

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 Pro Tem.

Prayer by Rabbi Joseph P. Schonberger, Beth Israel Synagogue, Bangor.

The Journal of Wednesday, March 5, 1986 was read and approved.

Quorum call was held.

PAPERS FROM THE SENATE

The following Communication:

The Senate of Maine
Augusta

March 5, 1986

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

Dear Clerk Pert:

Please be advised that the Senate today adhered to it's former action whereby it failed to pass Joint Order H.P. 1506, Recalling "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) from the Legislative files.

Sincerely,

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

Was read and ordered placed on file.

Unanimous Leave to Withdraw

Report of the Committee on Fisheries and Wildlife reporting "Leave to Withdraw" on Bill "An Act Relating to the Stocking of Fish in Bodies of Water" (S.P. 711) (L.D. 1836)

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

Non-Concurrent Matter

Bill "An Act to Amend the Maine Agricultural Marketing and Bargaining Act of 1973" (H.P. 1273) (L.D. 1790) which was passed to be engrossed as amended by Committee Amendment "A" (H-551) in the House on March 5, 1986.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-551) and Senate Amendment "A" (S-390) in non-concurrence.

The House voted to recede and concur.

By unanimous consent, was ordered sent forthwith to the Senate.

Non-Concurrent Matter

Bill "An Act Concerning State Contribution to Pollution Abatement" (H.P. 1469) (L.D. 2071) which was Passed to be Engrossed as amended by House Amendment "A" (H-540) in the House on March 3, 1986.

Came from the Senate Passed to be Engrossed as amended by House Amendment "A" (H-540) and Senate Amendment "A" (S-389) in non-concurrence.

The House voted to recede and concur.

PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE

The following Resolve 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:

Energy and Natural Resources

RESOLVE, Authorizing the Exchange and Sale of Certain Public Reserved Lands (H.P. 1516) (L.D. 2145) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsors: President PRAY of Penobscot, Representatives MITCHELL of Freeport and DEXTER of Kingfield) (Submitted by the Department of Conservation pursuant to Joint Rule 24)

(Ordered Printed)
Sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Study Report-
Committee on Business and Commerce

Representative BRANNIGAN from the Committee on Business and Commerce to which was referred by the Legislative Council the Study Relative to Social Worker Registration Act have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act Relating to the Social Worker Registration Law" (H.P. 1520) (L.D. 2140) 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 Business and Commerce, ordered printed and sent up for concurrence.

ORDERS

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

ORDERED, that Representative Leland C. Davis, Jr., of Monmouth be excused March 6 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Joseph C. Brannigan of Portland be excused March 6 for Legislative Business.

AND BE IT FURTHER ORDERED, that Representative Stephen M. Bost of Orono 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 items:

In Memory of:

Franklin B. Titcomb, of Abbot, member of the Governor's Council, valued Commissioner of Piscataquis County and beloved proprietor of Titcomb General Store; (HLS 798) by Representative MASTERMAN of Milo. (Cosponsors: President PRAY of Penobscot, Representatives LANDER of Greenville, LAW of Dover-Foxcroft, and HICHBORN of LaGrange)

On motion of Representative Lander of Greenville, was removed from the Special Sentiment Calendar.

Was read.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Greenville, Representative Lander. Representative LANDER: Mr. Speaker, Ladies and Gentlemen of the House: Franklin B. Titcomb was a life long resident of Maine. He was one of the outstanding citizens of our state. He worked diligently. He was a member of the Governor's Council. He also worked, for a number of years, as a County Commissioner in Piscataquis County. He was the Chairman of the Piscataquis County Republican Committee, an outstanding businessman in Piscataquis County, as well as a family man. He was one that believed in the system and worked very diligently to make our system of government work.

I thank you for adjourning the House today in his memory.

Subsequently, was adopted and sent up for concurrence.

REPORTS OF COMMITTEES

Ought to Pass in New Draft/New Title

Representative PARADIS from the Committee on Judiciary on Bill "An Act to Improve Tax Collection Procedures" (H.P. 1367) (L.D. 1931) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Permit the Supreme Judicial Court to Authorize Employees of the Bureau of Taxation and of the Bureau

of Employment Security to Participate in Court Proceedings" (H.P. 1521) (L.D. 2141)

Report was read and accepted, the New Draft given its first reading and assigned for second reading Monday, March 10, 1986.

Ought to Pass in New Draft/New Title

Representative PARADIS from the Committee on Judiciary on Bill "An Act to Clarify the Applicability of the Maine Tort Claims Act" (H.P. 1304) (L.D. 1820) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Clarify the Applicability of the Maine Tort Claims Act and to Limit the Personal Liability of Governmental Entity Employees" (Emergency) (H.P. 1522) (L.D. 2142)

Report was read and accepted, the New Draft given its first reading and assigned for second reading Monday, March 10, 1986.

Ought to Pass in New Draft/New Title

Representative GWADOSKY from the Committee on State Government on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require that Local Units of Government be Reimbursed for the Costs Incurred in Executing State-mandated Programs (H.P. 446) (L.D. 628) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Requiring Fiscal Impact Statements Describing the Costs and Benefits Associated with Each Legislative Document and Agency Rule that Affect Political Subdivisions of the State" (H.P. 1523) (L.D. 2143)

Report was read and accepted, the New Draft given its first reading and assigned for second reading Monday, March 10, 1986.

Ought to Pass in New Draft/New Title

Representative FOSTER from the Committee on Appropriations and Financial Affairs on Bill "An Act to Provide Funding for Community Mental Health Programs" (Emergency) (H.P. 1353) (L.D. 1897) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Provide Funding for Mental Health Programs" (H.P. 1524) (L.D. 2144)

Report was read and accepted, the New Draft given its first reading and assigned for second reading Monday, March 10, 1986.

CONSENT CALENDAR

FIRST DAY

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

(H.P. 1212) (L.D. 1719) Bill "An Act to Reduce the Burden of Property Taxes on Persons who are Elderly" Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-557)

There being no objections, the above item was ordered to appear on the Consent Calendar of Monday, March 10, 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:

(S.P. 761) (L.D. 1925) Bill "An Act Transferring Legislative Jurisdiction over Acadia National Park, St. Croix Island International Historic Site, Portsmouth Naval Shipyard, Veterans Administration Center at Togus and the Soldiers' Lots at the Mount Pleasant Cemetery"

(S.P. 713) (L.D. 1838) Bill "An Act to Correct Some Inconsistencies in the Law Relating to the Financing of Services in the Unorganized Territory" (Emergency) (C. "A" S-385)

(H.P. 1425) (L.D. 2014) Bill "An Act to Define Eligibility for School Purposes and to Determine Financial Responsibility for the Education, Care and Treatment of State Agency Clients" (C. "A" H-555)

(H.P. 1364) (L.D. 1928) Bill "An Act to Fund the Holocaust Human Rights Center for Maine" (C. "A" H-556)

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 as Amended and sent up for concurrence.

PASSED TO BE ENGROSSED

Bill "An Act Concerning the Regulation of Itinerant Vendors" (S.P. 840) (L.D. 2129)

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

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

PAPERS FROM THE SENATE

Bill "An Act to Require the Department of Human Services to Pursue Family Reunification Prior to Termination of Parental Rights" (S.P. 849) (L.D. 2150)

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

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

Bill "An Act to Improve Boating Safety and Public Access to the State's Public Waters" (S.P. 848) (L.D. 2149)

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 Repeal the Annual Review of Fee Schedules for Providers under the Medical Assistance Program" (S.P. 850) (L.D. 2151)

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 Relating to the Collection of Sums Due for Rent and Damages in Actions for Forcible Entry and Detainer" (S.P. 851) (L.D. 2152)

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

Was referred to the Committee on Legal Affairs in concurrence.

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

PAPER FROM THE SENATE

The following Joint Order: (S.P. 852)

ORDERED, the House concurring that when the House and Senate adjourn, they adjourn to Monday, March 10, 1986, at 9 o'clock in the morning.

Came from the Senate, read and passed.

Was read and passed in concurrence.

(Off Record Remarks)

On motion of Representative Melendy of Rockland, Adjourned until Monday, March 10, 1986 at nine o'clock in the morning, pursuant to Joint Order (S.P. 852), and in memory of Franklin B. Titcomb.