

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
62nd Legislative Day
Wednesday, May 6, 1987

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

Prayer by Reverend Steven Melamed, Church of Universal Fellowship, Orono.

The Journal of Tuesday, May 5, 1987, was read and approved.

Quorum call was held.

SENATE PAPERS

The following Communication:
 The Senate of Maine
 Augusta

May 5, 1987

The Honorable John L. Martin
 Speaker of the House
 113th Legislature
 Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Energy and Natural Resources, the Governor's nomination of Carol A. Tracy of Lewiston for appointment to the Board of Environmental Protection. Carol A. Tracy is replacing Peter Wiley.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate
 Was read and ordered placed on file.

Divided Report
TABLED AND ASSIGNED

Majority Report of the Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-51) on Bill "An Act Relating to Disclosures When Selling Used Cars" (S.P. 295) (L.D. 845)

Signed:

Senators:

BALDACCI of Penobscot

BRANNIGAN of Cumberland

WHITMORE of Androscoggin

Representatives:

ALLEN of Washington
 HILLOCK of Gorham
 GURNEY of Portland
 REED of Falmouth
 LEBOWITZ of Bangor
 ALIBERTI of Lewiston
 STEVENS of Sabattus
 TELOW of Lewiston

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

Signed:

Representatives:

RACINE of Biddeford
 SHELTRA of Biddeford

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-51)

Reports were read.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Aliberti.

Representative ALIBERTI: I move that the House accept the Majority "Ought to Pass" as amended Report.

Men and Women of the House: Current law now requires and mandates disclosure. The Bill, as amended, now requires a signature and deletes the words "substantial damage" -- that was a compromise reached during the hearing. Now all damage has to be reported and also has to have a signature. I feel that perhaps the opposition is emphasizing caveat emptor -- "let the buyer beware" -- as a major premise. I just presume that.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Racine.

Representative RACINE: Mr. Speaker, Ladies and Gentlemen of the House: I was under the impression that this item was going to be tabled and when it appeared on the calendar this morning, I was sort of surprised and not quite ready to debate this bill. I understand that leadership will be tabling this. Therefore, I will reserve my comments until next Monday when all the individuals, who are presently in Washington enjoying the good weather, will be here.

On motion of Representative Gwadosky of Fairfield, tabled pending the motion of Representative Aliberti of Lewiston to accept the Majority "Ought to Pass" as amended Report and specially assigned for Friday, May 8, 1987.

Non-Concurrent Matter

Bill "An Act to Clarify the Laws for Transmission of Electric Power to Study Related Issues" (H.P. 131) (L.D. 160) which was passed to be engrossed as amended by Committee Amendment "A" (H-82) in the House on May 1, 1987.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-82) as amended by Senate Amendment "A" (S-52) thereto in non-concurrence.

The House voted to recede and concur.

COMMUNICATIONS

The following Communication:

STATE OF MAINE
 WORKERS' COMPENSATION COMMISSION
 STATE HOUSE STATION 27
 AUGUSTA, MAINE 04333

April 30, 1987

Honorable John L. Martin

Speaker of the House

State House Station 2

Augusta, Maine 04333

RE: Quarterly Report for the First Quarter of Calendar 1987

39 M.R.S.A. 92(3)

Dear Speaker Martin:

This letter and statistical attachments are the quarterly report of Commissioner caseload and progress mandated by 39 M.R.S.A. 92(3).

During the first quarter of 1987 the Commission received 1,960 petitions and disposed of 1,883 by decision or dismissal. It continues to take an average of about a year to render a decision on a litigated case.

The backlog of undecided petitions averaged about 7,800 during this period. Each case involves an average of 1.4 petitions and so this backlog represents approximately 5,570 litigated injuries. 467 petitions have been undecided more than 2 years. 70% of these are located in the Bangor office.

There have been no complaints or filings in connection with the 30 day decision rule pursuant to Commission Rule 22.11 and 99-B.

A summary of caseload and dispositions is presented in the attached tables. I would be happy to discuss this report further at your convenience.

Sincerely,
S/Ralph L. Tucker
Chairman

Was read and with accompanying papers ordered placed on file.

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:

Aging, Retirement and Veterans

Bill "An Act to Allow the Governor to Order Emergency Activation of the Guard in Advance of an Imminent Disaster" (H.P. 1063) (L.D. 1446) (Presented by Representative CARROLL of Gray) (Cosponsors: Representatives DIAMOND of Bangor, STROUT of Windham, and Senator GOULD of Waldo) (Submitted by the Department of Defense and Veterans' Services pursuant to Joint Rule 24)

Ordered Printed.
Sent up for Concurrence.

Taxation

RESOLVE, Reimbursing Certain Municipalities on Account of Taxes Lost Due to Lands being Classified under the Maine Tree Growth Tax Law (Emergency) (H.P. 1072) (L.D. 1455) (Presented by Representative HICHBORN of LaGrange) (Cosponsors: Representatives INGRAHAM of Houlton, LISNIK of Presque Isle, and Senator THERIAULT of Aroostook) (Submitted by the Department of Finance pursuant to Joint Rule 24)

(The Committee on Appropriations and Financial Affairs was suggested.)

On motion of Representative Carter of Winslow, was referred to the Committee on Taxation, ordered printed, and sent up for concurrence.

Energy and Natural Resources

Bill "An Act to Permit Alteration of the Valley Brook Stream" (H.P. 1064) (L.D. 1447) (Presented by Representative DEXTER of Kingfield) (Cosponsors: Senator WEBSTER of Franklin, Representatives MICHAUD of East Millinocket and JACQUES of Waterville) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Bill "An Act Regarding Certain Solid Waste Disposal Facilities" (H.P. 1065) (L.D. 1448) (Presented by Representative HOLLOWAY of Edgecomb) (Cosponsors: Senators LUDWIG of Aroostook, TUTTLE of York, and Representative MICHAUD of East Millinocket) (Submitted by the Department of Environmental Protection pursuant to Joint Rule 24)

Bill "An Act to Establish an Exemption from the Waste Water Discharge Licensing Requirement for Certain Holders of Aquatic Pesticide Permits" (Emergency) (H.P. 1066) (L.D. 1449) (Presented by Representative WEYMOUTH of West Gardiner) (Cosponsors: Representatives MCGOWAN of Canaan, HOLLOWAY of Edgecomb, and JACQUES of Waterville) (Submitted by the Department of Environmental Protection pursuant to Joint Rule 24)

Ordered Printed.
Sent up for Concurrence.

Human Resources

Bill "An Act to Facilitate Access to In-home Services" (H.P. 1062) (L.D. 1445) (Presented by Representative HARPER of Lincoln) (Cosponsors: Senators COLLINS of Aroostook, KERRY of York, and Representative KIMBALL of Buxton) (Submitted by the Department of Human Services pursuant to Joint Rule 24)

Ordered Printed.
Sent up for Concurrence.

Judiciary

Bill "An Act to Increase Financial Support from Parents of Children in the Care or Custody of the Department of Human Services" (H.P. 1067) (L.D. 1450) (Presented by Representative McPHERSON of Eliot) (Cosponsors: Senators MAYBURY of Penobscot, WHITMORE of Androscoggin, and Representative MACOMBER of South Portland) (Submitted by the Department of Human Services pursuant to Joint Rule 24)

Bill "An Act to Provide Immunity from Civil Liability for Certain Emergency Medical Service System Participants" (H.P. 1070) (L.D. 1453) (Presented by Representative GREENLAW of Standish) (Cosponsors: Senator DILLENBACK of Cumberland, Representatives DEXTER of Kingfield and CARROLL of Gray) (Submitted by the Department of Human Services pursuant to Joint Rule 24)

Ordered Printed.
Sent up for Concurrence.

Labor

Bill "An Act Relating to Determination of Benefit Claims under the Unemployment Compensation Law" (H.P. 1071) (L.D. 1454) (Presented by Representative ZIRNKILTON of Mount Desert) (Cosponsors: Representatives DUTREMBLE of Biddeford, TAMMARO of Baileyville, and HEPBURN of Skowhegan) (Submitted by the Department of Labor pursuant to Joint Rule 24)

Ordered Printed.
Sent up for Concurrence.

Legal Affairs

Bill "An Act to Establish a 10% Surtax on Fines to be Dedicated to the Maine Criminal Justice Academy in Lieu of Tuition Paid by Municipalities" (H.P. 1069) (L.D. 1452) (Presented by Representative VOSE of Eastport) (Cosponsors: Representatives GWADOSKY of Fairfield and JACQUES of Waterville) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Ordered Printed.
Sent up for Concurrence.

Judiciary

Bill "An Act Concerning the Authority of the Attorney General to Request Telephone Records" (H.P. 1068) (L.D. 1451) (Presented by Representative PARADIS of Augusta) (Cosponsors: Representatives TRACY of Rome, MacBRIDE of Presque Isle, and MARSANO of Belfast)

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

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

Reported Pursuant to the Statutes

Representative ROLDE from the Committee on Audit and Program Review, pursuant to Maine Revised Statutes Annotated, Title 3, section 501 ask leave to submit its findings and report that the accompanying Bill "An Act Relating to Periodic Justification of State Government Programs under the Maine Sunset Laws" (Emergency) (H.P. 1061) (L.D. 1436) be referred to the Joint Standing Committee on Audit and Program Review for Public Hearing and printed pursuant to Joint Rule 18.

Report was read and accepted, and the bill referred to the Committee on Audit and Program Review, ordered printed, and sent up for concurrence.

By unanimous consent, all matters having been acted upon requiring Senate concurrence were ordered sent forthwith to the Senate.

REPORTS OF COMMITTEES

Unanimous Leave to Withdraw

Representative SIMPSON from the Committee on Human Resources on Bill "An Act to Change the Name of the Department of Mental Health and Mental Retardation" (H.P. 645) (L.D. 868) reporting "Leave to Withdraw"

Representative HICKEY from the Committee on Aging, Retirement and Veterans on Bill "An Act Concerning Marital Property Relative to Retirement Benefits" (H.P. 727) (L.D. 979) reporting "Leave to Withdraw"

Representative MAYO from the Committee on Taxation on Bill "An Act to Repeal the Commercial Forestry Excise Tax" (H.P. 708) (L.D. 959) reporting "Leave to Withdraw"

Representative STROUT from the Committee on Transportation on Bill "An Act Relating to Work-restricted Licenses" (H.P. 536) (L.D. 720) 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 CONNOLLY from the Committee on Appropriations and Financial Affairs on Bill "An Act to Appropriate Funds for the Critical Areas Program" (H.P. 333) (L.D. 432) reporting "Ought to Pass" in New Draft (H.P. 1073) (L.D. 1456)

Report was read and accepted, the New Draft given its first reading and assigned for second reading Friday, May 8, 1987.

Ought to Pass in New Draft

Representative CARTER from the Committee on Appropriations and Financial Affairs on Bill "An Act Relating to Training of Sewage Treatment Operators" (H.P. 470) (L.D. 637) reporting "Ought to Pass" in New Draft (H.P. 1074) (L.D. 1457)

Report was read and accepted, the New Draft given its first reading and assigned for second reading Friday, May 8, 1987.

Ought to Pass in New Draft/New Title

Representative DEXTER from the Committee on Energy and Natural Resources on Bill "An Act to Assure Geographical Balance on the Board of Environmental Protection" (H.P. 141) (L.D. 182) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Assure Geographical Balance on

the Board of Environmental Protection and to Implement Staggered Board Terms" (Emergency) (H.P. 1060) (L.D. 1435)

Report was read and accepted, the New Draft given its first reading and assigned for second reading Friday, May 8, 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. 870) (L.D. 1171) RESOLVE, to Amend the Reporting Date of the Special Commission to Study Teacher Training in the University of Maine System (Emergency) Committee on Education reporting "Ought to Pass"

There being no objections, the above item was ordered to appear on the Consent Calendar of Friday, May 8, 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. 177) (L.D. 503) Bill "An Act to Clarify and Simplify the Maine Consumer Credit Code" (C. "A" S-48)

(H.P. 925) (L.D. 1237) Bill "An Act to Change the Lime Laws"

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 Paper was Passed to be Engrossed and sent up for concurrence.

PASSED TO BE ENACTED

Emergency Measure

An Act to Amend the Laws Concerning Extension of Motor Vehicle Registration Expiration Dates (H.P. 116) (L.D. 141) (C. "A" H-78)

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 and sent to the Senate.

PASSED TO BE ENACTED

An Act Relating to Questions Put to the Electorate at Referendum (S.P. 116) (L.D. 289) (C. "A" S-39)

An Act to Extend the Life of the Advisory Committee on Staff Retention (S.P. 162) (L.D. 466)

An Act to Amend the Electric Rate Reform Act as it Applies to Cost Recovery for Utility Financing of Energy Conservation (S.P. 265) (L.D. 746) (C. "A" S-42)

An Act Enabling the State to Join the Regional Truck Permit Agreement (S.P. 304) (L.D. 873)

An Act to Clarify Election Procedures and the Effects of Interconnected Water Lines in Water Fluoridation Referenda (S.P. 329) (L.D. 957) (C. "A" S-43)

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.

PASSED TO BE ENACTED

An Act to Provide Unemployment Compensation During Employer-initiated Lockouts (H.P. 1008) (L.D. 1355)

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

Representative Zirnkilton of Mt. Desert requested a roll call vote on enactment.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question before the House is passage to be enacted. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 46

YEA - Aliberti, Anthony, Armstrong, Baker, Bickford, Bost, Boutilier, Brown, Carter, Cashman, Chonko, Clark, H.; Clark, M.; Coles, Conley, Cote, Crowley, Diamond, Dore, Dutremble, L.; Erwin, P.; Gould, R. A.; Greenlaw, Gwadosky, Hale, Handy, Hickey, Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Kilkelly, Lacroix, LaPointe, Lisnik, Macomber, Mahany, Martin, H.; Mayo, McGowan, McHenry, McPherson, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Nadeau, G. G.; Nadeau, G. R.; Nutting, O'Gara, Paradis, J.; Paradis, P.; Paul, Perry, Racine, Rand, Reeves, Richard, Ridley, Rolde, Rotondi, Ruhlin, Sheltra, Simpson, Smith, Soucy, Stevens, P.; Strout, D.; Swazey, Tamaro, Telow, Thistle, Tracy, Vose, Walker, The Speaker.

NAY - Anderson, Bailey, Begley, Bott, Bragg, Callahan, Curran, Davis, Dexter, Farnum, Farren, Foss, Foster, Garland, Hanley, Harper, Hichborn, Higgins, Hillock, Holloway, Ingraham, Jackson, Kimball, Lebowitz, Look, Lord, MacBride, Marsano, Matthews, K.; Murphy, E.; Murphy, T.; Paradis, E.; Parent, Pines, Reed, Rice, Salsbury, Scarpino, Seavey, Sherburne, Small, Stanley, Stevens, A.; Stevenson, Tardy, Taylor, Tupper, Webster, M.; Wentworth, Weymouth, Willey, Zirnkilton.

ABSENT - Allen, Carroll, Connolly, Dellert, Duffy, Gurney, Hepburn, Ketover, Lawrence, Manning, Nicholson, Norton, Pouliot, Priest, Rydell, Sproul, Strout, B.; Warren, Whitcomb.

Yes, 80; No, 52; Absent, 19; Paired, 0; Excused, 0.

80 having voted in the affirmative and 52 in the negative with 19 being absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act Concerning Inspection, Registration and Abandonment of Dams (H.P. 1022) (L.D. 1376)

Was 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.

FINALLY PASSED

RESOLVE, to Name the Bridge Crossing the Sabattus River at Lisbon Village the Town of Lisbon Veterans' Memorial Bridge (H.P. 343) (L.D. 442) (C. "A" H-79)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, finally passed, 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 Enabling Municipalities to Establish Municipal Land Banks Funded by a Local Option Real Estate Transfer Tax" (H.P. 543) (L.D. 727)

TABLED - May 5, 1987 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Engrossed.

Representative Baker of Portland offered House Amendment "A" (H-91) and moved its adoption.

House Amendment "A" (H-91) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Baker.

Representative BAKER: Mr. Speaker, Men and Women of the House: First, let me be very clear that the purpose of this amendment is to help the bill. The amendment essentially allows for communities to raise the \$77,000 exemption if they so desire. The \$77,000 exemption was put there for one specific reason, (in the words of Representative Seavey of Kennebunkport) to protect the little guy. The figure was arrived at because it was the average price of a home throughout the state.

In some areas of the state, that price could be higher and if it were higher, then that meant that people trying to get in on the bottom end of the real estate market were paying above that. It may be a disincentive for some communities to take the local option that we wish to give them. Since local options are by their nature, flexible, I felt that it was important to see that the exemption would also be flexible, keeping in mind, of course, that the price of real estate is constantly going up.

So, I hope you will support the amendment and I hope that you will understand that this amendment is being offered in support of this legislation.

Subsequently, House Amendment "A" was adopted.

Representative Willey of Hampden offered House Amendment "B" (H-93) and moved its adoption.

House Amendment "B" (H-93) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Willey.

Representative WILLEY: Mr. Speaker, Ladies and Gentlemen of the House: I decided to put this amendment in, not that I am in favor of the bill necessarily, in fact I am not, but in case this bill passes, it is going to put a great load on the Registry of Deeds in each locality. It seems logical, if that occurs, that the state pay the bill for the additional help that they will probably have to have. Therefore, what this bill does is to sidetrack an increased amount of funds to the Registry of Deeds in each locality, which will reflect a lessening of the general tax revenue for the state. It seems to me that that is the proper place for this expense to come from.

The SPEAKER: The Chair recognizes the Representative from Thomaston, Representative Mayo.

Representative MAYO: Mr. Speaker, may I pose a question of parliamentary inquiry?

Mr. Speaker, is this amendment germane?

The SPEAKER: In reference to House Amendment "B" that was introduced by Representative Willey of Hampden, the Chair would rule that the amendment is not germane.

On motion of Representative Gwadosky of Fairfield, retabled pending passage to be engrossed

as amended by House Amendment "A" and later today assigned.

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

An Act to Clarify Residency Requirements for Servicemen (H.P. 1020) (L.D. 1373)
TABLED - May 5, 1987 by Representative JACQUES of Waterville.

PENDING - Passage to be Enacted.

On motion of Representative Jacques of Waterville, under suspension of the rules, the House reconsidered its action whereby L.D. 1373 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-92) and moved its adoption.

House Amendment "A" (H-92) was read by the Clerk and adopted.

Subsequently, the Bill was passed to be engrossed as amended by House Amendment "A" (H-92) in non-concurrence and sent up for concurrence.

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

An Act Relating to the Issuance of Bonds or Notes for Union Schools (S.P. 317) (L.D. 919)
TABLED - May 5, 1987 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

On motion of Representative Gwadosky of Fairfield, retabled pending passage to be enacted and specially assigned for Friday, May 8, 1987.

(At Ease)

The House was called to order by the Speaker.

BILLS HELD

Bill "An Act to Promote Technology Development, Product Development, Research and Innovation for Maine Industry" (S.P. 353) (L.D. 1045)

- In House, Referred to the Committee on Appropriations and Financial Affairs in concurrence.

HELD at the Request of Representative CROWLEY of Stockton Springs.

The SPEAKER: The Chair recognizes the Representative from Stockton Springs, Representative Crowley.

Representative CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: I move that we reconsider our action whereby L.D. 1045 was referred to the Committee on Appropriations and Financial Affairs in concurrence.

This bill today, "An Act to Promote Technology Development, Product Development, Research and Innovation for Maine Industry" we felt was a definite issue of economic development in the state as was the bill that we developed yesterday. With six weeks to go, six weeks to June 17th, I guess time is of the essence. Therefore it may be best, may be necessary, that the Committee on Economic Development back off in our pursuit of bills we feel are in our purview.

We appreciate the overwhelming support of this body yesterday to refer L.D. 601 to our committee but to continue this battle may do more harm than good. It took about a half hour to have our decision of yesterday reversed by the other body. So, to try to hold our position, I believe would be

counterproductive. The best we could hope for is a Joint Committee of Conference on this bill or the others and would it probably would be worse than what we can do collectively.

Contrary to public opinion, the Committee of Economic Development may only have 17 bills to deal with, but we do have some bills of the most substantive legislation that will be dealt with during this session. I refer to the legislation to create the Department of Economic and Community Development and other related bills. This reorganizing of the government focuses on serving business industry and the entire population of Maine to a brighter economic future.

Today my Horoscope says, "It is to your benefit to press for the ending now of an important issue, it is a bridge between the old and the new." So, to follow my horoscope, today I offer my unconditional surrender by withdrawing my motion.

The SPEAKER: The Representative from Stockton Springs, Representative Crowley, withdraws his motion to reconsider.

(Off Record Remarks)

At this point, the Speaker appointed the Representative from East Millinocket, Representative Michaud, to act as Speaker pro tem for the session of Friday, May 8, 1987.

(At Ease)

The House was called to order by the Speaker.

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

SENATE PAPERS

Bill "An Act to Improve Public Lands' Camp Lot Management" (S.P. 475) (L.D. 1438)

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 Establish an Exemption from the Waste Water Discharge Licensing Requirements for Owners and Operators of Marine Aquaculture Operations" (Emergency) (S.P. 476) (L.D. 1439)

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

On motion of Representative Michaud of East Millinocket, was referred to the Committee on Marine Resources in non-concurrence and sent up for concurrence.

Bill "An Act to Expand the Authority of the Board of Underground Storage Tank Installers" (S.P. 477) (L.D. 1440)

RESOLVE, Authorizing the Sale of Certain Public Reserved Lands (S.P. 480) (L.D. 1443)

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

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

Bill "An Act to Clarify Reporting of Induced and Spontaneous Abortions" (S.P. 478) (L.D. 1441)

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 Concerning the Sale of Certain Firecrackers" (S.P. 481) (L.D. 1444)

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

Was referred to the Committee on Legal Affairs in concurrence.

The Chair laid before the House the following item: Bill "An Act Enabling Municipalities to Establish Municipal Land Banks Funded by a Local Option Real Estate Transfer Tax" (H.P. 543) (L.D. 727) which was tabled earlier in the day and later today assigned pending passage to be engrossed as amended by House Amendment "A".

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Cashman.

Representative CASHMAN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair.

Is there another amendment going to be offered to this bill?

The SPEAKER: The Chair would answer in the negative.

The Chair recognizes the Representative from Old Town, Representative Cashman.

Representative CASHMAN: Mr. Speaker, I would then move the indefinite postponement of the Bill and all its accompanying papers.

I had thought that another amendment to this bill was going to be offered but in addressing the bill as it stands, I don't believe that the amendment we adopted a short time ago addresses any of the major problems I have with the administration of this bill.

The House granted the courtesy to the proponents of this bill the other day by delaying action on it for several days so that we could offer amendments to try to make it a little more clear, administratively.

I don't think that the amendment that we have adopted has addressed the fact that we still have an uneven opportunity being granted throughout the state and that areas that real estate prices are higher are being given a much greater advantage than places in the state where real estate prices are lower.

That doesn't necessarily mean that the pressures on expansion for lakefront property is any less in those communities. It simply means that they don't generate the amount of revenue because the real estate values on the whole are lower. Section 6 of that bill provides that the Registrar of Deeds be responsible for collecting a tax which means that the Registrar's office is going to have to keep track of what communities in the county have adopted this local option. Not only that, but now with the amendment we just adopted a short time ago, it requires that the Registrar has to keep track of at what level each community will initiate that tax, which makes it even more complicated than it already was.

It still provides for a civil suit in cases where the tax wasn't collected. I guess I would ask who the town is going to sue to get their money? Are they going to sue the Registrar of Deeds who is

responsible for collecting it? Are they going to sue the buyer, the seller, the bank, realtor, the attorney?

I think that the members of the Taxation Committee, who have not supported this bill, have heard the message of the House that you would like some type of local option mechanism available to communities to stop the rapid growth and disappearance of public access to beaches and lakefronts and so forth.

As I said on the floor the other day, there are other mechanisms in our committee to deal with that. I think as one member of the Taxation Committee, "I have heard the message and I thank the messenger." I still think that the bill before us is going to be an administrative nightmare and I hope you will join with me and vote to indefinitely postpone.

The SPEAKER: The Chair recognizes the Representative from Thomaston, Representative Mayo.

Representative MAYO: Mr. Speaker, Men and Women of the House: I would request a division on the motion to indefinitely postpone and I would ask this House to vote against that motion.

I beg to disagree with the good chairman of my committee, I have done that before and he forgives me for it, usually. I don't feel that this bill is an administrative nightmare and never have. I served on the study committee this past summer that studied this issue. We heard the call from many of our communities in this state to provide this option.

I would just remind this House we are simply providing an option for a municipality to enact this tax and I don't happen to believe that the collective minds in this state can't come up with an appropriate way to administer it. If you agree with the principle, you can vote for this legislation and, if there are problems with it, we can certainly work them out. Those problems certainly haven't been brought to my attention, at least to a degree where I think anything needs to be changed at this point.

I would ask this House to vote against the motion to indefinitely postpone and send this bill on to the other body.

The SPEAKER: The Chair recognizes the Representative from Lisbon, Representative Jalbert.

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I am in agreement with the gentleman from Old Town, Representative Cashman, that this will be a nightmare. I think someone should go to the defense of the Registrars of Deeds all over the state.

In my employment with the Department of Transportation, prior to my retirement, I spent 95 percent of my time at the Registry of Deeds. It will be a nightmare. There is no way possible -- they do not have the staff to administer this.

Furthermore, I think we had a bill just a few weeks ago which allowed the people to find out the disclosure on a sale of real estate and we moved it from the Registry of Deeds to the local tax assessor's office to alleviate the burden on the Registry of Deeds.

Furthermore, every year the Registrar of Deeds have to come to each legislature county delegation and get their raise. We have had an amendment presented which was not germane which, in effect, would have paid the Registrar of Deeds a percentage for collecting these fees. They do receive a fee from the state now in that they keep a percentage of the fees they collect, the tax they collect for administration. There is nothing in this amendment to compensate the Registrar of Deeds for that amount

of work. They will have no way of knowing which town and which level that they have. Once they have started the procedure, then you may have some town, through a petition, have an article in a town warrant or referendum and repeal that local option and where is the Registrar of Deeds going to be? I would ask that you support the motion of the Representative from Old Town.

The SPEAKER: The Chair recognizes the Representative from Shapleigh, Representative Ridley.

Representative RIDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I feel the concept of this bill is good and I can see where you are coming from but I, too, am concerned about the administrative parts.

I would just like to put one question before you. If someone sells a piece of property and the buyer pays his part of the tax and the seller doesn't pay his part and he moves off to California or somewhere else, what method are you going to have to collect that portion of the tax? That is what I would like to know, this bothers me.

The SPEAKER: Representative Ridley of Shapleigh has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Old Town, Representative Cashman.

Representative CASHMAN: Mr. Speaker, Ladies and Gentlemen of the House: In response to the gentleman's question, the bill provides that the municipality can file a civil suit to collect the lost revenue. Presumably they would file that suit against the person who is in California.

I was a municipal official at one time and civil suits never proved to be a very good method of collection. Generally, the amounts aren't great enough to pursue a civil suit and that is one of the problems I have with this bill.

The other question that I raised earlier was that in regard to their collecting the uncollected tax is that this bill does make the county commissioners or the county Registrar of Deeds responsible for collection. I guess I question if they could file a civil suit against the Registrar of Deeds, which I think would be a unique thing in Maine law to be able to do.

The SPEAKER: The Chair recognizes the Representative from Eastport, Representative Vose.

Representative VOSE: Mr. Speaker, Ladies and Gentlemen of the House: I have been listening to the debate and reading the bill and I noticed that there is an exemption for homes or property sold under \$77,000, so I wondered what kind of an effect that would have on my community.

We have had some complaints on the 4th of July celebrations that we didn't have the proper facilities for people to relieve themselves during the day. So, we were thinking about putting some outhouses down on one part of the south section of the town and if this bill comes into effect -- if we voted for it in about five years, maybe we could raise enough money to purchase those outhouses down there.

I think this bill is very selective, it certainly would have no effect on our end so maybe I should vote for it because, when and if the bond issue is passed in the amount of \$5 million for purchase of land, we can point out the fact that we certainly, through this particular method, can't raise any money in my section, so therefore, we probably would be entitled to the bulk of the money raised in the bond issue.

I think you should go along with the indefinite postponement of this bill and all its accompanying papers.

The SPEAKER: The Chair recognizes the Representative from Freeport, Representative Mitchell.

Representative MITCHELL: Mr. Speaker, Men and Women of the House: Representative Vose would at least get his outhouse after five years -- without the bill, he might have to wait for fifteen or twenty years.

Yesterday in the City of Portland, there was a city wide referendum on an extremely controversial and harsh zoning amendment which would have protected the Portland Waterfront against non-marine uses. It was a debate that pitted the traditional interests and the traditional life of many Portland people against the rapid growth that is being experienced in that city. If you read the newspaper yesterday, you will see that that referendum won by a two to one margin.

Our communities are faced with dramatic growth that is changing the traditional way of life. This bill is not an earthshaking bill, it doesn't generate an enormous amount of money but it takes a small step to protect that way of life. I am confident that a way can be found for people who work in the Registry of Deeds Office to collect a little bit of money. It doesn't seem to me to be that hard a process to implement. We have processes in this state that deal with far more complicated issues than this that are dealt with at very little or no money.

I am glad that Representative Cashman has gotten the message. My question to Representative Cashman is -- when are you going to do something to help us solve our problem?

The SPEAKER: The Chair recognizes the Representative from Edgecomb, Representative Holloway.

Representative HOLLOWAY: Mr. Speaker, may I pose a question?

Is it possible to amend an amendment?

The SPEAKER: The Chair would answer in the affirmative, provided that it has not gone beyond the second stage.

Representative Holloway of Edgecomb offered House Amendment "C" (H-94) and moved its adoption.

House Amendment "C" (H-94) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Edgecomb, Representative Holloway.

Representative HOLLOWAY: Mr. Speaker, Men and Women of the House: Basically, what I would like to try to do is to have Section 5, under payment that says "The tax shall be paid to the municipal tax collector within 30 days of the transfer of the property" -- that is the part of the amendment that I wish to maintain. Basically what this would do would be to take it out of the deeds office, which appears to be very controversial and, indeed, the deeds office is not a collection agency. At the time of transfer, then the tax would be assessed and be paid to the local community within 30 days.

I would like to amend out Section 4.

The SPEAKER: The Chair understands and appreciates that. However, she will need an amendment prepared to do that at this time. The present motion would not prevail on that question. The Chair would, therefore, suggest that if that is your desire, then someone will need to table pending that additional amendment.

On motion of Representative Murphy of Kennebunk, tabled pending adoption of House Amendment "C" and specially assigned for Friday, May 8, 1987.

On motion of Representative Soucy of Kittery, Adjourned until Friday, May 8, 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
May 6, 1987

Senate called to Order by the President Pro Tem, Ronald E. Usher of Cumberland.

Prayer by the Honorable Henry W. Black of Cumberland.
SENATOR BLACK: God, grant us the serenity to accept the things we cannot change, the courage to change the things we can, and the wisdom to know the difference. Amen.

Reading of the Journal of Yesterday.

COMMUNICATIONS

The Following Communication: S.P. 473
113th MAINE LEGISLATURE
May 5, 1987

Senator John E. Baldacci
Representative Carol M. Allen
Chairpersons
Joint Standing Committee on Business Legislation
113th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Joanna Dennis of Waterville for appointment to the Maine Real Estate Commission.

Pursuant to Title 32, M.R.S.A. Section 4051-A, this nomination will require review by the Joint Standing Committee on Business Legislation and confirmation by the Senate.

Sincerely,
S/Charles P. Pray
President of the Senate
S/John L. Martin
Speaker of the House

Which was READ and referred to the Committee on BUSINESS LEGISLATION.
Sent down for concurrence.

The Following Communication:
STATE OF MAINE
WORKERS' COMPENSATION COMMISSION
STATE HOUSE STATION 27
AUGUSTA, MAINE 04333

April 30, 1987

Honorable Charles P. Pray
President of the Senate
State House Station 3
Augusta, Maine 04333
RE: Quarterly Report for the First Quarter
of Calendar 1987 39 M.R.S.A. 92(3)

Dear President Pray:

This letter and statistical attachments are the quarterly report of Commissioner caseload and progress mandated by 39 M.R.S.A. 92(3).

During the first quarter of 1987 the Commission received 1,960 petitions and disposed of 1,883 by decision or dismissal. It continues to take an average of about a year to render a decision on a litigated case.

The backlog of undecided petitions averaged about 7,800 during this period. Each case involves an average of 1.4 petitions and so this backlog