

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 Amending the Excise Tax Law as it Relates to Telephone Company Motor Vehicles" (Emergency)

H.P. 199 L.D. 251
(H "A" H-3)

Which was READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended, in concurrence.

ENACTORS

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

An Act Relating to the Maine Veterans' Homes

H.P. 65 L.D. 68

Which was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

An Act to Increase the Compensation of Mediators under the Municipal Public Employees Labor Relations Act

H.P. 61 L.D. 64
(H "A" H-2)

On motion by Senator PEARSON of Penobscot, placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

Emergency Resolve

Resolve, to Provide for a Commemorative Bicentennial Motor Vehicle License Plate to Celebrate the Bicentennial of the Town of Waterboro

H.P. 27 L.D. 24

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with No Senators having voted in negative, and 30 being more than two-thirds of the entire elected Membership of the Senate, was FINALLY PASSED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Senate at Ease

Senate called to order by the President.

On motion by Senator TUTTLE of York, ADJOURNED until Wednesday, February 25, 1987, at 9:00 in the morning.

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
23rd Legislative Day
Wednesday, February 25, 1987

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

Prayer by Reverend Ronald Walden, Orono United Methodist Church.

The Journal of Tuesday, February 24, 1987, was read and approved.

Quorum call was held.

SENATE PAPERS

RESOLVE, to Continue the Commission to Study the Integration of the Maine State Retirement System with the United States Social Security System (Emergency) (S.P. 187) (L.D. 514)

Came from the Senate, referred to the Committee on Aging, Retirement and Veterans and Ordered Printed. Was referred to the Committee on Aging, Retirement and Veterans in concurrence.

Bill "An Act to Make Additional Allocations for the Administrative Expenses of the Department of Finance, the Bureau of Alcoholic Beverages and the State Liquor Commission, for the Fiscal Year Ending June 30, 1987" (Emergency) (S.P. 180) (L.D. 507)

Bill "An Act to Allow Use of the Bureau of Mental Retardation Contingency Fund by Boarding Home and Foster Home Clients" (S.P. 185) (L.D. 512)

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 Prohibit the Shooting of Immature Deer" (S.P. 181) (L.D. 508)

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

Was referred to the Committee on Fisheries and Wildlife in concurrence.

Bill "An Act to Revise the Maine Medical Laboratory Act" (S.P. 191) (L.D. 518)

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 Reform Provisions of the Civil Justice System" (S.P. 192) (L.D. 539)

Bill "An Act Relating to Active Retired Judges in the Administrative Court" (S.P. 190) (L.D. 517)

Bill "An Act to Allow the Use of Electronic Recording in District, Superior and Administrative Courts" (S.P. 189) (L.D. 516)

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

Were referred to the Committee on Judiciary in concurrence.

Bill "An Act Relating to Medical Evidence and Costs in Workers' Compensation Cases" (S.P. 186) (L.D. 513)

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 Establishing a Minimum Amount Above which Liens on Real Estate may be Enforced" (S.P. 182) (L.D. 509)

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

Was referred to the Committee on Taxation in concurrence.

Bill "An Act to Prohibit Motor Vehicles over 1,000 Pounds on Lakes, Ponds or Reservoirs used to Supply Drinking Water" (S.P. 188) (L.D. 515)

Bill "An Act to Allow Special Registration Plates for Persons Formerly Listed as Missing in Action" (S.P. 184) (L.D. 511)

Bill "An Act to Allow Veterans to Procure Special Designation Registration Plates" (S.P. 183) (L.D. 510)

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

Were referred to the Committee on Transportation in concurrence.

Non-Concurrent Matter

Bill "An Act Authorizing the Portland School of Art to Confer a Master of Fine Art Degree" (H.P. 374) (L.D. 495) which was referred to the Committee on Education in the House on February 23, 1987.

Came from the Senate indefinitely postponed in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Make Allocations from the Transportation Safety Fund for the Fiscal Years Ending June 30, 1988, and June 30, 1989" (Emergency) (H.P. 373) (L.D. 494) which was referred to the Committee on Appropriations and Financial Affairs in the House on February 23, 1987.

Came from the Senate referred to the Committee on Transportation in non-concurrence.

The House voted to recede and concur.

COMMUNICATIONS

The following Communication: (S.P. 193)
113th MAINE LEGISLATURE
February 23, 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, Jr. has nominated Donald Wotton of Boothbay Harbor and Dr. Louis J. Zglobicki of Cumberland Foreside for reappointment and Jeffrey H. Kaelin of Winterport for appointment to the Marine Resources Advisory Council.

Pursuant to Title 12, M.R.S.A. Section 6024, 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:
STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333
February 20, 1987

Hon. Edwin H. Pert
Clerk of the House
State House Station #2
Augusta, Maine 04333

Dear Clerk Pert:

This is to notify you that I have today made the following appointments:

Pursuant to my authority under 34-B MRSA section 1210, I have reappointed Rep. Rita Melendy of Rockland, to the Maine Committee on the Problems of the Mentally Retarded.

Pursuant to my authority under 34-B MRSA section 1204, I have appointed Rep. Vinton Ridley, of Shapleigh, to the Maine Correctional Advisory Commission.

Pursuant to my authority under 22 MRSA section 7107, I have appointed Rep. Joseph Mayo, of Thomaston, to the Maine Council on Alcohol and Drug Abuse Prevention and Treatment.

Pursuant to my authority under Chapter 46 of the Resolves of 1983, I have appointed Rep. B. Carolyn Mahany, of Easton, to serve on the Regional Agriculture Committee.

Sincerely,
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:

Appropriations and Financial Affairs

Bill "An Act to Make Allocations from the Public Utilities Commission Regulatory Fund and the Public Utilities Reimbursement Fund for the Fiscal Year Ending June 30, 1988, and June 30, 1989" (Emergency) (H.P. 406) (L.D. 540) (Presented by Representative DAVIS of Monmouth) (Cosponsor: Senator PEARSON of Penobscot)

Bill "An Act Making an Appropriation to the Department of Agriculture, Food and Rural Resources for the Maine Rehabilitation Fund" (H.P. 413) (L.D. 547) (Presented by Representative WHITCOMB of Waldo) (Cosponsors: Speaker MARTIN of Eagle Lake, Senator PEARSON of Penobscot and Representative FOSS of Yarmouth)

Bill "An Act to Make Allocations for the Administrative Expenses of the Bureau of Alcoholic Beverages, Department of Finance, for the Fiscal Years Ending June 30, 1988, and June 30, 1989" (Emergency) (H.P. 415) (L.D. 549) (Presented by Representative HIGGINS of Scarborough) (Cosponsor: Senator PEARSON of Penobscot)

Ordered Printed.
Sent up for Concurrence.

Human Resources

Bill "An Act to Provide Reasonable Financial Requirements for Hospitals" (H.P. 411) (L.D. 545) (Presented by Representative ROLDE of York)
Ordered Printed.
Sent up for Concurrence.

Judiciary

Bill "An Act to Amend the Marriage Prohibitions Based on Consanguinity" (H.P. 409) (L.D. 543) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsor: Representative PARADIS of Frenchville) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)
Ordered Printed.
Sent up for Concurrence.

Labor

Bill "An Act Concerning the Definition of Injury under the Worker's Compensation Act" (H.P. 407) (L.D. 541) (Presented by Representative BEGLEY of Waldoboro) (Cosponsors: Senator COLLINS of Aroostook and Representative ZIRNKILTON of Mount Desert)
Ordered Printed.
Sent up for Concurrence.

Legal Affairs

Bill "An Act to Allow Political Candidates and Members of their Campaign Staff to Appear Outside Voting Places" (H.P. 410) (L.D. 544) (Presented by Representative RACINE of Biddeford)
Ordered Printed.
Sent up for Concurrence.

State and Local Government

Bill "An Act Regarding Conflict of Interest" (H.P. 408) (L.D. 542) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsors: Representatives ROLDE of York, RYDELL of Brunswick and Senator THERIAULT of Aroostook)

Bill "An Act Relating to the Disposition of Surplus Real Estate" (H.P. 414) (L.D. 548) (Presented by Representative SPROUL of Augusta) (Cosponsors: Representative WENTWORTH of Wells, Senators TUTTLE of York and GOULD of Waldo)
Ordered Printed.
Sent up for Concurrence.

Transportation

Bill "An Act to Amend the Charter of the Lubec Port Authority" (H.P. 412) (L.D. 546) (Presented by Representative VOSE of Eastport) (Cosponsor: Senator RANDALL of Washington)
Ordered Printed.
Sent up for Concurrence.

Utilities

Bill "An Act to Amend the Charter of the Waterville Sewerage District" (H.P. 416) (L.D. 550) (Presented by Representative JOSEPH of Waterville) (Cosponsors: Representatives JACQUES of Waterville, LACROIX of Oakland and Senator KANY of Kennebec)
Ordered Printed.
Sent up for Concurrence.

SPECIAL SENTIMENT CALENDAR

In accordance with House Rule 56 and Joint Rule 34, the following items:

Recognizing:
the Community Action Agencies in Maine for their compassionate contributions to the quality of life of those Maine citizens who are unable to help themselves and for their important contributions to the State in providing opportunities and assistance to our disadvantaged neighbors in their quest to become fully self-sufficient; (HLS 127) by Representative ROLDE of York. (Cosponsor: Senator THERIAULT of Aroostook)

On motion of Representative Rolde of York, was removed from the Special Sentiment Calendar.

Was read.

The SPEAKER: The Chair recognizes the Representative from York, Representative Rolde.

Representative ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I just wanted to call your attention to the fact that today is Community Action Day and we are recognizing those people who work in the community action agencies in the state.

The bible says that the "poor are always with us" and that is certainly true. In most countries of the world, even today, most of the people are poor. The United States was one of the first countries in which the poor were a distinct minority and, until recently, that percentage was going down -- such an encouraging statistic that has been reversed in the past years has really been a propaganda defeat for us in trying to persuade the rest of the world that our way of life and our system of government and economy is the most advantageous. Obviously, we have not won the war on poverty but, to my mind, there is hope in the fact that there are people who are still willing to fight this battle. The thousands of volunteers who work in Community Action give of themselves and their time and their dedicated professionals directing the effort on the community level are in every corner of our state.

Subsequently, was passed and sent up for concurrence.

REPORTS OF COMMITTEES

Unanimous Leave to Withdraw

Representative MCHENRY from the Committee on Labor on Bill "An Act to Amend the Employment Security Law to Allow Benefits under Special Conditions" (H.P. 89) (L.D. 92) 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:

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

No objections having been noted at the end of the Second Legislative Day, the Senate Paper was Passed to be Engrossed in 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 24, 1987 by Representative DIAMOND of Bangor.
PENDING - Motion of Representative CARTER of Winslow to refer to Committee on Appropriations and Financial Affairs in non-concurrence.

On motion of Representative Diamond of Bangor, retabled pending the motion of Representative Carter of Winslow that L.D. 472 be referred to the Committee on Appropriations and Financial Affairs in non-concurrence and specially assigned for Monday, March 2, 1987.

On motion of Representative Jacques of Waterville, the House reconsidered its action whereby Bill "An Act to Prohibit Motor Vehicles over 1,000 Pounds on Lakes, Ponds or Reservoirs used to Supply Drinking Water" (S.P. 188) (L.D. 515) was referred to the Committee on Transportation in concurrence.

On further motion of the same Representative, L.D. 515 was referred to the Committee on Fisheries and Wildlife in non-concurrence, ordered printed, and sent up for concurrence.

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. 203)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Monday, March 2, 1987, at 10 o'clock in the morning.

Came from the Senate, read and passed.

Was read and passed in concurrence.

(Off Record Remarks)

On motion of Representative O'Gara of Westbrook, Adjourned until Monday, March 2, 1987, at ten o'clock in the morning pursuant to Joint Order.

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

In Senate Chamber
Wednesday
February 25, 1987

Senate called to Order by the President.

Prayer by the Honorable John M. Kerry of York.

SENATOR KERRY: Master, speak to us of Leadership, and He answered saying "May you have the joy and innocence of a child, the wisdom of a sage, the courage of a martyr, the compassion of a saint, but most of all, may you have love. For love is the message of the universe, traversing time, linking the past, present and future, communicating the subconscious of the spirit, the mountain of the mind to the shores of our soul."

Reading of the Journal of Yesterday.

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

S.P. 203

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Monday, March 2, 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
Non-concurrent Matter

Bill "An Act to Enable the Department of Transportation to Produce the State Map"

H.P. 337 L.D. 436

In House, February 19, 1987, referred to the Committee on TRANSPORTATION and ORDERED PRINTED.

In Senate, February 20, 1987, referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED in NON-CONCURRENCE.

Comes from the House, that Body INSISTED.

THE PRESIDENT: The Chair recognizes that same Senator.

Senator CLARK: Thank you, Mr. President and Members of the Senate. L. D. 436 calls for appropriation from the General Fund. It is the intent of the prime sponsor of this measure that these monies come from the dedicated Highway Fund and the Joint Standing Committee on Transportation will be requested, by that prime sponsor, to expend those monies under this measure for that purpose, at the time of the public hearing on this Bill.

On motion by Senator CLARK of Cumberland, the Senate RECEDED and CONCURRED.

House Papers

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

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