

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 Provide Teacher Recognition Stipends for Vocational-technical Institute Teachers" S.P. 170 L.D. 485 Presented by Senator MATTHEWS of Kennebec Cosponsored by: Senator RANDALL of Washington Which was referred to the Committee on EDUCATION and ORDERED PRINTED. Sent down for concurrence.

Bill "An Act to Extend the Trust Land Designation of the Penobscot Nation" S.P. 173 L.D. 488 Presented by Senator PEARSON of Penobscot Cosponsored by: Representative CASHMAN of Old Town Which was referred to the Committee on JUDICIARY and ORDERED PRINTED. Sent down for concurrence.

COMMITTEE REPORTS

House Ought Not to Pass

The following Ought Not to Pass Report shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules: Bill "An Act to Specify How the Authority of Washington County Commissioners may be Exercised" H.P. 16 L.D. 15

Ought to Pass

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

Reported that the same Ought to Pass.

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-3).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

House Amendment "A" (H-3) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

SECOND READERS

The Committee on Bills in the Second Reading reported the following:

Senate

Bill "An Act Concerning Enhancement of Theft Penalties Based on Prior Convictions" S.P. 74 L.D. 157

Which was READ A SECOND TIME and PASSED TO BE ENGROSSED.

Sent down for concurrence.

Off Record Remarks

Senate at Ease

Senate called to order by the President.

On motion by Senator THERIAULT of Aroostook, ADJOURNED until Tuesday, February 24, 1987, at 9:00 in the morning.

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE FIRST REGULAR SESSION 22nd Legislative Day Tuesday, February 24, 1987

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

Prayer by Reverend Mark Hatfield, First Congregational Church, South Paris.

The Journal of Monday, February 23, 1987, was read and approved.

Quorum call was held.

SENATE PAPERS

Bill "An Act to Support the Growth and Development of Hospice Care in Maine" (S.P. 171) (L.D. 486)

Bill "An Act to Support the Growth and Development of Community Big Brothers-Big Sisters Agencies and Other Similar Organizations" (S.P. 172) (L.D. 487)

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 Clarify and Simplify the Maine Consumer Credit Code" (S.P. 177) (L.D. 503)

Bill "An Act to Establish a Fluctuating Credit Card Charge" (S.P. 175) (L.D. 490)

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

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

Bill "An Act to Add Hardware Stores to the List of Businesses Allowed to Operate on Sundays" (S.P. 174) (L.D. 489)

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 Provide Teacher Recognition Stipends for Vocational-technical Institute Teachers" (S.P. 170) (L.D. 485)

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

Was referred to the Committee on Education in concurrence.

Bill "An Act to Require Principles of Reimbursement for Intermediate Care Facilities for the Mentally Retarded to Include Provisions for Covering Increases in Insurance Premiums" (S.P. 176) (L.D. 491)

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

(The Committee on Reference of Bills had suggested reference to the Committee on Banking and Insurance.)

Was referred to the Committee on Human Resources in concurrence.

Bill "An Act to Extend the Trust Land Designation of the Penobscot Nation" (S.P. 173) (L.D. 488)

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

Was referred to the Committee on Judiciary in concurrence.

COMMUNICATIONS

The following Communication: (S.P. 178)
113th MAINE LEGISLATURE
February 20, 1987

Senator John E. Baldacci
Representative Carol M. Allen
Chairpersons
Joint Standing Committee on Business Legislation
113th Legislature
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Sharon A. Millett of Poland Spring, Hobart F. Harnden of South Portland, Walter H. Foster, Jr. of East Holden and Peter J. Schwalbenberg of Rockland for appointment to the Maine Real Estate Commission.

Pursuant to Title 32, M.R.S.A. Section 4051-A, this nomination will require review by the Joint Standing Committee on Business Legislation 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 Business Legislation.

Was Read and Referred to the Committee on Business Legislation in concurrence.

The following Communication: (S.P. 179)
113th MAINE LEGISLATURE
February 20, 1987

Senator John L. Tuttle, Jr.
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, Jr. has today informed us that Public Safety Commissioner, John R. Atwood, has nominated Captain Andrew E. Demers, Jr. of New Gloucester for appointment as the Chief of the Maine State Police.

Pursuant to Title 25, M.R.S.A. Section 1501, 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
EDUCATIONAL & CULTURAL SERVICES
STATE HOUSE STATION 23
AUGUSTA, MAINE 04333
February 20, 1987

The Honorable Charles P. Pray
President of the Senate

The Honorable John L. Martin
Speaker of the House
Dear President Pray and Speaker Martin:

Thank you for the invitation to address a Joint Convention of the Maine Legislature on March 17, 1987, at 10:00 a.m.

I accept with pleasure and look forward to this opportunity to speak on the status and needs of public education in our State.

Sincerely,
S/Eve M. Bither
Commissioner

Was read and ordered placed on file.

PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE

The following Bills and Resolve 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:

Appropriations and Financial Affairs

Bill "An Act to Make Allocations for the Administrative Expenses of the Bureau of Lottery, Department of Finance, for the Fiscal Years Ending June 30, 1988, and June 30, 1989" (Emergency) (H.P. 387) (L.D. 521) (Presented by Representative DAVIS of Monmouth) (Cosponsor: Representative CARTER of Winslow)

Bill "An Act to Make Allocations from Various Funds of the Department of Environmental Protection for the Fiscal Years Ending June 30, 1988, and June 30, 1989" (Emergency) (H.P. 389) (L.D. 523) (Presented by Representative FOSS of Yarmouth) (Cosponsor: Representative CARTER of Winslow)

Bill "An Act to Partially Fund Housing for the Mentally Retarded" (H.P. 391) (L.D. 525) (Presented by Representative SALSBURY of Bar Harbor) (Cosponsors: Representative FOSTER of Ellsworth and Senator PERKINS of Hancock)

Bill "An Act to Provide Substance Abuse Treatment to Youths at the Maine Youth Center" (H.P. 396) (L.D. 530) (Presented by Representative ROLDE of York) (Cosponsor: Representative CONNOLLY of Portland)

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$13,750,000 for Sewage Treatment and Water Quality Improvement Facilities" (H.P. 397) (L.D. 531) (Presented by Representative MICHAUD of East Millinocket) (Cosponsors: Representatives CHONKO of Topsham, MITCHELL of Freeport and DAVIS of Monmouth)

Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1988 and June 30, 1989" (Emergency) (H.P. 404) (L.D. 538) (Presented by Representative CARTER of Winslow) (Cosponsor: Representative HIGGINS of Scarborough)

Ordered Printed.
Sent up for Concurrence.

Fisheries and Wildlife

Bill "An Act to Require Affirmative Permission for ATV Use" (H.P. 390) (L.D. 524) (Presented by Representative WHITCOMB of Waldo) (Cosponsors: Representative LORD of Waterboro and Senator USHER of Cumberland)

Bill "An Act Pertaining to the Advisory Council to the Commissioner of Inland Fisheries and Wildlife" (H.P. 394) (L.D. 528) (Presented by Representative

SMITH of Island Falls) (Cosponsors: Representatives WEYMOUTH of West Gardiner and ROTONDI of Athens)

Ordered Printed.
Sent up for Concurrence.

Human Resources

Bill "An Act to Require Community Mental Health and Mental Retardation Involvement in Social Services Planning" (H.P. 386) (L.D. 520) (Presented by Representative TAYLOR of Camden) (Cosponsors: Senator GAUVREAU of Androscoggin and Representative ROLDE of York)

Bill "An Act to Save Medicaid Funds by Expanding the Ability of the Department of Human Services to Recover Funds from Other Payors" (H.P. 395) (L.D. 529) (Presented by Representative RYDELL of Brunswick) (Cosponsors: Representative MAHANY of Easton, Senators GAUVREAU of Androscoggin and COLLINS of Aroostook)

Bill "An Act to Amend the Powers of Certain Hospital Administrative Districts" (H.P. 399) (L.D. 533) (Presented by Representative HARPER of Lincoln) (Cosponsors: Senator PEAPSON of Penobscot, President PRAY of Penobscot and Representative HICHBORN of LaGrange)

Ordered Printed.
Sent up for Concurrence.

Judiciary

Bill "An Act to Abolish Joint and Several Liability" (H.P. 392) (L.D. 526) (Presented by Representative RUHLIN of Brewer) (Cosponsors: Representatives DAVIS of Monmouth, PARADIS of Augusta, and Senator COLLINS of Aroostook)

Bill "An Act Regarding Liability for Foster Parents for Children and Adults" (H.P. 401) (L.D. 535) (Presented by Representative CLARK of Brunswick) (Cosponsor: Representative COTE of Auburn)

Bill "An Act Concerning the Attachment of Real Property and Personal Property" (H.P. 403) (L.D. 537) (Presented by Representative WARREN of Scarborough) (Cosponsors: Representatives MARSANO of Belfast, STEVENS of Bangor and PARADIS of Augusta)

Ordered Printed.
Sent up for Concurrence.

Labor

Bill "An Act Providing for the Use of Spendable Earnings as a Basis for Calculating Workers' Compensation Benefits" (H.P. 398) (L.D. 532) (Presented by Representative HIGGINS of Scarborough) (Cosponsors: Representatives WILLEY of Hampden and BEGLEY of Waldoboro)

Ordered Printed.
Sent up for Concurrence.

Legal Affairs

Bill "An Act to Allow for the Disposal of Blank Election Material within 60 Days of the Election" (H.P. 400) (L.D. 534) (Presented by Representative HALE of Sanford) (Cosponsors: Representatives SPROUL of Augusta, CARROLL of Gray and Senator TUTTLE of York)

RESOLVE, to Permit Reginald and Alice Huard to Sue the State for Compensation for Losses Suffered as a Result of False Claims of Child Abuse Instituted by the State (H.P. 385) (L.D. 519) (Presented by Representative CARTER of Winslow) (Cosponsors: Senators KANY of Kennebec, BRANNIGAN of Cumberland, and Representative PRIEST of Brunswick) (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 to Require Legislative Approval and Public Hearings for any Plan to Decentralize the Pineland Center Facility" (Emergency) (H.P. 402) (L.D. 536) (Presented by Representative CARROLL of Gray) (Cosponsors: Senators GILL of Cumberland, GAUVREAU of Androscoggin and Representative BOUTILIER of Lewiston)

Ordered Printed.
Sent up for Concurrence.

Taxation

Bill "An Act to Allow Nonprofit Youth Recreation Organizations to be Exempt from Sales Tax" (H.P. 393) (L.D. 527) (Presented by Representative THISTLE of Dover-Foxcroft) (Cosponsors: Representatives PARADIS of Augusta, DORE of Auburn, and DIAMOND of Bangor) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.
Sent up for Concurrence.

Transportation

Bill "An Act to Make Supplemental Allocations from the Highway Fund for the Fiscal Years Ending June 30, 1988, and June 30, 1989" (Emergency) (H.P. 388) (L.D. 522) (Presented by Representative MACOMBER of South Portland) (Cosponsors: Representative McPHERSON of Eliot and Senator DOW of Kennebec)

Ordered Printed.
Sent up for Concurrence.

ORDERS

On motion of Representative THISTLE of Dover-Foxcroft, the following Joint Resolution: (H.P. 405) (Cosponsors: Representatives JACQUES of Waterville, ROTONDI of Athens and Senator USHER of Cumberland)

JOINT RESOLUTION COMMENDING THE PARTICIPANTS IN CANADA AND THE UNITED STATES FOR THEIR WORK ON THE CARIBOU PROJECT

WHEREAS, caribou, or the "American reindeer," have not roamed the woodland of Maine since 1908; and WHEREAS, herds of caribou thunder across the tundra of Newfoundland's desolate Avalon Wilderness Penninsula; and

WHEREAS, a noble effort has been made to reintroduce 25 of these symbols of Maine's distant past by promoters of a caribou project; and

WHEREAS, great difficulty was encountered in transporting the animals 1,200 miles by ferry and truck in stormy weather to the University of Maine; and

WHEREAS, despite an unusually high rate of mortality in making the adjustment, the project was extremely worthwhile and should not discourage the importance of the Newfoundland - Maine transfer, or transfers in general; now, therefore, be it

RESOLVED: That the members of the 113th Legislature of the State of Maine now assembled in First Regular Session take this opportunity to express their thanks to the people of Newfoundland for their generous gift of caribou, a gift made in friendship to all the people of Maine, and to commend the participants of Canada and the United States for

their assistance in the caribou project and express our hope for continued cooperation in continued education and economic exchanges; and be it further

RESOLVED: That suitable copies of this Resolution, duly authenticated by the Secretary of State, be transmitted to promoters and officials of both countries in token of our appreciation and continued support.

Was read and adopted 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:

(S.P. 74) (L.D. 157) Bill "An Act Concerning Enhancement of Theft Penalties Based on Prior Convictions" Committee on Judiciary reporting "Ought to Pass"

There being no objections, the above item was ordered to appear on the Consent Calendar of Wednesday, February 25, 1987 under the listing of Second Day.

PASSED TO BE ENGROSSED

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Oxford County for the Year 1987 (Emergency) (H.P. 383) (L.D. 505)

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

ORDERS OF THE DAY

The Chair laid before the House the first tabled and today assigned matter:

Bill "An Act to Provide Disaster Assistance for Home Mortgagors" (S.P. 168) (L.D. 472)

- In Senate, Referred to the Committee on Economic Development.

TABLED - February 23, 1987 by Representative CARTER of Winslow.

PENDING - Reference in concurrence.

Representative Carter of Winslow moved that L.D. 472 be referred to the Committee on Appropriations and Financial Affairs.

The SPEAKER: The Chair recognizes the Representative from Stockton Springs, Representative Crowley.

Representative CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: I think Representative Carter's rereferencing this bill is not a good move and I would like to debate the issue.

L. D. 472 is an act that was referred to the Committee on Economic Development and rightly so. I think it is getting to be a question of "to be or not to be" -- as far as our committee is concerned.

This bill establishes an emergency home retention program within the Maine State Housing Authority. It is a bill to assist low income people, who may be unemployed temporarily or underemployed -- such as the Health-Tex people, who fall between the cracks and wind up in arrears of their mortgage payments.

The bill is designed to be appropriated by the General Fund. The majority of the bills that we have in this House go under the \$1 billion General Fund so all bills could be put under Appropriations, I suppose, with this idea that they have a fiscal note.

This bill is designed with a recovery section that allows for repayment for mortgage troubled people which tries to help them get back on their financial feet. This program will assist in saving

homes for some 200 people through the emergency program.

If any bill should be, could be, or might be assigned to the Committee on Economic Development, I believe that L.D. 472 has the elements of economic development issues.

I hope you will go along with me in assigning this bill to the Committee on Economic Development.

On motion of Representative Diamond of Bangor, tabled pending the motion of Representative Carter of Winslow that L.D. 472 be referred to the Committee on Appropriations and Financial Affairs and specially assigned for Wednesday, February 25, 1987.

The Chair laid before the House the second tabled and today assigned matter:

Bill "An Act to Enable the Department of Transportation to Produce the State Map" (H.P. 337) (L.D. 436)

- In House, Referred to the Committee on Transportation on February 19, 1987.

- In Senate, Referred to the Committee on Appropriations and Financial Affairs in non-concurrence.

TABLED - February 23, 1987 by Representative DIAMOND of Bangor.

PENDING - Further consideration.

The House voted to insist.

(Off Record Remarks)

On motion of Representative Martin of Van Buren, Adjourned until Wednesday, February 25, 1987, at nine o'clock in the morning.