

# 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 Gerard Wilbur, Franklin Baptist Church.  
The Journal of Monday, March 10, 1986 was read and approved.  
Quorum call was held.

#### COMMUNICATIONS

The following Communication: (H.P. 1535)

#### MAINE INDIAN TRIBAL-STATE COMMISSION

March 10, 1986

The Honorable John L. Martin  
Speaker of the House  
Maine House of Representatives

The Honorable Charles P. Pray  
President of the Senate  
Maine Senate

Dear Mr. Speaker and Mr. President:

In accordance with Title 30 MRSA §6205 (5) and Joint Rule 36-A of the Maine Legislature, the Maine Indian Tribal-State Commission met on March 10, 1986 for the purpose of making a recommendation on LD 1844. With a quorum present a motion was made and approved by the required number of votes stating that the Maine Indian Tribal-State Commission recommends passage of LD 1844 enabling the Penobscot Nation to acquire up to 300 acres of Indian Territory within the City of Old Town for the purpose of industrial development.

Please consider this letter as formal notice of the Commission's action.

Sincerely,

S/John G. Melrose  
Executive Director

Was read and referred to the Committee on Judiciary pursuant to Joint Rule 36-A and sent up for concurrence.

#### ORDERS

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

ORDERED, that Representative John N. Diamond of Bangor be excused March 6 due to illness.

Was read and passed.

#### SPECIAL SENTIMENT CALENDAR

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

In Memory of:

Edwin M. Ballenger, of Sanford, a prominent businessman, aviator and teacher, who will be greatly missed throughout the York County area; (HLS 820) by Representative HALE of Sanford. (Cosponsors: Representatives PAUL of Sanford, RIDLEY of Shapleigh, and Senator TUTTLE of York)

On motion of Representative Hale of Sanford, was removed from Special Sentiment Calendar.

Was read.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Hale.

Representative HALE: Mr. Speaker, Ladies and Gentlemen of the House: Edwin M. Ballenger, although not a native of Maine, was a long time resident of the town of Sanford. His contributions as a businessman will long be remembered.

Mr. Ballenger served in the Army Air Force from 1940 to 1945 as a member of the Flying Tigers in China. He later directed training of B-29 crews. He was an instructor for York County Wing Civil Air Patrol and commanding officer of the Air Force Reserve Unit for York County.

He taught Business and Economics at Nason College in Springvale, the University of Maine Community College, and several area high schools.

Mr. Ballenger was a charter member and past president of the Rotary Club, the First Baptist Church of Springvale and York County Automobile Association and founder and past president of the Sanford Chamber of Commerce.

For 30 years, he served as a trustee of Oakdale Cemetery, the Goodall Hospital and served as a Director of the Sanford-Springvale Industrial Development Corporation.

He was a Basketball Commissioner for the Sanford-Springvale Youth Athletic Association and a Director of the Flying Tigers of the 14th Air Force Association. He was also a past president of the Sanford Town Club and the Country Club at Rochester, New Hampshire. He was a long-standing town meeting member and served on many diversified committees within the town.

Mr. Ballenger was an avid and active member of the Republican Party in the town of Sanford and Springvale.

I thank you for adjourning today in his memory.

Subsequently, was adopted and sent up for concurrence.

#### REPORTS OF COMMITTEES

##### Unanimous Ought Not to Pass

Representative MICHAUD from the Committee on Energy and Natural Resources on Bill "An Act to Amend the Classification of Certain Maine Rivers" (H.P. 1346) (L.D. 1893) 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 WENTWORTH from the Committee on State Government on Bill "An Act to Authorize Adoption of a 'Buy America' Policy by the State of Maine" (H.P. 1287) (L.D. 1804) reporting "Leave to Withdraw"

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

Ought to Pass in New Draft

Representative COOPER from the Committee on Judiciary on Bill "An Act to Eliminate Exemptions from Jury Service" (H.P. 1368) (L.D. 1932) reporting "Ought to Pass" in New Draft (H.P. 1531) (L.D. 2158)

Report was read and accepted, the New Draft given its first reading and assigned for second reading later in today's session.

Ought to Pass in New Draft

Representative BRANNIGAN from the Committee on Business and Commerce on Bill "An Act to Clarify the Confidentiality Provisions of the Maine Banking Code" (H.P. 1224) (L.D. 1731) reporting "Ought to Pass" in New Draft (H.P. 1532) (L.D. 2159)

Report was read and accepted, the New Draft given its first reading and assigned for second reading later in today's session.

Ought to Pass in New Draft/New Title

Representative GWADOSKY from the Committee on State Government on Bill "An Act to Permit Administration of Home Winterization Programs on an Optional Basis Through Local Municipalities" (H.P. 1327) (L.D. 1862) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Permit Specific Municipalities to Serve as Administrators of Fuel Assistance Programs" (H.P. 1536) (L.D. 2163)

Report was read and accepted, the New Draft given its first reading and assigned for second reading later in today's session.

Ought to Pass  
Pursuant to Joint Order (H.P. 1316)

TABLED UNASSIGNED

Representative MASTERMAN from the Committee on Local and County Government on RESOLVE, for Laying of

the County Taxes and Authorizing Expenditures of Lincoln County for the Year 1986 (Emergency) (H.P. 1534) (L.D. 2162) reporting "Ought to Pass" - Pursuant to Joint Order (H.P. 1316)

Report was read and accepted and the bill read once. Under suspension of the rules, was read the second time.

On motion of Representative Diamond of Bangor, tabled unassigned pending passage to be engrossed.

CONSENT CALENDAR

FIRST DAY

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

(H.P. 1183) (L.D. 1680) Bill "An Act Relating to the Time of Passamaquoddy Tribe Trust Land Designation" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-565)

There being no objections, the above item was ordered to appear on the Consent Calendar of later in today's session 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. 1310) (L.D. 1826) Bill "An Act to Increase the Maine Child Care Credit Under the State Income Tax" (C. "A" H-562)

(H.P. 1362) (L.D. 1906) Bill "An Act to Establish a Land and Air Search and Rescue Procedure for Missing Aircraft Personnel" (C. "A" H-563)

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

PASSED TO BE ENGROSSED

Bill "An Act to Clarify the Law Relating to Authorization for Disinterment or Removal" (S.P. 846) (L.D. 2138)

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

ORDERS OF THE DAY

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

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

TABLED - March 10, 1986 by Representative MAYO of Thomaston.

PENDING - Passage to be Enacted.

On motion of Representative Cashman of Old Town, retabled pending passage to be enacted and later today assigned.

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

"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. 761) (L.D. 1925)

TABLED - March 10, 1986 by Representative DIAMOND of Bangor.

PENDING - Passage to be Enacted.

On motion of Representative Diamond of Bangor, retabled pending passage to be enacted and later today assigned.

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

Bill "An Act to Promote Intensive Spruce-fir Management" (H.P. 1468) (L.D. 2070)

- In Senate, Passed to be Engrossed as amended by Senate Amendment "B" (S-392) in non-concurrence

TABLED - March 10, 1986 by Representative CONNOLLY of Portland.

PENDING - Motion of same Representative to reconsider whereby the House adhered to its previous action whereby the Bill was Passed to be Engrossed.

On motion of Representative Connolly of Portland, retabled pending his motion to reconsider whereby the House adhered to its previous action whereby the Bill was passed to be engrossed and later today assigned.

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 Improve the Marketing of Milk in Maine" (S.P. 856) (L.D. 2168)

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

Was referred to the Committee on Agriculture in concurrence.

Bill "An Act to Enhance the Sound Use and Management of Maine's Coastal Resources" (S.P. 855) (L.D. 2167)

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

Was referred to the Committee on Energy and Natural Resources in concurrence.

Bill "An Act to Clarify the Authority of Municipalities to Raise and Appropriate Money for Financial Assistance to Water and Sewer Districts" (Emergency) (S.P. 854) (L.D. 2166)

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

Was referred to the Committee on Utilities in concurrence.

#### Unanimous Leave to Withdraw

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act to Permit Denial of Bail in Certain Cases to Assure the Safety of Other Persons" (S.P. 284) (L.D. 773)

Report of the Committee on Judiciary reporting "Leave to Withdraw" on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for a Clear Right to Bail with a Possible Denial of Bail in Certain Cases (S.P. 373) (L.D. 1007)

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

#### Ought to Pass in New Draft

Report of the Committee on Energy and Natural Resources on Bill "An Act to Amend the State Subsurface Waste Water Disposal Laws" (S.P. 686) (L.D. 1775) reporting "Ought to Pass" in New Draft (S.P. 853) (L.D. 2153)

Came from the Senate, with the report read and accepted and the New Draft passed to be engrossed as amended by Senate Amendment "A" (S-401).

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

Senate Amendment "A" (S-401) was read by the Clerk and adopted and the New Draft assigned for second reading tomorrow.

#### Non-Concurrent Matter

Bill "An Act to Clarify and Make Corrections in

the Election Laws" (H.P. 1284) (L.D. 1801) which was passed to be engrossed as amended by Committee Amendment "A" (H-537) and House Amendment "A" (H-542) in the House on March 3, 1986.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-537) as amended by Senate Amendment "A" (S-397) thereto and House Amendment "A" (H-542) in non-concurrence.

Representative Cahill of Woolwich moved that the House adhere.

The SPEAKER: The Chair recognizes the Representative from Pittston, Representative Reeves.

Representative REEVES: Mr. Speaker, Ladies and Gentlemen of the House: This amendment that was put on in the other body closes a loophole in this bill. It clarifies and makes corrections in the Election Laws which requires that anyone, who spends more than \$50 in an election campaign, to report that expenditure to the Political Action Committee.

In the original bill, this loophole was inadvertently left open and I urge you to accept the Senate Amendment and I move to recede and concur.

The SPEAKER: Representative Reeves of Pittston moved that the House recede and concur.

The Chair recognizes the Representative from Woolwich, Representative Cahill.

Representative CAHILL: Mr. Speaker, Ladies and Gentlemen of the House: I am not sure this was an error that this was left off the election laws. The way I read this amendment is, that anyone who contributes more than \$50 in an election, would have to file as a PAC. I think, generally, I would be opposed to that.

The SPEAKER: The Chair recognizes the Representative from Thomaston, Representative Mayo.

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House: I think it would be appropriate if someone would table this bill. I understand there might be a problem with that amendment.

On motion of Representative Diamond of Bangor, tabled pending the motion of Representative Reeves of Pittston that the House recede and concur and later today assigned.

#### Non-Concurrent Matter

Bill "An Act to Clarify the Application of Water Quality Standards to Hydroelectric Projects" (H.P. 1440) (L.D. 2032) on which the Majority "Ought to Pass" in New Draft (H.P. 1495) (L.D. 2107) Report of the Committee on Energy and Natural Resources was read and accepted and the New Draft Passed to be Engrossed in the House on March 3, 1986.

Came from the Senate with the Bill and Accompanying Papers Recommitted to the Committee on Energy and Natural Resources in non-concurrence.

On motion of Representative Michaud of Medway, tabled pending further consideration and later today assigned.

#### CONSENT CALENDAR

#### FIRST DAY

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

(S.P. 672) (L.D. 1740) Bill "An Act Relating to Financing the Capital Improvement of Local Bridges" Committee on Transportation reporting "Ought to Pass"

There being no objections, the above item was ordered to appear on the Consent Calendar of later in today's session under the listing of Second Day.

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(Off Record Remarks)

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

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On motion of Representative Pouliot of Lewiston, Recessed until until four o'clock in the afternoon.

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(After Recess)

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The House was called to order by the Speaker.

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The Chair laid before the House the following matter: "An Act to Correct Some Inconsistencies in the Law Relating to the Financing of Services in the Unorganized Territory" (Emergency) (S.P. 713) (L.D. 1838) (C. "A" S-385) which was tabled earlier today and later today assigned pending passage to be enacted.

On motion of Representative Cashman of Old Town, under suspension of the rules, the House reconsidered its action whereby L.D. 1838 was passed to be engrossed.

On motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (S-385) was adopted.

The same Representative offered House Amendment "B" (H-567) to Committee Amendment "A" (S-385) and moved its adoption.

House Amendment "B" (H-567) to Committee Amendment "A" (S-385) was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "B" thereto was adopted.

The bill was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "B" thereto in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter: "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. 761) (L.D. 1925) which was tabled earlier and later today assigned pending passage to be enacted.

Subsequently, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The Chair laid before the House the following matter: Bill "An Act to Promote Intensive Spruce-fir Management" (H.P. 1468) (L.D. 2070) which was tabled earlier in the day and later today assigned pending the motion of the Representative from Portland, Representative Connolly, that the House reconsider its previous action whereby the House adhered to its previous action whereby the Bill was passed to be engrossed.

On motion of Representative Connolly of Portland, retabled pending his motion that the House reconsider its previous action whereby the House adhered to its previous action whereby the Bill was passed to be engrossed and tomorrow assigned.

The Chair laid before the House the following matter: Bill "An Act to Clarify and Make Corrections in the Election Laws" (H.P. 1284) (L.D. 1801) which was passed to be engrossed as amended by Committee Amendment "A" (H-537) and House Amendment "A" (H-542) in the House on March 3, 1986 which was tabled earlier in the day and later today assigned pending the motion of the Representative from Pittston, Representative Reeves, that the House recede and concur.

On motion of Representative Diamond of Bangor, retabled pending the motion of the Representative from Pittston, Representative Reeves, that the House recede and concur and tomorrow assigned.

The Chair laid before the House the following matter: Bill "An Act to Clarify the Application of Water Quality Standards to Hydroelectric Projects" (H.P. 1440) (L.D. 2032) on which the Majority "Ought to Pass" in New Draft (H.P. 1495) (L.D. 2107) Report of the Committee on Energy and Natural Resources was read and accepted and the New Draft Passed to be Engrossed in the House on March 3, 1986 which was tabled earlier in the day and later today assigned pending further consideration.

On motion of Representative Michaud of Medway, retabled pending further consideration and tomorrow assigned.

The following items appearing on Supplement No. 2

were taken up out of order:

#### PAPERS FROM THE SENATE

##### Ought to Pass in New Draft/New Title

Report of the Committee on Judiciary on Bill "An Act to Aid the Victims of Crime" (S.P. 569) (L.D. 1505) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Strip Crime of its Profit" (S.P. 847) (L.D. 2139).

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 12, 1986.

#### 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:

##### Marine Resources

Bill "An Act to Create a Noncommercial Scallop License and to Adjust Fees for the Scallop Boat License" (H.P. 1537) (Presented by Representative CROWLEY of Stockton Springs) (Cosponsors: Senator BROWN of Washington, Representatives MITCHELL of Freeport and RICE of Stonington) (Submitted by the Department of Marine Resources pursuant to Joint Rule 24)

(Ordered Printed)  
Sent up for concurrence.

#### REPORTS OF COMMITTEES

##### Unanimous Leave to Withdraw

Representative DILLENBACK from the Committee on Legal Affairs on Bill "An Act to Amend the Motor Vehicle Laws with Reference to Operating Under the Influence to Decriminalize Proceedings under the Traffic Infraction Laws" (Emergency) (H.P. 636) (L.D. 904) 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

#### TABLED AND ASSIGNED

Majority Report of the Committee on Labor on Bill "An Act to Create a Cancer Presumption for Firefighters in the Workers' Compensation Law" (H.P. 665) (L.D. 948) reporting "Ought to Pass" in New

Draft under New Title Bill "An Act to Exempt Certain Firefighters from the 3-year Statute of Limitations in the Occupational Disease Law" (H.P. 1533) (L.D. 2161)

Signed:

Senators: BLACK of Cumberland  
DUTREMBLE of York  
TUTTLE of York

Representatives: TAMMARO of Baileyville  
HALE of Sanford  
WILLEY of Hampden  
RUHLIN of Brewer  
BEAULIEU of Portland  
JOSEPH of Waterville

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

Signed:

Representatives: BEGLEY of Waldoboro  
BONNEY of Falmouth  
LANDER of Greenville  
HEPBURN of Skowhegan

Reports were read.

On motion of Representative Beaulieu of Portland, tabled pending acceptance of either report and tomorrow assigned.

#### CONSENT CALENDAR

##### FIRST DAY

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

(S.P. 729) (L.D. 1852) Bill "An Act Concerning Filing Fees to the Public Utilities Commission" Committee on Utilities reporting "Ought to Pass"

(S.P. 649) (L.D. 1674) Bill "An Act to Make Changes in the Reserve Fund for Municipal Water Departments and Quasi-municipal Water Districts" Committee on Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (S-394)

There being no objections, the above items were ordered to appear on the Consent Calendar of Wednesday, March 12, 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. 1183) (L.D. 1680) Bill "An Act Relating to the Time of Passamaquoddy Tribe Trust Land Designation" (C. "A" H-565)

(S.P. 672) (L.D. 1740) Bill "An Act Relating to Financing the Capital Improvement of Local Bridges"

No objections having been noted at the end of the Second Legislative Day, the Senate Paper was Passed to be Engrossed 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 Eliminate Exemptions from Jury Service" (H.P. 1531) (L.D. 2158)

Bill "An Act to Clarify the Confidentiality Provisions of the Maine Banking Code" (H.P. 1532) (L.D. 2159)

Bill "An Act to Permit Specific Municipalities to Serve as Administrators of Fuel Assistance Programs" (H.P. 1536) (L.D. 2163)

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

An Act to Conserve Striped Bass (H.P. 1448) (L.D. 2041) (S. "A" S-391)

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.

#### TABLED AND ASSIGNED

An Act to Perfect the Maine Business Opportunity Sales Act (H.P. 1514) (L.D. 2136)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed.

On motion of Representative Hayden of Durham, tabled pending passage to be enacted and tomorrow assigned.

(Off Record Remarks)

On motion of Representative Macomber of South Portland,

Adjourned until Wednesday, March 12, 1986, at nine o'clock in the morning in memory of Edwin M. Ballenger.