

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

Bill "An Act to Assure Proper Notice of Workers' Compensation Claims"

S.P. 79 L.D. 165

Presented by Senator COLLINS of Aroostook
Cosponsored by: Representative ZIRNKILTON of Mount Desert

Which was referred to the Committee on LABOR and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Amend the Piscataquis County Budget Committee Procedures"

S.P. 77 L.D. 163

Presented by President PRAY of Penobscot
Cosponsored by: Representative THISTLE of Dover-Foxcroft, Representative HUSSEY of Milo, Representative GOULD of Greenville

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for Staggered 4-year Terms for Representatives

S.P. 82 L.D. 168

Presented by President PRAY of Penobscot
Cosponsored by: Senator TUTTLE of York, Senator DOW of Kennebec, Senator BUSTIN of Kennebec

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Change the Terms of Members of the Senate from 2 Years to 4 Years

S.P. 87 L.D. 173

Presented by President PRAY of Penobscot
Cosponsored by: Senator TUTTLE of York, Senator DOW of Kennebec, Senator BUSTIN of Kennebec

Which were referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act Relating to the Base for the State Excise Tax under the Motor Vehicle Laws"

S.P. 80 L.D. 166

Presented by Senator TWITCHELL of Oxford
Which was referred to the Committee on TAXATION and ORDERED PRINTED.

Sent down for concurrence.

Pursuant to Public Law
Committee on

APPROPRIATIONS AND FINANCIAL AFFAIRS

Senator PEARSON for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS, pursuant to Public Law 1985, Chapter 773, section 3, ask leave to submit its findings and to report that the accompanying Bill "An Act to Transfer Certain Expenses from the Judicial Branch to Certain Executive Branch Agencies" (Emergency)

S.P. 75 L.D. 158

Be referred to the Joint Standing Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS for Public Hearing and printed pursuant to Joint Rule 18.

Which Report was READ and ACCEPTED.

The Bill referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED, pursuant to Joint Rule 18.

Sent down for concurrence.

Off Record Remarks

On motion by Senator DOW of Kennebec, ADJOURNED until Wednesday, February 4, 1987, at 9:00 in the morning.

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
12th Legislative Day
Wednesday, February 4, 1987

The House met according to adjournment and was called to order by the Speaker.

Prayer by Reverend Maynard Hammond, Federated Church, Skowhegan.

The Journal of yesterday was read and approved.

Quorum call was held.

SENATE PAPERS

Bill "An Act to Provide for Continuation of the Living in the Community Program for Chronically Mentally Ill Persons" (Emergency) (S.P. 83) (L.D. 169)

Bill "An Act to Provide State Funding Necessary to Match Federal Funds for Home and Community Based Services for Older Citizens" (S.P. 84) (L.D. 170)

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

Were referred to the Committee on Appropriations and Financial Affairs in concurrence.

Bill "An Act to Establish a Fluctuating Credit Card Charge Relative to the Prime Rate" (S.P. 78) (L.D. 164)

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

Was referred to the Committee on Banking and Insurance in concurrence.

Bill "An Act Relating to Requirements for a Master Electrician License" (S.P. 85) (L.D. 171)

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

Was referred to the Committee on Business Legislation in concurrence.

Bill "An Act to Expedite the Processing of Environmental Permits" (S.P. 81) (L.D. 167)

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

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

Bill "An Act to Provide for Alternative Base-year Financial Requirements and Alternative Computation of 3rd and Subsequent Year Financial Requirements" (S.P. 76) (L.D. 162)

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

Was referred to the Committee on Human Resources in concurrence.

Bill "An Act Relating to Civil Penalty Actions" (S.P. 86) (L.D. 172)

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

Was referred to the Committee on Judiciary in concurrence.

Bill "An Act to Assure Proper Notice of Workers' Compensation Claims" (S.P. 79) (L.D. 165)

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

Was referred to the Committee on Labor in concurrence.

Bill "An Act to Amend the Piscataquis County Budget Committee Procedures" (S.P. 77) (L.D. 163)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for Staggered 4-year Terms for Representatives (S.P. 82) (L.D. 168)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Change the Terms of Members of the Senate from 2 Years to 4 Years (S.P. 87) (L.D. 173)

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

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

Bill "An Act Relating to the Base for the State Excise Tax under the Motor Vehicle Laws" (S.P. 80) (L.D. 166)

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

Was referred to the Committee on Taxation in concurrence.

Reported Pursuant to the Statutes

Report of the Committee on Appropriations and Financial Affairs, pursuant to Public Law 1985, Chapter 733, section 3 ask leave to submit its findings and report that the accompanying Bill "An Act to Transfer Certain Expenses from the Judicial Branch to Certain Executive Branch Agencies" (Emergency) (S.P. 75) (L.D. 158) be referred to the Joint Standing Committee on Appropriations and Financial Affairs for public hearing and printed pursuant to Joint Rule 18.

Came from the Senate with the report read and accepted and the bill referred to the Committee on Appropriations and Financial Affairs and ordered printed.

Report was read and accepted and the bill referred to the Committee on Appropriations and Financial Affairs in concurrence.

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:

Agriculture

Bill "An Act Relating to the Payment of Dues to Grower Organizations by Handlers and Processors of Farm Products" (H.P. 169) (L.D. 213) (Presented by Representative LISNIK of Presque Isle) (Cosponsors: Representatives MAHANY of Easton, PARADIS of Frenchville and Senator COLLINS of Aroostook)

Bill "An Act to Allow for Alternates on the Maine Potato Board" (H.P. 181) (L.D. 225) (Presented by Representative LISNIK of Presque Isle) (Cosponsors: Representative MAHANY of Easton and Senator COLLINS of Aroostook)

Ordered Printed.

Sent up for Concurrence.

Appropriations and Financial Affairs

Bill "An Act to Increase Employability of Persons with Long-term Mental Illness" (H.P. 170) (L.D. 214) (Presented by Representative LISNIK of Presque Isle)

(Cosponsors: Representatives MCGOWAN of Canaan, CARTER of Winslow and Senator GILL of Cumberland)

Bill "An Act to Provide Funding for Potato Variety Breeding and Development" (H.P. 180) (L.D. 224) (Presented by Representative LISNIK of Presque Isle) (Cosponsors: Representatives MAHANY of Easton, PINES of Limestone and Senator COLLINS of Aroostook)

Ordered Printed.

Sent up for Concurrence.

Business Legislation

Bill "An Act Defining Terms in the Manufactured Housing Zoning Laws" (H.P. 187) (L.D. 231) (Presented by Representative JACQUES of Waterville) (Cosponsors: Senators TUTTLE of York, TWITCHELL of Oxford and Representative JACKSON of Harrison)

Ordered Printed.

Sent up for Concurrence.

Human Resources

Bill "An Act Relating to Immunization of Post-secondary Students" (H.P. 182) (L.D. 226) (Presented by Representative BOST of Orono) (Cosponsors: Senators GILL of Cumberland, ESTES of York and Representative LAPOINTE of Auburn)

(The Committee on Reference of Bills had suggested the Committee on Education)

On motion of Representative Bost of Orono, was referred to the Committee on Human Resources, ordered printed and sent up for concurrence.

Education

Bill "An Act Relating to the Administrative Council of the University of Maine System" (H.P. 183) (L.D. 227) (Presented by Representative BOST of Orono) (Cosponsors: Senators RANDALL of Washington, ESTES of York and Representative MATTHEWS of Caribou)

Bill "An Act to Change the Law Governing School Entrance Age" (H.P. 185) (L.D. 229) (Presented by Representative DIAMOND of Bangor) (Cosponsors: Representative HANDY of Lewiston, Senators ESTES of York and RANDALL of Washington)

Ordered Printed.

Sent up for Concurrence.

Energy and Natural Resources

Bill "An Act to Exempt Liquid Asphalt Terminal Licenses from Certain Fee Payments" (H.P. 172) (L.D. 216) (Presented by Representative WILLEY of Hampden) (Cosponsors: Representatives RACINE of Biddeford, HIGGINS of Scarborough and Senator DILLENBACK of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Bill "An Act to Ensure that a Draft of Maine Land Use Regulation Commission's Decisions is Made Available to Interested Parties Prior to the Commission's Action on an Application" (H.P. 173) (L.D. 217) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsors: Representatives JACQUES of Waterville, HOLLOWAY of Edgecomb and Senator USHER of Cumberland)

Bill "An Act to Clarify the Site Location Law" (H.P. 188) (L.D. 232) (Presented by Representative JACQUES of Waterville) (Cosponsors: Representatives TAMMARO of Baileyville and MICHAUD of East Millinocket)

Ordered Printed.

Sent up for Concurrence.

Fisheries and Wildlife

Bill "An Act Concerning Snowmobile Registration Fees" (H.P. 174) (L.D. 218) (Presented by Representative FARREN of Cherryfield) (Cosponsors: Senators DOW of Kennebec, PERKINS of Hancock and Representative ANDERSON of Woodland)

Bill "An Act to Allow Sunday Deer Hunting" (H.P. 177) (L.D. 221) (Presented by Representative HEPBURN of Skowhegan) (Cosponsor: Representative JACKSON of Harrison)

Bill "An Act to Require all Licensed Guides to have Cardiopulmonary Resuscitation First Aid Certification" (H.P. 179) (L.D. 223) (Presented by Representative JACQUES of Waterville) (Cosponsors: Representatives ROTONDI of Athens and SWAZEY of Bucksport)

Bill "An Act Concerning the Open Season on Bear" (H.P. 189) (L.D. 233) (Presented by Representative JACQUES of Waterville) (Cosponsors: Representatives ROTONDI of Athens, TAMMARO of Baileyville and MCGOWAN of Canaan)

Ordered Printed.
Sent up for Concurrence.

Judiciary

Bill "An Act Relating to the Use of Hospital Records of Blood-alcohol Level in Court Procedures as Evidence of Liability" (H.P. 176) (L.D. 220) (Presented by Representative HARPER of Lincoln) (Cosponsors: Representative HICHBORN of LaGrange and Senator PEARSON of Penobscot)

Ordered Printed.
Sent up for Concurrence.

Labor

Bill "An Act to Exempt Prisoners and Adult Offenders who are Performing Court-ordered Public Restitution from the Provisions of the Workers' Compensation Act" (H.P. 178) (L.D. 222) (Presented by Representative HEPBURN of Skowhegan) (Cosponsors: Representatives PARADIS of Augusta and JOSEPH of Waterville)

Ordered Printed.
Sent up for Concurrence.

Legal Affairs

Bill "An Act to Allow Political Parties to Determine the Qualifications of Voters in Primary Elections" (H.P. 184) (L.D. 228) (Presented by Representative DIAMOND of Bangor) (Cosponsors: Representative MURPHY of Kennebunk, Senators CLARK of Cumberland and PERKINS of Hancock)

Bill "An Act to Eliminate Voter Registration on Election Day" (H.P. 191) (L.D. 235) (Presented by Representative MacBRIDE of Presque)

Bill "An Act Relating to Organization and Powers of Religious Societies" (H.P. 195) (L.D. 239) (Presented by Representative TUPPER of Orrington) (Cosponsor: Senator MAYBURY of Penobscot) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.
Sent up for Concurrence.

State and Local Government

Bill "An Act Relating to Major Policy-influencing Positions in State Government" (H.P. 175) (L.D. 219) (Presented by Representative GWADOSKY of Fairfield) (Cosponsors: Representative VOSE of Eastport, Speaker MARTIN of Eagle Lake and Senator USHER of Cumberland)

Bill "An Act to Establish Salary Ranges for Deputy Secretaries of State and the Attorney General's Office" (H.P. 186) (L.D. 230) (Presented by Representative GWADOSKY of Fairfield) (Cosponsor: Representative CARROLL of Gray)

Ordered Printed.
Sent up for Concurrence.

Judiciary

Bill "An Act Concerning Membership on the Commission on Uniform State Laws" (H.P. 194) (L.D. 238) (Presented by Representative PARADIS of Augusta) (Cosponsors: Representatives PRIEST of Brunswick, MARSANO of Belfast and Senator BRANNIGAN of Cumberland)

(The Committee on Reference of Bills had suggested the Committee on State and Local Government) On motion of Representative Carroll of Gray, was referred to the Committee on Judiciary, ordered printed and sent up for concurrence.

Taxation

Bill "An Act Relating to Taxation of Aircraft" (Emergency) (H.P. 190) (L.D. 234) (Presented by Representative LISNIK of Presque Isle) (Cosponsors: Senator TWITCHELL of Oxford, Representatives CASHMAN of Old Town and SALSBURY of Bar Harbor)

Bill "An Act to Amend the Tree Growth Tax Law" (H.P. 192) (L.D. 236) (Presented by Representative MICHAUD of East Millinocket) (Cosponsors: Representatives CASHMAN of Old Town and CLARK of Millinocket)

Ordered Printed.
Sent up for Concurrence.

Transportation

Bill "An Act Relating to Use of 6-axle Vehicles to Haul Commodities" (H.P. 193) (L.D. 237) (Presented by Representative McPHERSON of Eliot) (Cosponsor: Senator CAHILL of Sagadahoc)

Ordered Printed.
Sent up for Concurrence.

Utilities

Bill "An Act to Amend the Charter of the Kennebunk, Kennebunkport and Wells Water District" (Emergency) (H.P. 171) (L.D. 215) (Presented by Representative MURPHY of Kennebunk) (Cosponsors: Senator DUTREMBLE of York, Representatives ROLDE of York and SEAVEY of Kennebunkport)

Ordered Printed.
Sent up for Concurrence.

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative MARSANO from the Committee on Judiciary on Bill "An Act to Enable a Collection Agency to Represent Clients in Small Claims Court" (H.P. 18) (L.D. 17) reporting "Ought Not to Pass"

Was 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. 26) (L.D. 23) Bill "An Act to Extend Immunity from Civil Liability for the Unlawful Cutting of Trees to Municipal Employees Acting within the Course and Scope of their Employment" Committee on Judiciary reporting "Ought to Pass"

There being no objections, the above item was ordered to appear on the Consent Calendar of Thursday, February 5, 1987 under the listing of Second Day.

(Off Record Remarks)

On motion of Representative Gould of Greenville, Adjourned until Thursday, February 5, 1987, at nine o'clock in the morning.

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

In Senate Chamber
Wednesday
February 4, 1987

Senate called to Order by the President.

Prayer by Reverend Peter Mars of the United Church in Monmouth.

REVEREND MARS: Thank you Mr. President, good morning Ladies and Gentlemen. If you would take a moment to bow your heads in the spirit of prayer.

Eternal God, Father of our souls, grant to the Members and officers of this Body, a quiet and a sacred moment before they take up the duties for the day. Turn their thoughts to You, and open their hearts to Your spirit that they may have wisdom in their decisions, understanding in their thinking, love in their attitudes and mercy in their judgements.

Let them not think that when this prayer is said, that their dependence upon You is over and forget Your counsels for the rest of the day. Instead, let them know that You are in this place. For we ask this in Your most precious name, Amen.

Reading of the Journal of Yesterday.

Off Record Remarks

PAPERS FROM THE HOUSE
Non-concurrent Matter

Bill "An Act Clarifying Municipal Home Rule Authority as it Relates to Shoreland Areas"

H.P. 113 L.D. 138

In House, January 28, 1987, referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED.

In Senate, February 2, 1987, referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED in NON-CONCURRENCE.

Comes from the House, that Body ADHERED.
The Senate RECEDED and CONCURRED.

House Papers

Bill "An Act Concerning the Payment and State Reimbursement to Boarding Care Facilities"

H.P. 136 L.D. 177

Bill "An Act to Undedicate the Alcoholism Prevention, Education, Treatment and Research Fund"

H.P. 159 L.D. 200

Bill "An Act to Extend the Homeowner Weatherization Program"

H.P. 160 L.D. 201

Bill "An Act to Increase the Personal Needs Allowance for Supplemental Security Income Recipients who are Residents of Nursing Homes"

H.P. 161 L.D. 202

Come from the House referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

Which were referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED, in concurrence.

Bill "An Act to Amend the Maine Business Corporation Act and the Maine Nonprofit Corporation