DAY BILL RECALLED FROM GOVERNOR

(Pursuant to Joint Order House Paper 1271)

An Act Providing for Administrative Changes in Maine Tax Law (H.P. 861) (L.D. 1220) (C. "A" H-470)

- In House, Passed to be Enacted on June 19, 1985.  
- In Senate, Passed to be Enacted on June 19, 1985.

On motion of Representative Cashman of Old Town, under suspension of the rules, the House reconsidered its action whereby L.D. 1220 was passed to be enacted.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-470).

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-470) was adopted.

On further motion of the same Representative, the House voted to indefinitely postpone Committee amendment "A."

The same Representative offered House Amendment "A" (H-493) and moved its adoption.

House Amendment "A" (H-493) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" (H-493) in non-concurrence and sent up for concurrence.

(Off Record Remarks)

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

PAPERS FROM THE SENATE

The following Joint Order: (S.P. 783)

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Friday, February 7, 1986, at 12:00 o'clock in the afternoon.

Came from the Senate, read and passed.

Was read and passed in concurrence.

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REPORTS OF COMMITTEES

Unanimous Leave to Withdraw

Representative CARROLL from the Committee on Human Resources on Bill "An Act to Authorize Crediting of Savings Against Costs of Utilities at the Augusta Mental Health Institute" (H.P. 1179) (L.D. 1677) reporting "Leave to Withdraw"

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

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

PAPER FROM THE SENATE

Bill "An Act to Protect the Confidentiality of Certain Utility Employee Records" (S.P. 784) (L.D. 1969)

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

Was referred to the Committee on Utilities in concurrence.

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On motion of Representative Stevens of Bangor, Adjourned until Friday, February 7, 1986, at twelve o'clock noon pursuant to Joint Order (S.P. 783).

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