

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

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE
 FIRST REGULAR SESSION
 29th Legislative Day
 Wednesday, March 11, 1987

The House met according to adjournment and was called to order by the Speaker pro tem.
 Prayer by Reverend Charles Bray, West Falmouth Baptist Church, Falmouth.
 The Journal of Tuesday, March 10, 1987, was read and approved.
 Quorum call was held.

SENATE PAPERS

Bill "An Act to Provide Cost-of-living Increases to Community-based Rehabilitation Agencies Serving Clients of the Bureau of Mental Retardation under Contract" (S.P. 246) (L.D. 695)

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 Provide Notice of Underground Facilities Upon Transfers of Real Property" (S.P. 249) (L.D. 698)

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 Concerning the Use of Safety Devices in Swimming Pools" (S.P. 247) (L.D. 696)

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

Was referred to the Committee on Legal Affairs in concurrence.

Bill "An Act Requiring the Payment of Interest on Security Deposits" (S.P. 248) (L.D. 697)

Came from the Senate, referred to the Committee on Legal Affairs 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 Legal Affairs in concurrence.

Bill "An Act to Establish the Maine Legislative Commission on Intergovernmental Relations" (S.P. 250) (L.D. 699)

Bill "An Act to Transfer the Maine Fire Training and Education Program from the Department of Educational and Cultural Services to the Maine Vocational-Technical Institute System" (Emergency) (S.P. 251) (L.D. 700)

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.

RESOLVE, to Establish a Commission to Study United States Route 1 (S.P. 245) (L.D. 694)

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

Was referred to the Committee on Transportation in concurrence.

Non-Concurrent Matter

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Insure the Preservation of the Right to Keep and Bear Arms (H.P. 484) (L.D. 651) which was referred to the Committee on Legal Affairs in the House on March 9, 1987.

Came from the Senate referred to the Committee on State and Local Government in non-concurrence.

The House voted to recede and concur.

COMMUNICATIONS

The following Communication:

STATE OF MAINE
 HOUSE OF REPRESENTATIVES
 SPEAKER'S OFFICE
 AUGUSTA, MAINE 04333

March 5, 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, pursuant to my authority under 5 MRSA @ 7021, I have today appointed Rosemary Darcy Collings, of Fort Kent, to serve on the Maine Commission for Women. She will be replacing Wendy Kindred who has resigned.

Sincerely,
 S/John L. Martin
 Speaker of the House

Was read and ordered placed on file.

The following Communication:

MAINE STATE RETIREMENT SYSTEM
 STATE HOUSE STATION 46
 AUGUSTA, MAINE 04333

March 6, 1987

Charles P. Pray, President
 Maine State Senate
 Representative John Martin, Speaker
 House of Representatives

Dear Senator Pray and Representative Martin:

In accordance with the provisions of 5 MRSA, Section 17806, the Board of Trustees of the Maine State Retirement System hereby notifies you that a 1.7 per cent increase in retirement benefits paid to retired state employees, teachers and retirees of certain participating local districts was authorized effective September 1, 1986. This was a cost-of-living increase based upon the increase in the Consumer Price Index. The Consumer Price Index (CPI-U), published by the United States Department of Labor, Bureau of Labor Statistics, increased 1.7 percent in the twelve month period ending June 1986.

The 1.7 percent cost-of-living increase paid to state employees and teachers will cost approximately \$1.8 million in the current year. The total increase in the System's reserve requirements generated by this cost-of-living increase is \$19.3 million.

Sincerely,
 S/Claude R. Perrier
 Executive Director

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 Provide Emergency Housing for Persons Suffering from Mental Illness" (H.P. 526) (L.D. 710) (Presented by Representative DIAMOND of Bangor) (Cosponsors: Senator PERKINS of Hancock, Representatives FOSTER of Ellsworth and NADEAU of Lewiston)

Ordered Printed.
Sent up for Concurrence.

Banking and Insurance

Bill "An Act to Provide Positive Incentives for the Use of Motor Vehicle and Motorcycle Safety Features and Equipment" (H.P. 528) (L.D. 712) (Presented by Representative KIMBALL of Buxton) (Cosponsors: Representatives ALLEN of Washington, PINES of Limestone and Senator CAHILL of Sagadahoc)

Ordered Printed.
Sent up for Concurrence.

Tabled and Assigned

Bill "An Act to Clarify the Laws Relating to New Automobile Dealerships" (H.P. 529) (L.D. 713) (Presented by Representative POULIOT of Lewiston) (Cosponsors: Representatives WARREN of Scarborough, RACINE of Biddeford and Senator THERIAULT of Aroostook)

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

On motion of Representative Allen of Washington, tabled pending reference and specially assigned for Thursday, March 12, 1987.

Business Legislation

Bill "An Act to Maintain Itemized Pricing" (H.P. 539) (L.D. 723) (Presented by Representative GWADOSKY of Fairfield) (Cosponsors: Representatives McHENRY of Madawaska, RACINE of Biddeford, and SHELTRA of Biddeford) (By Request)

Ordered Printed.
Sent up for Concurrence.

Education

Bill "An Act to Allow the Maine Maritime Academy to Award an Associate of Science Degree in Yacht Operations and Boatyard Management" (H.P. 530) (L.D. 714) (Presented by Representative RICE of Stonington) (Cosponsor: Senator GOULD of Waldo)

Ordered Printed.
Sent up for Concurrence.

Fisheries and Wildlife

Bill "An Act to Permit Black Powder Hunting of Wild Animals of any Sex" (H.P. 533) (L.D. 717) (Presented by Representative TARDY of Palmyra) (Cosponsor: Representative ROTONDI of Athens)

Ordered Printed.
Sent up for Concurrence.

Judiciary

Bill "An Act to Remove Superior Court Jurisdiction in Divorce Actions" (H.P. 535) (L.D. 719) (Presented by Representative WARREN of Scarborough) (Cosponsors: Senators BLACK of Cumberland, BRANNIGAN of Cumberland, and Representative PARADIS of Augusta)

Bill "An Act Relating to the Uniform Premarital Agreement Act" (H.P. 538) (L.D. 722) (Presented by

Representative HANLEY of Paris) (Cosponsor: Representative ANTHONY of South Portland)
Ordered Printed.
Sent up for Concurrence.

Banking and Insurance

Bill "An Act to Amend the Workers' Compensation Rating Laws" (H.P. 540) (L.D. 724) (Presented by Representative ARMSTRONG of Wilton)
(The Committee on Reference of Bills had suggested the Committee on Labor.)

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

Labor

Bill "An Act to Provide Collective Bargaining for Substitute Teachers" (H.P. 523) (L.D. 707) (Presented by Representative BAKER of Portland) (Cosponsors: Representatives HANDY of Lewiston and RAND of Portland)

Ordered Printed.
Sent up for Concurrence.

Legal Affairs

Bill "An Act to Require Truth-in-advertising for the State Lottery Commission" (H.P. 525) (L.D. 709) (Presented by Representative BRAGG of Sidney) (Cosponsors: Representative JALBERT of Lisbon and Senator RANDALL of Washington)

(The Committee on Reference of Bills had suggested the Committee on State and Local Government.)

On motion of Representative Carroll of Gray, referred to the Committee on Legal Affairs, ordered printed and sent up for concurrence.

State and Local Government

Bill "An Act to Amend the Civil Service Law to Set Standards for the Creation of Job Classification Specifications" (H.P. 534) (L.D. 718) (Presented by Representative LACROIX of Oakland) (Cosponsors: Senator BUSTIN of Kennebec and Representative NORTON of Winthrop)

Bill "An Act to Provide for Election of the Public Advocate" (H.P. 524) (L.D. 708) (Presented by Representative BAKER of Portland)

Ordered Printed.
Sent up for Concurrence.

Taxation

Bill "An Act Relating to the Elderly Rent and Refund Act" (H.P. 527) (L.D. 711) (Presented by Representative JACKSON of Harrison) (Cosponsors: Senator TWITCHELL of Oxford, Representatives WALKER of Norway and VOSE of Eastport)

Bill "An Act Concerning the Maine Railroad Excise Tax" (H.P. 531) (L.D. 715) (Presented by Representative ROTONDI of Athens) (Cosponsor: Senator TWITCHELL of Oxford)

Bill "An Act to Provide Relief from Property Taxes through a Low-income Credit Circuit Breaker" (H.P. 537) (L.D. 721) (Presented by Representative CASHMAN of Old Town) (Cosponsors: Speaker MARTIN of Eagle Lake, Senator TWITCHELL of Oxford and Representative INGRAHAM of Houlton)

Ordered Printed.
Sent up for Concurrence.

Transportation

Bill "An Act Relating to Work-restricted Licenses" (H.P. 536) (L.D. 720) (Presented by Representative WARREN of Scarborough) (Cosponsors: Senator PEARSON of Penobscot and Representative MILLS of Bethel)

Ordered Printed.
Sent up for Concurrence.

Utilities

Bill "An Act to Establish an Agricultural Electrical Rate" (H.P. 532) (L.D. 716) (Presented by Representative TARDY of Palmyra) (Cosponsors: Senator ERWIN of Oxford, Representatives NUTTING of Leeds and WEYMOUTH of West Gardiner)

Ordered Printed.
Sent up for Concurrence.

REPORTS OF COMMITTEES

Unanimous Leave to Withdraw

Representative WENTWORTH from the Committee on State and Local Government on Bill "An Act to Establish Salary Ranges for Deputy Secretaries of State and the Attorney General's Office" (H.P. 186) (L.D. 230) reporting "Leave to Withdraw"

Was placed in the Legislative Files without further action pursuant to Joint Rule 15 and sent up for concurrence.

Ought to Pass in New Draft/New Title

Representative WILLEY from the Committee on Labor on Bill "An Act to Repeal a State Law Duplicative of a Federal Law Relating to Continuation of Group Health Insurance Coverage" (H.P. 66) (L.D. 69) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Reconcile State Law with Federal Law Regulating the Continuation of Group Health Insurance Coverage" (H.P. 541) (L.D. 725)

Report was read and accepted, the New Draft given its first reading and assigned for second reading Thursday, March 12, 1987.

Ought to Pass in New Draft/New Title

Representative WILLEY from the Committee on Labor on 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) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Exempt Prisoners from the Provisions of the Workers' Compensation Act" (H.P. 542) (L.D. 726)

Report was read and accepted, the New Draft given its first reading and assigned for second reading Thursday, March 12, 1987.

CONSENT CALENDAR

First Day

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

(H.P. 54) (L.D. 57) Bill "An Act Concerning the Fees Recoverable by a Municipality in a Nuisance Abatement" Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-14)

There being no objections, the above item was ordered to appear on the Consent Calendar of Thursday, March 12, 1987, under the listing of Second Day.

CONSENT CALENDAR

Second Day

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

(H.P. 112) (L.D. 122) Bill "An Act to Continue the Central Filing System Established Pursuant to the United States Food Security Act of 1985" (Emergency) (C. "A" H-12)

On motion of Representative Tardy of Palmyra, was removed from Consent Calendar, Second Day.

Whereupon, the Committee Report was read and accepted, the Bill read once.

Committee Amendment "A" (H-12) was read and adopted and the Bill assigned for second reading Thursday, March 12, 1987.

(S.P. 199) (L.D. 556) Bill "An Act to Make Additional Allocations from the Public Utilities Commission Regulatory Fund for the Fiscal Year Ending June 30, 1987" (Emergency)

(H.P. 194) (L.D. 238) Bill "An Act Concerning Membership on the Commission on Uniform State Laws" (C. "A" H-13)

No objections having been noted at the end of the Second Legislative Day, the Senate Paper was Passed to be Engrossed in concurrence and the House Paper was Passed to be Engrossed as Amended and sent up for concurrence.

Passed to Be Engrossed

Bill "An Act to Reduce the Retirement Age Requirement for Governors" (H.P. 522) (L.D. 702)

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

Passed to Be Enacted

Emergency Measure

An Act to Validate Certain Abstracts of Divorce Decrees (H.P. 46) (L.D. 49) (C. "A" H-4)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 117 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

Passed to Be Enacted

Emergency Measure

An Act Relating to the Confidentiality of the Office of Employment Rehabilitation and Abuse Investigation Unit Files of the Workers' Compensation Commission (H.P. 62) (L.D. 65) (C. "A" H-7)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 120 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

Passed to Be Enacted

Emergency Measure

An Act Regarding the Maine Land Use Regulation Commission (H.P. 158) (L.D. 199)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 118 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

On motion of Representative Jacques of Waterville.
Adjourned until Thursday, March 12, 1987, at twelve o'clock noon.

Passed to Be Enacted
Emergency Measure

An Act to Extend the Life of the 9-1-1 Study Commission (H.P. 289) (L.D. 374) (C. "A" H-5)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 123 voted in favor of the same and 1 against and accordingly the Bill was passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

An Act Relating to Conferring of Degrees by the YDI Schools (S.P. 67) (L.D. 134)

An Act to Repeal the Requirement that Unemployment Tax Liens and Warrants be Filed in the Offices of Municipal Clerks (H.P. 45) (L.D. 48)

An Act to Amend the Employment Security Law Regarding Full-time Students in the Employ of Organized Camps to Conform with the Federal Unemployment Tax Act (H.P. 117) (L.D. 142) (C. "A" H-6)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

ORDERS OF THE DAY
TABLED AND TODAY ASSIGNED

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

RESOLVE, Authorizing Sharon Trafton Duthie to Bring Suit Against the State of Maine (H.P. 471) (L.D. 638)

(Committee on Legal Affairs suggested.)

TABLED - March 9, 1987 by Representative GWADOSKY of Fairfield.

PENDING - Reference.

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

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

Bill "An Act Amending the Workers' Compensation Laws Exempting Design Professionals from General Civil Liability for Injuries on Construction Projects" (S.P. 238) (L.D. 657)

- In Senate, Referred to the Committee on Labor.

TABLED - March 10, 1987 by Representative PARADIS of Augusta.

PENDING - Reference in concurrence.

On motion of Representative Paradis of Augusta, referred to the Committee on Judiciary in non-concurrence and sent up for concurrence.

(Off Record Remarks)