

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 Royal J. Parent, St. Teresa's Church, Brewer.
The Journal of March 20, 1986 was read and approved.
Quorum call was held.

PAPERS FROM THE SENATE

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$1,000,000 for Construction of an Activity Building at the Augusta Mental Health Institute" (S.P. 891) (L.D. 2241)

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 Provide for Development of a State Low-level Radioactive Waste Facility if Necessary" (Emergency) (S.P. 892) (L.D. 2242)

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.

Unanimous Leave to Withdraw

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act Establishing an Immunity from Civil Liability for Certain Shelters for the Homeless" (Emergency) (S.P. 702) (L.D. 1787)

Report of the Committee on Legal Affairs reporting "Leave to Withdraw" on Bill "An Act Concerning the Release of an Original Birth Certificate in Cases of Adoption" (S.P. 828) (L.D. 2088)

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

Ought to Pass in New Draft/New Title

Report of the Committee on Aging, Retirement and Veterans on Bill "An Act to Recodify the Maine State Retirement System Laws" (S.P. 443) (L.D. 1246) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Recodify the Laws of the Maine State Retirement System" (S.P. 886) (L.D. 2231).

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

Monday, March 24, 1986.

Ought to Pass as Amended

Report of the Committee on Judiciary reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-402) on Bill "An Act to Extend the Trust Land Designation of the Penobscot Nation" (S.P. 721) (L.D. 1844).

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-402) as amended by Senate Amendment "A" (S-412) thereto.

Report was read and accepted and the bill read once.

Committee Amendment "A" (S-402) was read by the Clerk.

Senate Amendment "A" (S-412) to Committee Amendment "A" (S-402) was read by the Clerk and adopted.

Committee Amendment "A" as amended by Senate Amendment "A" thereto was adopted and the Bill assigned for second reading, Monday, March 24, 1986.

Non-Concurrent Matter

Bill "An Act to Insure Fair Practices in the Sale of Health Insurance Policies to Elderly Consumers" (H.P. 1582) (L.D. 2226) which was passed to be engrossed in the House on March 19, 1986.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-427) in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act Relating to the Time of Passamaquoddy Tribe Trust Land Designation" (H.P. 1183) (L.D. 1680) which was passed to be engrossed as amended by Committee Amendment "A" (H-565) in the House on March 11, 1986.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-565) as amended by Senate Amendment "A" (S-411) thereto in non-concurrence.

The House voted to recede and concur.

ORDERS

On motion of Representative ROLDE of York, the following Joint Resolution: (H.P. 1593) (Cosponsors: Speaker MARTIN of Eagle Lake, Representatives MATTHEWS of Caribou, and AYER of Caribou)

JOINT RESOLUTION IN MEMORY OF THE HONORABLE
EZRA JAMES BRIGGS

WHEREAS, the Legislature has learned with deep regret of the death of Ezra James Briggs of Caribou, a former member of both of its bodies; and

WHEREAS, the State of Maine is currently celebrating National Wildlife Week; and

WHEREAS, "Jim" Briggs devoted his life to the protection of the Maine environment and was recognized both within the State and nationally for his efforts as a founder and later President of the National Resources Council of Maine and as a winner of the prestigious Sol Fernstone Environmental Award given by New York University; and

WHEREAS, in 1970, "Jim" Briggs was honored by the Maine Legislature as a person who, in a day when the abundance of our natural resources seemed limitless, when our rivers were accepted as a means of conveying sewage and industrial waste, when exploitation was applauded and commercial greed condoned, had the courage to speak forcefully in defense of our future and fought a lonely fight on behalf of generations to come with the courage to be unpopular and the tenacity to be effective; now, therefore, be it

RESOLVED: That We, the Members of the Legislature, take this opportunity to honor the memory of "Jim" Briggs and in this week of recognizing the natural beauty of the State of Maine let us do so in lasting tribute to a pioneer in environmental improvement and the defense of natural resources in Maine, whose efforts and accomplishments have improved the quality of life in our State for generations to come.

Was read.

The SPEAKER: The Chair recognizes the Representative from York, Representative Rolde.

Representative ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: This Resolution honors a former member of this body, Ezra James Briggs of Caribou.

I just wanted to say a few words about him. Jim Briggs was my friend and let me say, he was a difficult friend to have, for Jim Briggs was one of the most controversial men I have ever met but he made up for it by also being one of the most charming human beings who ever graced this planet.

I watched him once in a hostile hearing room full of angry sportsmen clamoring for a coyote bounty bill and Jim, in the process of tearing their pet project to shreds, so convulsing them with the sharpness of his humor, that they ended by applauding him as a tribute, both to his courage and his wit. He was a fierce fighter for what he believed in, often so fierce that he could antagonize even those who were on his side.

Once I had to drag him out of a work session and literally shake him while I yelled at him at the way he was carrying on, that we would lose the bill we were both after. When he finally realized the effect he was having, he came back into the session, charmed the pants off everyone, and the bill went sailing through.

Jim was a Mainer through and through in his unbending individuality and also in the kindness that he showed to those around him and those with whom he worked and among whom he lived.

It is hard, even now, for me to believe I will never again receive one of his handwritten letters that I could never decipher without excruciating effort (I can't repeat here what he told me to do when I asked him to type his messages) -- letters that invariably took us to task for not being vigilant enough in protecting his beloved Maine environment, particularly in Aroostook County.

An avid salmon fisherman, an expert skier, until he was injured while serving with the Mountain Troops in World War II, Jim Briggs was an unforgettable presence in our state.

As surely as Percival Baxter did, Jim Briggs also left us a legacy of his love for the natural beauty and environmental harmony of Maine.

When we adjourn, Mr. Speaker, I move that we adjourn in the memory of Ezra James Briggs of Caribou.

Subsequently, the Resolution was adopted and sent up for concurrence.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Jane Woodhead, a senior at Lewiston High School, who has won 9 State Championships and gone unbeaten in the discus during her first 3 high school years and recently became a National Champion shotputter in indoor scholastic competition conducted by the track athletic congress at Yale with a personal all-time best throw of 46'4"; (HLS 852) by Representative ALIBERTI of Lewiston. (Cosponsors: Senators GAUVREAU of Androscoggin, BERUBE of Androscoggin, TRAFTON of Androscoggin, Representatives TELOW of Lewiston, BOUTILIER of Lewiston, NADEAU of Lewiston, HANDY of Lewiston, and POULIOT of Lewiston)

On motion of Representative Aliberti of Lewiston, was removed from the Special Sentiment Calendar.

Was read.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Aliberti.

Representative ALIBERTI: Mr. Speaker, Ladies and Gentlemen of the House: Jane Woodhead, a senior at Lewiston High School, appeared before this body last year as a state record holder in the discus and the shotput. At that time, we identified her as a great potential olympiad in 1988.

Since last year, she has added even more to her credentials as an olympiad and a potential champion for the United States. She has nine state champions and gone unbeaten in the discus during her first three years in high school and, recently at Yale, she had her personal all-time best throw of 46 feet, 4 inches.

I think that we have a young lady that we can readily be proud of. I just hope and pray, that physically, she will be able to represent our fine

State of Maine.

Subsequently, was passed and sent up for concurrence.

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative LANDER from the Committee on Labor on Bill "An Act to Encourage Prompt Payment of Benefits Due under the Workers' Compensation Act" (H.P. 1485) (L.D. 2097) 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 HALE from the Committee on Labor on Bill "An Act to Require the Consideration of Safety Records in Public Bidding" (H.P. 1402) (L.D. 1978) 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/New Title

Representative CASHMAN from the Committee on Taxation on Bill "An Act to Realign the Tax Laws of the State as they Relate to Telecommunications" (H.P. 496) (L.D. 699) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Modernize the Telephone Excise Tax" (H.P. 1595) (L.D. 2240)

Report was read and accepted, the New Draft given its first reading and assigned for second reading Monday, March 24, 1986.

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

Representative MURPHY from the Committee on Local and County Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of York County for the Year 1986 (Emergency) (H.P. 1594) (L.D. 2239) 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 a second time, passed to be engrossed and sent up for concurrence.

CONSENT CALENDAR

SECOND DAY

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

(S.P. 669) (L.D. 1723) Bill "An Act to Make Changes in the Laws Governing Public Utilities" (C. "A" S-424)

(S.P. 821) (L.D. 2076) RESOLVE, Authorizing the Commissioner of Marine Resources to Lease Lands and Buildings in West Boothbay Harbor

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.

PASSED TO BE ENGROSSED

As Amended

Bill "An Act Concerning Mental Examination of Incarcerated Persons Accused of Crime" (S.P. 701) (L.D. 1786) (C. "A" S-425)

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

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Provide for the Allocation of the State Ceiling on Bonds for Nongovernmental Purposes (H.P. 1550) (L.D. 2189) (C. "A" H-592)

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. 116 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.

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

ORDERS OF THE DAY

The following matter, in the consideration of which the House was engaged at the time of adjournment yesterday, has preference in the Orders of the Day and continues with such preference until disposed of as provided by Rule 24.

The Chair laid before the House the first matter of unfinished business:

An Act to Promote Intensive Spruce-fir Management

(H.P. 1468) (L.D. 2070) (H. "A" H-571)

- In House, Passed to be Enacted, March 17, 1986.
- In Senate, Passed to be Engrossed in non-concurrence.

TABLED - March 19, 1986 by Representative DIAMOND of Bangor.

PENDING - Further Consideration.

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

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

An Act to Make Changes in the Reserve Fund for Municipal Water Departments and Quasi-municipal Water Districts (S.P. 649) (L.D. 1674) (C. "A" S-394)

TABLED - March 19, 1986 by Representative VOSE of Eastport.

PENDING - Passage to be Enacted.

On motion of Representative Vose of Eastport, retabled pending passage to be enacted and specially assigned for Monday, March 24, 1986.

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

An Act to Provide for the Motor Vehicle Division to Purchase and Maintain Software Equipment Independent of any Other Provider and Related Hardware (H.P. 1331) (L.D. 1866) (C. "A" H-576)

TABLED - March 20, 1986 by Representative HAYDEN of Brunswick.

PENDING - Passage to be Enacted.

On motion of Representative Theriault of Fort Kent, under suspension of the rules, the House reconsidered its action whereby L.D. 1886 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-576) was adopted.

The same Representative offered House Amendment "A" (H-594) to Committee Amendment "A" and moved its adoption.

House Amendment "A" (H-594) was read by the Clerk and adopted.

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

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

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

An Act Relating to Penobscot Nation Game Wardens (H.P. 1552) (L.D. 2190)

TABLED - March 20, 1986 by Representative HAYDEN of Brunswick.

PENDING - Passage to be Enacted.

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

(Off Record Remarks)

On motion of Representative Coles of Harpswell, Adjourned until March 24, 1986, at nine o'clock in the morning in memory of Ezra James Briggs.