

# 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 Monsignor David K. Fitzpatrick, St. Andrew's Church, Augusta.  
The Journal of Monday, March 3, 1986, was read and approved.  
Quorum call was held.

#### PAPERS FROM THE SENATE

Bill "An Act to Adopt the Maine Fair Debt Collection Practices Act" (S.P. 834) (L.D. 2116)

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 Deorganize Plantation 14" (Emergency) (S.P. 833) (L.D. 2115)

Came from the Senate, referred to the Committee on Local and County Government and Ordered Printed.

Was referred to the Committee on Local and County Government in concurrence.

Bill "An Act to Provide More Cost Effective Data Processing in the Executive Branch" (S.P. 832) (L.D. 2106)

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

Was referred to the Committee on State Government in concurrence.

Report of the Committee on Agriculture on Bill "An Act to Coordinate Board of Pesticides Control Registration" (S.P. 661) (L.D. 1699) reporting "Ought to Pass" in New Draft (S.P. 831) (L.D. 2091)

Came from the Senate, with the report read and accepted and the New Draft passed to be engrossed.

Report was read and accepted, the New Draft given its first reading and assigned for second reading Wednesday, March 5, 1986.

#### Non-Concurrent Matter

Bill "An Act to Prohibit the Promotion and Wholesale Promotion of Pornographic Material in the State of Maine" (I.B. 2) (L.D. 2092) which was referred to the Committee on Legal Affairs in the House on February 28, 1986.

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

The House voted to recede and concur.

#### Non-Concurrent Matter

Bill "An Act to Amend the Medical Examiner Act and Related Provisions" (H.P. 859) (L.D. 1218) which was Passed to be Engrossed as amended by Committee Amendment "A" (H-530) in the House on February 25, 1986.

Came from the Senate Passed to be Engrossed as amended by Committee Amendment "A" (H-530) as amended by Senate Amendment "A" (S-383) thereto in non-concurrence.

The House voted to recede and concur.

#### COMMUNICATIONS

The following Communication:

CUMBERLAND COUNTY  
TRAINING RESOURCE CENTER  
107 ELM STREET  
P.O. BOX 8048  
PORTLAND, MAINE 04104-8048

February 28, 1986

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

Dear Speaker Martin:

Pursuant to Section 105(a) 1, a, b & c of the Jobs Training Partnership Act (JTPA) and State Planning Instructions please find attached a copy of the Cumberland County Service Delivery Area (SDA) Draft Job Training Plan for Program Years 1986 & 1987. This is being forwarded to you for review and comment by members of the Maine Legislature.

As required under JTPA the review period will end on April 8, 1986. Any comments or questions should be directed towards Jim McGowan, Training & Planning Coordinator for the Training Resource Center by that date.

Sincerely,

S/John Fitzsimmons  
Executive Director

Was read and with accompanying report 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:

Marine Resources

Bill "An Act Regarding Mussel Dragging" (H.P. 1510) (L.D. 2130) (Presented by Representative MITCHELL of Freeport) (Cosponsors: Representatives COLES of Harpswell and DILLENBACK of Cumberland) (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 Improve Compliance with Maine Tax Laws" (H.P. 1511) (L.D. 2131) (Presented by Representative BRANNIGAN of Portland) (Cosponsors: Representatives MAYO of Thomaston and JACKSON of Harrison) (Submitted by the Department of Finance and Administration pursuant to Joint Rule 24)

(Ordered Printed)  
Sent up for concurrence.

Transportation

Bill "An Act Making Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1986, and June 30, 1987" (Emergency) (H.P. 1512) (L.D. 2132) (Presented by Representative THERIAULT of Fort Kent) (Cosponsors: Senator DOW of Kennebec and Representative STROUT of Corinth) (Submitted by the Department of Transportation pursuant to Joint Rule 24)

(Ordered Printed)  
Sent up for concurrence.

Reported Pursuant to the Private  
and Special Laws of 1985

Representative PARADIS from the Commission to Study Family Matters in Court, pursuant to Private and Special Law 1985, Chapter 65 ask leave to submit its findings and report that the accompanying Bill "An Act to Create the Family Division of the District Court and to Establish Full-time, Appointed Probate Judges" (H.P. 1504) (L.D. 2119) be referred to the Joint Standing Committee on Judiciary for Public Hearing and printed pursuant to Joint Rule 18.

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

Study Report

Committee on State Government

Representative NADEAU from the Committee on State Government to which was referred by the Legislative Council the Study Relative to Recruitment and Retention of State Employees as Related to Compensation Problems and Job Pay Ranges have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Establish the Office of Human Resources" (H.P. 1505) (L.D. 2120) 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 State Government, ordered printed and sent up for concurrence.

Reported Pursuant to the Statutes

Representative JACQUES from the Committee on Fisheries and Wildlife, pursuant to the Maine Revised Statutes Annotated, Title 12, section 7095, subsection 4, paragraph B ask leave to submit its findings and report that the accompanying Bill "An Act to Reimburse the Department of Inland Fisheries and Wildlife for Search and Rescue Operations" (H.P. 1507) (L.D. 2121) be referred to the Joint Standing Committee on Appropriations and Financial Affairs for Public Hearing and printed pursuant to Joint Rule 18.

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

Study Report

Committee on Transportation

Representative McPHERSON from the Committee on Transportation to which was referred by the Legislative Council the Study Relative to Review of Statutes Related to Railroads and Identification of Outdated Provisions have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Modernize Laws Related to Railroads" (H.P. 1509) (L.D. 2123) 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 Transportation, ordered printed and sent up for concurrence.

ORDERS

On motion of Representative CARRIER of Westbrook, the following Joint Order: (H.P. 1506)

Ordered, the Senate concurring, that "RESOLUTION, Proposing an Amendment to the Constitution of Maine Relating to Salaries Received by Judges Who have been

Relieved of Their Duties," H.P. 899, L.D. 1294, be recalled from the legislative files to the House.

Was read.

The SPEAKER: The pending question before the House is the motion to recall L.D. 1294 from the legislative files. Pursuant to the rules, it requires the vote of two-thirds of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

119 having voted in the affirmative and 1 in the negative, the motion did prevail.

Sent up for concurrence.

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

ORDERED, that Representative Priscilla G. Taylor of Camden be excused February 26, 27, and 28 due to illness.

AND BE IT FURTHER ORDERED, that Representative Muriel D. Holloway of Edgecomb be excused March 3, 4, 5, 6, 10, and 11 for Legislative Business.

AND BE IT FURTHER ORDERED, that Representative Nathaniel J. Crowley, Sr., of Stockton Springs be excused March 6 for Legislative Business.

Was read and passed.

#### SPECIAL SENTIMENT CALENDAR

In accordance with House Rule 56 and Joint Rule 34, the following item:

In Memory of:

the Honorable Olof Palme, Prime Minister of Sweden, an admired world leader, whose life's work in the interest of peace, relief of suffering and the promotion of equality and justice throughout the world will long be remembered; (HLS 789) by Representative RYDELL of Brunswick. (Cosponsors: Representatives BROWN of Gorham, BAKER of Portland, MARTIN of Van Buren, and Senator VIOLETTE of Aroostook)

On motion of Representative Rydell of Brunswick, was removed from the Special Sentiment Calendar.

Was read.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Rydell.

Representative RYDELL: Mr. Speaker, Men and Women of the House: I rise today to pay tribute to Olof Palme who was Sweden's Prime Minister -- a statesman who was an inspiration to me 20 years ago and whom I continued to respect and admire in the ensuing years. His untimely death from an assassin's bullet last Friday evening, as he strolled along a Stockholm street arm and arm with his wife, has brought shock and sadness to the people of his native

country, to those of us here in Maine with close ties to Sweden and to countless others around the world.

His death will change the shape of Scandinavian politics and indeed of Scandinavian daily life and will bring a new fear to the people of Sweden and to all of Scandinavia for until now, everyone including heads of state, could lead normal family lives and until now, political violence was unknown in modern times.

As leader of the Social Democratic Party in Sweden, Olof Palme was first named Prime Minister in 1969 and he served in that capacity until 1976. Palme and the Social Democratic Party returned to power in 1982 and, just last September, he had been reelected to another three year term.

Olof Palme's own words can best describe his ideals and convictions. He once told a reporter "I was born in the upper class, but I belong to the labor movement. I have come to join the labor movement on its own conditions and by adhering to a movement which desires liberty, equality and fraternity between people." He lived out his life of 59 years adhering to those ideals and beliefs.

Palme's influence extended far beyond the borders of his own country. For me and many others, he was a leading exponent of social democracy. During the past two decades, he was frequently an intermediary between East and West, rich and poor. He was a member of the Brandt Commission on North-South Relations and he led a delegation to Tehran during the Iranian Revolution in an attempt to mediate a peaceful solution there.

In paying tribute to Olof Palme, I would like to echo the word of Sissela Bok, well known philosopher and daughter of Gunnar and Alva Myrdal each of whom were Swedish recipients of a Nobel Prize. After learning of his tragic death she said, "Olof Palme was a leader of exceptional courage, honesty, and brilliance, but what I shall most remember is his passionate concern for peace and for relieving the suffering of people, not only in Sweden but around the world."

Mr. Speaker, I respectfully request that when the House adjourns today, we do so in memory of the Swedish statesman, humanitarian and world leader, Olof Palme.

Subsequently, was adopted and sent up for concurrence.

#### REPORTS OF COMMITTEES

##### Unanimous Leave to Withdraw

Representative McCOLLISTER from the Committee on Taxation on Bill "An Act to Clarify the Applicability of Tax Base Sharing to Plantations" (H.P. 1290) (L.D. 1807) reporting "Leave to Withdraw"

Representative SHERBURNE from the Committee on Agriculture on Bill "An Act to Establish a Research Program on the Agricultural Utilization of Industrial Waste Products" (H.P. 1217) (L.D. 1725) reporting "Leave to Withdraw"

Representative COTE from the Committee on State Government on Bill "An Act to Extend Certain Reporting Dates Established by Law" (Emergency) (H.P. 1369) (L.D. 1933) reporting "Leave to Withdraw"

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

Refer to the Committee on Marine Resources

Representative WEBSTER from the Committee on Taxation on Bill "An Act to Repeal the Sardine Inspection Tax" (H.P. 1453) (L.D. 2050) reporting that it be referred to the Committee on Marine Resources.

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

Ought to Pass in New Draft

Representative BEAULIEU from the Committee on Labor on Bill "An Act to Improve Retraining Opportunities for Dislocated Workers" (Emergency) (H.P. 1427) (L.D. 2017) reporting "Ought to Pass" in New Draft (Emergency) (H.P. 1508) (L.D. 2122)

Report was read and accepted and the New Draft read once.

Under suspension of the rules, the New Draft was read the second time, passed to be engrossed, 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. 1383) (L.D. 1952) Bill "An Act to Provide for a Clean-up Program Concerning Natural Die-off of Fish in the Coastal Waters of the State" Committee on Marine Resources reporting "Ought to Pass"

(H.P. 1308) (L.D. 1824) Bill "An Act Exempting Mercinaria Mercinaria Raised by Means of Aquaculture from the 2-inch Clam Law" Committee on Marine Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-547)

(H.P. 1228) (L.D. 1735) Bill "An Act Relating to Settlement Negotiations and Investigation of Facts by the Maine Human Rights Commission" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-548)

There being no objections, the above items were ordered to appear on the Consent Calendar of later in today's session.

PASSED TO BE ENGROSSED

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. 1502) (L.D. 2117)

Bill "An Act to Reapportion the Wells-Ogunquit Community School District" (Emergency) (H.P. 1503) (L.D. 2118)

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Authorize the Portland School of Art to Confer Associate Degrees (H.P. 1296) (L.D. 1812) (C. "A" H-533)

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. 117 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.

PASSED TO BE ENACTED

Emergency Measure

An Act to Validate Proceedings Authorizing the Issuance of Bonds to Remodel the Waldo County Court Building (H.P. 1461) (L.D. 2058)

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. 121 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.

PASSED TO BE ENACTED

Emergency Measure

An Act to Validate Proceedings Authorizing the Issuance of Bonds for a Cooperative Extension Service Facility in Waldo County (H.P. 1462) (L.D. 2059)

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. 123 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.

PASSED TO BE ENACTED

An Act to Improve Whitewater Rafting (H.P. 1292) (L.D. 1809) (C. "A" H-526)

An Act to Equalize the State Tipping Minimum Wage and the Federal Tipping Minimum Wage (H.P. 1376) (L.D. 1939) (C. "A" H-531)

An Act to Permit Mobile Banking in Rural Maine (H.P. 1458) (L.D. 2055)

An Act Requiring Study of the Leasing of Submerged Public Lands for Aquaculture Operations (H.P. 1465) (L.D. 2067)

Were 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.

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Adjust and Allocate Various Dedicated Revenue Accounts of the Department of Environmental Protection for Fiscal Years Ending June 30, 1986, and June 30, 1987 (H.P. 1240) (L.D. 1750) (C. "A" H-535)

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. 117 voted in favor of the same and 4 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

FINALLY PASSED

Emergency Measure

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

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. 124 voted in favor of the same and none against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

FINALLY PASSED

Emergency Measure

RESOLVE, to Extend the Reporting Deadlines for the Joint Select Committee on Nursing Care Needs and the Special Commission to Study the Utilization of Vacant Buildings at Pineland Center" (H.P. 1484)

(L.D. 2096)

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. 120 voted in favor of the same and none against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Amend and Clarify the Statutes Governing Control of Hazardous Air Pollutants (H.P. 1473) (L.D. 2072)

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.

(At Ease)

The House was called to order by the Speaker,

ORDERS OF THE DAY

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

An Act to Conserve Striped Bass (H.P. 1448) (L.D. 2041)

TABLED - February 28, 1986 by Representative CROWLEY of Stockton Springs.

PENDING - Passage to be Enacted.

On motion of Representative Crowley of Stockton Springs, retabled pending passage to be enacted and later today assigned.

The Chair laid before the House the second 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 - March 3, 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 later today assigned.

MATTERS PENDING RULING

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

- In Senate, referred to Committee on Legal Affairs.

(Committee on Judiciary suggested.)

TABLED - March 3, 1986 by Speaker MARTIN of Eagle Lake.

PENDING - Ruling of the Chair.

The SPEAKER: The Chair would rule that this bill is in violation of Joint Rule 37. This bill is substantially the same as L.D. 1265, which was defeated during the last regular session.

Sent to the Senate in non-concurrence and sent up for concurrence.

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

- In Senate, referred to Committee on Legal Affairs.

(Committee on Judiciary suggested.)

TABLED - March 3, 1986 by Speaker MARTIN of Eagle Lake.

PENDING - Ruling of the Chair.

The SPEAKER: The Chair would rule that it is not in violation of Joint Rule 37.

Subsequently, was referred to the Committee on Legal Affairs in concurrence

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

- In Senate, referred to Committee on Legal Affairs.

(Committee on Judiciary suggested.)

TABLED - March 3, 1986 by Speaker MARTIN of Eagle Lake.

PENDING - Ruling of the Chair.

The SPEAKER: The Chair would rule that it is not in violation of Joint Rule 37.

Subsequently, was referred to the Committee on Legal Affairs in concurrence.

(At Ease)

The House was called to order by the Speaker.

The Chair laid before the House the following matter: An Act to Conserve Striped Bass (H.P. 1448) (L.D. 2041) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Crowley of Stockton Springs, under suspension of the rules, the House reconsidered its action whereby L.D. 2041 was passed to be engrossed.

The same Representative offered House Amendment

"A" (H-549) and moved its adoption.

House Amendment "A" (H-549) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Stockton Springs, Representative Crowley.

Representative CROWLEY: Mr. Speaker, Men and Women of the House: Just to explain the action that just took place, we had a sunset provision on this bill that was not really constitutional and we just stripped the sunset provision off of the bill. The sponsors and the committee seem to agree with that move.

Subsequently, House Amendment "A" (H-549) was adopted and the bill passed to be engrossed as amended by House Amendment "A" (H-549) in non-concurrence and sent up for concurrence.

(Off Record Remarks)

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

On motion of Representative Strout of Corinth, Recessed until four-thirty in the afternoon.

(After Recess)

The House was called to order by the Speaker.

The following items appearing on Supplement No. 2 were taken up out of order by unanimous consent:

PAPERS FROM THE SENATE

Bill "An Act to Provide Community Education and Family Health Services" (S.P. 835) (L.D. 2124)

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 and Effectuate Legislative Intent Regarding the Separation of Insurance and Banking" (S.P. 836) (L.D. 2125)

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 Provide for the Effective Enforcement and Collection of Fines Imposed for Civil Violations, Traffic Infractions and Criminal Offenses and to Increase the Sanctions for Failure to Appear" (S.P. 841) (L.D. 2133)

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

Was referred to the Committee on Judiciary in concurrence.

Bill "An Act Relating to the Issuance of Taxable Bonds and the Refunding of Certain Bonds" (Emergency) (S.P. 837) (L.D. 2126)

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

On motion of Representative Cote of Auburn, tabled pending reference in concurrence and tomorrow assigned.

Bill "An Act to Limit the Public Advocate to Active Rate Cases" (S.P. 838) (L.D. 2127)

Bill "An Act Relating to the Maine Public Utilities Commission's Regulation of Cable Television Companies" (S.P. 839) (L.D. 2128)

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

Were referred to the Committee on Utilities in concurrence.

#### Non-Concurrent Matter

RESOLVE, Creating a Maine Commission to Commemorate the Bicentennial of the United States Constitution (Emergency) (S.P. 813) (L.D. 2045) which was referred to the Committee on Appropriations and Financial Affairs in the House on March 3, 1986.

Came from the Senate with that body having adhered to its previous action whereby the bill was referred to the Committee on State Government in non-concurrence.

On motion of Representative Nadeau of Saco, the House voted to recede and concur.

#### Non-Concurrent Matter

Bill "An Act Concerning Private Adoptions" (H.P. 1499) (L.D. 2112) which was referred to the Committee on Judiciary in the House on March 3, 1986.

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

On motion of Representative Diamond of Bangor, tabled pending reference in concurrence and tomorrow assigned.

#### Non-Concurrent Matter

Bill "An Act Pertaining to Local Registration of Watercraft" (H.P. 1216) (L.D. 1724) which was Passed to Engrossed as amended by Committee Amendment "A" (H-522) as amended by House Amendment "B" (H-545) thereto in the House on March 3, 1986.

Came from the Senate with that body having adhered to its previous action whereby the bill was Passed to be Engrossed as amended by Committee Amendment "A" (H-522) in non-concurrence.

Representative Jacques of Waterville moved that the House recede and concur.

Representative Racine of Biddeford requested a roll call vote.

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 Chair recognizes the Representative from Waterville, Representative Jacques.

Representative JACQUES: Mr. Speaker, Men and Women of the House: The motion I just made, unfortunately, is the only motion that can be made to keep this bill alive, due to the actions of the other body where it adhered to its previous position.

There has been a little confusion about this bill. If I may read into the Record -- I have a letter here from Deputy Commissioner Trask and I will just read a section of it for your benefit. "Our original intent in submitting this bill was to (1) provide a service to boat owners by allowing them to register watercraft in their hometowns and (2) to assist municipalities in the annual collection of watercraft excise taxes. Local registration will probably not have a substantial financial impact on our agency one way or the other. The savings in reduced mailings and over the counter assistance will be offset by having to deal with up to 500 municipal boat registration agents on a monthly basis. On the other hand, annual registration will increase our costs considerably. We will be sending our watercraft registration renewals to towns instead of individuals and computing registrations at the rate of 120,000 annually rather than 60,000 as in the past. There is no way that we can implement the provisions contained in this bill without additional funding.

Over the past four years, watercraft registration revenues, including federal reimbursement, have failed by \$179,390, an average of \$44,848 annually to cover our costs and administering and enforcing the Maine Boat Law. Enactment of L.D. 1724, without any adjustment in registration fees, will increase the annual shortfall by another \$60,000 annually. This shortfall, because we operate on dedicated revenue,

would have to be borne by other user groups who purchase our licenses, primarily the hunters, trappers, and fishermen of the state.

We feel strongly that L.D. 1724 should be enacted in accordance of the Majority Report. However, rather than see the entire measure defeated because of a \$1.00 fee increase, we would suggest that the current two year registration period and the \$6.00 registration fee be retained. The municipalities will continue to experience difficulty in collecting annual watercraft excise taxes, but more importantly, boat owners will be able to register watercraft at the local level with minimal financial impact on our agency."

Unfortunately, we are not even in the position to do the last part of that recommendation. If the motion to recede and concur fails, the bill is 100 percent dead.

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

Representative RACINE: Mr. Speaker, Ladies and Gentlemen of the House: I agree with what the good gentleman from Waterville stated, that if we do not recede and concur, the bill is dead. If we recede and concur, what we are doing is giving the local tax collector control over registering watercraft. However, by the same token, what will happen is that the individual that register their boats will have to pay the sum of \$2.00, one for the tax collector and one for the state on an annual basis. If this is what you want, fine.

I am opposed to it. I feel that if we give local control to the local tax collector and increase the fees -- in other words, it would cost us the sum of \$2.00 more to register under the system if we recede and concur.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Manning.

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: We are arguing today over one dollar. I dare say that anybody who has ever owned a boat, and I can say that because I owned a boat, one dollar was the cheapest thing that I probably paid when it came to registering my boat. You have to buy so many other things to deal with a boat -- but \$1.00? I would want that \$1.00 to go to those marine wardens because it might be that some night I might be out there in a friend's boat -- if I am out there -- and it breaks down, I would want that marine warden to be around to help me out.

\$40,000 of this goes to the Marine Resources Committee, which I think we have forgotten. We need to get more money into that department. The lobstermen have said, time and time again, they want more marine wardens out there. The department has already issued a statement to them that they can't work any more than the 40 hours, and if they have to work overtime to come out and rescue me in Casco Bay, I want to make sure they can. I would hope we would look at this by saying, \$1.00 to somebody who has a luxury item, a boat, the motor, a five horse power motor, I might add, probably costs -- even if you had it ten years ago, probably costs \$250, one measly dollar is not going to break any fisherman, any lobsterman, or any dragger in the State of Maine.

The SPEAKER: The Chair recognizes the Representative from Mt. Desert, Representative Zirkilton.

Representative ZIRNKILTON: Mr. Speaker, Ladies and Gentlemen of the House: I agree with

Representative Manning but I will add just a couple of points, if I may. Not all boats are luxury boats. There are boats that are commercial. Those commercial boats venture around early in the morning, for the most part, and get back late in the afternoon or early evening. An opportunity to increase, not only the enforcement that helps us to protect the laws that this legislature has made with regard to Marine Resources Law, it gives us an opportunity to, whatever extent possible, make as much protection out there for the lives of those fishermen in the event that they ever become threatened, especially in light of Coast Guard cuts that we all know we face.

To respond to Representative Racine, on line 34 of page one of the bill it says, agents "may charge" and I stress the point (may charge), "a service fee of not more than \$1.00." It is not necessary that they have to charge that, that would be up to them.

It is a bill that emphasizes local control. It is an opportunity to register your watercraft on the local level. It also, as I mentioned the other day, helps one of the problems that we have with enforcement that now exists in the two year cycle of the watercraft excise tax law. That is, not everyone pays when they should. This will ensure that they will, in fact, pay that excise tax in a timely manner, on an annual basis, and it will make it easier for our towns and, with any luck at all, it will save them some money so they won't be out there chasing around those who don't pay their excise tax.

I hope you will support the motion to recede and concur. This is a pro-local bill.

The SPEAKER: The pending question before the House is the motion of Representative Jacques of Waterville that the House recede and concur.

The Chair recognizes the Representative from Harrison, Representative Jackson.

Representative JACKSON: Mr. Speaker, I wish to pair my vote with the Representative from Old Town, Representative Cashman. If he were here and voting, he would be voting yes; I would be voting no.

The SPEAKER: The pending question before the House is the motion of the Representative from Waterville, Representative Jacques, that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

113 having voted in the affirmative and 11 in the negative with 25 being absent and 2 paired, the motion did prevail.

(See Roll Call No. 248)

#### REPORTS OF COMMITTEES

##### Unanimous Ought Not to Pass

Representative MacBRIDE from the Committee on Judiciary on Bill "An Act Concerning Computer Access and Computer-related Crimes" (H.P. 34) (L.D. 36) reporting "Ought Not to Pass"

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

##### Unanimous Leave to Withdraw

Representative MacBRIDE from the Committee on Judiciary on Bill "An Act to Make Public the Proceedings of the Board of Overseers of the Bar" (H.P. 971) (L.D. 1404) reporting "Leave to Withdraw"

Representative ROLDE from the Committee on Audit and Program Review on Bill "An Act to Fund Community Response Programs to Address Child Sexual Abuse in Maine Communities" (H.P. 962) (L.D. 1383) reporting "Leave to Withdraw"

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. 1260) (L.D. 1770) Bill "An Act Regarding Certification Records of Minority Business Enterprises, Women's Business Enterprises and Disadvantaged Business Enterprises to be Confidential" Committee on Judiciary reporting "Ought to Pass"

There being no objections, the above item was ordered to appear on the Consent Calendar of Wednesday, March 5, 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. 1383) (L.D. 1952) 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. 1308) (L.D. 1824) Bill "An Act Exempting Mercinaria Mercinaria Raised by Means of Aquaculture from the 2-inch Clam Law" (C. "A" H-547)

(H.P. 1228) (L.D. 1735) Bill "An Act Relating to Settlement Negotiations and Investigation of Facts by the Maine Human Rights Commission" (C. "A" H-548)

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

The following items appearing on Supplement No. 3 were taken up out of order by unanimous consent.

#### PAPERS FROM THE SENATE

##### Unanimous Ought Not To Pass

Report of the Committee on Appropriations and Financial Affairs reporting "Ought Not to Pass" on Bill "An Act in Support of Increasing Per Capita Funds for Public Libraries" (S.P. 694) (L.D. 1780)

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

#### COMMUNICATIONS

The following Communication:

MAINE STATE LEGISLATURE  
AUGUSTA, MAINE 04333

MAINE STATE COMPENSATION COMMISSION

Orchard Street  
Augusta, Maine 04330

March 4, 1986

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

Dear Speaker Martin:

I am pleased to submit the Interim Report of the Maine State Compensation Commission pursuant to 3 MRSA § 2-A, subsection 2. The report contains recommendations regarding the Compensation of the Governor, legislators, and the members of the Public Utilities and Workers' Compensation Commissions.

The members of the Commission appreciate the privilege of serving and particularly appreciate the sustained interest of the Legislative Council in our work.

We would be happy to discuss the report with you and members of the Legislature.

Sincerely,

S/Stephen R. Crockett  
Chairman

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:

Aging, Retirement and Veterans

Bill "An Act to Insure the Rights of the Staff of the Projects Serving Preschool Handicapped Children and Other Preschool Teachers Employed by Public Schools to Receive Maine State Retirement" (H.P. 1513) (Presented by Representative RYDELL of Brunswick) (Cosponsors: Senators CLARK of Cumberland, MAYBURY of Penobscot, and Representative TAYLOR of Camden) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)  
Sent up for concurrence.

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative CARTER from the Committee on Appropriations and Financial Affairs on Bill "An Act to Provide Funds for Repair and Maintenance of the Montpelier Museum at Thomaston" (H.P. 1275) (L.D. 1792) reporting "Ought Not to Pass"

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

Unanimous Leave to Withdraw

Representative CHONKO from the Committee on Appropriations and Financial Affairs on Bill "An Act to Fund Training for Boards of Directors of Social Service Agencies" (H.P. 1274) (L.D. 1791) reporting "Leave to Withdraw"

Representative CARTER from the Committee on Appropriations and Financial Affairs on Bill "An Act to Insure Training and Employment Opportunities for All Aid to Families with Dependent Children Recipients" (H.P. 1339) (L.D. 1876) reporting "Leave to Withdraw"

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 items appeared on the Consent Calendar for the First Day:

(H.P. 1181) (L.D. 1678) Bill "An Act to Provide Parity to State-chartered Institutions by Allowing them to Offer Self-directed Individual Retirement Accounts" Committee on Business and Commerce reporting "Ought to Pass" as amended by Committee Amendment "A" (H-550)

(H.P. 1273) (L.D. 1790) Bill "An Act to Amend the Maine Agricultural Marketing and Bargaining Act of 1973" Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-551)

(H.P. 1413) (L.D. 1997) Bill "An Act to Establish an Official Endangered Plant List" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-552)

(H.P. 1407) (L.D. 1987) Bill "An Act to Improve the Processing of Matters Delegated by the Board of Environmental Protection to the Department of Environmental Protection" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-553)

There being no objections, the above items were ordered to appear on the Consent Calendar of Wednesday, March 5, 1986 under the listing of Second Day.

The Chair laid before the House the following item: 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) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

The SPEAKER: The Chair recognizes the Representative from Stockton Springs, Representative Crowley.

Representative CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: I move the indefinite postponement of L.D. 1842 and all its accompanying papers.

The University of Maine at Orono and the Department of Marine Resources have a cooperative joint arrangement for the purpose of increasing cooperative research, better communication and stimulating student interest in marine fisheries research. The administration and the Contract Review Committee have now found this legislation unnecessary. The department will be able to continue this innovative program and the annual contract review will satisfy the needs of the State Purchasing Agent, thus the indefinite postponement.

Subsequently, the House voted to indefinitely postpone L.D. 1842 and all its accompanying papers. Sent up in non-concurrence for concurrence.

(Off Record Remarks)

On motion of Representative Callahan of Mechanic Falls,

Adjourned until eight thirty tomorrow morning in memory of Olaf Palme, Swedish statesman, humanitarian and world leader.