

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 Thirteenth Legislature
OF THE
State Of Maine

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

Tabled - February 11, 1987, by Senator DUTREMBLE of York.

Pending - REFERENCE

(In House, February 10, 1987, referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED.)

On motion by Senator CLARK of Cumberland, referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED, in concurrence.

Senator BALDACCI of Penobscot was granted unanimous consent to address the Senate on the Record.

Senator BALDACCI: Thank you Mr. President and Members of the Senate. I was reading in this morning's newspaper, tucked away on the back pages, about Maine schools and the report that was published by the Secretary of Education, William Bennett. It talked about the recently past improvements, reforms, teachers certification and pay and how Maine had jumped from thirty-second to eleventh nationally in its high school graduation rate. Also, in how it improved in AST scores and SAT scores.

It was quite a good report card for the State of Maine. In noting in the Governor's address on his budget, and the lack of funds for education and the educational reforms that were passed, I hope the administration, as a matter of fact I would challenge the administration, to propose educational funding and reforms to maintain the momentum that we have gained in education. I am pretty proud of what we have been able to do in the last couple of years. I would hope that as a Member of the Legislature, I would welcome those reforms that were presented by the new Governor and any packages on education funding that would be proposed, because I think it is very important that we keep up the momentum that the State has already gained. By the report, I think that we can say that everybody has done a good job and we have to keep up the good work. Thank you Mr. President.

Off Record Remarks

The Adjournment Order having been returned from the House, READ and PASSED, in concurrence, on motion by Senator BRANNIGAN of Cumberland, ADJOURNED until Tuesday, February 17, 1987, at 10:00 in the morning.

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
17th Legislative Day
Tuesday, February 17, 1987

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

Prayer by Reverend Nathan Garnett, South Liberty Baptist Church, Liberty.

National Anthem by Maine Maritime Academy Band, Castine.

The Journal of Wednesday, February 11, 1987, was read and approved.

SENATE PAPERS

The following Communication:

The Senate of Maine

Augusta

February 11, 1987

The Honorable John L. Martin

Speaker of the House

113th 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 Human Resources, the Governor's nomination of Dr. H. Rollin Ives of Falmouth Foreside for appointment as the Commissioner of the Department of Human Services.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

Was read and ordered placed on file.

Bill "An Act to Provide Funds for Living in the Community Program for the Chronically Mentally Disabled" (S.P. 124) (L.D. 329)

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

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

Bill "An Act to Require the Department of Human Services to Reimburse Nursing Homes for the Reasonable Costs of Recruiting, Training and Retaining Qualified Nursing Staff" (S.P. 127) (L.D. 332)

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 to Enhance the Penalties for Engaging in Prostitution" (S.P. 125) (L.D. 330)

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 Amend the State Employee Collective Bargaining Act" (S.P. 131) (L.D. 336)

Bill "An Act to Amend the State Employee Collective Bargaining Act" (S.P. 128) (L.D. 333)

Bill "An Act to Amend the Municipal Public Employees Labor Relations Law Regarding the Negotiation of Union Security Clauses" (S.P. 129) (L.D. 334)

Bill "An Act to Amend the University of Maine System Labor Relations Act" (S.P. 130) (L.D. 335)

Bill "An Act to Amend the Municipal Employees Labor Relations Law" (S.P. 132) (L.D. 337)

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

Were referred to the Committee on Labor in concurrence.

LATER TODAY ASSIGNED

Bill "An Act to Establish a Presidential Primary in Maine" (S.P. 123) (L.D. 328)

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

On motion of Representative Gwadosky of Fairfield, tabled pending reference and later today assigned.

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:

Aging, Retirement and Veterans

Bill "An Act to Change the Composition of the Board of Trustees of the Maine State Retirement System" (H.P. 278) (L.D. 361) (Presented by Representative JALBERT of Lisbon) (Cosponsors: Representatives GREENLAW of Standish, PERRY of Mexico and McSWEENEY of Old Orchard Beach)

Bill "An Act to Make Maine State Retirement System Membership Optional for Employees in Participating Local Districts that Establish an Alternative Pension System" (H.P. 281) (L.D. 364) (Presented by Representative MANNING of Portland)

Ordered Printed.

Sent up for Concurrence.

Agriculture

Bill "An Act to Temporarily Extend Authority for Agricultural Central Filing Systems" (Emergency) (H.P. 277) (L.D. 360) (Presented by Representative TARDY of Palmyra) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Ordered Printed.

Sent up for Concurrence.

Appropriations and Financial Affairs

Bill "An Act to Appropriate Funds to the Department of Human Services to Provide Training and Technical Assistance to Community Public Drinking Water Supplies" (H.P. 269) (L.D. 352) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsors: Representatives VOSE of Eastport, CHONKO of Topsham and JACKSON of Harrison)

Bill "An Act to Increase the State's Share of Education Costs" (H.P. 272) (L.D. 355) (Presented by Representative CASHMAN of Old Town) (Cosponsors: Speaker MARTIN of Eagle Lake, Representative BOST of Orono and Senator EMERSON of Penobscot)

Bill "An Act to Provide for Emergency Funding for Home-based Family Services" (Emergency) (H.P. 282) (L.D. 365) (Presented by Representative DIAMOND of Bangor) (Cosponsors: Representatives McGOWAN of Canaan, GARLAND of Bangor and KETOVER of Portland)

Bill "An Act to Prevent Inappropriate Institutionalization of Children" (H.P. 283) (L.D. 366) (Presented by Representative CONNOLLY of

Portland) (Cosponsors: Senators BERUBE of Androscoggin, GAUVREAU of Androscoggin and Representative ROLDE of York)

Ordered Printed.

Sent up for Concurrence.

Labor

Bill "An Act to Make State Law Regarding Continuation of Group Health Insurance Coverage Consistent with Federal Law" (H.P. 280) (L.D. 363) (Presented by Representative MANNING of Portland) (Cosponsor: Representative RACINE of Biddeford) (The Committee on Reference of Bills had suggested the Committee on Banking and Insurance.)

On motion of Representative McHenry of Madawaska, referred to the Committee on Labor, ordered printed and sent up for concurrence.

Business Legislation

Bill "An Act to Prohibit Tobacco Companies from Sponsoring Community, Sporting, Recreational or Civic Events" (H.P. 273) (L.D. 356) (Presented by Representative KIMBALL of Buxton) (Cosponsors: Representatives MAYO of Thomaston, MELENDY of Rockland and Senator GILL of Cumberland)

Ordered Printed.

Sent up for Concurrence.

Education

Bill "An Act to Amend the Date to Determine Age for Kindergarten Eligibility" (H.P. 284) (L.D. 367) (Presented by Representative BEGLEY of Waldoboro) (Cosponsor: Representative NORTON of Winthrop)

Ordered Printed.

Sent up for Concurrence.

Appropriations and Financial Affairs

Bill "An Act to Provide Energy Grants to Schools and Hospitals Under the 'Institutional Conservation Program'" (H.P. 274) (L.D. 357) (Presented by Representative HANDY of Lewiston) (Cosponsors: Representatives CARROLL of Gray, COTE of Auburn and KETOVER of Portland)

(The Committee on Reference of Bills had suggested the Committee on Energy and Natural Resources.)

On motion of Representative Carter of Winslow, referred to the Committee on Appropriations and Financial Affairs, ordered printed and sent up for concurrence.

Human Resources

Bill "An Act to Prohibit Smoking in Public Areas of Publicly Owned Buildings" (H.P. 270) (L.D. 353) (Presented by Representative PINES of Limestone) (Cosponsors: Representatives CARROLL of Gray, BOUTILIER of Lewiston and Senator GILL of Cumberland)

Bill "An Act Concerning Interdepartmental Coordination of Services to Children and Families" (H.P. 276) (L.D. 359) (Presented by Representative MANNING of Portland) (Cosponsors: Representative PINES of Limestone, Senators GAUVREAU of Androscoggin and GILL of Cumberland) Ordered Printed.

Sent up for Concurrence.

Judiciary

Bill "An Act Relating to the Amount of Civil Penal Damages to be Awarded in Cases of Unlawful

Discrimination" (H.P. 271) (L.D. 354) (Presented by Representative PRIEST of Brunswick) (Cosponsors: Representatives PARADIS of Augusta, MARSANO of Belfast and Senator BRANNIGAN of Cumberland)

Bill "An Act to Amend the Maine Tort Claims Act to Remove Joint and Several Liability for Government Entities" (H.P. 275) (L.D. 358) (Presented by Representative MANNING of Portland) (Cosponsor: Representative CURRAN of Westbrook)

Bill "An Act to Expand the Adoption Registry" (H.P. 286) (L.D. 369) (Presented by Representative ANTHONY of South Portland) (Cosponsors: Representative CLARK of Brunswick and Senator BRANNIGAN of Cumberland)

Ordered Printed.
Sent up for Concurrence.

Labor

Bill "An Act to Provide for the Combining or Merger of Existing Bargaining Units Represented by a Single Bargaining Agent Under the Municipal Public Employees Labor Relations Law" (H.P. 287) (L.D. 372) (Presented by Representative HANDY of Lewiston) (Cosponsor: Senator DUTREMBLE of York)

Ordered Printed.
Sent up for Concurrence.

Legal Affairs

Bill "An Act to Require an Election Coordinator for Absentee Balloting in Housing Facilities for the Elderly" (H.P. 288) (L.D. 373) (Presented by Representative RACINE of Biddeford) (Cosponsors: Senator CAHILL of Sagadahoc, Representatives PERRY of Mexico and WILLEY of Hampden)

Ordered Printed.
Sent up for Concurrence.

State and Local Government

Bill "An Act to Amend the Laws Concerning the State Employee Health Insurance Coverage" (H.P. 279) (L.D. 362) (Presented by Representative JALBERT of Lisbon) (Cosponsors: Representatives GREENLAW of Standish, PERRY of Mexico and McSWEENEY of Old Orchard Beach)

Bill "An Act to Allow a County Treasurer to Appoint a Deputy Treasurer" (H.P. 285) (L.D. 368) (Presented by Representative ANDERSON of Woodland) (Cosponsors: Representatives LORD of Waterboro, MATTHEWS of Caribou and Senator COLLINS of Aroostook)

Ordered Printed.
Sent up for Concurrence.

Taxation

Bill "An Act to Limit the Impact of Annual Variations in State Valuations" (H.P. 268) (L.D. 351) (Presented by Representative KETOVER of Portland) (Cosponsors: Senators BRANNIGAN of Cumberland and TWITCHELL of Oxford)

Ordered Printed.
Sent up for Concurrence.

ORDERS

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

ORDERED, that Representative Judith C. Foss of Yarmouth be excused February 9 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Sally Rice of Stonington be excused February 9 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Harriet Ketover of Portland be excused February 23 and 24 for legislative business.

AND BE IT FURTHER ORDERED, that Representative John Telow of Lewiston be excused March 2 and 3 for health reasons.

Was read and passed.

REPORTS OF COMMITTEES

Unanimous Leave to Withdraw

Representative ALLEN from the Committee on Business Legislation on Bill "An Act to Increase the Licensing Fee of Florists" (H.P. 60) (L.D. 63) reporting "Leave to Withdraw"

Representative MITCHELL from the Committee on Marine Resources on Bill "An Act to Repeal the Sardine Inspection Tax" (H.P. 146) (L.D. 187) 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

Second Day

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

(H.P. 65) (L.D. 68) Bill "An Act Relating to the Maine Veterans' Homes"

(H.P. 27) (L.D. 24) RESOLVE, to Provide for a Commemorative Bicentennial Motor Vehicle License Plate to Celebrate the Bicentennial of the Town of Waterboro (Emergency)

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

PASSED TO BE ENGROSSED

Bill "An Act to Increase the Compensation of Mediators under the Municipal Public Employees Labor Relations Act" (H.P. 61) (L.D. 64)

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

Representative McHenry of Madawaska offered House Amendment "A" (H-2) and moved its adoption.

House Amendment "A" (H-2) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Madawaska, Representative McHenry.

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: This bill came out of committee with an "Ought to Pass" and it should have come out as "Ought to Pass as Amended" and this is why I am presenting the amendment today.

Subsequently, House Amendment "A" was adopted.

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

PASSED TO BE ENACTED

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 (H.P. 26) (L.D. 23)

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.

(At Ease)

The House was called to order by the Speaker.

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

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:

Utilities

Bill "An Act to Extend the Life of the 9-1-1 Study Commission" (Emergency) (H.P. 289) (L.D. 374) (Presented by Representative Vose of Eastport)

Ordered Printed.

Sent up for Concurrence.

Reported Pursuant to the Statutes

Representative PARADIS for the Secretary of State, pursuant to Title 29, section 2202 ask leave to submit its findings and report that the accompanying Bill "An Act to Implement Administrative Adjudication of Traffic Infractions" (H.P. 290) (L.D. 375) be referred to the Joint Standing Committee on Judiciary for Public Hearing and printed pursuant to Joint Rule 18.

Was read and with accompanying report ordered placed on file.

Was referred to the Committee on Judiciary, ordered printed and sent up for concurrence.

The Chair laid before the House the following matter: Bill "An Act to Establish a Presidential Primary in Maine" (S.P. 123) (L.D. 328) which was tabled earlier in the day and later today assigned pending reference.

(Came from the Senate, referred to the Committee on Legal Affairs and Ordered Printed.)

Was referred to the Committee on Legal Affairs in concurrence.

(Off Record Remarks)

On motion of Representative Strout of Corinth, Adjourned until Wednesday, February 18, 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
Tuesday
February 17, 1987

Senate called to Order by the President.

Prayer by Reverend Norman Shaw of the Church of the Nazarene in Millinocket.

REVEREND SHAW: Our most gracious and wonderful Heavenly Father. We come before You, this morning, beseeching Thy wisdom and grace and ask for Your blessing upon this Senate of our great State of Maine. Bless our Governor, our Senate President, the Speaker of the House, all the Legislators and Senators and all of the residents of our great State of Maine. We ask that in the name of Christ our Lord. Amen.

Reading of the Journal of Wednesday, February 11, 1987.

Off Record Remarks

PAPERS FROM THE HOUSE

House Papers

Bill "An Act in Support of Statewide Music Lending Services"

H.P. 261 L.D. 344

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

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

Bill "An Act to Impose Liability and Financing Responsibility for Injuries to Patients Consequent to Review Decisions by 3rd-party Payors"

H.P. 262 L.D. 345

Comes from the House referred to the Committee on BANKING AND INSURANCE and ORDERED PRINTED.

Which was referred to the Committee on BANKING AND INSURANCE and ORDERED PRINTED, in concurrence.

Bill "An Act to Repeal Certain Statutes Relating to Continued Group Health Insurance Coverage"

H.P. 260 L.D. 343

Comes from the House referred to the Committee on BANKING AND INSURANCE and ORDERED PRINTED.

On motion by Senator DUTREMBLE of York, referred to the Committee on LABOR and ORDERED PRINTED in NON-CONCURRENCE.

Sent down for concurrence.