

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
 54th Legislative Day
 Friday, April 24, 1987

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

Prayer by Reverend John E. Fickett, Baptist (Retired) of Augusta.

The Journal of Thursday, April 23, 1987, was read and approved.

Quorum call was held.

SENATE PAPERS

Bill "An Act to Improve Fire Prevention Activity of Railroads" (S.P. 439) (L.D. 1334)

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

Was referred to the Committee on Transportation in concurrence.

Unanimous Leave to Withdraw

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act to Provide Notice of Underground Facilities Upon Transfers of Real Property" (S.P. 249) (L.D. 698)

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

Ought to Pass in New Draft

Report of the Committee on Education on Bill "An Act Relating to School Construction" (S.P. 70) (L.D. 137) reporting "Ought to Pass" in New Draft (S.P. 435) (L.D. 1315)

Came from the Senate, with the report read and accepted and the New Draft passed to be engrossed.

Report was read and accepted, the New Draft given its first reading and assigned for second reading Monday, April 27, 1987.

Non-Concurrent Matter

RESOLVE, to Establish the Juvenile Corrections Planning Commission (H.P. 951) (L.D. 1280) which was Referred to the Committee on Human Resources in the House on April 15, 1987.

Came from the Senate, Referred to the Joint Select Committee on Corrections in non-concurrence.

The House voted to recede and concur.

COMMUNICATIONS

The following Communication:

RURAL PUBLIC AND SOCIAL SERVICES TRANSPORTATION
 153 ILLINOIS AVENUE
 BANGOR, MAINE 04401

April 1, 1987

The Honorable Charles Pray
 President of the Senate

The Honorable John L. Martin

Speaker, House of Representatives

Dear President Pray and Speaker Martin:

Pursuant to Resolves of 1985, Chapter 46, as amended, the Social Services Transportation Review Committee submitted an interim report to the Legislature last year. At that time we indicated that the Department of Transportation had funded a study of surface passenger transportation in Maine. That study has been completed and copies of the study report entitled "An Analysis and Action Strategy for

Select Surface Passenger Transportation Services in Maine" are included for your review.

Sincerely,
 S/Willis Spaulding
 Social Services
 Transportation
 Review Committee

Was read and with accompanying report ordered placed on file.

PETITIONS, BILLS AND RESOLVES

REQUIRING REFERENCE

The following Bill was received and, upon the recommendation of the Committee on Reference of Bills, was referred to the following Committee, Ordered Printed and Sent up for Concurrence:

Business Legislation

Bill "An Act Relating to the Educational Requirements of Chiropractic Practice in this State" (H.P. 1001) (L.D. 1347) (Presented by Representative KILKELLY of Wiscasset) (Cosponsors: Representatives CARROLL of Gray, KIMBALL of Buxton and Senator CLARK of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Ordered Printed.

Sent up for Concurrence.

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative CASHMAN from the Committee on Taxation on Bill "An Act Limiting Local Property Taxation" (H.P. 513) (L.D. 686) reporting "Ought Not to Pass"

Representative BEGLEY from the Committee on Labor on Bill "An Act to Increase the Family Allowance of the Unemployment Compensation Law" (H.P. 647) (L.D. 875) reporting "Ought Not to Pass"

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

Unanimous Leave to Withdraw

Representative RAND from the Committee on Labor on Bill "An Act to Increase Fairness to Potential Unemployment Compensation Recipients" (H.P. 562) (L.D. 760) reporting "Leave to Withdraw"

Representative HEPBURN from the Committee on Labor on Bill "An Act Concerning the Payment of Unemployment Insurance by Workers in the Knitted Outerwear Industry" (H.P. 638) (L.D. 861) reporting "Leave to Withdraw"

Representative CASHMAN from the Committee on Taxation on Bill "An Act to Amend the Elderly Householders Tax and Rent Refund Act" (H.P. 554) (L.D. 752) reporting "Leave to Withdraw"

Representative CASHMAN from the Committee on Taxation on Bill "An Act to Create a Homeowners Property Tax Reduction for Persons 65 Years of Age and Older" (H.P. 334) (L.D. 433) reporting "Leave to Withdraw"

Representative MacBRIDE from the Committee on Judiciary on Bill "An Act Pertaining to Adoptive Home Studies" (H.P. 701) (L.D. 942) reporting "Leave to Withdraw"

Representative BOST from the Committee on Education on Bill "An Act to Change the Law Governing School Entrance Age" (H.P. 185) (L.D. 229) reporting "Leave to Withdraw"

Representative BOST from the Committee on Education on Bill "An Act to Amend the Date to

Determine Age for Kindergarten Eligibility" (H.P. 284) (L.D. 367) reporting "Leave to Withdraw"

Representative BOST from the Committee on Education on Bill "An Act to Amend the Tuition Computation Rate for Secondary Schools" (H.P. 673) (L.D. 906) 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 MacBRIDE from the Committee on Judiciary on Bill "An Act to Amend the Marriage Prohibitions Based on Consanguinity" (H.P. 409) (L.D. 543) reporting "Ought to Pass" in New Draft (Emergency) (H.P. 1002) (L.D. 1348)

Report was read and accepted, the New Draft given its first reading and assigned for second reading Monday, April 27, 1987.

Ought to Pass in New Draft/New Title

Representative PARADIS from the Committee on Judiciary on Bill "An Act to Amend the Maine Tort Claim Relating to Personal Liability of Employees of a Governmental Entity" (H.P. 209) (L.D. 261) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Amend the Maine Tort Claims Act Relating to Personal Liability of Employees of a Governmental Entity" (H.P. 1000) (L.D. 1346)

Report was read and accepted, the New Draft given its first reading and assigned for second reading Monday, April 27, 1987.

Divided Report

Majority Report of the Committee on Marine Resources on Bill "An Act Relating to the Membership of the Atlantic Sea Run Salmon Commission" (H.P. 422) (L.D. 567) reporting "Ought to Pass" in New Draft (H.P. 999) (L.D. 1345)

Signed:

Senators: MATTHEWS of Kennebec
ESTES of York
CAHILL of Sagadahoc

Representatives: MITCHELL of Freeport
RUHLIN of Brewer
KETOVER of Portland
SALSURY of Bar Harbor
HOLT of Bath
CROWLEY of Stockton Springs
RICE of Stonington
LOOK of Jonesboro
COLES of Harpswell

Minority Report of the same Committee on reporting "Ought Not to Pass" on same Bill.

Signed:

Representative: SCARPINO of St. George
Reports were read.

On motion of Representative Mitchell of Freeport, the Majority "Ought to Pass" Report was accepted, the New Draft read once and assigned for second reading, Monday, April 27, 1987.

CONSENT CALENDAR

First Day

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

(H.P. 650) (L.D. 878) Bill "An Act Relating to Historic Bridges" Committee on Transportation reporting "Ought to Pass"

(H.P. 651) (L.D. 879) Bill "An Act to Make Technical Adjustments to the Truck Overweight Law" (Emergency) Committee on Transportation reporting "Ought to Pass"

(H.P. 653) (L.D. 881) Bill "An Act to Amend the Experimental Vehicle Law" Committee on Transportation reporting "Ought to Pass"

There being no objections, the above items were ordered to appear on the Consent Calendar of Monday, April 27, 1987, under the listing of Second Day.

(H.P. 476) (L.D. 643) Bill "An Act Relating to the Quality Incentive Adjustment in the Educational Finance Law" (Emergency) Committee on Education reporting "Ought to Pass"

On motion of Representative Bost of Orono, was removed from the Consent Calendar, First Day.

On motion of the same Representative, was recommitted to the Committee on Education in non-concurrence and sent up for concurrence.

CONSENT CALENDAR

Second Day

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

(H.P. 711) (L.D. 962) Bill "An Act to Establish the Cost of the 1987 Spruce Budworm Management Program" (Emergency) (C. "A" H-71)

(H.P. 433) (L.D. 579) Bill "An Act to Facilitate Mutual Aid Agreements Between Municipal Police Departments" (C. "A" H-72)

(H.P. 890) (L.D. 1191) Bill "An Act to Ensure Timely Adoption of Revised Solid Waste Rules" (Emergency)

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

PASSED TO BE ENGROSSED

Bill "An Act to Provide Pension Rights to Morris G. Pilot" (H.P. 998) (L.D. 1344)

RESOLVE, to Compensate Thomas P. Peters, II, Attorney-at-law, for Professional Services Rendered in the Adoption of Benjamin B., Heather B. and Lucas B. (S.P. 287) (L.D. 814)

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

An Act Concerning the Approval of Voting Devices (H.P. 71) (L.D. 74) (C. "A" H-65)

An Act for Timely Construction of Water Main Extensions (H.P. 218) (L.D. 270)

An Act Relating to Conferring Degrees by the University of New England in Biddeford (H.P. 466) (L.D. 633)

An Act Relating to a Vocational Region as Defined by Law (H.P. 957) (L.D. 1286)

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.

ORDERS OF THE DAY

TABLED AND TODAY ASSIGNED

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

Bill "An Act Concerning the Calculation of the Insured Value Factor in Public Tuition Payments to Private Schools" (H.P. 196) (L.D. 248)

- In House, Passed to be Engrossed as Amended by Committee Amendment "A" (H-58) on April 10, 1987.

- In Senate, Passed to be Engrossed as Amended by Committee Amendment "A" (H-58) as amended by Senate Amendment "A" (S-36) thereto in non-concurrence.

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

PENDING - Further Consideration.

The House voted to recede and concur.

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

An Act to Amend the Requirements for Individual Public Self-insurers under the Workers' Compensation Act (S.P. 412) (L.D. 1270)

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

PENDING - Passage to be Enacted.

Subsequently, was passed to be enacted, signed by the Speaker and sent to the Senate.

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

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

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

PENDING - Passage to be Enacted.

On motion of Representative Diamond of Bangor, retabled pending passage to be enacted and specially assigned for Monday, April 27, 1987.

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

Bill "An Act to Provide Assistance to Victims of Natural Disasters" (Emergency) (H.P. 997) (L.D. 1343) (Committee on Economic Development suggested)

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

PENDING - Reference.

Representative Crowley of Stockton Springs moved that L.D. 1343 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: The purpose of this bill is to create a National Disaster Business Assistance Program to be administered by FAME and the Natural Disaster Home Assistance Program to be administered by the Maine State Housing Authority. Not only would these bills come under the preview of the Committee on Economic Development but due to the emergency clause on the flood and the fact that the bill calls for a transfer of \$4 million from the Rainy Day Fund, the Committee on Economic Development feels that, for expediency, we should refer the bill to the Committee on Appropriations. My Economic Development Committee also instructed me to never do this again.

Subsequently, on the motion of Representative Crowley of Stockton Springs, was referred to the Committee on Appropriations and Financial Affairs, ordered printed and sent up for concurrence.

BILL HELD

An Act to Assure Proper Notice of Workers' Compensation Claims (S.P. 413) (L.D. 1271)

- In House, Passed to be Enacted on April 23, 1987.

HELD at the request of Representative McHENRY of Madawaska.

On motion of Representative McHenry of Madawaska, the House reconsidered its action whereby L.D. 1271 was passed to be enacted.

On further motion of the same Representative, the House reconsidered its action whereby L.D. 1271 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-73) and moved its adoption.

House Amendment "A" (H-73) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Madawaska, Representative McHenry.

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: This is just a technical error in the bill to clarify that the injured employer should report to his agent as well as the agency. It also covers the employees who are injured after the effective date, not prior to the effective date.

Subsequently, House Amendment "A" (H-73) was adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" in non-concurrence and sent up for concurrence.

(Off Record Remarks)

On motion of Representative Nutting of Leeds, Adjourned until Monday, April 27, 1987, at ten o'clock in the morning.