

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
49th Legislative Day
Wednesday, April 15, 1987

Welcome Back Day

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

Prayer by Reverend Wayne Sawyer, Thomaston Baptist Church.

The Journal of Tuesday, April 14, 1987, was read and approved.

Quorum call was held.

SENATE PAPERS

Bill "An Act to Make Adjustments in the School Finance Act" (S.P. 405) (L.D. 1256)

Bill "An Act to Assure Accessibility to Newly Constructed and Renovated Educational Facilities" (S.P. 408) (L.D. 1259)

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

Were referred to the Committee on Education in concurrence.

Bill "An Act to Prohibit any Solid Waste or Hazardous Waste Dump within 5 Miles of any Municipal Water Supply or within One Mile of any Major River" (S.P. 409) (L.D. 1260)

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 Relating to Alcohol-related Birth Defects" (S.P. 411) (L.D. 1262)

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 Modify Certain Criminal Appeal Laws" (S.P. 406) (L.D. 1257)

Bill "An Act Relating to a Court Granting Continuance under the Corrections Law" (S.P. 410) (L.D. 1261)

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 the State Health Insurance Program and the Bureau of State Employee Health" (S.P. 407) (L.D. 1258)

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 Requiring State Troopers to Engage in Traffic Control Detail During Highway Construction" (S.P. 404) (L.D. 1255)

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

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

Was referred to the Committee on Transportation in concurrence.

Unanimous Leave to Withdraw

Report of the Committee on Aging, Retirement and Veterans reporting "Leave to Withdraw" on Bill "An Act to Amend Benefits Under the Maine State Retirement System for Members of the State Police" (S.P. 343) (L.D. 998)

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

Non-Concurrent Matter

Bill "An Act to Strengthen the Efforts of the Maine Potato Industry and the Responsibility of the Maine Potato Board to Improve the Quality of Maine Tablestock Potatoes" (H.P. 856) (L.D. 1150) which was Passed to be Engrossed in the House on April 9, 1987.

Came from the Senate, Passed to be Engrossed as amended by Senate Amendment "A" (S-31) in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Encourage Sport Fisheries on the Lower Kennebec and Androscoggin Rivers" (H.P. 937) (L.D. 1253) which was Referred to the Committee on Marine Resources in the House on April 13, 1987.

Came from the Senate, Referred to the Committee on Fisheries and Wildlife in non-concurrence.

On motion of Representative Mitchell of Freeport, the House voted to insist.

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:

TABLED AND ASSIGNED

Bill "An Act to Create Regional Detention and Evaluation Centers for the Secure Confinement of Juveniles" (H.P. 950) (L.D. 1279) (Presented by Representative ANTHONY of South Portland) (Cosponsors: Representatives CONNOLLY of Portland, FOSS of Yarmouth, and Senator BUSTIN of Kennebec)

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

On motion of Representative Carter of Winslow, tabled pending reference and specially assigned for Thursday, April 16, 1987.

Banking and Insurance

Bill "An Act to Provide Remuneration for Physician Services for Involuntary Commitment of Patients for Psychiatric Hospital Care" (H.P. 949) (L.D. 1278) (Presented by Representative HARPER of Lincoln) (Cosponsors: Representative HICHBORN of LaGrange and Senator PEARSON of Penobscot)

Ordered Printed.

Sent up for Concurrence.

Education

Bill "An Act to Create a Maine Post-Secondary Educational Loan Program" (H.P. 954) (L.D. 1283) (Presented by Representative BOST of Orono)

(Cosponsors: Senator ESTES of York, Representatives HANDY of Lewiston and O'GARA of Westbrook)

Ordered Printed.
Sent up for Concurrence.

Energy and Natural Resources

Bill "An Act to Provide a Comprehensive Growth Management Plan for the State" (H.P. 955) (L.D. 1284) (Presented by Representative SIMPSON of Casco) (Cosponsors: Representatives CARROLL of Gray, HOLLOWAY of Edgecomb, and Senator CLARK of Cumberland)

Ordered Printed.
Sent up for Concurrence.

Human Resources

RESOLVE, to Establish the Juvenile Corrections Planning Commission (H.P. 951) (L.D. 1280) (Presented by Representative ANTHONY of South Portland) (Cosponsors: Senator BUSTIN of Kennebec, Representatives CONLEY of Portland and FOSS of Yarmouth)

(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 Human Resources, ordered printed, and sent up for concurrence.

State and Local Government

Bill "An Act to Broaden the Duties of the Commission on Governmental Ethics, Election Practices and Legislative Matters to include Legislative Bill Review to Review Bills Proposed to the Second Regular Session of the Legislature" (H.P. 953) (L.D. 1282) (Presented by Representative McHENRY of Madawaska) (Cosponsors: Senator TUTTLE of York and Representative CARROLL of Gray)

Ordered Printed.
Sent up for Concurrence.

PASSED TO BE ENGROSSED
WITHOUT REFERENCE TO COMMITTEE

Bill "An Act to Provide for Bilingual Forest Rangers in Northwestern Maine to Enhance and Ensure Adequate Response in Catastrophic or Emergency Situations" (Emergency) (H.P. 960) (L.D. 1289) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsor: Senator THERIAULT of Aroostook) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

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

Under suspension of the rules, without reference to any committee, the Bill was read twice, passed to be engrossed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Transportation

Bill "An Act Concerning the Authority of Crossing Guards in Reporting Motor Vehicle Violations" (H.P. 948) (L.D. 1277) (Presented by Representative BOST of Orono) (Cosponsors: Representatives CARROLL of Gray, MOHOLLAND of Princeton, and MACOMBER of South Portland)

Ordered Printed.
Sent up for Concurrence.

Utilities

Bill "An Act to Create a Public Service Cable Channel Connected with the University of Maine System" (H.P. 947) (L.D. 1276) (Presented by Representative BOTT of Orono) (Cosponsors: Representatives HICHBORN of LaGrange, CROWLEY of Stockton Springs, and Senator CLARK of Cumberland)

Bill "An Act to Extend the Boundaries of the Presque Isle Sewer District and the Presque Isle Water District" (H.P. 952) (L.D. 1281) (Presented by Representative LISNIK of Presque Isle) (Cosponsors: Representative MacBRIDE of Presque Isle and Senator COLLINS of Aroostook)

Ordered Printed.
Sent up for Concurrence.

Reported Pursuant to the Public Laws

Representative CARROLL from the Committee on State and Local Government for the Board of Commissions, pursuant to Public Law 1985, Chapter 732, Section 7 ask leave to submit its findings and report that the accompanying Bill "An Act Relating to Boards and Commissions" (H.P. 959) (L.D. 1288) be referred to the Joint Standing Committee on State and Local Government for Public Hearing and printed pursuant to Joint Rule 18.

Report was read and accepted, and the bill referred to the Committee on State and Local Government, ordered printed and sent up for concurrence.

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative PRIEST from the Committee on Legal Affairs on Bill "An Act to Require Employers to Give Employees 4 Hours Leave on Election Day for the Purpose of Voting" (H.P. 580) (L.D. 777) reporting "Ought Not to Pass"

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

Unanimous Leave to Withdraw

Representative RICHARD from the Committee on Utilities on Bill "An Act Concerning the Sale of Cable Television Services to Organizations" (H.P. 361) (L.D. 475) reporting "Leave to Withdraw"

Representative WILLEY from the Committee on Utilities on Bill "An Act to Establish a Universal Telephone Service Program" (H.P. 358) (L.D. 461) reporting "Leave to Withdraw"

Representative VOSE from the Committee on Utilities on Bill "An Act to Modernize the Definition of Telephone Utilities Subject to the Jurisdiction of the Public Utilities Commission" (H.P. 103) (L.D. 113) reporting "Leave to Withdraw"

Representative RICHARD from the Committee on Utilities on Bill "An Act to Ensure Affordable Telephone Service in all Areas of the State" (H.P. 33) (L.D. 34) reporting "Leave to Withdraw"

Representative CASHMAN from the Committee on Taxation on Bill "An Act Concerning Tax Deductions" (H.P. 558) (L.D. 756) reporting "Leave to Withdraw"

Representative PRIEST from the Committee on Legal Affairs on Bill "An Act to Require Monthly Monitoring and Reporting of Political Activities of Utility Companies during Utility-related Referendum Initiating Campaigns" (H.P. 627) (L.D. 850) reporting "Leave to Withdraw"

Representative TARDY from the Committee on Agriculture on Bill "An Act to Assure that State

Regulation of Agricultural Chemicals will not be More Restrictive than Federal Regulations" (H.P. 460) (L.D. 615) reporting "Leave to Withdraw"

Representative PARADIS from the Committee on Judiciary on Bill "An Act to Establish Mandatory Fines for Shoplifting" (H.P. 571) (L.D. 769) reporting "Leave to Withdraw"

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

Ought to Pass in New Draft

Representative HANDY from the Committee on Education on Bill "An Act Relating to a Vocational Region as Defined by Law" (H.P. 134) (L.D. 175) reporting "Ought to Pass" in New Draft (H.P. 957) (L.D. 1286)

Report was read and accepted, the New Draft given its first reading and assigned for second reading Thursday, April 16, 1987.

Ought to Pass Pursuant to Joint Order (H.P. 23)

Representative HUSSEY from the Committee on State and Local Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Piscataquis County for the Year 1987 (Emergency) (H.P. 956) (L.D. 1285) reporting "Ought to Pass" - Pursuant to Joint Order (H.P. 23)

Report was read and accepted, the bill read once. Under suspension of the rules, the Resolve was read a second time, passed to be engrossed 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:

(H.P. 218) (L.D. 270) Bill "An Act for Timely Construction of Water Main Extensions" Committee on Utilities reporting "Ought to Pass"

(H.P. 466) (L.D. 633) Bill "An Act Relating to Conferring Degrees by the University of New England in Biddeford" Committee on Education reporting "Ought to Pass"

(H.P. 71) (L.D. 74) Bill "An Act Concerning the Approval of Voting Devices" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-65)

There being no objections, the above items were ordered to appear on the Consent Calendar of Thursday, April 16, 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:

(S.P. 62) (L.D. 129) Bill "An Act Providing for Judicial Review of Agency Refusals to Consent to Adoptions" (C. "A" S-28)

(H.P. 387) (L.D. 521) 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. 632) (L.D. 855) Bill "An Act to Enhance the Productivity of the Workers' Compensation Commission" (C. "A" H-64)

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

(At Ease)

The House was called to order by the Speaker.

PASSED TO BE ENGROSSED

Bill "An Act to Amend the Bank Holding Company Law" (S.P. 388) (L.D. 1208)

Bill "An Act to Require State Compliance with Municipal Ordinances" (S.P. 399) (L.D. 1239)

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

PASSED TO BE ENACTED

An Act to Establish a Commemorative Day in Honor of Samantha Smith (S.P. 149) (L.D. 403) (C. "A" S-24)

An Act to Provide for District Elections in Piscataquis County (S.P. 166) (L.D. 470)

An Act to Open Maine Libraries to Modern Information Technology (H.P. 248) (L.D. 321)

An Act to Require the Marking of Barriers on Certain Public Ways (H.P. 861) (L.D. 1154)

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.

The following item appearing on Supplement No. 1 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED

Emergency Measure

An Act to Provide for Bilingual Forest Rangers in Northwestern Maine to Enhance and Ensure Adequate Response in Catastrophic or Emergency Situations (H.P. 960) (L.D. 1289)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Sproul.

Representative SPROUL: Mr. Speaker, could I hear the Committee Report on this bill, please.

The SPEAKER: The Chair would advise the Representative that there was no Committee Report.

The Chair recognizes the Representative from Skowhegan, Representative Hepburn.

Representative HEPBURN: Mr. Speaker, I would like to pose a question to the Chair. Is there a fiscal note attached to this bill?

The SPEAKER: The Chair would answer in the negative.

This being an emergency measure, a two-thirds vote of the all the members elected to the House being necessary, a total was taken. 113 voted in favor of same and 22 against, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

(At Ease)

The House was called to order by the Speaker.

(Off Record Remarks)

At this point, the House adjourned for the purpose of joining in "Welcome Back Day" ceremonies.

On motion of Representative Clark of Millinocket, Adjourned until Thursday, April 16, 1987, at twelve o'clock noon.

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

In Senate Chamber
Wednesday
April 15, 1987

Senate called to Order by the President.

Prayer by the Honorable Nancy Randall Clark of Cumberland.

SENATOR CLARK: Let us be in the spirit of prayer. Oh Lord, our Lord, how excellent is Your Name in all the earth. Give us the strength, this day, to overcome failure and encourage us to be faithful servants, who share Your love and Your healing grace with all people. Amen.

Reading of the Journal of Yesterday.

Off Record Remarks

Out of order and under suspension of the Rules, the Senate considered the following:

PAPERS FROM THE HOUSE
House Papers

Bill "An Act to Provide for Bilingual Forest Rangers in Northwestern Maine to Enhance and Ensure Adequate Response in Catastrophic or Emergency Situations" (Emergency)

H.P. 960 L.D. 1289

Reference to the Committee on STATE AND LOCAL GOVERNMENT suggested and ORDERED PRINTED.

Comes from the House, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, without reference to a Committee and ORDERED PRINTED.

Which was, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, without reference to a Committee, and ORDERED PRINTED, in concurrence.

Under suspension of the Rules, ordered sent forthwith to the Engrossing Department.

PAPERS FROM THE HOUSE
House Papers

Bill "An Act to Continue the Agricultural Viability Program"

H.P. 944 L.D. 1267

Comes from the House referred to the Committee on AGRICULTURE and ORDERED PRINTED.

Which was referred to the Committee on AGRICULTURE and ORDERED PRINTED, in concurrence.

Bill "An Act to Clarify and Amend the Treatment of Overboard Effluent Discharges into the Waters of the State" (Emergency)

H.P. 945 L.D. 1268

Comes from the House referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED.

Which was referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED, in concurrence.

Bill "An Act to Protect the Health of Maine Citizens by Providing Improved Monitoring Capability for Radiation Levels around Nuclear Power Facilities"

H.P. 943 L.D. 1266

Committee on UTILITIES suggested and ORDERED PRINTED.