

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
19th Legislative Day
Thursday, February 19, 1987

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

Prayer by Reverend Alan E. Kipp, Dresden Community Church.

The Journal of Wednesday, February 18, 1987, was read and approved.

Quorum call was held.

SENATE PAPERS

Bill "An Act Providing a Sales Tax Exemption for Nonprofit Boarding Care Facilities Providing Treatment for Persons Suffering from Alzheimer's Disease or Related Disorders" (S.P. 138) (L.D. 377)

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 Private and Special Law 1985, Chapter 140, ask leave to submit its findings and report that the accompanying RESOLVE, Authorizing the Commissioner of Administration to Implement the Plan for Expenditure of the \$6,000,000 Bond Issue to Identify and Correct Asbestos Problems in State Facilities (Emergency) (S.P. 137) (L.D. 376) 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.

COMMUNICATIONS

The following Communication: (S.P. 139)
113th Maine Legislature
February 17, 1987

Senator Zachary Matthews
Representative Robert J. Tardy
Chairpersons
Joint Standing Committee on Agriculture
113th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Arthur W. Adelberg of Augusta and Thomas H. Saliba of South Freeport for appointment to the Maine Milk Commission.

Pursuant to Title 7, M.R.S.A. Section 2952, this nomination will require review by the Joint Standing Committee on Agriculture 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 Agriculture.

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

The following Communication:
MAINE STATE LEGISLATURE
Augusta, Maine 04333

COMMISSION TO STUDY THE INTEGRATION OF
THE MAINE STATE RETIREMENT SYSTEM
WITH SOCIAL SECURITY

February 16, 1987

Senator Charles P. Pray, President of the Senate
Representative John L. Martin, Speaker of the House
State House
Augusta, ME 04333

Dear President Pray and Speaker Martin:

The Commission to Study the Integration of the Maine State Retirement System with the Social Security System is pleased to submit its report to the Legislature pursuant to Resolves of 1986, c. 88.

Sincerely,
S/Osmond Bonsey, Chair

Was read and with accompanying report ordered placed on file.

PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE

The following Bills and Resolves 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 Ensure that there is no Penalty for Early Retirement after 30 Years of Teaching (H.P. 344) (Presented by Representative HANDY of Lewiston) (Cosponsors: Representatives JOSEPH of Waterville, WARREN of Scarborough and PARADIS of Frenchville)
Ordered Printed.

Sent up for Concurrence.

Appropriations and Financial Affairs

Bill "An Act Providing Funds for Educational Programs Regarding the Harmful Effects of Tobacco Products" (H.P. 315) (L.D. 414) (Presented by Representative MAYO of Thomaston) (Cosponsors: Representative PINES of Limestone, Senators GILL of Cumberland and GAUVREAU of Androscoggin)

Bill "An Act to Assure Full Funding for Home-based Family Services" (H.P. 319) (L.D. 418) (Presented by Representative DIAMOND of Bangor) (Cosponsors: Senators CLARK of Cumberland, PERKINS of Hancock, and Representative CLARK of Brunswick)

Bill "An Act to Establish Pilot Indigency Screening Units for Court-appointed Counsel" (H.P. 324) (L.D. 423) (Presented by Representative PARADIS of Augusta) (Cosponsors: Representatives CONLEY of Portland, MacBRIDE of Presque Isle and HANLEY of Paris)

Bill "An Act to Increase the Amount the State Contributes to the Supplemental Security Income Program for those Living in the Community" (H.P. 328) (L.D. 427) (Presented by Representative HICKEY of Augusta) (Cosponsors: Senators BERUBE of Androscoggin, CLARK of Cumberland and Representative REEVES of Pittston)

Bill "An Act to Provide for a Self-sufficiency Trust of Funds for the Developmentally Disabled" (H.P. 331) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsors: Representatives GWADOSKY of Fairfield, CARTER of Winslow and Senator GAUVREAU of Androscoggin)

Bill "An Act to Appropriate Funds for the Critical Areas Program" (H.P. 333) (Presented by Representative ROLDE of York)

Bill "An Act to Fund Statewide Community Response Programs to Reduce Spouse Abuse in Maine Communities" (H.P. 340) (Presented by Representative McGOWAN of Canaan) (Cosponsors: Senator CLARK of Cumberland and Representative REEVES of Pittston)

Bill "An Act to Provide a Treatment Team for the Home-based Family Services Program" (H.P. 345) (Presented by Representative DIAMOND of Bangor) (Cosponsors: Representatives BOST of Orono, CONNOLLY of Portland and Senator GAUVREAU of Androscoggin)

RESOLVE, Appropriating Funds for the Chester Dental Clinic (H.P. 332) (Presented by Representative MICHAUD of East Millinocket) (Cosponsors: President PRAY of Penobscot, Senator PEARSON of Penobscot and Representative HARPER of Lincoln)

Ordered Printed.
Sent up for Concurrence.

Business Legislation

Bill "An Act to Amend the Postgraduate Residency Requirements for Physicians" (Emergency) (H.P. 314) (L.D. 413) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsor: President PRAY of Penobscot) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Ordered Printed.
Sent up for Concurrence.

Fisheries and Wildlife

Bill "An Act to Require Nonresidents to Hunt or Trap Bear with the Services of a Resident Licensed Guide" (H.P. 317) (L.D. 416) (Presented by Representative JACQUES of Waterville)

Bill "An Act to Provide Wildlife Education for Secondary Students" (Emergency) (H.P. 320) (L.D. 419) (Presented by Representative DUFFY of Bangor) (Cosponsors: Representatives JACQUES of Waterville, McGOWAN of Canaan, and Senator USHER of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Bill "An Act to Require that the State Bear the Cost of Fencing Orchards which are Damaged by Moose or Deer" (H.P. 326) (L.D. 425) (Presented by Representative NORTON of Winthrop) (By Request)

Bill "An Act Requiring the Issuance of Doe Hunting Permits to Persons who are Eligible for Free Hunting Licenses" (H.P. 336) (Presented by Representative SMITH of Island Falls) (Cosponsors: Representatives McHENRY of Madawaska, JACQUES of Waterville and Senator DOW of Kennebec)

Ordered Printed.
Sent up for Concurrence.

Appropriations and Financial Affairs

Bill "An Act to Increase the Amount the State Disregards in Determining Eligibility for the Supplemental Security Income Program" (H.P. 312) (L.D. 411) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsors: Representative HICKEY of Augusta and Senator CLARK of Cumberland)

(The Committee on Reference of Bills had suggested the Committee on Human Resources.)

On motion of Representative Manning of Portland, referred to the Committee on Appropriations and Financial Affairs, Ordered Printed and sent up for concurrence.

Human Resources

Bill "An Act to Promote Equity in Determining Medicaid Eligibility for Institutionalized Care"

(H.P. 313) (L.D. 412) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsors: Representatives LISNIK of Presque Isle, DELLERT of Gardiner, and Senator CLARK of Cumberland)

Bill "An Act to Streamline the Delivery of Residential Treatment Services to Children in Need" (H.P. 323) (L.D. 422) (Presented by Representative ROLDE of York) (Cosponsors: Representatives FOSTER of Ellsworth, CLARK of Brunswick and Senator GILL of Cumberland)

Ordered Printed.
Sent up for Concurrence.

Judiciary

Bill "An Act Declaring All Court Papers, Books and Records Pertaining to Adoptions Confidential and Providing for Their Release" (H.P. 316) (L.D. 415) (Presented by Representative McPHERSON of Eliot) (Cosponsor: Representative ROLDE of York)

Bill "An Act to Grant Judges the Authority to Stay a License Suspension for a Period of Time not to Exceed 4 Hours" (H.P. 318) (L.D. 417) (Presented by Representative CONLEY of Portland) (Cosponsor: Representative MARSANO of Belfast)

Ordered Printed
Sent up for concurrence.

State and Local Government

Bill "An Act to Establish the Maine Court Facilities Authority" (H.P. 329) (L.D. 428) (Presented by Representative CARROLL of Gray) (Cosponsors: Senators TUTTLE of York, BRANNIGAN of Cumberland and Representative PARADIS of Augusta)

(The Committee on Reference of Bills had suggested the Committee on Judiciary.)

On motion of Representative Paradis of Augusta, referred to the Committee on State and Local Government, ordered printed and sent up for concurrence.

Judiciary

Bill "An Act to Amend the Laws Pertaining to the Enforcement of Money Judgments" (H.P. 330) (Presented by Representative MANNING of Portland) (Cosponsor: Senator GAUVREAU of Androscoggin)

Bill "An Act to Streamline the Debt Collection Procedure" (H.P. 335) (Presented by Representative WARREN of Scarborough) (Cosponsors: Representatives PARADIS of Augusta, STEVENS of Bangor and Senator DILLENBACK of Cumberland)

Bill "An Act Relating to Bail Commissioners" (H.P. 341) (Presented by Representative MARSANO of Belfast) (Cosponsors: Representatives VOSE of Eastport, WARREN of Scarborough and Senator BLACK of Cumberland)

Bill "An Act Permitting Private Mediation for Divorcing Couples" (H.P. 346) (Presented by Representative ANTHONY of South Portland) (Cosponsors: Senator GAUVREAU of Androscoggin and Representative MARSANO of Belfast)

Bill "An Act to Amend the Divorce Laws Regarding Custody to the Department of Human Services" (H.P. 347) (Presented by Representative ANTHONY of South Portland) (Cosponsors: Senator GAUVREAU of Androscoggin and Representative MARSANO of Belfast)

Bill "An Act Relating to Legal Status of Partnerships" (H.P. 348) (Presented by Representative WARREN of Scarborough) (By Request)

Bill "An Act Relating to Judgment Liens and Divorce Liens" (H.P. 349) (Presented by Representative WARREN of Scarborough) (By Request)

Ordered Printed
Sent up for concurrence.

Legal Affairs

Bill "An Act to Amend Certain Election Laws" (H.P. 308) (L.D. 407) (Presented by Representative DIAMOND of Bangor) (Cosponsors: Senator KANY of Kennebec, Representatives JALBERT of Lisbon, and TUPPER of Orrington)

Bill "An Act to Amend the Law Concerning Frequency of Local Option Question Elections" (H.P. 309) (L.D. 408) (Presented by Representative VOSE of Eastport) (Cosponsor: Senator RANDALL of Washington)

Bill "An Act to Prohibit the Sale of Alcoholic Beverages for Off-premise Consumption after 9 p.m." (H.P. 339) (Presented by Representative RACINE of Biddeford) (Cosponsors: Representatives NUTTING of Leeds and BROWN of Gorham)

Bill "An Act Relating to Property Abandoned by Tenants" (H.P. 342) (Presented by Representative MANNING of Portland) (Cosponsors: Representative MURPHY of Berwick and Senator DILLENBACK of Cumberland)

Ordered Printed
Sent up for concurrence.

Marine Resources

Bill "An Act Relating to Biodegradable Lobster Trap Vents" (Emergency) (H.P. 311) (L.D. 410) (Presented by Representative LOOK of Jonesboro) (Cosponsors: Representatives SCARPINO of St. George, VOSE of Eastport, and Senator DUTREMBLE of York)

Bill "An Act Relating to Lobster Trap Vents" (H.P. 322) (L.D. 421) (Presented by Representative SCARPINO of St. George)

Ordered Printed
Sent up for concurrence.

State and Local Government

Bill "An Act to Clarify the Taxing Powers of the Frye Island Municipal Services Corporation" (Emergency) (H.P. 321) (L.D. 420) (Presented by Representative GREENLAW of Standish) (Cosponsors: Senators USHER of Cumberland, BLACK of Cumberland, and Representative BROWN of Gorham)

Bill "An Act to Clarify the Emergency Rule-making Authority of the Commissioner of Marine Resources" (H.P. 327) (L.D. 426) (Presented by Representative MITCHELL of Freeport) (Cosponsors: Representatives RICE of Stonington, SALSBURY of Bar Harbor and HOLT of Bath)

Ordered Printed
Sent up for concurrence.

Taxation

Bill "An Act to Make Property Owned by Consumer-Owned Utilities Tax Exempt" (H.P. 325) (L.D. 424) (Presented by Representative PARADIS of Old Town) (Cosponsor: Representative VOSE of Eastport)

Bill "An Act to Create a Homeowners Property Tax Reduction for Persons 65 Years of Age and Older" (H.P. 334) (Presented by Representative ROLDE of York)

Bill "An Act to Remove the Sales Tax Exemption on Newspapers" (H.P. 338) (Presented by Representative RACINE of Biddeford) (Cosponsors: Representatives MAYO of Thomaston, ROLDE of York and SOUCY of Kittery)

Ordered Printed
Sent up for concurrence.

Transportation

Bill "An Act Concerning Loads Carried in Certain Vehicles" (H.P. 310) (L.D. 409) (Presented by Representative HANDY of Lewiston) (Cosponsors: Senator USHER of Cumberland, Representatives POULIOT of Lewiston and FOSS of Yarmouth)

Bill "An Act to Enable the Department of Transportation to Produce the State Map" (H.P. 337) (Presented by Representative ROTONDI of Athens) (Cosponsors: Representatives HEPBURN of Skowhegan, STROUT of Corinth and President PRAY of Penobscot)

RESOLVE, to Name the Bridge Crossing the Sabattus River at Lisbon Village the Lisbon Veterans' Memorial Bridge (H.P. 343) (Presented by Representative JALBERT of Lisbon) (Cosponsors: Representative CLARK of Brunswick and Senator BERUBE of Androscoggin)

Ordered Printed
Sent up for concurrence.

REPORTS OF COMMITTEES

Unanimous Leave to Withdraw

Representative DUFFY from the Committee on Fisheries and Wildlife on Bill "An Act to Create a Nonresident Property Owner Fishing License" (H.P. 36) (L.D. 39) reporting "Leave to Withdraw"

Was 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 item appeared on the Consent Calendar for the Second Day:

(H.P. 199) (L.D. 251) Bill "An Act Amending the Excise Tax Law as it Relates to Telephone Company Motor Vehicles" (Emergency)

On motion of Representative Cashman of Old Town, was removed from the Consent Calendar, Second Day.

Report was read and accepted, the Bill read once and assigned for second reading, Friday, February 20, 1987.

On motion of Representative Soucy of Kittery, Adjourned until Friday, February 20, 1987, at nine o'clock in the morning.