

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 Father Richard Ouellette, St. Peter's Parish, Bingham.
Pledge of Allegiance.
The Journal of Friday, February 28, 1986, was read and approved.
Quorum call was held.

PAPERS FROM THE SENATE

Bill "An Act to Continue the Mental Retardation Trainer Apprenticeship Program at Pineland Center" (S.P. 822) (L.D. 2082)

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 Clarify the Applicability of the Motor Vehicle Dealer Laws and the Used Car Information Law to Financial Institutions" (S.P. 823) (L.D. 2083)

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

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

Bill "An Act to Repeal the Pheasant Stamp" (S.P. 824) (L.D. 2084)

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

Was referred to the Committee on Fisheries and Wildlife in concurrence.

Bill "An Act to Classify AIDS as a Dangerous Communicable Disease for the Purpose of Public Health" (S.P. 825) (L.D. 2085)

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

Was referred to the Committee on Human Resources in concurrence.

TABLED PENDING RULING FROM THE CHAIR

Bill "An Act Concerning Access to Adoption Records" (S.P. 826) (L.D. 2086)

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

(The Committee on Reference of Bills had

suggested reference to the Committee on Judiciary.)

The SPEAKER: The Chair recognizes the Representative from Fairfield, Representative Gwadosky.

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: In reference to L.D. 2086 and in reference to Joint Rule 37, I would ask whether or not this bill is properly before us?

The SPEAKER: The matter will be tabled pending a ruling from the Chair.

TABLED PENDING RULING FROM THE CHAIR

Bill "An Act Concerning Access to Vital Records in Cases of Adoption" (S.P. 827) (L.D. 2087)

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

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

The SPEAKER: This will also be tabled pending a ruling from the Chair on whether or not it is in violation of Joint Rule 37.

TABLED PENDING RULING FROM THE CHAIR

Bill "An Act Concerning the Release of an Original Birth Certificate in Cases of Adoption" (S.P. 828) (L.D. 2088)

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

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

The SPEAKER: This also will be tabled pending a ruling from the Chair on whether this is in violation of Joint Rule 37.

Bill "An Act Concerning the Day-care Program at Augusta Mental Health Institute" (S.P. 829) (L.D. 2089)

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 Increase the Amount of Insurance for Vehicles Used in Transporting Students" (S.P. 830) (L.D. 2090)

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

Was referred to the Committee on Transportation in concurrence.

Non-Concurrent Matter

Bill "An Act to Protect Individual Retirement Accounts from Attachment and Execution" (H.P. 1475) (L.D. 2077) which was referred to the Committee on Business and Commerce in the House on February 27, 1986.

Came from the Senate referred to the Committee on Judiciary in non-concurrence.

On motion of Representative Brannigan of Portland, the House voted to adhere.

Non-Concurrent Matter

Bill "An Act Concerning Medical Malpractice Insurance" (H.P. 1476) (L.D. 2078) which was referred to the Committee on Business and Commerce in the House on February 27, 1986.

Came from the Senate referred to the Committee on Judiciary in non-concurrence.

The House voted to recede and concur.

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 Concerning Medical Malpractice Insurance" (H.P. 1496) (L.D. 2109) (Presented by Representative BONNEY of Falmouth) (Cosponsors: Representative BROWN of Livermore Falls 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.

Education

Bill "An Act to Amend the Maine Osteopathic Student Loan Program" (H.P. 1497) (L.D. 2110) (Presented by Representative ROLDE of York) (Cosponsors: Senators CLARK of Cumberland, GILL of Cumberland, and Representative DESCOTEAUX of Biddeford) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

(Ordered Printed)
Sent up for concurrence.

Judiciary

Bill "An Act Concerning Expungement of Certain Criminal Records" (H.P. 1498) (L.D. 2111) (Presented by Representative BOTT of Orono) (Cosponsors: Senator TRAFON of Androscoggin and Representative STETSON of Damariscotta) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Bill "An Act Concerning Private Adoptions" (H.P. 1499) (L.D. 2112) (Presented by Representative RYDELL of Brunswick) (Cosponsors: Senator BUSTIN of Kennebec, Representatives HOGLUND of Portland, and ROLDE of York) (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 Regarding Family Housing" (H.P. 1500) (L.D. 2113) (Presented by Representative CONNOLLY of Portland) (Cosponsor: Senator TRAFON of Androscoggin) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Strengthen the Rent Profiteering Law" (H.P. 1501) (L.D. 2114) (Presented by Representative CONNOLLY of Portland) (Cosponsor: Senator NAJARIAN of Cumberland) (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 Judiciary

Representative PRIEST from the Committee on Judiciary to which was referred by the Legislative Council the Study Relative to the Insanity Defense and Related Statutes and Procedures have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Amend the Insanity Defense and Certain Procedures Relating to Committed Insanity Acquittes" (H.P. 1494) (L.D. 2108) 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 Judiciary, ordered printed and sent up for concurrence.

ORDERS

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

ORDERED, that Representative Mona Walker Hale of

Sanford be excused February 28 for the duration of her illness.

AND BE IT FURTHER ORDERED, that Representative Merle Nelson of Portland be excused March 3 and 4 for Legislative Business.

Was read and passed.

REPORTS OF COMMITTEES

Ought to Pass in New Draft

Representative BROWN from the Committee on Education on Bill "An Act to Strengthen Provisions Relating to the Delivery of the Publications of State Agencies to the Maine State Library for Reliable Public Access" (H.P. 1247) (L.D. 1757) reporting "Ought to Pass" in New Draft (H.P. 1502) (L.D. 2117)

Report was read and accepted, the New Draft given its first reading and assigned for second reading Tuesday, March 4, 1986.

Ought to Pass in New Draft

Representative SOUCY from the Committee on Education on Bill "An Act to Reapportion the Wells-Ogunquit Community School District" (Emergency) (H.P. 1345) (L.D. 1882) reporting "Ought to Pass" in New Draft (Emergency) (H.P. 1503) (L.D. 2118)

Report was read and accepted, the New Draft given its first reading and assigned for second reading Tuesday, March 4, 1986.

CONSENT CALENDAR

SECOND DAY

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

(S.P. 741) (L.D. 1894) RESOLVE, Amending the Reporting Date of the Joint Select Committee for Learning Disabled Children (Emergency) (C. "A" S-382)

(H. P. 1366) (L.D. 1930) Bill "An Act to Clarify the Education Funding Laws Relating to Reduction of State Aid to School Districts Based on the Receipt of Certain Federal Funds" (C. "A" H-539)

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

PASSED TO BE ENGROSSED

Bill "An Act to Clarify the Application of Water

Quality Standards to Hydroelectric Projects" (H.P. 1495) (L.D. 2107)

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

As Amended

Bill "An Act to Clarify and Make Corrections in the Election Laws" (H.P. 1284) (L.D. 1801) (C. "A" H-537)

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-542) and moved its adoption.

House Amendment "A" (H-542) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" (H-542) and Committee Amendment "A" (H-537) and sent up for concurrence.

ORDERS OF THE DAY

The following matters, in the consideration of which the House was engaged at the time of adjournment Friday, February 28, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 24.

The Chair laid before the House the first item of Unfinished Business:

Bill "An Act to Expand and Continue Alcoholism Treatment, Education, Prevention and Research Programs" (H.P. 951) (L.D. 1370) (C. "A" H-532)

TABLED - February 28, 1986 (Till Later Today) by Representative DIAMOND of Bangor.

PENDING - Passage to be Engrossed.

Subsequently, the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-532) and sent up for concurrence.

The Chair laid before the House the second item of Unfinished Business:

RESOLVE, Creating a Maine Commission to Commemorate the Bicentennial of the United States Constitution (Emergency) (S.P. 813) (L.D. 2045)

In Senate, Referred to Committee on State Government.

TABLED - February 28, 1986 (Till Later Today) by Representative GWADOSKY of Fairfield.

PENDING - Reference in concurrence.

On motion of Representative Carter of Winslow, was referred to the Committee on Appropriations and Financial Affairs in non-concurrence and sent up for concurrence.

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

Bill "An Act to Establish the Maine State Parks Development Fund" (H.P. 1483) (L.D. 2095)
(Committee on Energy and Natural Resources suggested.)

TABLED - February 28, 1986 by Representative MICHAUD of Medway.

PENDING - Reference.

On motion of Representative Carter of Winslow, was referred to the Committee on Appropriations and Financial Affairs, ordered printed and sent up for concurrence.

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

Bill "An Act Concerning State Contribution to Pollution Abatement" (H.P. 1469) (L.D. 2071)

TABLED - February 28, 1986 by Representative LAW of Dover-Foxcroft.

PENDING - Passage to be Engrossed.

Representative Law of Dover-Foxcroft offered House Amendment "A" (H-540) and moved its adoption.

House Amendment "A" (H-540) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Dover-Foxcroft, Representative Law.

Representative LAW: Mr. Speaker, Ladies and Gentlemen of the House: I feel a little bit like a knight at the round table. I have come to rescue a fair maiden. I have gone against a lot of odds. I haven't decided yet whether I ride on a white horse or a black horse -- there are some people who think I ride a black horse.

The existing law on pollution abatement issued grants up to 90 percent of problem areas, septic systems and things of that sort, that are on a priority list by the Department of Environmental Protection. Last summer, Representative Begley from Waldoboro had some constituents go to her that were concerned about this.

There was, as I understand it, one commercial venture that needed a septic system and the state paid 90 percent. There was another summer residence that paid 90 percent. People in the area felt that both of these individuals could have paid the costs of their own septic systems rather than be financed 90 percent by the State of Maine. So, she submitted a bill that got rather involved on financial responsibility. It required a lot of information that any lending agency would have and when she brought the bill before us, the Energy and Natural Resources Committee, the Department of Environmental Protection was very vehement in not wanting this particular bill. Primarily, they didn't want to get involved in the housekeeping or keeping track of the money that a person had or was able to pay for his septic system.

During the hearing, we tried to come up with a lot of alternatives, user fees, add the cost of the septic system to the sale of the house so that when the house was sold the cost would go back to the state. We had one presentation that would have had the towns keep track of whether a person was

financially able to pay their own or not. They were all too complicated, so our final solution in committee was, for commercial establishments or for summer homes, the state would only pay 50 percent of the cost of the installation.

What I would like to propose in this amendment is a simplified version of a financial statement, if you will, but just a one-sheet part that becomes part of the application for a grant stating whether the applicant needs the financial assistance or whether he does not.

I am sure that there are a lot of feelings about whole towns that have gotten 90 percent of the grant so, let's let the individual have 90 percent of the grant, it is only fair. That is a little bit difficult to argue against and I realize that. However, sooner or later, we have got to break this idea that the state or the federal government can pay for everything. That is why we are three trillion dollars in debt. I believe that if a person or an individual or business can afford it, without hurting themselves, they should pay for their own septic system.

There are thousands of people out there that are paying for their own septic systems, if they don't happen to be on this list that the DEP keeps. I am sure that there is no intention that these people get grants. I would hope that you would support this amendment.

Subsequently, House Amendment "A" (H-540) was adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" (H-540) and sent up for concurrence.

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

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) (C. "A" S-381)

TABLED - February 28, 1986 by Representative DIAMOND of Bangor.

PENDING - Passage to be Engrossed.

On motion of Representative Diamond of Bangor, retabled pending passage to be engrossed and tomorrow assigned.

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

An Act Pertaining to Local Registration of Watercraft" (H.P. 1216) (L.D. 1724) (C. "A" H-522)

TABLED - February 28, 1986 by Representative McCOLLISTER of Canton.

PENDING - Passage to be Enacted.

On motion of Representative Clark of Millinocket, under suspension of the rules, the House reconsidered its action whereby L.D. 1724 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-522)

was adopted.

The same Representative offered House Amendment "B" (H-545) to Committee Amendment "A" (H-522) and moved its adoption.

House Amendment "B" (H-545) to Committee Amendment "A" (H-522) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative CLARK: Mr. Speaker, Men and Women of the House: The only thing this amendment does is, like I said last week, that the local administrations and municipalities will have a dollar increase in fee and the boat registration itself will stay the same. It is \$3.00 for the first year; \$3.00 for the second year. I still want to go on Record that I am very much in favor of local boat registration and after listening to the sportsmen in my area, this is one way that I can live with it.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Jacques.

Representative JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I move the indefinite postponement of House Amendment "B".

Once again, I was opposed to a fee increase on watercraft also, until we were informed by the deputy commissioner that the watercraft law enforcement fund was \$68,000 in the red for last year. Those of you who have been here for a while remember the hassle that we had in the last eight years because of the funding problem in Fisheries and Wildlife.

It was a dedicated revenue account and we always had services that were not paying for themselves. That is why I went along with the dollar increase. What happened was that your hunters, your trappers, and your fishermen were actually paying for watercraft enforcement of watercraft laws. If that is what you want, if that is what you think is okay, then you can go along with this amendment and that is what will happen. I predict to you one thing, as soon as your hunters, trappers and fishermen find out that \$70,000 of their money is going over to enforce watercraft laws, they may be coming to see you.

Mr. Speaker, I ask for the yeas and nays.

The SPEAKER: The Chair recognizes the Representative from Island Falls, Representative Smith.

Representative SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I, too, hope you will vote against the amendment. The last increase that they had for boat registration was in 1979. We are talking about \$1.00. The total cost is \$4.00 for one year. I don't believe that is going to break anybody that has a boat. Even I, who has a small boat, am going to pay \$4.00 and I am not going to cry about that. I am sure those with large boats can handle that.

The department is going to have to have more people to handle this on the computer service and maybe in another year they can get rid of counter people.

I hope you vote for the pending motion to defeat this amendment.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Racine.

Representative RACINE: Mr. Speaker, Ladies and Gentlemen of the House: I hate to get up in opposition to my good friend that sits at the end of this row because we usually try to stick together on most issues but sometimes we do change a little bit.

I hope that you will not vote for the pending motion to indefinitely postpone. I will tell you why. I feel, based on the vote that we had last week, that the majority of the people in this body are opposed to the fee increase. I believe that this is a result of all the squabble that we had a couple of years ago pertaining to the Inland Fisheries, the Audit and Program Review Committee got involved, and I guess everybody and his uncle got involved in that. At that time, we were told or at least I was led to believe, that the actions that we took with an appropriation from the General Fund that this would solve the majority of their problems in addition to better management practices. I feel that if the amendment is killed, we will not be able to give the local tax collector the authority to collect the excise tax that is due on the boats.

The present system, as it is established, you get your decal from the state and then you pay your excise tax at the local level. When you submit your application, I believe, you have to submit proof that you have paid your excise tax. That excise tax is paid on a yearly basis. Now, the second year, if you don't pay your excise tax, the tax collector has no record available to determine if you have paid your excise tax for the second year. Then when you get your decal on the third year and you go in and pay your excise tax for the current year, you don't pay for the year before, because there are no records available.

I just got through talking with my tax collector and he estimates that the City of Biddeford lost approximately \$24,000 due to the lack of people not paying their excise tax the second year, because your decals are good for two years. I asked him, "how come you don't have any records?" He said, "we just don't have the records, we don't have the people, we don't have the time to do all that type of research."

I would urge you to give the local tax collectors in the local municipalities the authority to issue the decals and also to collect the excise tax. If at a later date, there is a requirement for additional funds, for additional personnel, I think that should be a separate issue and should be debated separately.

Again, I urge you to vote against the pending motion to indefinitely postpone so we can adopt House Amendment "B".

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Duffy.

Representative DUFFY: Mr. Speaker, Men and Women of the House: As you know, I signed the Minority Report, which is identical to this amendment. My greatest concern though was the total increase that the boatowner would have to pay. If the bill stood where it was, it would have been two dollars. If the amendment goes in here, it's one dollar. The one dollar would all go to the agent in this amendment.

If you should vote indefinite postponement, I have an amendment that I think that is a little better compromise than the one that we have right now which would give 50 cents to the town and 50 cents to the department and hold the increase to a dollar. That is my greatest concern and I don't want something to get misconstrued here.

The Department of Fish and Wildlife has probably done the best job of slimming down, working within their budget than any of the other department's in state government. In this particular situation, I still feel that the dollar increase that was going to them was twice as much as they probably needed. I

think with the 50 cents, we could probably cover their losses, take a look at their line-item budget next year, and come up with a real good idea of where the costs are.

The SPEAKER: The Chair recognizes the Representative from Rumford, Representative Erwin.

Representative ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to correct a statement made by the good gentleman from Biddeford when he stated that a couple of years ago when we had that big bill that came out of the Audit and Program Review, that the department had all kinds of problems and that the money that we got from the General Fund was going to solve all of our future problems, that certainly was not the case and we never told you that. We told you that sometime down the road that the department was going to need more money. We did tell you that, if you recall, that is the truth.

The SPEAKER: The Chair recognizes the Representative from Standish, Representative Greenlaw.

Representative GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you will vote for indefinite postponement so that we can get on with passing this bill.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question before the House is the motion of the Representative from Waterville, Representative Jacques, that House Amendment "B" (H-545) to Committee Amendment "A" (H-522) be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

58 having voted in the affirmative and 79 in the negative with 14 absent, the motion did not prevail.

(See Roll Call No. 247)

Subsequently, House Amendment "B" (H-545) to Committee "A" (H-522) was adopted.

Committee "A" (H-522) as amended by House Amendment "B" (H-545) thereto was adopted.

The bill was passed to be engrossed as amended by Committee Amendment "A" (H-522) as amended by House Amendment "B" (H-545) thereto and sent up for concurrence.

On motion of Representative Brannigan of Portland, the House reconsidered its action whereby Bill "An Act Concerning Medical Malpractice Insurance" (H.P. 1496) (L.D. 2109) was referred to the Committee on Business and Commerce.

On further motion of the same Representative, referred to the Committee on Judiciary, Ordered Printed and sent up for concurrence.

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

(Off Record Remarks)

On motion of Representative Ruhlin of Brewer, Adjourned until nine o'clock tomorrow morning.