

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

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 Marcel L. Dumoulin, St. Augustine's Church, Augusta.

National Anthem by the Gardiner Area High School Band.

The Journal of Friday, March 21, 1986, was read and approved.

Quorum call was held.

#### PAPERS FROM THE SENATE

Bill "An Act Regarding High-level Radioactive Waste" (S.P. 894) (L.D. 2249)

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 Regarding the Generation of Electric Power and High-level Radioactive Waste" (S.P. 890)

Came from the Senate pursuant to Joint Rule 26 ruled not properly before the Body.

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

Was ruled not properly before the Body pursuant to Joint Rule 26 in concurrence.

#### Non-Concurrent Matter

Bill "An Act to Establish the Cost of the 1986 Spruce Budworm Suppression Project and to Provide Operating Funds for the Spruce Budworm Management Program" (Emergency) (H.P. 1591) (L.D. 2244) which was referred to the Committee on Appropriations and Financial Affairs in the House on March 20, 1986.

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

On motion of Representative Carter of Winslow, the House voted to adhere.

#### 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:

#### Business and Commerce

Bill "An Act to Prohibit Mandatory Retrospective Rating in Workers' Compensation Insurance Policies" (H.P. 1598) (L.D. 2251) (Presented by Representative BRANNIGAN of Portland) (Cosponsors: Representatives MURRAY of Bangor and WILLEY of Hampden) (Approved for

introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

(Ordered Printed)

Sent up for concurrence.

#### REPORTS OF COMMITTEES

##### Unanimous Leave to Withdraw

Representative BROWN from the Committee on Education on Bill "An Act to Define Place of Residence for the Transportation of Students to School" (H.P. 1401) (L.D. 1977) reporting "Leave to Withdraw"

Representative BROWN from the Committee on Education on Bill "An Act to Repeal Certain Rule-making Authority Dealing with Staffing, Student/Teacher Ratios and Minimum School Size at Elementary and Secondary Schools" (H.P. 1411) (L.D. 1992) reporting "Leave to Withdraw"

Were 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 CASHMAN from the Committee on Taxation on Bill "An Act Permitting Municipalities to Require that a Payment on Taxes be Applied Toward the Oldest Outstanding Taxes" (H.P. 1336) (L.D. 1873) reporting "Ought to Pass" in New Draft (H.P. 1596) (L.D. 2247)

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

##### Divided Report

#### TABLED AND ASSIGNED

Majority Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on RESOLVE, to Permit Edgar Warren to Sue the State for Compensation for Injuries Incurred While He was a Ward of the State (H.P. 1377) (L.D. 1940)

Signed:

Senators: TRAFTON of Androscoggin  
STOVER of Sagadahoc

Representatives: PAUL of Sanford  
DILLENBACK of Cumberland  
MURPHY of Berwick  
MASTERMAN of Milo  
NICKERSON of Turner

Minority Report of the same Committee reporting "Ought to Pass" on same Bill.

Signed:

Senator: NAJARIAN of Cumberland

Representatives: REEVES of Pittston  
PERRY of Mexico  
RIOUX of Biddeford  
WARREN of Scarborough  
BOTT of Orono

Reports were read.

Representative Reeves of Pittston moved that the House accept the Minority "Ought to Pass" Report.

On further motion of the same Representative, tabled pending her motion and tomorrow assigned.

#### Divided Report

#### TABLED AND ASSIGNED

Majority Report of the Committee on Marine Resources on Bill "An Act to Raise the Minimum Legal Size of Lobsters" (H.P. 513) (L.D. 718) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Improve Lobster Research and Management" (H.P. 1597) (L.D. 2248)

Signed:

Senators: CHALMERS of Knox  
SHUTE of Waldo  
BROWN of Washington

Representatives: MANNING of Portland  
VOSE of Eastport  
RICE of Stonington  
MITCHELL of Freeport  
CROWLEY of Stockton Springs  
COLES of Harpswell  
RUHLIN of Brewer  
CONNERS of Franklin

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

Signed:

Representatives: SCARPINO of St. George  
SALSBURY of Bar Harbor

Reports were read.

Representative Crowley of Stockton Springs moved that the House accept the Majority "Ought to Pass" Report.

On motion of the same Representative, tabled pending his motion 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. 819) (L.D. 2064) Bill "An Act to Assure Independent Advocacy for Institutionalized Developmentally Disabled Persons" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-426)

There being no objections, the above items were ordered to appear on the Consent Calendar Later in Today's Session under the listing of Second Day.

#### PASSED TO BE ENGROSSED

Bill "An Act to Recodify the Laws of the Maine State Retirement System" (S.P. 886) (L.D. 2231)

Was reported by the Committee on Bills in the Second Reading and read the second time.

Representative Hickey of Augusta offered House Amendment "A" (H-596) and moved its adoption.

House Amendment "A" (H-596) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Hickey.

Representative HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: It is necessary to enact this legislation as an emergency to enable those proposed changes to be made to the recodified version of the Retirement Laws and to avoid conflict and ambiguities.

Subsequently, House Amendment "A" was adopted.

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

Bill "An Act to Modernize the Telephone Excise Tax" (H.P. 1595) (L.D. 2240)

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

#### As Amended

Bill "An Act to Extend the Trust Land Designation of the Penobscot Nation" (S.P. 721) (L.D. 1844) (S. "A" S-412 to C. "A" S-402)

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

#### PASSED TO BE ENACTED

##### Emergency Measure

An Act to Amend Certain Provisions of the Underground Oil Storage Tank Installers and Underground Oil Storage Facilities (S.P. 782) (L.D. 1975) (C. "A" S-419)

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. 119 voted in favor of the same and 2 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 Establish the Lubec Port Authority (H.P. 1312) (L.D. 1828) (C. "A" H-582)

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. 122 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.

FINALLY PASSED

Emergency Measure

RESOLVE, to Establish a Commission to Study the Integration of the Maine State Retirement System with the Social Security System (S.P. 872) (L.D. 2202) (S. "A" S-420)

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. 119 voted in favor of the same and 4 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

FINALLY PASSED

Emergency Measure

RESOLVE, Reimbursing Certain Municipalities on Account of Taxes Lost Due to Lands being Classified under the Maine Tree Growth Tax Law (S.P. 881) (L.D. 2216)

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 Resolve was finally passed, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Adopt a State Uniform Fraudulent Transfer Act (S.P. 244) (L.D. 770) (C. "A" S-418)

An Act to Place in the Unclassified Service 3 Utility Accountant III Positions at the Public Utilities Commission (H.P. 1437) (L.D. 2028)

An Act Regulating Kick-boxing (H.P. 1573) (L.D. 2212)

An Act to Provide Funds to the Maine State Prison Farm (H.P. 1574) (L.D. 2213)

An Act to Increase the Registration Fee Charged to Pesticide Manufacturers and Other Registrants (H.P. 1563) (L.D. 2208)

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.

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 21, 1986 (Till Later Today) by Representative MICHAUD of Medway.

PENDING - Further Consideration.

The SPEAKER: The Chair recognizes the Representative from Medway, Representative Michaud.

Representative MICHAUD: Mr. Speaker, Ladies and Gentlemen of the House: May I pose a question through the Chair to the Representative from Portland, Representative Connolly?

My question is, there is some concern over in the other body regarding what the intent of this amendment is. As far as the committee is concerned, this bill is for a specific program, it is not the intention to establish any state policy as far as the spruce budworm program. My question to the Representative from Portland, Representative Connolly is, what is the intent of his amendment?

The SPEAKER: Representative Michaud of Medway has posed a question through the Chair to Representative Connolly of Portland, who may respond if he so desires.

The Chair recognizes that Representative.

Representative CONNOLLY: Mr. Speaker, Members of the House: In response to the question, the Representative is entirely correct. It is not the intent of the amendment that is on the bill to establish state policy, no matter how much I, personally, might wish to do that. That amendment only deals with particular eligible activities that are funded under the innovative grant section of this legislation, and that is all it is intended to do.

On motion of Representative Michaud of Medway, the House voted to recede.

The same Representative offered House Amendment "B" (H-595) and moved its adoption.

House Amendment "B" (H-595) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Medway, Representative Michaud.

Representative MICHAUD: Mr. Speaker, Ladies and Gentlemen of the House: The purpose of this amendment is a technical amendment. All it does is properly locate the reference of the spruce fur resource policy advisory committee in the proper place in the statutes.

Subsequently, House Amendment "B" was adopted.

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

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 21, 1986 by Representative VOSE of Eastport.

PENDING - Passage to be Enacted.

On motion of Representative Vose of Eastport, rebated pending passage to be enacted and later today assigned.

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

#### REPORTS OF COMMITTEES

##### Ought to Pass in New Draft

Representative GWADOSKY from the Committee on State Government on RESOLUTION, Proposing Amendments to the Constitution of Maine to Change the Reapportionment Procedures to Reflect Changes in Legislative Procedures and to Specify how the Reapportionment Commission should Operate (H.P. 494) (L.D. 697) reporting "Ought to Pass" in New Draft (H.P. 1599) (L.D. 2252)

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 BAKER from the Committee on Utilities on Bill "An Act to Amend the Charter of the Brunswick Sewer District" (Emergency) (H.P. 1231) (L.D. 1738) reporting "Ought to Pass" in New Draft (Emergency) (H.P. 1602) (L.D. 2256)

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 COOPER from the Committee on Judiciary on Bill "An Act to Authorize the Establishment of a Standard of Care for Commercial Whitewater Outfitters" (H.P. 1278) (L.D. 1795) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Concerning Liability Insurance for Commercial Whitewater Outfitters" (Emergency) (H.P. 1600) (L.D. 2254)

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 WEYMOUTH from the Committee on Utilities on Bill "An Act Establishing a Statewide Emergency 9-1-1 Telephone System" (H.P. 738) (L.D. 1047) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Study Establishment of an Emergency 9-1-1 System in Heavily Populated Areas" (H.P. 1601) (L.D. 2255)

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

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

#### REPORTS OF COMMITTEES

##### Unanimous Leave to Withdraw

Representative GWADOSKY from the Committee on State Government on Bill "An Act to Divest State Money from Businesses Investing in South Africa and Namibia" (H.P. 368) (L.D. 488) reporting "Leave to Withdraw"

Representative BAKER from the Committee on Utilities on Bill "An Act Concerning Professional Employees of the Public Advocate" (H.P. 1491) (L.D. 2102) reporting "Leave to Withdraw"

Representative POULIOT from the Committee on Transportation on Bill "An Act to Modernize Laws Related to Railroads" (H.P. 1509) (L.D. 2123) 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. 1434) (L.D. 2025) Bill "An Act to Authorize the Creation of Detention Districts" (Emergency) Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-597)

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.

(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 Brannigan of Portland, 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. 3 were taken up out of order by unanimous consent:

PASSED TO BE ENACTED

Emergency Measure

An Act to Clarify the Rate Design Stability Responsibilities of the Public Utilities Commission (S.P. 717) (L.D. 1840) (C. "A" S-417)

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. 105 voted in favor of the same and 1 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

FAILED ENACTMENT

Emergency Measure

An Act Concerning the Allocation of Certain Operating Costs of the Administration of the Maine Children's Trust Fund (H.P. 1566) (L.D. 2211) (H. "A" H-585)

Was reported by the Committee on Engrossed Bills as truly engrossed.

The SPEAKER: The Chair recognizes the Representative from Harrison, Representative Jackson.  
Representative JACKSON: Mr. Speaker, Men and

Women of the House: I rise this afternoon to oppose enactment of L.D. 2211 for several reasons. I didn't realize that we had this bill before us until last Thursday when the gentleman from Bangor tabled the bill at that time.

At that time, noticing the title of the bill, I decided to investigate further what this bill actually does.

Last year, this legislature passed a proposal dealing with the Children's Trust Fund. That proposal was a result of a bill that the gentleman from Bangor, Representative Diamond introduced, was heard, worked, and was sent out as a Unanimous Report from the Taxation Committee. With the deliberation of the Committee, which was a unanimous deliberation, we set some guidelines for establishing this Children's Trust Fund. Those guidelines were at what level the Trust Fund could start to expend some of the proceeds that were gathered through the checkoff on the personal income tax form.

This proposal that we have before us today effectively guts the bill that was passed last year. It proposes to establish an office at a time when the Trust Fund hasn't been in existence for one year, hasn't had an opportunity to see what the performance is going to be from the checkoff on the personal income tax. It proposes to create a director, a secretary and an office allocating approximately \$54,000 of the Trust Fund's money in the event that it should be there. In checking on this last Thursday with the Department of Taxation to see exactly where the Children's Trust Fund stood as far as donations through the checkoff, it was brought to my attention that the state had only received just a smidgeon over \$23,000. It is a far cry from the \$54,000 that this bill proposes to expend. It is estimated on the high side that the checkoff could result in excess of \$70,000. If we do get to the high side, and I certainly do hope that the people in Maine who are paying their income taxes and who are receiving their refunds, do contribute to a program, which is certainly worthwhile and certainly deserves consideration.

It bothers me to think we are talking about taking 61 percent (roughly) of that money in its first year for administrative expenses. We were concerned about that in the Taxation Committee and that is why we put a floor in.

Let me explain to you what a floor is. As the original proposal enacted sets a floor of \$100,000. No monies can be expended from the first \$100,000 collected through the Children's Trust Fund Checkoff in any given year. Proceeds from \$100,000 to \$500,000, one-half of those monies that are collected, can be expended for the various programs which the council will approve. Anything above the \$500,000, 100 percent of that will go to the Children's Trust Fund. When the Children's Trust Fund reaches the \$4 million mark, which we established as being the ceiling, then the checkoff would be dropped unless the legislature at that time saw fit to carry it further.

It was felt through prudent investments and the potential of inflation and interest rates, that \$4 million would be adequate to cover any of the programs or any of the requests that were made for the Maine Children's Trust Fund.

Today, we have a bill before us that raids that Trust Fund, which effectively puts it out of business. As I stated earlier, it takes away the

prerogative and the initiative that was initially intended for the Children's Trust Fund.

I would hope that when the vote is taken that you would oppose raiding this fund as it stands today.

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

Representative MAYO: Mr. Speaker, Men and Women of the House: I rise to point out a few facts about the Maine Children's Trust Fund that I think are very appropriate.

First of all, as the Representative from Harrison, Representative Jackson did point out, it is anticipated that checkoffs for this fund will result in approximately \$70,000 in collections this year. I would point out that in the bill that is presented to you, it is calling for an expenditure of \$54,000 over a two year period and that we will have another tax year in which we will, hopefully, have another \$70,000 collected. When you consider that, there is probably going to be close to \$150,000 in the Fund for which we can then expend the monies that are called for in the bill that came from the Unanimous Report from the Committee on State Government.

I would also like to point out that, through the federal government, there is a grant program that has been established that will bring into the Trust fund approximately \$160,000 in additional funds. Those funds will become available, and when checking with the Department of Health and Human Services in Washington today, I found that a formal application must be made in order for those funds to be brought to the State of Maine to be placed in the Trust Fund. I find it hard to believe that, if we do not allocate the appropriate funds and provide for staff of the Trust Fund, that a formal application can in fact be made, so those funds can come here. There are many private enterprises in this state that are very willing to donate to this fund, if they only knew who to write the check out to.

I urge this body to accept the Unanimous Report from the Committee on State Government so that the Maine Children's Trust Fund can have an administrative arm set up which can go out and recruit additional funds and help that fund grow to a point where the checkoff can be eliminated and the Trust Fund will be self-perpetuating through interest on that fund.

I think it is important that we consider what would happen if we do not pass this bill, if we do not allow the Maine Children's Trust Fund to even meet and get their expenses, for them to hire a staff so they can set up rules and regulations to govern that fund. Basically it would have a pot of money sitting in State Government without anybody to oversee it and control it and I think that is inappropriate.

I would urge this body to accept the recommendation of the State Government Committee, the Unanimous recommendation, and pass this bill.

The SPEAKER: The Chair recognizes the Representative from Cape Elizabeth, Representative Webster.

Representative WEBSTER: Mr. Speaker, Men and Women of the House: As a member of the Taxation Committee that worked very hard to draw up the original guidelines for the Children's Trust Fund, I am very strongly opposed to us spending any monies from that Trust Fund at this time that are below the floors set up by the Trust Fund just about ten months ago. When we set up those floors, they were floors

that were agreed to by advocates for children, as has been stated, and by every member of the Taxation Committee. I think there is probably no more appropriate program in state government that would rely upon an actual Trust Fund in prevention of child abuse and neglect prevention services. This is an area in which, if we operate it correctly, we will have money in perpetuities that can be used for this very important program.

As has been said, the state of this fund has been fragile and there is not really enough monies in it now to do anything except spend money on a staff. If we hire a staff that would develop guidelines for allocating money for prevention services, then there won't be any money left to actually spend on the services. We will have spent all of the money that has been put in trust on a staff.

In response to some questions that were raised about a federal program, I would like to read some language from the fiscal year 1985 Supplemental Appropriations Bill that was recently signed by the President. It says that "payments under these sections may be made in any fiscal year following the fiscal year in which any state has collected funds for child abuse and neglect prevention activities through a Trust Fund or other funding mechanisms."

The important part of the statute says that Maine will not be eligible for funding until a year after the program was in place. We passed the program last year. It is not clear by the language in this statute whether Congress meant 1984 or 1985. Both Senator Cohen and Senator Mitchell are working very hard right now with the Department of Health and Human Services in Washington to make sure that Maine continues to be available for these funds but there is absolutely nothing in the statute that says that the funds have to be spent on hiring an executive director before we are eligible for them.

In conclusion, I think it would really be a tragedy for us to turn what could really be a fine Trust Fund into a slush fund for two employees to use up all the money or a very large portion of the money that really ought to go to prevention services. I hope that you will vote against this bill.

The SPEAKER: The Chair recognizes the Representative from Houlton, Representative Ingraham.

Representative INGRAHAM: Mr. Speaker, Men and Women of the House: I would just like to tell you there is a principle involved here. This is a checkoff on your income tax forms. The people are making a very generous donation to the welfare of the children of Maine. If the people of Maine find out the money is being spent to hire more bureaucrats, I think you are going to kill the voluntary contributions.

The SPEAKER: The Chair recognizes the Representative from Canton, Representative McCollister.

Representative MCCOLLISTER: Mr. Speaker, Men and Women of the House: The bill we passed last year called for a \$28,000 expenditure for administration. It was my understanding and the sponsor's understanding that -- yes, the \$100,000 was not to be distributed in grants. The \$100,000 still has to be administered. Additional private funds have to be sought and you must pay someone to do that.

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Cashman.

Representative CASHMAN: Mr. Speaker, Men and Women of the House: I know it must seem strange to



see so many members of the Taxation Committee debating a Unanimous Report out of State Government but I guess that is the position we find ourselves in.

Certainly the Representative from Harrison is correct that the Taxation Committee was very concerned that this fund not be spent dry every year. I do take exception though, I guess, with his statement that this bill guts our actions from last year. It excludes the first \$100,000 and then only allows half of the next \$400,000 to be spent for programs that are set up under this program. However I think where we differ is, I don't think it was my intent at least as a Committee member and apparently not Representatives McCollister's or Mayo's, that no money ever be spent to administer the fund. The bill before you as an emergency enactor simply allows those funds that are used to administer the fund to be exempt from the requirement that the first \$100,000 not be spent. The reason for that is, we are setting up a board here, they are allowed expenses when they meet and we are requiring this board to meet periodically -- if we don't do something to change the law as it currently exists, the people on this board cannot receive any expense money when they meet. I certainly don't think this was the intent of the committee to do that.

As Representative McCollister pointed out, last year the bill did have a \$28,000 expense listed in the enactor for administrative costs in 1987.

Another factor that has been touched on by two previous speakers is that there is \$160,000 available in a federal program for this type of a fund, if an administration has been set up. As Representative Webster has pointed out, the money from that program isn't available to you until you have been set up for a year but the application has to be made now. I certainly wouldn't want to jeopardize Maine's chances of receiving that money. I do agree that we should continue the restrictions on how the money is spent on programs but I don't think it was ever our intent to hinder the administration. I would urge your support of this bill.

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

Representative MURRAY: Mr. Speaker, Men and Women of the House: I rise this afternoon as a co-sponsor of the original bill last year and as a co-sponsor of the bill this year. I just want to point out one thing that I think is very important to the success of this Trust Fund and of the Trust Fund concept.

The reason I supported the bill last year and co-sponsored it is that this approach was meant to be an approach toward child abuse and child abuse problems that would encourage use of local programs, existing programs that have effective, local programs that have been effective outside of the state, regional programs that have addressed different types of preventative child abuse issues. I think in all of the other states that a Children's Trust Fund has been established, it is important that the people involved took the time to analyze which programs were available, which programs were working and successful.

One of the charges of the bill passed last year was, in fact, that the Children's Trust Fund Task Force do that type of analysis, look at the types of programs that are working in the State of Maine, the potential programs that might be established on either a local or regional basis, and develop a statewide plan that would do that. I think it is

very important that we make sure that the task, which we charged these people with last year, can be carried out. I know that's why I supported this bill this year, so those people can accomplish the charge that we mandated them to do last year, and that this Children's Trust Fund can be successful by taking the time to look at those programs that are effective in preventing child abuse and dealing with child abuse. I think it would be very serious for us when we enacted legislation last year, which would supposedly take steps to do something to address child abuse problems and then not fund the necessary components so the analysis can take place to know what programs are effective.

I would hope that you would support this Unanimous Report out of the State Government Committee so the work can continue.

The SPEAKER: The Chair recognizes the Representative from Harrison, Representative Jackson.

Representative JACKSON: Mr. Speaker, Men and Women of the House: Again, as many of the speakers this afternoon have stated, that there definitely is a need for a program or a prevention program and I don't think anybody would debate that. That was debated last year, that was debated in the Taxation Committee and it was discussed in the Taxation Committee. At that time, the Human Resources Committee was hearing several proposals as well as the funding proposals in the Appropriations Committee with the emphasis on child abuse. It was felt at that time, not only by myself but I believe many members of the Taxation Committee and many members of the public, who testified at that public hearing and who helped us mold this piece of legislation that was enacted by both bodies of this legislature unanimously last year, that there were some concerns of duplication or overlapping of many different things. I believe that is why the floors were put in because we truly wanted to make this a Trust Fund. They didn't want to be duplicating programs or services that Human Services were doing or any other department of state government, or they didn't want to overlap. They truly wanted to address the areas of prevention and it was felt at that time, we needed to have a floor so that the funds would not be expended as this bill suggests that they be expended. This bill says, in the first year, that they must appropriate the first two years, as Representative Mayo has indicated, 1985-86, 1986-87 for \$54,000. It is my belief that currently we have \$23,000 or \$24,000 as of last Thursday that has been collected for the Maine Children's Trust Fund. It is my belief that we will not get to the \$70,000. I would suspect that we will be lucky if we even get to the \$50,000 mark this year. We are already at that time -- I guess it was around March 18th or 19th, and as I recall, April 15th is the deadline.

I also recognize that several of our taxpayers do ask for extensions but most of the refunds have gone back, most of the people who are submitting their tax forms today are the ones who have to pay, and those who are filing for an extension are certainly the ones who are going to be paying. I just kind of question if they are aware of the fact that we do have a new checkoff on the tax form this year, which is the last one on the tax form.

Again, we felt that by 1987, we would be collecting over \$100,000 per year and that is why we put the fiscal note on at that time, so that there would be funds available for one staff person and an

office and the equipment to equip that office.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Sproul.

Representative SPROUL: Mr. Speaker, Men and Women of the House: There is no need of arguing the need for the Children's Trust Fund, I think Representative Murray set that need out before you rather well. However, as a member of the State Government Committee, we had the public hearing on this bill. It now appears that some of the figures which were given to our Committee were perhaps a little overly optimistic as to what exactly this fund would be generating this year. The issue before you is, do you believe that the Trust Fund should be diminished in size to pay for administrative costs or should we retain that money to be used for services? After careful reconsideration, I have decided, regretfully, that I must, for the first time in my four years in this body, vote against a position that I took in State Government Committee and vote against the bill now.

The SPEAKER: The Chair recognizes the Representative from Cumberland, Representative Dillenback.

Representative DILLENBACK: Mr. Speaker, Men and Women of the House: This is very confusing. You know the members of the State Government Committee were told that there would be approximately \$90,000 in this fund. The thing that bothers me is that nobody appeared at our hearing and told us there was only \$24,000 presently raised. Nobody came forth and said that they had any problems in the Taxation Committee. We, on the faith of the people who were appointed to the board that are supposed to run this, very clearly set forth that they couldn't do a thing with the fund unless they had money to operate with. They were paying their own expenses out of pocket. They needed money to make this fund work. Now I hear somebody on the floor say, there is going to be \$70,000 this year, and \$70,000 next year, which adds up to \$140,000 and I am beginning to become very confused.

It seems to me the thing to do would be to table this motion and come up with an amendment if you want to have the fund operate. If you don't want the fund to operate, then you don't do anything with it, you vote against it.

What the bill calls for in the first year, 1985 and 1986, is \$11,457 to set the thing up. The board cannot operate unless they have at least secretarial service and an office and a telephone. The next year, which is 1986-87, they are asking for \$42,000 some dollars. On the face of it, sitting at the Committee hearing, it appeared to us that, if this was going to operate, they had to start somewhere; therefore, we voted in favor of the bill. I am sorry that there is a misunderstanding on this but it should have been brought up at the committee hearing.

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

Representative MAYO: Mr. Speaker, Men and Women of the House: I hesitate to rise again but I feel I must. I guess I am an old-fashioned kind of guy. You have to spend money to make money. This Trust Fund needs the tools to be able to go out and solicit more funds for the Trust Fund so it can grow and become what we all hope it will become. I am not standing here asking you to raid that fund, I am asking you to look at the bill and, by the way, the bill does provide other aspects other than spending

money, it provide for administration of the fund and makes many other good recommendations. I would hope that this legislature would not throw the baby out with the bath water.

I feel, if we do not set up a fund with the proper administration, we have nothing more than a slush fund that will sit in state government for a long period of time, no one administrating it, no one looking out to see that that fund grows and the people of the State of Maine, who have donated money into that Trust Fund, are not being well served by that.

Although I can see the handwriting on the wall that the issue is becoming more than just an issue of the Maine Children's Trust Fund and I regret that but I urge this body to vote favorably on this piece of legislation.

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

Representative GWADOSKY: Mr. Speaker, Men and Women of the House: I can only share the comments of the Representative from Thomaston, Representative Mayo. I think we can all see just exactly what has happened here this afternoon, for better or for worse. In my opinion, I guess it is for worse for a lot of people who have donated to the Children's Trust Fund and particularly for those would be the recipients, those homes of abused children across the State of Maine.

Obviously, there have been some individuals who believe that the State Government Committee is trying to -- and I have to stand in behalf of State Government Committee because at one time this was a Unanimous Committee Report -- at least all of the members of the committee signed out that they agreed with the bill at the time that we felt, indeed, this was a necessary thing to do. We realized that on April 16th, there is a deadline in which states, who are going to qualify for these monies, have to have this type of organization put into place. If you don't have this organization put into place by April 16th, you lose your opportunity for the \$160,000. It was plain and simple to us.

I reject those people who would suggest that the State Government Committee or any other committee was trying to create a slush fund for a couple of individuals, particularly those people who work on the Children's Trust Fund. Representative Jackson and others had an opportunity to meet those individuals last week and I think you will be hard pressed to find some more people in the State of Maine who are more caring and more concerned about the type of work they do.

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

Representative LAW: Mr. Speaker, Men and women of the House: I would like to pose a question through the Chair.

I would like to know if there isn't somebody in the Department of Human Services that could make out the request for those grants? They are the biggest paid agency we have and, to me, it seems inconceivable that there isn't somebody that can make out those grants.

The SPEAKER: The Representative from Dover-Foxcroft, Representative Law, has posed a question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from Portland, Representative Nelson.

Representative NELSON: Mr. Speaker, Men and Women of the House: The Taxation Committee, of which I also serve, was very careful to exclude the Department of Human Services on that issue. We already dealt with that and didn't want them to be a part of this process.

Let me explain to you people that we are not asking for any more new people to be funded, we want those things which we already passed into law last year to work this year. We all know about the problems of child abuse. That is not the issue here. The issue is, we passed a law last year and in order to implement it, we are going to have to free up some of the money that people have contributed to this fund because they want the best for the kids of Maine.

Let me quote directly from the bill to let you know what this bill is supposed to do and then you answer the question, can it be done without any money? "The responsibility of the board includes meeting at least once annually to develop an annual report beginning in 1986. They have to review and evaluate the existing prevention programs and develop a safe plan for distribution of money in accordance with an annual state plan. In addition, the board shall provide for the coordination and exchange of information on the establishment and maintenance of prevention programs. They must develop rules for awarding grants to eligible organizations, provide statewide education and public information to develop public awareness concerning child abuse, neglect, and mental illness, either under contracts to accept grants or gifts from federal, state, or private sources." This language deals specifically with the fund's ability to qualify for federal grant money.

This has to be done and this report presented to the Human Resources Committee so that we can check on it to be sure that it is done.

Pray tell, men and women of this House, how do you expect this to be done without any money funded for people who are already in place? It is nothing new, it just allows these people to work so, that by April 16th, these children can be helped.

The SPEAKER: The Chair recognizes the Representative from Cape Elizabeth, Representative Webster.

Representative WEBSTER: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to expound upon a conversation that we had at the end of last week with our Congressional Delegation in Washington indicating that there are absolutely no federal funds that are tied to us hiring a staff for the Trust Fund at this time. There are federal monies that are available if you have programs in place, but there is nothing that says those programs have to be staffed in the manner that is being proposed here.

Furthermore, I would like to point out that in addition to there being no language in the statute, it is not estimated that the guidelines for those programs will be written until May. So, the statements that these federal funds can only come to the state, if we pass this bill as it is proposed now, I don't think are entirely accurate.

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

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: The rules and regulations

that will appear on the federal register indicate that we have to file formal and complete grant applications in order to qualify for these monies. I don't think that there are individuals in this room that are capable of filing formal and complete grant applications, that is the reason we need the technical expertise that we will get by establishing the staff members in the Children's Trust Fund.

Representative Jacques of Waterville requested a roll call.

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

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

The SPEAKER: The pending question before the House is passage to be enacted. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary. Those in favor will vote yes; those opposed will vote no.

76 having voted in the affirmative and 61 in the negative with 14 being absent, the Bill failed enactment.

(See Roll Call No. 262)

#### PASSED TO BE ENACTED

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

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.

#### PASSED TO BE ENACTED

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 Engrossed Bills as truly and strictly engrossed.

The SPEAKER: The Chair recognizes the Representative from Damariscotta, Representative Stetson.

Representative STETSON: Mr. Speaker, Members of the House: This is really a wonder bill. I wonder what it tries to accomplish; I wonder what it does accomplish; I wonder whether that is good or bad; and I wonder what happens if the 90 day deadline, that is established in this bill, is not met?

Let's go back and take a look at this bill. This bill originated as a 21 day time limit in which the psychiatrist or other doctor could make a report on the examination of a person accused of crime to determine whether that person was competent to stand trial or whether he was suffering from a mental illness at the time the crime was committed.

Here we are dealing with the insanity defense. Now what happens if the doctor fails to make his

report within the prescribed time limit? Does a court let the defendant out of jail? Does the court set him free? Does the court instruct the jury that -- well the doctors goofed in this case, we have got to let this man go?

I will tell you what could happen in this case, and mind you it is a 90 day time limit as amended, if the doctor submits his report within 10 days, defense counsel can stand up before that jury and ask the doctor, "Say doctor, under the law, you had 90 days to submit your report, what was the hurry doctor? Why did you get your report in in 10 days?" Now, that is beginning to plant some reasonable doubt in the minds of the jury. Why did he hurry his report? On the other hand, if the doctor gets his report in on the 89th day, defense counsel comes in and says, "Doctor, you had just 90 days to get your report in didn't you? Why did you file it on the 89th day? Did you rush your report, Doctor?" Again, planting that seed of reasonable doubt.

I submit, that if this bill were to pass, you are opening the door to further defense tactics to fool with the insanity defense. This bill actually accomplishes nothing more than that because there are no sanctions expressed in the bill, if anybody fails to meet the 90 day deadline.

Incidentally, who is it imposed on? Is it imposed on the psychiatrist who conducts the examination under court order? Maybe the judge should go to jail for failing to get the report. If the examination is performed by AMHI doctors, shall we send the Director of AMHI to jail for failure to get his report in on time? Just what does this bill do? What does it accomplish? I really wonder.

Mr. Speaker, I move the indefinite postponement of this bill and all its accompanying papers. I ask you to vote yes on that motion.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Paradis.

Representative PARADIS: Mr. Speaker, Men and Women of the House: This was a 12 to 1 report that we dealt with last Friday afternoon. The Representative from Damariscotta has employed an old defense attorney's trick this afternoon by using the principle, that if your argument is weak, try to confuse the issue as much as you can. I think that to our consternation perhaps he might have succeeded somewhat.

I think it is best to kind of put this in perspective that this bill does not deal, in any way shape or form, with the insanity defense. We are jumping the gun on that issue. I hope to have that before this House in perhaps another two weeks. We just had the hearing on it last Thursday afternoon. This bill in no way deals with that issue. To suggest that it does is a little bit confusing to this member here.

The bill provides that, if a defendant is incarcerated, an examination to determine criminal responsibility and competence or initial examination to determine whether commitment to the custody of the Commissioner of Mental Health and Retardation is necessary, shall be made within 90 days. These issues are raised as stalling tactics by defense attorney's when you have a client, who has been accused of a crime and is incarcerated, to prolong and prolong and prolong, from six months to nine months to a year to a year and a half, so the trial doesn't happen.

What we would like to do and what the intent of

the sponsors was to do in this L.D. 1786 was to make a time certain that if they were going to question whether that person was competent to stand trial or if the judge wanted to know whether competency was at stake here, they would do it within a certain time frame, that they weren't going to drag this whole issue. The department was going to do it immediately. First, the department really wasn't in favor of this because it told them they had to do it within a certain time but, after we impressed upon them the fact that the right to a speedy trial was a constitutional right, they acquiesced and agreed to support the bill.

I would ask you to vote against the motion to indefinitely postpone and pass this 12 to one report so we can get this passed.

The SPEAKER: The Chair recognizes the Representative from Damariscotta, Representative Stetson.

Representative STETSON: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry to have confused the Representative from Augusta. I want to straighten out one thing, I was not really a defense counselor, I was a prosecutor. I have met with the defense of insanity, tried to, on the prosecution of cases where the insanity defense is raised. I can assure you that defense counsel would not miss the opportunity to plant that seed of doubt as to why the doctor waited until the last day under the law to file his report or why didn't he take a little more time to file his report. You can't have it both ways, doctor. Why put such a time limit in there?

The court will protect the constitutional right to a speedy trial. The court will assure that those reports are filed on time. If the court orders that examination made, the court can order the doctor to submit his report, if the court feels there is any feet dragging going on.

These are reports that are ordered by the court, not proposed by the defense counsel. It is only when the court is satisfied that there is reason for an examination does the court order the report.

So, the gentleman from Augusta may be confused but I hope you will understand it from the prosecutor's standpoint, this bill will only help the insanity defense to succeed.

I urge you to vote to indefinitely postpone.

The SPEAKER: The Chair recognizes the Representative from Washington, Representative Allen.

Representative ALLEN: Mr. Speaker, Men and Women of the House: I would ask the House today to vote against the motion to indefinitely postpone and to support the majority of the Judiciary Committee.

Very simply, all this says is, if you are incarcerated, if you have been arrested for a criminal act and put in jail and there is some question as to whether you are competent to stand trial, the examination by a mental health professional must be done within 90 days.

In the judgement of the committee, the majority felt that was a reasonable limit. We realize that the mental health professionals in our state are overworked, there is quite a burden, not only within the Judicial system, but other duties. At the same time, we realize that anyone put in jail, pending even a trial and there is some question to competence, ought to have that done as speedily as possible. Granted, three months is not, in my estimation, speedily but at least it sets reasonable time limits and that is all that we are trying to

accomplish here.

The example that was brought before the committee was a young woman in Lewiston who was arrested for attempted auto theft. There was some question in the minds of both the defense attorney and the prosecutor as to whether or not this woman was actually competent. Her reason for being behind the wheel of a car was she wanted to see how it felt and she wanted to pretend she was driving and that kind of thing. It was obvious to everyone concerned that the woman was perhaps not competent to stand trial but she sat in jail for many, many days awaiting an examination. All we are saying here, we are setting a state policy -- that if you are arrested and there is some question as to whether or not you are competent to stand trial, that the state ought to do its best to see that you are given an examination.

We tried to work within a time frame that was reasonable, both on behalf of the defense attorney and the state performing the examination.

I would urge you today to support the majority of the committee. It was a 12 to 1 report and I ask you to vote against indefinite postponement.

The SPEAKER: The Chair recognizes the Representative from Orono, Representative Bott.

Representative BOTT: Mr. Speaker, Ladies and Gentlemen of the House: I wish to pose a question through the Chair, if I might.

What happens if the investigation is not conducted within 90 days?

The SPEAKER: Representative Bott of Orono has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Washington, Representative Allen.

Representative ALLEN: Mr. Speaker, Men and Women of the House: We are not talking about an investigation, we are talking about an examination of the defendant. Obviously, the police department will perform the investigation. It is the mental health professionals that are doing the examination.

The SPEAKER: The Chair recognizes the Representative from Orono, Representative Bott.

Representative BOTT: Mr. Speaker, Ladies and Gentlemen of the House: I didn't mean investigation, I wish to stand corrected, I meant the examination.

The SPEAKER: Representative Bott of Orono has posed an additional question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Damariscotta, Representative Stetson.

Representative STETSON: Mr. Speaker, Ladies and Gentlemen of the House: I guess I am the only one left to answer that question. The only answer I can give is, I wonder what?

I ask for a roll call.

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

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

The SPEAKER: The pending question before the House is the motion of Representative Stetson of Damariscotta that the bill and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

42 having voted in the affirmative and 88 in the negative with 21 being absent, the motion did not prevail.

(See Roll Call No. 263)

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

#### PASSED TO BE ENACTED

An Act to Amend Financial Reporting Requirements of Insurers (S.P. 754) (L.D. 1918) (C. "A" S-422)

An Act to Create a Maine Code Governing the Sale of Certain Commodities (S.P. 871) (L.D. 2196) (S. "A" S-421)

An Act Relating to the Time of Passamaquoddy Tribe Trust Land Designation (H.P. 1183) (L.D. 1680) (S. "A" S-411 to C. "A" H-565)

An Act Pertaining to Snowmobile Registration (H.P. 1477) (L.D. 2079)

An Act Regarding Family Housing (H.P. 1500) (L.D. 2113) (C. "A" H-589)

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.

#### PASSED TO BE ENGROSSED

##### AS AMENDED

An Act to Amend Maine's Abandoned Property Law (H.P. 1577) (L.D. 2224)

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

On motion of Representative Brannigan of Portland, under suspension of the rules, the House reconsidered its action whereby L.D. 2224 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-599) and moved its adoption.

House Amendment "A" (H-599) was read by the Clerk and adopted.

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

#### PASSED TO BE ENACTED

An Act to Clarify Certain Provisions of a Publicly-held Financial Institution (H.P. 1581) (L.D. 2225)

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.

FINALLY PASSED

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

RESOLVE, Authorizing the Director of Parks and Recreation to Convey by Deed the Interest of the State of Maine in a Certain Parcel of Real Property in the Town of Jackman (H.P. 1452) (L.D. 2049) (C. "A" H-588)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, finally passed, signed by the Speaker and sent to the Senate.

The following item appearing on Supplement No. 4 was taken up out of order by unanimous consent:

CONSENT CALENDAR

FIRST DAY

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

(S.P. 833) (L.D. 2115) Bill "An Act to Deorganize Plantation 14" (Emergency) Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-428)

There being no objections, the above item was ordered to appear on the Consent Calendar of March 25, 1986, under the listing of Second Day.

The following items appearing on Supplement No. 5 were taken up out of order by unanimous consent.

PAPERS FROM THE SENATE

The following Communication:

SENATE OF MAINE  
OFFICE OF THE SECRETARY  
AUGUSTA, MAINE 04333

March 24, 1986

The Honorable John L. Martin  
Speaker of the House  
112th Legislature  
Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Education, the Governor's nomination of Gary W. Moore of Sebago for appointment to the Board of Trustees of the Maine Maritime Academy.

Gary W. Moore is replacing Cyrus Hamlin.

Sincerely,

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

Was read and ordered placed on file.

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$10,500,000 for Coastal Access, Harbor Improvements and Marine Laboratory Improvements" (S.P. 895) (L.D. 2250)

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.

Unanimous Ought Not To Pass

Report of the Committee on Fisheries and Wildlife reporting "Ought Not to Pass" on Bill "An Act to Repeal the Pheasant Stamp" (S.P. 824) (L.D. 2084)

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

Unanimous Leave to Withdraw

Report of the Joint Select Committee on Alcoholism Services reporting "Leave to Withdraw" on Bill "An Act to Provide Greater Community Input into Alcohol and Drug Planning" (S.P. 725) (L.D. 1848)

Report of the Committee on Business and Commerce reporting "Leave to Withdraw" on Bill "An Act to Enable the Availability of Credit through Finance Companies in the State" (S.P. 811) (L.D. 2043)

Report of the Committee on Utilities reporting "Leave to Withdraw" on Bill "An Act to Limit the Public Advocate to Active Rate Cases" (S.P. 838) (L.D. 2127)

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 Judiciary on Bill "An Act to Facilitate the Collection of Child Support" (S.P. 492) (L.D. 1329) reporting "Ought to Pass" in New Draft (S.P. 887) (L.D. 2246)

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 Tuesday, March 25, 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:

Taxation

Bill "An Act to Make Certain Changes and Improve the Equity of Maine Tax Law" (Emergency) (H.P. 1603) (Presented by Representative MAYO of Thomaston) (Submitted by the Department of Finance and Administration pursuant to Joint Rule 24)

(Ordered Printed)  
Sent up for concurrence.

REPORTS OF COMMITTEES

Unanimous Leave to Withdraw

Representative RICE from the Committee on Marine Resources on Bill "An Act Regarding Mussel Dragging" (H.P. 1510) (L.D. 2130) 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 Utilities reporting "Ought Not to Pass" on Bill "An Act to Prohibit Mandatory Local Measured Service and to Preserve Affordable Traditional Flat Rate Local Telephone Service at as Low a Cost as Possible" (I.B. 3) (L.D. 2093)

Signed:

Senators: BALDACCI of Penobscot  
WEBSTER of Franklin

Representatives: CLARK of Millinocket  
WILLEY of Hampden  
WEBSTER of Cape Elizabeth  
RICHARD of Madison  
VOSE of Eastport  
PARADIS of Old Town  
NICHOLSON of South Portland  
WEYMOUTH of West Gardiner

Minority Report of the same Committee reporting "Ought to Pass" on same Bill.

Signed:

Senator: ANDREWS of Cumberland

Representatives: McHENRY of Madawaska  
BAKER of Portland

Reports were read.

Representative Vose of Eastport moved that the House accept the Majority "Ought Not to Pass" Report.

On motion of the same Representative, tabled pending his motion and tomorrow assigned.

CONSENT CALENDAR

SECOND DAY

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

(S.P. 819) (L.D. 2064) Bill "An Act to Assure Independent Advocacy for Institutionalized Developmentally Disabled Persons" (C. "A" S-426)

(H.P. 1434) (L.D. 2025) Bill "An Act to Authorize the Creation of Detention Districts" (Emergency) (C. "A" H-597)

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

PASSED TO BE ENGROSSED

Bill "An Act Permitting Municipalities to Require that a Payment on Taxes be Applied Toward the Oldest Outstanding Taxes" (H.P. 1596) (L.D. 2247)

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

TABLED AND ASSIGNED

RESOLUTION, Proposing Amendments to the Constitution of Maine to Change the Reapportionment Procedures to Reflect Changes in Legislative Procedures and to Specify how the Reapportionment Commission should Operate (H.P. 1599) (L.D. 2252)

Was reported by the Committee on Bills in the Second Reading and read the second time.

On motion of Representative Hayden of Brunswick, tabled pending passage to be engrossed and tomorrow assigned.

PASSED TO BE ENGROSSED

Bill "An Act to Amend the Charter of the Brunswick Sewer District" (Emergency) (H.P. 1602) (L.D. 2256)

Bill "An Act Concerning Liability Insurance for Commercial Whitewater Outfitters" (Emergency) (H.P. 1600) (L.D. 2254)

Bill "An Act to Study Establishment of an Emergency 9-1-1 System in Heavily Populated Areas" (H.P. 1601) (L.D. 2255)

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

---

ENACTOR

TABLED AND ASSIGNED

An Act to Require Employers to Notify Employees of the Termination of Group Insurance (H.P. 1564) (L.D. 2209)

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

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

---

The Chair laid before the House the following 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), 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.

---

(Off Record Remarks)

---

On motion of Representative Erwin of Rumford, Adjourned until March 25, 1986, at nine o'clock in the morning.

---