

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
41st Legislative Day
Thursday, April 2, 1987

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

Prayer by Representative Patrick Paradis of Augusta.

The Journal of Wednesday, April 1, 1987, was read and approved.

Quorum call was held.

SENATE PAPERS

Bill "An Act to Amend the Law Concerning the Maine Milk Commission" (S.P. 345) (L.D. 1037)

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

Was referred to the Committee on Agriculture in concurrence.

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$15,000,000 for Capital Improvements, Major Repairs, Building Purchase Capital and other Special Needs of Community-based Nonprofit, Voluntary Social Services Organizations" (S.P. 346) (L.D. 1038)

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 Establish a Voluntary Statewide Building Code and Require Basic Written Contracts for Home Construction Work" (S.P. 352) (L.D. 1044)

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 Identify Asbestos as Hazardous Waste" (S.P. 349) (L.D. 1041)

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

Was referred to the Committee on Energy and Natural Resources in concurrence.

Bill "An Act to Ensure Accessibility to Mental Health Services for Deaf Persons" (S.P. 351) (L.D. 1043)

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 Permit Certain Nonprofit Organizations to have Game Machines on Premises when Proceeds are used for Charitable Purposes" (S.P. 350) (L.D. 1042)

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 to Allow Increased Participation of State Employees in the Electoral Process" (S.P. 348) (L.D. 1040)

Came from the Senate, referred to the Committee on State and Local Government and Ordered Printed.

Was referred to the Committee on State and Local Government in concurrence.

Bill "An Act to Allow Farm Wineries to Pay Taxes Twice a Month" (S.P. 347) (L.D. 1039)

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

Was referred to the Committee on Taxation in concurrence.

Non-Concurrent Matter

Bill "An Act to Establish a Moratorium on Land Leases Affecting Tree Growth Classification" (Emergency) (H.P. 743) (L.D. 1006) which was referred to the Committee on Taxation in the House on March 31, 1987.

Came from the Senate referred to the Committee on Energy and Natural Resources in non-concurrence.

On motion of Representative Michaud of East Millinocket, the House voted to recede and concur.

Non-Concurrent Matter

TABLED AND ASSIGNED

Bill "An Act Relating to Storage and Transportation of High-level Radioactive Waste" (H.P. 718) (L.D. 969) which was referred to the Committee on Transportation in the House on March 31, 1987.

Came from the Senate referred to the Committee on Energy and Natural Resources in non-concurrence.

On motion of Representative Michaud of East Millinocket, tabled pending further consideration and specially assigned for Monday, April 6, 1987.

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:

Agriculture

Bill "An Act to Increase Maine Agricultural Market Research and Development" (H.P. 801) (L.D. 1075) (Presented by Representative MAHANY of Easton) (Cosponsors: Senator THERIAULT of Aroostook, Representatives LISNIK of Presque Isle and PINES of Limestone)

Bill "An Act to Require Labeling of Foods Processed with Radiation" (H.P. 814) (L.D. 1088) (Presented by Representative CARROLL of Gray) (Cosponsors: Senators PERKINS of Hancock, ANDREWS of Cumberland and Representative MITCHELL of Freeport)

Bill "An Act to Amend the Potato Marketing Improvement Fund Law" (H.P. 815) (L.D. 1089) (Presented by Representative MAHANY of Easton) (Cosponsors: Representatives LISNIK of Presque Isle, PINES of Limestone and Senator THERIAULT of Aroostook) Ordered Printed Sent up for concurrence.

Appropriations and Financial Affairs

Bill "An Act Relating to the Issuance of Bonds" (H.P. 800) (L.D. 1074) (Presented by Representative SPROUL of Augusta) (Cosponsors: Senator WEBSTER of Franklin, Representatives HIGGINS of Scarborough and STROUT of Windham) Ordered Printed.

Sent up for Concurrence.

LATER TODAY ASSIGNED

Bill "An Act Requiring Funding of State-mandated Programs" (H.P. 804) (L.D. 1078) (Presented by Representative SMITH of Island Falls) (Cosponsors: Representatives DEXTER of Kingfield and THISTLE of Dover-Foxcroft)

(The Committee on Reference of Bills had suggested the Committee on Appropriations and Financial Affairs)

On motion of Representative Lisnik of Presque Isle, tabled pending reference and later today assigned.

Education

Bill "An Act to Expand the Blaine House Scholars Program" (H.P. 816) (L.D. 1090) (Presented by Representative BOUTILIER of Lewiston) (Cosponsors: Representatives KILKELLY of Wiscasset, CROWLEY of Stockton Springs and Senator ESTES of York)

Ordered Printed.

Sent up for Concurrence.

Human Resources

RESOLVE, to Provide a One-year Moratorium on School-based Health Clinics and Establish the Commission to Study Clinics in Public Schools which provide Counseling and Services Relating to Pregnancy (H.P. 802) (L.D. 1076) (Presented by Representative BRAGG of Sidney) (Cosponsors: Speaker MARTIN of Eagle Lake, Representative HUSSEY of Milo and Senator BRAWN of Knox)

Ordered Printed.

Sent up for Concurrence.

Appropriations and Financial Affairs

Bill "An Act Relating to Reimbursement of Counties for Costs Associated with Operations of the Court System" (H.P. 808) (L.D. 1082) (Presented by Representative RIDLEY of Shapleigh) (Cosponsors: Representative VOSE of Eastport and Senator BLACK of Cumberland)

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

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

Judiciary

Bill "An Act to Remove Statutory Protection for Those Who Sexually Assault Voluntary Social Companions" (H.P. 809) (L.D. 1083) (Presented by Representative PARADIS of Augusta) (Cosponsors: Senators GAUVREAU of Androscoggin, MAYBURY of Penobscot and Representative JOSEPH of Waterville)

Ordered Printed.

Sent up for Concurrence.

Legal Affairs

Bill "An Act Concerning the Filing of Nominating Petitions for Elective Office" (H.P. 810) (L.D. 1084) (Presented by Representative DIAMOND of Bangor) (Cosponsors: Representatives GARLAND of Bangor, HUSSEY of Milo and Senator BALDACCI of Penobscot)

Ordered Printed.

Sent up for Concurrence.

Judiciary

Bill "An Act to Prevent Criminals from Profiting as an Indirect Result of Their Crime" (H.P. 817) (L.D. 1091) (Presented by Representative SEAVEY of Kennebunkport) (Cosponsors: Representative MARSANO of Belfast, Senators GAUVREAU of Androscoggin and BRANNIGAN of Cumberland)

(The Committee on Reference of Bills had suggested the Committee on Legal Affairs)

On motion of Representative Priest of Brunswick, was referred to the Committee on Judiciary, ordered printed, and sent up for concurrence.

Energy and Natural Resources

Bill "An Act to Restructure the Method of Appointment of Members of the Maine Land Use Regulation Commission" (H.P. 813) (L.D. 1087) (Presented by Representative ANDERSON of Woodland) (Cosponsors: Representatives CLARK of Millinocket, MacBRIDE of Presque Isle and Senator LUDWIG of Aroostook)

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

On motion of Representative Carroll of Gray, was referred to the Committee on Energy and Natural Resources, ordered printed, and sent up for concurrence.

Taxation

Bill "An Act to Establish a Tax Credit for Removal of Asbestos" (H.P. 803) (L.D. 1077) (Presented by Representative BOTT of Orono) (Cosponsors: Senator TWITCHELL of Oxford and Representatives CASHMAN of Old Town and ZIRNKILTON of Mt. Desert)

Bill "An Act to Permit a Local Option Sales Tax" (H.P. 807) (L.D. 1081) (Presented by Representative SOUCY of Kittery) (Cosponsors: Senator TWITCHELL of Oxford and Representative SEAVEY of Kennebunkport)

Bill "An Act to Provide Municipalities with the Option of Assessing Service Charges on Tax-exempt Property" (H.P. 811) (L.D. 1085) (Presented by Representative INGRAHAM of Houlton) (Cosponsors: Senator BRANNIGAN of Cumberland, Representatives NADEAU of Lewiston and ZIRNKILTON of Mount Desert)

Bill "An Act to Alter the Exemptions in Property Tax" (H.P. 812) (L.D. 1086) (Presented by Representative RACINE of Biddeford) (Cosponsors: Representatives SCARPINO of St. George and CLARK of Millinocket)

Bill "An Act to Establish Municipal Cost Components for Services to be Rendered in Fiscal Year 1987-88" (Emergency) (H.P. 818) (L.D. 1103) (Presented by Representative CASHMAN of Old Town) (Cosponsor: Senator TWITCHELL of Oxford) (Submitted pursuant to Title 36, section 1604).

Ordered Printed.

Sent up for Concurrence.

Transportation

Bill "An Act to Require that Loads of Gravel, Sand, Crushed Stone, Wood Chips, Building Debris or Rubbish be Secure to Prevent Spillage" (H.P. 799) (L.D. 1073) (Presented by Representative RACINE of Biddeford) (Cosponsors: Representatives REEVES of Pittston, ALLEN of Washington, and GREENLAW of Standish)

Bill "An Act Concerning Interstate or Intrastate Operating Permits" (H.P. 806) (L.D. 1080) (Presented by Representative BAILEY of Farmington)
 Ordered Printed.
 Sent up for Concurrence.

Utilities

Bill "An Act Regarding Electric Rates for Volunteer Fire Associations" (H.P. 805) (L.D. 1079) (Presented by Representative ALLEN of Washington) (Cosponsors: Representatives MILLS of Bethel, HUSSEY of Milo and Senator ERWIN of Oxford)
 Ordered Printed.
 Sent up for Concurrence.

REPORTS OF COMMITTEES

Unanimous Leave to Withdraw

Representative PRIEST from the Committee on Legal Affairs on Bill "An Act to Allow Political Candidates and Members of their Campaign Staff to Appear Outside Voting Places" (H.P. 410) (L.D. 544) reporting "Leave to Withdraw"

Representative PRIEST from the Committee on Legal Affairs on Bill "An Act Making it a Class C Crime to Cause Serious Bodily Injury while Operating under the Influence" (H.P. 447) (L.D. 600) reporting "Leave to Withdraw"

Representative PRIEST from the Committee on Legal Affairs on Bill "An Act Relating to Organization and Powers of Religious Societies" (H.P. 195) (L.D. 239) reporting "Leave to Withdraw"

Representative SMITH from the Committee on Fisheries and Wildlife on Bill "An Act to Allow Sunday Deer Hunting" (H.P. 177) (L.D. 221) reporting "Leave to Withdraw"

Representative CASHMAN from the Committee on Taxation on Bill "An Act to Increase the Veterans' Property Tax Exemption" (H.P. 151) (L.D. 192) reporting "Leave to Withdraw"

Representative CASHMAN from the Committee on Taxation on Bill "An Act to Increase the Property Tax Exemption for Veterans" (H.P. 76) (L.D. 79) 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

First Day

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

(S.P. 59) (L.D. 126) Bill "An Act Concerning Notice of Evictions for Cause in Mobile Home Parks" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-15)

(H.P. 263) (L.D. 346) Bill "An Act to Amend the Law Regarding the Medical Certificate Filed After Death" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-49)

(H.P. 182) (L.D. 226) Bill "An Act Relating to Immunization of Post-secondary Students" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-50)

(H.P. 67) (L.D. 70) Bill "An Act to Amend Property Tax Abatement Procedures" Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-51)

There being no objections, the above items were ordered to appear on the Consent Calendar of Monday, April 6, 1987, under the listing of Second Day.

PASSED TO BE ENGROSSED

Bill "An Act Concerning Mandatory Workfare Participants" (H.P. 798) (L.D. 1070)

Bill "An Act to Amend the Election Laws Regarding Persons Incarcerated in Correctional Facilities" (H.P. 773) (L.D. 1036)

Were 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 Provide a Base-year Budget Correction Adjustment for Hospital Financial Requirements (S.P. 311) (L.D. 913)

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 1 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act to Validate and Approve the School Construction Proceedings of Maine School Administrative District No. 42 (H.P. 365) (L.D. 479)

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. 113 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act Relating to Passing Stopped School Buses (S.P. 50) (L.D. 99) (C. "A" S-13)

An Act to Dissolve the Madawaska Hospital District (S.P. 57) (L.D. 124)

An Act to Require Greater Specificity in the Annual Reports of the Maine Health Care Finance Commission (S.P. 145) (L.D. 399)

An Act to Provide a Trade-in-credit for Camper Trailers (H.P. 104) (L.D. 114) (C. "A" H-37)

Were 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.

ORDERS OF THE DAY

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. 356)
 ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Monday, April 6, 1987, at 10 o'clock in the morning.

Came from the Senate, read and passed.
Was read and passed in concurrence.

(Off Record Remarks)

Representative Jacques of Waterville was granted unanimous consent to address the House:

Representative JACQUES: Mr. Speaker, Men and Women of the House: I think it would be proper today to make some comment on the quality and the caliber of people that have chosen to make the State of Maine their home. The last two nights I have spent most of my time in water up to my arm pits and I must say that I was extremely impressed with the kind of help that was going on, at least in the the greater Waterville-Winslow area and across the state.

I saw homes which were literally being washed down the river and some people chose to disregard their concerns in order to help their next door neighbor get his children and his pets out of their home before that home was washed away into the river.

Last night we had a local businessman in the town of Winslow come in to the Waterville Elks Lodge where they were having a cribbage tournament and expressed some concerns that the water was supposed to come up another seven or eight feet. He has a huge furniture store there and he asked for volunteers. Literally, every member that was there for the tournament said, "Let's cancel the cribbage tournament." They had 25 to 30 people in that furniture store and, in less than two hours, they had completely cleared the bottom floor of furniture, over 60 livingroom sets, I don't know how many bed room sets, washers and dryers and brought them up to the second floor. I know at least one gentleman that slept a little easier last night. A lot of these people were complete strangers that he didn't even know; yet, they were willing to take their time to help him out.

It is very easy to be happy-go-lucky and strong and proud when things are going good but it is when the tough times come along that really separate the kind of people that are your neighbors and separate what really makes people in the State of Maine the people they are.

I think the last couple of days have shown that and I think we would be remiss if we didn't at least mention that and recognize these people for what they have done. It has only been through this neighborly help that everybody has been able to come through this major catastrophe in this state without a loss of life. I commend the citizens of this state for doing that. Thank you.

On motion of Representative Martin of Van Buren,
Recessed until the sound of the gong.

(After Recess)

The House was called to order by the Speaker.

The following item appearing on Supplement No. 2 was taken up out of order by unanimous consent:

SENATE PAPER

The following Joint Resolution: (S.P. 369)
JOINT RESOLUTION MEMORIALIZING THE MEMBERS OF THE UNITED STATES SENATE TO VOTE TO OVERRIDE THE

PRESIDENT OF THE UNITED STATES' VETO OF THE FEDERAL HIGHWAY LEGISLATION

WE, your Memorialists, the Senate and House of Representatives of the State of Maine in the First Regular Session of the One Hundred and Thirteenth Legislative Session, now assembled, most respectfully present and petition the members of the United States Senate, as follows:

WHEREAS, President Reagan vetoed the \$88,000,000,000 federal highway bill passed by the United States Congress which would have provided the State of Maine with badly needed funds; and

WHEREAS, of the \$60,000,000 earmarked for Maine, \$25,000,000 has already been committed leaving a critical need for the remaining \$35,000,000 for 125 projects statewide which are threatened by the President's action; and

WHEREAS, the \$35,000,000 generated for Maine under this legislation must be received in time for Maine's short construction season, which work may not be possible if delayed further; and

WHEREAS, the United States House of Representatives recognizing the plight of the states overrode in a bipartisan fashion, the veto by a vote of 350 to 73 and now the matter is up for final vote in the Senate; and

WHEREAS, yesterday, April 1st, the State of Maine was hit by record-breaking flood waters causing the Governor to call the State of Maine a disaster area that decommissioned numerous roads and bridges causing millions of dollars in damages; now, therefore, be it

RESOLVED: That We your Memorialists, do hereby respectfully urge the Senate of the United States Congress to vote to override President Reagan's veto of the Federal Highway bill so that this State can recover its roads and highways from its worst flood disaster of the century and to permit the start of the state highway construction program as planned which is otherwise in serious jeopardy; and be it further

RESOLVED: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the President of Senate in the Congress of the United States and to each Member of the Maine Congressional Delegation.

Came from the Senate, read and adopted.
Was read and adopted in concurrence.

(Off Record Remarks)

On motion of Representative Strout of Corinth,
Adjourned until Monday, April 6, 1987, at ten o'clock in the morning, pursuant to Joint Order (S.P. 356).