

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred And Thirteenth Legislature
OF THE
State Of Maine

VOLUME I
FIRST REGULAR SESSION
December 3, 1986 to May 22, 1987

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
4th Legislative Day
Friday, January 16, 1987

The House met according to adjournment and was called to order by the Speaker.
Prayer by Reverend Robert E. Carlson, East Orrington Congregational Church.
The Journal of Tuesday, January 13, 1987, was read and approved.
Quorum call was held.

SENATE PAPER

Bill "An Act to Clarify and Amend the Minimum Wage with Regard to Agriculture" (S.P. 24) (L.D. 14)
Came from the Senate, referred to the Committee on Labor and Ordered Printed.
Was referred to the Committee on Labor in concurrence.

COMMUNICATIONS

The following Communication: (H.P. 20)
STATE OF MAINE
DEPARTMENT OF STATE
STATE HOUSE STATION 101
AUGUSTA, MAINE 04333
DIVISION OF PUBLIC ADMINISTRATION
January 13, 1987

To the Honorable 113th Legislature of the State of Maine

Attention: House of Representatives, Clerk Pert
Info: Senate, Secretary O'Brien

I have the honor to transmit herewith an initiated bill, "AN ACT Regarding the Generation of Electric Power and High Level Radioactive Waste," and the results of the examination by this office of the initiative petitions relative to it.

The minimum number of valid signatures required to initiate this legislation is 46,030. Since these petitions were filed prior to the November 4, 1986 gubernatorial election, they fell under the requirements of the 1982 gubernatorial vote. These petitions were filed by the constitutionally mandated date of January 22, 1987. After extensive review we have determined the number of valid signatures is 53,286.

In view of the foregoing determination, I hereby certify that these petitions have met the constitutional requirement of the minimum of 46,030 valid signatures. Since the petitions have previously satisfied the constitutional requirements in all other respects, under the provisions of Article IV, Part Third, Section 18, of the Constitution of Maine, I do hereby declare this initiative petition to be valid.
In the event the Legislature rejects this initiative proposal, a referendum election will be called for November, 1987.

Respectfully,
s/James S. Henderson
Deputy Secretary of State

Was read and ordered placed on file and sent up for concurrence.

On Motion of Representative DIAMOND of Bangor, the accompanying Bill I.B. 1, L.D. 20 Bill "An Act Regarding the Generation of Electric Power and High-level and Radioactive Waste" was referred to the Committee on Utilities, ordered printed and sent up for concurrence.

The following Communication: (S.P. 25)

MAINE VOCATIONAL TECHNICAL INSTITUTE SYSTEM
VTI SUPPORT OFFICE
STATE HOUSE STATION 131
283 STATE STREET
AUGUSTA, MAINE 04333-0131
December 18, 1986

The Honorable Charles P. Pray
Chairperson, Legislative Council
Maine Senate
State House Station 3
Augusta, Maine 04333
Dear Senator Pray:

P.L. 1985, Chapter 695, which created the Maine Vocational Technical Institute System (MVTIS), states that the System's Annual Report should be delivered on January 1 to the Committee on Education. Given the particular circumstances of this MVTIS transition year, I am writing to request that we be granted an extension of the deadline for the Annual Report until February 2, 1987. As the System's first Executive Director, I began my duties in the MVTIS office on September 8. Since that time, it has been necessary that I concentrate on the preparations required to replace those finance and personnel services previously provided by state agencies. I have, however, begun compilation of the Report and look forward to providing it for the legislators' use.

Thank you for your consideration of our request during these unusual circumstances.

Respectfully,
S/Audni Miller-Beach
Executive Director

Came from the Senate, read and ordered placed on file.

Was read and ordered placed on file in concurrence.

The following Communication: (S.P. 26)
113TH MAINE LEGISLATURE
January 12, 1987

Senator Dennis Dutremble
Representative Edward McHenry
Chairpersons
Joint Standing Committee on Labor
113th Legislature
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor John R. McKernan has nominated John Fitzsimmons of Falmouth Foreside for appointment as the Commissioner of the Department of Labor.

Pursuant to Title 26, M.R.S.A. Section 1401, this nomination will require review by the Joint Standing Committee on Labor and confirmation by the Senate.

Sincerely,
S/Charles P. Pray
President of the Senate
S/John L. Martin
Speaker of the House

Came from the Senate, read and referred to the Committee on Labor.

Was read and referred to the Committee on Labor in concurrence.

The following Communication: (S.P. 27)
113TH MAINE LEGISLATURE
January 12, 1987

Senator Zachary Matthews
Representative James Mitchell
Chairpersons
Joint Standing Committee on Marine Resources
113th Legislature

Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan has nominated William J. Brennan of Yarmouth for appointment as the Commissioner of the Department of Marine Resources.

Pursuant to Title 12, M.R.S.A. Section 6022, this nomination will require review by the Joint Standing Committee on Marine Resources and confirmation by the Senate.

Sincerely,
S/Charles P. Pray
President of the Senate
S/John L. Martin
Speaker of the House

Came from the Senate, read and referred to the Committee on Marine Resources.

Was read and referred to the Committee on Marine Resources in concurrence.

The following Communication: (S.P. 28)
113TH MAINE LEGISLATURE
January 12, 1987

Senator John L. Tuttle
Representative Donnell P. Carroll
Chairpersons
Joint Standing Committee on State and Local Government
113th Legislature
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor John R. McKernan has nominated John Atwood of Damariscotta for appointment as the Commissioner of the Department of Public Safety.

Pursuant to Title 25, M.R.S.A. Section 2901, this nomination will require review by the Joint Standing Committee on State and Local Government and confirmation by the Senate.

Sincerely,
S/Charles P. Pray
President of the Senate
S/John L. Martin
Speaker of the House

Came from the Senate, read and referred to the Committee on State and Local Government.

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

The following Communication:
DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION
BUREAU OF BANKING
January 15, 1987

The Honorable John L. Martin
Speaker of the House
State House Station 2
Augusta, Maine 04333
Dear Speaker Martin:

In accordance with Title 9-B, Section 217, Maine Revised Statutes Annotated of 1975, as amended, the attached "Annual Report on the Status of Maine's Financial Institutions" is being submitted.

This report contains information on the number, types and legal structures of all regulated financial institutions in the State of Maine, the location of all offices and total deposits held by these institutions, and the steps taken by out-of-state financial institution holding companies, that have acquired Maine financial institutions, to meet the credit needs of Maine consumers and businesses.

Respectfully submitted,
S/H. Donald DeMatteis
Superintendent

Was read and with accompanying report ordered placed on file.

The following Communication:
STATE OF MAINE
DEPARTMENT OF CONSERVATION
STATE HOUSE 22
AUGUSTA, MAINE 04333
January 12, 1987

Representative John Martin
Speaker of the House
State House Station 2
Augusta, Maine 04333
Dear Speaker Martin:

I am enclosing a copy of the Harbor Master Authority Study, in accordance with L.D. 2313, P.L. 1986, Chapter 692 "AN ACT to Clarify Harbor Master Authority." The Bureau would be pleased to discuss any aspect of the report with the Legislature.

Sincerely,
S/Robert Gardiner
Director
Bureau of Public Lands

Was read and with accompanying report ordered placed on file.

The following Communication:
STATE OF MAINE
ONE HUNDRED AND TWELFTH LEGISLATURE
COMMITTEE ON EDUCATION
January 13, 1987

The Honorable John L. Martin
Speaker of the House
State House
Augusta, ME 04333
Dear Speaker Martin:

The Joint Standing Committee on Education is pleased to submit the attached report of our study of substitute teacher compensation conducted pursuant to order of the Legislative Council. We hope you find the report useful.

Sincerely,
S/Sen. Larry Brown, Chair

Was read and with accompanying report ordered placed on file.

The following Communication:
113th Maine Legislature
January 13, 1987

Hon. Edwin H. Pert
Clerk of the House
Station #2
Augusta, ME 04333
Dear Clerk Pert:

Pursuant to our authority under Chapter 52 of the Resolves of 1986, we have appointed the Hon. Stephen C. Estes of Kittery Point to serve on the Special Commission to Study Teacher Training in the University of Maine System.

If you have any questions about this appointment, please let us know.

Sincerely,
s/Charles P. Pray
President of the Senate
s/John L. Martin
Speaker of the House
Was read and ordered placed on file.

PETITIONS, BILLS AND RESOLVES

REQUIRING REFERENCE

The following Bills were received and, upon the recommendation of the Committee on Reference of Bills, were referred to the following Committees, Ordered Printed and Sent up for Concurrence:

Judiciary

Bill "An Act to Enable a Collection Agency to Represent Clients in Small Claims Court" (H.P. 18) (L.D. 17) (Presented by Representative INGRAHAM of Houlton)
(Ordered Printed)
Sent up for concurrence.

Marine Resources

Bill "An Act to Restrict the Use of Paravanes" (H.P. 19) (L.D. 18) (Presented by Representative RICE of Stonington) (Cosponsor: Representative SALSBURY of Bar Harbor)
Bill "An Act to Repeal the Sardine Inspection Tax" (H.P. 21) (L.D. 21) (Presented by Representative VOSE of Eastport)
(Ordered Printed)
Sent up for concurrence.

ORDERS

On motion of Representative McSWEENEY of Old Orchard Beach, the following Order:
ORDERED, that Representative Kerry Kimball of Buxton be excused January 13 for personal reasons.
Was read and passed.

(Off Record Remarks)

(At Ease)

The House was called to order by the Speaker.

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

SENATE PAPER

The following Joint Order: (S.P. 36)
ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, January 20, 1987 at 10 o'clock in the morning.
Came from the Senate, read and passed.
Was read and passed in concurrence.

On motion of Representative Diamond of Bangor, the House reconsidered its action whereby Bill I.B. 1, L.D. 20 Bill "An Act Regarding the Generation of Electric Power and High-level and Radioactive Waste" was referred to the Committee on Utilities.

On further motion of the same Representative, was referred to the Committee on Energy and Natural Resources, Ordered Printed and sent up for concurrence.

On motion of Representative Connolly of Portland, Adjourned until Tuesday, January 20, 1987, at ten o'clock in the morning in memory of Martin Luther King, Jr. pursuant to Joint Order (S.P. 36).

STATE OF MAINE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
FIRST REGULAR SESSION
JOURNAL OF THE SENATE

In Senate Chamber
Friday
January 16, 1987

Senate called to Order by the President.

Prayer by Reverend Phyllis C. Dodd of the United Methodist Church in Randolph.

REVEREND DODD: Let us be in the spirit of prayer. Most gracious God from whom comes all wisdom and love, we ask You to look with favor upon this governing Body. Be with them as they tend to the tasks which are sent before them. Bless each one as an individual and look with favor upon them as they work together in cooperation and in partnership on issues which are greater than self. Strengthen them, encourage them, and reveal to them new ideas, new pathways, and new approaches so that in all of their undertakings You may be glorified, most gracious God. Amen.

Reading of the Journal of Tuesday, January 13, 1987.

Out of order and under suspension of the Rules, on motion by Senator DUTREMBLE of York, the following Joint Order:

S.P. 36

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Tuesday, January 20, 1987, at 10 o'clock in the morning
Which was READ and PASSED.

Under suspension of the Rules, ordered sent down forthwith for concurrence.

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Deny Certain State Funds to Any Person who Refused to Register Under the United States Military Selective Services Act"

H.P. 13 L.D. 11

Comes from the House referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED.

Which was referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED, in concurrence.

Bill "An Act to Prevent the Destruction of Lobster Gear"

H.P. 14 L.D. 12

Bill "An Act Relating to the Use of Paravanes"

H.P. 15 L.D. 13

Come from the House referred to the Committee on MARINE RESOURCES and ORDERED PRINTED.

Which were referred to the Committee on MARINE RESOURCES and ORDERED PRINTED, in concurrence.

Bill "An Act to Specify How the Authority of Washington County Commissioners may be Exercised"

H.P. 16 L.D. 15

Comes from the House referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED.

Which was referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED, in concurrence.

COMMUNICATIONS