

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred And Thirteenth Legislature
OF THE
State Of Maine

VOLUME II

FIRST REGULAR SESSION

May 26, 1987 to June 30, 1987

Index

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
74th Legislative Day
Tuesday, May 26, 1987

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

Prayer by Chaplain Birger Johnson, Maine Youth Center, South Portland.

National Anthem by Medomak Valley High School Band, Waldoboro.

The Journal of Friday, May 22, 1987, was read and approved.

Quorum call was held.

SENATE PAPERS

The following Joint Order: (S.P. 555)

ORDERED, the House concurring, that the following specified matters be held over to the next special or regular session of the 113th Legislature:

COMMITTEE	BILL	Judiciary	(H.P. 198) (L.D. 250) - An Act Affecting Joint and Several Liability.
Agriculture	(H.P. 1015) (L.D. 1368) - An Act to Create a Maine Dairy Stabilization Fund.	Judiciary	(H.P. 204) (L.D. 256) - An Act to Amend the Maine Tort Claims Act Regarding Punitive Damages.
Banking and Insurance	(H.P. 167) (L.D. 208) - An Act to Amend the Maine Business Corporation Act and the Maine Nonprofit Corporation Act to Enable Maine Stock and Nonstock Corporations to Adopt Limits on Director Liability and to Modernize Indemnification Provisions.	Judiciary	(H.P. 216) (L.D. 268) - An Act to Create the Litigation Accountability Act.
Banking and Insurance	(H.P. 294) (L.D. 380) - An Act Pertaining to the Establishment of Mandatory Risk-sharing Plans.	Judiciary	(H.P. 217) (L.D. 269) - An Act to Create a Noneconomic Damages Award Act.
Banking and Insurance	(S.P. 227) (L.D. 621) - An Act to Provide Flexible Rating for Property and Casualty Insurance.	Judiciary	(H.P. 226) (L.D. 294) - An Act to Broaden Peer Review Immunity.
Banking and Insurance	(S.P. 284) (L.D. 810) - An Act to Create the Maine Property and Casualty Joint Underwriting Association.	Judiciary	(H.P. 255) (L.D. 338) - An Act to Exempt Directors of Credit Unions from Liability on Certain Matters.
Banking and Insurance	(H.P. 1137) (L.D. 1547) - An Act to Create Immunity from Liability.	Judiciary	(H.P. 275) (L.D. 358) - An Act to Amend the Maine Tort Claims Act to Remove Joint and Several Liability for Government Entities.
Human Resources	(S.P. 127) (L.D. 332) - An Act to Require the Department of Human Services to Reimburse Nursing Homes for the Reasonable Costs of Recruiting, Training and Retaining Qualified Nursing Staff.	Judiciary	(H.P. 392) (L.D. 526) - An Act to Abolish Joint and Several Liability.
Human Resources	(S.P. 163) (L.D. 467) - An Act to Expand the Medicaid Dental Program to Include Adults.	Judiciary	(H.P. 401) (L.D. 535) - An Act Regarding Liability for Foster Parents for Children and Adults.
Judiciary	(S.P. 3) (L.D. 2) - An Act Establishing an Immunity from Civil Liability for Certain Shelters for the Homeless.	Judiciary	(S.P. 192) (L.D. 539) - An Act to Reform Provisions of the Civil Justice System.
		Judiciary	(S.P. 217) (L.D. 584) - An Act Establishing Peer Review Immunity for Licensed Psychologists.
		Judiciary	(H.P. 467) (L.D. 634) - An Act Limiting the Liability of Directors and Officers of Charitable Organizations.
		Judiciary	(S.P. 238) (L.D. 657) - An Act Amending the Workers' Compensation Laws Exempting Design Professionals from General Civil Liability for Injuries on Construction Projects.
		Judiciary	(H.P. 586) (L.D. 797) - An Act to Establish Policies Governing Medical Malpractice Claims.
		Judiciary	(H.P. 602) (L.D. 820) - An Act to Eliminate Ad Damnum Clause in Cases Involving Unliquidated Damages.
		Judiciary	(H.P. 614) (L.D. 832) - An Act Pertaining to Civil Liability for Volunteers.
		Judiciary	(S.P. 387) (L.D. 1204) - An Act to Amend the Civil Commitment Procedures to

Judiciary Protect the Health and Safety of Certain Mentally Ill Individuals. (H.P. 909) (L.D. 1221) - An Act to Apportion Fault under the Comparative Negligence Law.

Judiciary (H.P. 1070) (L.D. 1453) - An Act to Provide Immunity from Civil Liability for Certain Emergency Medical Service System Participants.

Labor (H.P. 766) (L.D. 1029) - An Act to Provide Due Process in Unemployment Insurance Appeals.

Legal Affairs (S.P. 280) (L.D. 790) - An Act to Amend the Law Regarding Training for Law Enforcement Officers.

Legal Affairs (H.P. 946) (L.D. 1269) - An Act Concerning the Sale of Dessert Wine.

State and Local Government (H.P. 377) (L.D. 498) - An Act to Require Reimbursement to the Counties when County Funds are Expended.

State and Local Government (H.P. 804) (L.D. 1078) - An Act Requiring Funding of State-mandated Programs.

State and Local Government (H.P. 855) (L.D. 1149) - An Act Requiring Fiscal Impact Statements Describing the Costs and Benefits Associated with Each Legislative Document and Agency Rule that Affect Political Subdivisions of the State.

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

Unanimous Leave to Withdraw

Report of the Committee on Human Resources reporting "Leave to Withdraw" on Bill "An Act to Amend the Laws Governing the Licensing of Children's Homes" (S.P. 463) (L.D. 1420)

Report of the Committee on Taxation reporting "Leave to Withdraw" on Bill "An Act Relating to Notice by Regular Mail Prior to Enforcement of Liens on Real Estate" (S.P. 472) (L.D. 1432)

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

Ought to Pass as Amended

Report of the Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-75) on Bill "An Act to Establish an Outreach and Support Program for Head-Injured Persons" (S.P. 436) (L.D. 1316)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-75) and Senate Amendment "A" (S-82)

Report was read and accepted, the bill read once. Committee Amendment "A" (S-75) was read by the Clerk and adopted.

Senate Amendment "A" (S-82) was read by the Clerk and adopted and the Bill assigned for second reading later in today's session.

Non-Concurrent Matter

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for Staggered 4-year Terms for Representatives (S.P. 82) (L.D. 168) on which the Minority "Ought Not to Pass" Report of the Committee on State and Local Government was read and accepted in the House on May 21, 1987.

Came from the Senate with that Body having Insisted on its former action whereby the Majority "Ought to Pass" as amended Report of the Committee on State and Local Government read and accepted and the Resolution passed to be engrossed as amended by Committee Amendment "A" (S-74) in non-concurrence.

The House voted to adhere.

Non-Concurrent Matter

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Change the Terms of Members of the Senate from 2 Years to 4 Years (S.P. 87) (L.D. 173) on which the Bill and Accompanying Papers were Indefinitely Postponed in the House on May 21, 1987.

Came from the Senate with that Body having Insisted on its former action whereby the Majority "Ought to Pass" as amended Report of the Committee on State and Local Government was read and accepted and the Resolution passed to be engrossed as amended by Committee Amendment "A" (S-73) in non-concurrence.

On motion of Representative Strout of Corinth, the House voted to adhere.

Non-Concurrent Matter

Bill "An Act Concerning Interstate or Intrastate Operating Permits" (H.P. 806) (L.D. 1080) which was passed to be engrossed in the House on May 20, 1987.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-84) in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act Concerning the Maine Railroad Excise Tax" (H.P. 531) (L.D. 715) on which the Majority "Ought Not to Pass" Report of the Committee on Taxation was read and accepted in the House on May 18, 1987.

Came from the Senate with the Minority "Ought to Pass" as Amended Report of the Committee on Taxation read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-140) in non-concurrence.

Representative Cashman of Old Town moved that the House insist.

The SPEAKER: The Chair recognizes the Representative from Athens, Representative Rotondi.

Representative ROTONDI: Mr. Speaker, Ladies and Gentlemen of the House: As you all know, I am the sponsor of L.D. 715. This is an important bill and is an issue which the Legislature should address. That having been said, I am nevertheless going to join with Representative Cashman in the motion to insist. Briefly I would like to explain why.

Last session, the legislature formed the Legislative Task Force on Railroads to review a variety of issues and factors surrounding the operations of railroads in the State of Maine. The issue presented by L.D. 715 certainly is an

appropriate one for consideration by the study commission. I also understand that Representative Cashman agrees and that he is willing to participate in a study commission process which will be reporting back to this legislature next session.

In light of this opportunity to have the issue thoroughly studied in conjunction with other railroad issues, which have an impact on this state, I join with Representative Cashman in the motion to insist.

Subsequently, on motion of Representative Cashman of Old Town, the House voted to insist.

PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE

The following Bill and Resolution 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:

Economic Development

Bill "An Act to Make Available State-owned Land for the Construction of Affordable Housing" (H.P. 1222) (L.D. 1666) (Presented by Representative DIAMOND of Bangor) (Cosponsors: President PRAY of Penobscot, Representative CROWLEY of Stockton Springs, and Senator KANY of Kennebec) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Ordered Printed.

Sent up for Concurrence.

State and Local Government

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Increase the Aggregate Limit on Insured Mortgage Loans to \$95,000,000 (H.P. 1221) (L.D. 1665) (Presented by Representative MURPHY of Berwick) (Cosponsors: Senators ESTES of York and DILLENBACK of Cumberland) (Governor's Bill)

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

On motion of Representative Crowley of Stockton Springs, was referred to the Committee on State and Local Government, ordered printed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

ORDERS

On motion of Representative McSWEENEY of Old Orchard Beach, the following Order:

ORDERED, that Representative David G. Stanley of Cumberland be excused May 21 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Priscilla G. Taylor of Camden be excused May 18 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Norman R. Paul of Sanford be excused May 28 and 29 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative John McSweeney of Old Orchard Beach be excused May 20 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Charles R. Priest of Brunswick be excused May 5 and 6 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Norman O. Racine of Biddeford be excused June 8, 9, 10, 11 and 12 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Gerard P. Conley, Jr., of Portland be excused May 20 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Betty J. Harper of Lincoln be excused May 22 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Ralph M. Willey of Hampden be excused May 26 for personal reasons.

Was read and passed.

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative PRIEST from the Committee on Legal Affairs on Bill "An Act Relating to Bottle Clubs" (H.P. 1110) (L.D. 1504) reporting "Ought Not to Pass"

Representative TELOW from the Committee on Business Legislation on Bill "An Act to Regulate Electrical Wiring" (H.P. 883) (L.D. 1184) 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 SHELTRA from the Committee on Business Legislation on Bill "An Act to Require on all Purchase and Sale Agreements a Declaration of Presence or Absence of Asbestos Materials" (H.P. 866) (L.D. 1167) reporting "Leave to Withdraw"

Representative SIMPSON from the Committee on Banking and Insurance on Bill "An Act Concerning the Sale of Deferred Compensation" (H.P. 830) (L.D. 1121) reporting "Leave to Withdraw"

Representative SIMPSON from the Committee on Banking and Insurance on Bill "An Act to Provide Remuneration for Physician Services for Involuntary Commitment of Patients for Psychiatric Hospital Care" (H.P. 949) (L.D. 1278) reporting "Leave to Withdraw"

Representative MICHAUD from the Committee on Energy and Natural Resources on Bill "An Act Regarding Certain Solid Waste Disposal Facilities" (H.P. 1065) (L.D. 1448) reporting "Leave to Withdraw"

Representative HOGLUND from the Committee on Energy and Natural Resources on Bill "An Act to Ensure Safe Transportation of Special Solid Wastes" (H.P. 1077) (L.D. 1464) reporting "Leave to Withdraw"

Representative MITCHELL from the Committee on Energy and Natural Resources on Bill "An Act to Assure that State Agencies follow the Requirements of the Maine Administrative Procedure Act Prior to Adopting Fishery Restoration and Management Plans or Introducing new Species into Public Waters" (Emergency) (H.P. 305) (L.D. 391) reporting "Leave to Withdraw"

Representative PARADIS from the Committee on Judiciary on Bill "An Act to Consolidate Family Cases in a Family Court within the District Court and to Establish Full-time Appointed Probate Judges" (H.P. 725) (L.D. 976) reporting "Leave to Withdraw"

Representative MOHOLLAND from the Committee on Transportation on Bill "An Act Relating to the Maine State Ferry Service" (H.P. 932) (L.D. 1248) reporting "Leave to Withdraw"

Representative BOST from the Committee on Education on Bill "An Act to Expand the Blaine House Scholars Program" (H.P. 816) (L.D. 1090) reporting "Leave to Withdraw"

Representative WEYMOUTH from the Committee on Utilities on Bill "An Act to Limit the Authority of the Public Utilities Commission to Regulate Municipal or Quasi-municipal Water Utilities with Less than 1,000 Customers" (H.P. 994) (L.D. 1340) reporting "Leave to Withdraw"

Representative VOSE from the Committee on Utilities on Bill "An Act to Provide Fair Pricing in Moving Telephone Lines" (H.P. 1109) (L.D. 1503) reporting "Leave to Withdraw"

Representative WEYMOUTH from the Committee on Utilities on RESOLVE, to Create a Commission to Study the Cost of Replacement Power in Case of a Shutdown of the Maine Yankee Power Plant (Emergency) (H.P. 888) (L.D. 1189) 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 CARTER from the Committee on Appropriations and Financial Affairs on Bill "An Act to Provide Substance Abuse Treatment to Youths at the Maine Youth Center" (H.P. 396) (L.D. 530) reporting "Ought to Pass" in New Draft (H.P. 1220) (L.D. 1663)

Report was read and accepted, the New Draft given its first reading and assigned for second reading later in today's session.

Ought to Pass in New Draft

Representative PRIEST from the Committee on Legal Affairs on Bill "An Act to Hold Employees of Licensees Criminally Liable for Knowingly Selling Liquor to Minors" (H.P. 1004) (L.D. 1351) reporting "Ought to Pass" in New Draft (H.P. 1224) (L.D. 1669)

Report was read and accepted, the New Draft given its first reading and assigned for second reading later in today's session.

Ought to Pass in New Draft/New Title

Representative ALLEN from the Committee on Utilities on Bill "An Act to Repeal the Electric Fuel Adjustment Clause Law" (H.P. 64) (L.D. 67) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Modify the Electric Fuel Clause" (H.P. 1225) (L.D. 1672)

Report was read and accepted, the New Draft given its first reading and assigned for second reading later in today's session.

Ought to Pass in New Draft/New Title

Representative ZIRNKILTON from the Committee on Labor on Bill "An Act Concerning the Definition of Injury under the Worker's Compensation Act" (H.P. 407) (L.D. 541) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Concerning Mental Stress Claims Under the Workers' Compensation Act" (H.P. 1223) (L.D. 1668)

Report was read and accepted, the New Draft given its first reading and assigned for second reading later in today's session.

CONSENT CALENDAR

First Day

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

(H.P. 1068) (L.D. 1451) Bill "An Act Concerning the Authority of the Attorney General to Request Telephone Records" Committee on Judiciary reporting "Ought to Pass"

(H.P. 1124) (L.D. 1527) Bill "An Act Relating to Nonrenewal of an Automobile Insurance Policy Due to Accidents Involving Property Damage" Committee on Banking and Insurance reporting "Ought to Pass"

(H.P. 760) (L.D. 1023) RESOLVE, to Direct a Comprehensive Examination of the Health Threat of Radon and its Derivatives upon Maine Citizens Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-168)

(S.P. 487) (L.D. 1469) Bill "An Act to Clarify Licensing Definitions under the Laws Related to the Board of Pesticides Control" Committee on Agriculture reporting "Ought to Pass"

(S.P. 274) (L.D. 784) Bill "An Act Relating to Check Cashing" Committee on Banking and Insurance reporting "Ought to Pass" as amended by Committee Amendment "A" (S-79)

(H.P. 612) (L.D. 830) Bill "An Act to Improve the Assessment of Floods, Droughts, Ground Water Contamination, Stream Water Quality and Hydropower Potential in this State" Committee on Appropriations and Financial Affairs reporting "Ought to Pass"

(H.P. 425) (L.D. 570) RESOLVE, to Provide Funds for the Maine Partners of the Americas, Inc. Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-171)

There being no objections, the above items were ordered to appear on the Consent Calendar later in today's session, 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. 475) (L.D. 1438) Bill "An Act to Improve Public Lands' Camp Lot Management"

(H.P. 210) (L.D. 262) Bill "An Act to Increase State Funding for Homemaker Services" (C. "A" H-164)

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

PASSED TO BE ENGROSSED

Bill "An Act to Amend the Civil Service Law" (Emergency) (S.P. 547) (L.D. 1652)

Bill "An Act to Amend the Liquor Laws as they Pertain to State Brewers" (H.P. 1213) (L.D. 1655)

Bill "An Act Relating to Property Abandoned by Tenants" (H.P. 1214) (L.D. 1656)

Bill "An Act to Provide School Approval for Nontraditional Limited Purpose Schools" (H.P. 1217) (L.D. 1660)

Were reported by the Committee on Bills in the Second Reading, read the second time, the Senate Papers were Passed to be Engrossed in concurrence and the House Papers were Passed to be Engrossed and sent up for concurrence.

SECOND READER

LATER TODAY ASSIGNED

Bill "An Act Establishing the Commission to Study the Impact of Game and Nongame Species on Maine's Economy" (H.P. 1219) (L.D. 1662)

Was reported by the Committee on Bills in the Second Reading and read a second time.

Representative Carter of Winslow offered House Amendment "A" (H-173) and moved its adoption.

House Amendment "A" (H-173) was read by the Clerk.

On motion of Representative Gwadosky of Fairfield, tabled pending adoption of House Amendment "A" and later today assigned.

PASSED TO BE ENGROSSED

Bill "An Act to Provide Substance Abuse Prevention, Education and Treatment Services for County Jail Inmates and their Families" (H.P. 1218) (L.D. 1661)

RESOLVE, to Compensate Jacqueline A. Caron, Personal Representative of the Estate of Alphee Caron, for Wrongful Death and for Personal Injuries on Behalf of Herself and her Minor Child, Jeffrey Caron, in Excess of Statutory Limits of Recovery (H.P. 1215) (L.D. 1657)

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

PASSED TO BE ENGROSSED

As Amended

Bill "An Act to Divest State Pension Funds from those Businesses or Corporations doing Business in the Republic of South Africa and Namibia" (H.P. 83) (L.D. 86) (C. "A" H-163)

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Clarify Eligibility for the Group Accident and Sickness or Health Insurance Program (S.P. 500) (L.D. 1517)

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. 125 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

An Act to Revise the Maine Medical Laboratory Act (S.P. 191) (L.D. 518) (H. "A" H-155 to C. "A" S-61)

An Act Requiring Evaluation of New England Electric Power Pool Membership (S.P. 360) (L.D. 1095) (C. "A" S-69)

An Act Amending the Service of Process Laws (S.P. 377) (L.D. 1142) (C. "A" S-70)

An Act to Modify the Statute of Limitations' Provision of the Maine Criminal Code and Maine Juvenile Code so they Clearly Cross-reference One Another (S.P. 425) (L.D. 1305)

An Act to Amend the Law to Allow Security Officers to be on Duty for Dances at Which Minors are Admitted (H.P. 257) (L.D. 340) (C. "A" H-148)

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.

ENACTOR

LATER TODAY ASSIGNED

An Act Relating to Agricultural Internship and Training (H.P. 446) (L.D. 599) (H. "A" H-145)

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

On motion of Representative Tardy of Palmyra, tabled pending passage to be enacted and later today assigned.

PASSED TO BE ENACTED

An Act to Require that Candidates' Petitions be Sworn (H.P. 517) (L.D. 690) (C. "A" H-150)

An Act to Limit the Penalty a Landlord can Charge a Tenant for Late Payment of Rent (H.P. 626) (L.D. 849) (C. "A" H-149)

An Act to Require the Use of Seat Belts in Driver Education Programs (H.P. 657) (L.D. 890)

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.

ENACTOR

TABLED AND ASSIGNED

An Act to Require Candidates Requesting Ballot Inspection to Pay for this Service (H.P. 792) (L.D. 1064) (C. "A" H-147)

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

On motion of Representative Diamond of Bangor, tabled pending passage to be enacted and specially assigned for Wednesday, May 27, 1987.

PASSED TO BE ENACTED

An Act to Create a Statewide Reservation System for State Parks that have Overnight Camping Facilities (H.P. 915) (L.D. 1227) (C. "A" H-146)

An Act to Update References to Immunities of State Military Forces under the State Tort Claims Act (H.P. 1097) (L.D. 1488)

An Act Relating to Assignment of Group Health Insurance Benefits (H.P. 1119) (L.D. 1522)

An Act to Amend the Law Concerning Appeals by Parties Aggrieved by Acts of the Superintendent of Insurance (H.P. 1120) (L.D. 1523)

An Act Relating to the Disposition of Surplus Real Estate (H.P. 1152) (L.D. 1567) (H. "A" H-152)

An Act Pertaining to the Placing of Bear Bait (H.P. 1189) (L.D. 1620)

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:

An Act to Establish a Statewide Training Program for Staff of Long-term Care Facilities (S.P. 536) (L.D. 1619)

TABLED - May 22, 1987 by Representative MANNING of Portland

PENDING - Passage to be Enacted.

On motion of Representative Manning of Portland, under suspension of the rules, the House reconsidered its action whereby L.D. 1619 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-172) and moved its adoption.

House Amendment "A" (H-172) was read by the Clerk and adopted.

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

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

An Act to Require Archery Hunter Training (H.P. 914) (L.D. 1226) (C. "A" H-144)
 TABLED - May 22, 1987 by Representative JACQUES of Waterville.

PENDING - Passage to be Enacted.

On motion of Representative Gwadosky of Fairfield, retabled pending passage to be enacted and later today assigned.

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

Bill "An Act to Provide an Accident and Sickness or Health Insurance Program to Retired Teachers" (S.P. 522) (L.D. 1637) (S. "A" S-77)

TABLED - May 22, 1987 by Representative DIAMOND of Bangor.

PENDING - Passage to be Engrossed.

On motion of Representative Diamond of Bangor, retabled pending passage to be engrossed and later today assigned.

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

RESOLVE, Creating a Watershed District Commission (S.P. 261) (L.D. 742) (C. "A" S-65)

TABLED - May 22, 1987 by Representative DIAMOND of Bangor.

PENDING - Final Passage.

On motion of Representative Diamond of Bangor, retabled pending final passage and later today assigned.

BILL RECALLED FROM LEGISLATIVE FILES

(Pursuant to Joint Order - House Paper 1207)

Bill "An Act to Amend the Charter of the Lubec Port Authority" (H.P. 412) (L.D. 546)

On motion of Representative Vose of Eastport, under suspension of the rules, the Bill was read twice.

The same Representative offered House Amendment "A" (H-153) and moved its adoption.

House Amendment "A" (H-153) was read by the Clerk.

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

Representative VOSE: Mr. Speaker, Ladies and Gentlemen of the House: In the 112th Legislative Session, we passed the bill which is actually the amendment I am now presenting to this particular bill. I was asked this year to put an amendment on this bill that would eliminate the Right of Eminent Domain. However, the Lubec selectmen held a meeting and voted that they wished to keep that clause in there. Therefore, the only way I could accomplish this was by asking that the bill come back to this body and then I could amend the bill itself and ask for a "Leave to Withdraw" and replace the bill with the original bill that we passed in the 112th with a change in the time that they could vote on it. Therefore, they will have their opportunity to vote, once again, to ratify the charter of the Lubec Port Authority.

Subsequently, House Amendment "A" (H-153) was adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" (H-153) in non-concurrence and sent up for concurrence.

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

SENATE PAPER

Non-Concurrent Matter

Bill "An Act to Make Liquor Retail Prices Uniform Throughout the State" (H.P. 94) (L.D. 103) - In House, Majority "Ought to Pass" in New Draft under New Title Bill "An Act Creating a Study on Uniform Liquor Pricing and Other Factors in the Operation of the State Liquor Commission and the Bureau of Alcoholic Beverages" (Emergency) (H.P. 1206) (L.D. 1644) Report of the Committee on Legal Affairs read and accepted and the New Draft read twice; House Amendment "A" (H-161) read and adopted; subsequently pursuant to the provisions of Joint Rule 21, Bill and Accompanying Papers were ruled not properly before the House on May 21, 1987.

Came from the Senate with the Majority "Ought to Pass" in New Draft under New Title Bill "An Act Creating a Study on Uniform Liquor Pricing and Other Factors in the Operation of the State Liquor Commission and the Bureau of Alcoholic Beverages" (Emergency) (H.P. 1206) (L.D. 1644) Report of the Committee on Legal Affairs read and accepted and the New Draft passed to be engrossed as amended by Senate Amendment "A" (S-83) in non-concurrence.

The SPEAKER: The Chair would now rule this matter is properly before this body. Senate Amendment "A" (S-83) takes care of the violation of the Joint Rules.

The Chair recognizes the Representative from Biddeford, Representative Racine.

Representative RACINE: Mr. Speaker, Ladies and Gentlemen of the House: I move that the House adhere.

I have some concerns about this particular bill, the amount of expense that we are going to go through to again study the price of liquor. The reason why this is being done is because we have a liquor store in Kittery that is selling liquor at a discount price. I believe that this matter has been studied, it's been boiled, it's been fried, it's been everything you can think of, and what we are doing today, is coming up with an expenditure of roughly \$6,000 to \$7,000 to study an item that we have all the information on.

If you look at 1644 and if you look at the pricing structure which includes those items that will be studied by the committee, it includes maximizing profits. We know what that is -- a uniform pricing throughout the state. We have looked at that in previous years. We know the effect of the state operating as a monopoly, we know what the answers are, we have studied this, the seasonal fluctuation in liquor sales, these are all items that we studied. If the intent is to close the liquor store in Kittery, why doesn't somebody put a bill in to close it and then we can debate this thing over again. I feel that by initiating another study that it's not going to do any good. We have debated this over the years. This is my fourth term and this subject has come up every year and I feel that this is another attempt to close the liquor store in Kittery. If that is the situation, why don't we just put in a bill and do that, instead of going through another study, another expenditure of funds, unnecessarily. I hope that you will adhere.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Priest.

Representative PRIEST: Mr. Speaker, I move that we recede and concur.

Mr. Speaker, Men and Women of the House: This is not just another study. This issue was brought up before us, and the committee frankly, was not of one

mind and still is not of one mind -- what, if anything, ought to be done about uniform liquor pricing in this state. We do know, however, that this is a serious issue. It is one which has been brought before the legislature again and again. The difficulty the committee had was, whenever we asked what the cost of taking a certain action was, the answer was, we don't know. We had estimates varying from \$9 million to \$40 million as to what the cost of passing certain bills would or would not have been.

This study is not going to determine the issue of liquor pricing. That is still to be done by the committee and ultimately by the legislature, if the committee recommends legislation. What this study will do is it will tell us what the fiscal impact will be of taking certain actions concerning liquor pricing, and that's all it is going to do.

As far as I know, this particular study has not been conducted before. It is going to be done primarily by the University of Maine, and with the cooperation with the Liquor Commission under the supervision of the committee. I think it is a reasonable bill, I think it is a good bill. It doesn't solve the issue, it doesn't address directly the concerns that Representative Racine had, but I think it will give us some hard data on which we can address those concerns. I would urge you to vote for the recede and concur motion.

The SPEAKER: The Chair recognizes the Representative from York, Representative Rolde.

Representative ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I, too, would urge you to vote for the recede and concur motion. In the years that I have been up here, I have been obviously one of the strongest defenders of the Kittery liquor store because I believe that it has saved the State of Maine a great deal of money that would otherwise go to New Hampshire. I have even tried to put in bills to have similar discount stores at other places along the border, and for various reasons, have not been successful.

I have also, for many years, put in a bill to have this particular issue studied -- what it would cost to lower all the prices in Maine to the same as that of the Kittery store. That particular bill that I have tried to get through has never been funded. This is the first time, and I will repeat that, this is the first time that this issue really will be looked at.

I want to commend the Legal Affairs Committee for taking (what I feel is) a very rational, reasonable approach in looking to see just what it will cost if you lower those prices all the way down. That's all this bill is doing, it's not a bill to close the Kittery liquor store. Don't think for a minute that if it were, that I wouldn't be up here fighting tooth and nail against it. I ask you, please vote to recede and concur.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I think my good friend, the Representative from Biddeford, Representative Racine, overlooked the other factor that says in "An Act Creating a Study on Uniform Liquor Prices and Other Factors". In the Legal Affairs Committee hearing, even the members of the Liquor Commission and Mr. Marcotte realized and said that, at this time, a study is needed to find out if the whole pricing structure for liquor sales in Maine is right. That is the basis for this redraft of the new bill.

The original bill was to change all prices of the liquor stores in Maine to conform to the prices in Kittery. There was never any talk or thought about

closing the Kittery store. In having all the liquor stores in Maine conform to the prices in Kittery would mean millions of dollars lost in revenue. What this bill does is establish a committee to study the whole operation of the liquor commission.

The SPEAKER: The Chair recognizes the Representative from Berwick, Representative Murphy.

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: I also would urge you to support the recede and concur motion. This is a study that I feel is badly needed because there are so many people in the state who are a little upset with the prices at the Kittery store. They feel, in all fairness, they should be equal throughout the state.

I don't feel as though we are getting an advantage in the southern part of the state, because most of that \$9 million which our store brings in, is out of state money. I feel, if we should have a study in order to prove this and if we can lower the prices throughout the state fine, I certainly would go along with that. I urge you to support the recede and concur motion.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of Representative Priest of Brunswick that the House recede and concur. Those in favor vote yes; those opposed will vote no.

A vote of the House was taken.

97 having voted in the affirmative and 19 in the negative, the motion did prevail.

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

SENATE PAPERS

Bill "An Act to Establish a State Supplemental Insurance Program for Mentally Impaired Individuals" (S.P. 558) (L.D. 1670)

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 the Aroostook Water and Soil Management Board" (S.P. 559) (L.D. 1671)

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.

The following item appearing on Supplement No. 3 was taken up out of order by unanimous consent:

SENATE PAPER

Bill "An Act to Change the Operating Cost Millage and Provide Additional Funds for Public Schools in Fiscal Year 1987-88" (Emergency) (S.P. 556) (L.D. 1664) (Governor's Bill)

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.

(Off Record Remarks)

The SPEAKER: By unanimous consent, unless previous notice is given to the Clerk of the House or the Speaker of the House by some member of his or her

intention, the Clerk is authorized today to send to the Senate, 30 minutes after the House recesses, all matters passed to be engrossed in concurrence and all matters that require Senate concurrence. After such matters have been sent to the Senate by the Clerk, no motion to reconsider will be allowed.

On motion of Representative Allen of Washington,
Recessed until five o'clock in the afternoon.

(After Recess)

The House was called to order by the Speaker.

The following items appearing on Supplement No. 4 were taken up out of order by unanimous consent:

SENATE PAPERS

Unanimous Ought Not To Pass

Report of the Committee on Appropriations and Financial Affairs reporting "Ought Not to Pass" on 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)

Report of the Committee on Business Legislation reporting "Ought Not to Pass" on Bill "An Act to Amend the Charitable Solicitations Laws" (S.P. 382) (L.D. 1159)

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

Unanimous Leave to Withdraw

Report of the Committee on Banking and Insurance reporting "Leave to Withdraw" on Bill "An Act to Establish a Fluctuating Credit Card Charge Relative to the Prime Rate" (S.P. 78) (L.D. 164)

Report of the Committee on Audit and Program Review reporting "Leave to Withdraw" on Bill "An Act to Provide Statutory Authority for Alcohol and Drug Education in Maine" (S.P. 89) (L.D. 210)

Report of the Committee on Education reporting "Leave to Withdraw" on Bill "An Act Relating to the Organization of School Administrative Districts" (S.P. 107) (L.D. 280)

Report of the Committee on Banking and Insurance reporting "Leave to Withdraw" on Bill "An Act to Establish a Fluctuating Credit Card Charge" (S.P. 175) (L.D. 490)

Report of the Committee on Banking and Insurance reporting "Leave to Withdraw" on Bill "An Act to Allow Organizations to Sell Insurance to a Limited Membership" (S.P. 341) (L.D. 996)

Report of the Committee on Legal Affairs reporting "Leave to Withdraw" on Bill "An Act Relating to Alcoholic Beverage Sales" (S.P. 376) (L.D. 1141)

Report of the Committee on Legal Affairs reporting "Leave to Withdraw" on RESOLVE, Authorizing Floris Doiron of Auburn to Bring a Civil Action Against the State of Maine (S.P. 379) (L.D. 1157)

Report of the Committee on Education reporting "Leave to Withdraw" on Bill "An Act Concerning Comprehensive Drug Prevention Education in Maine's Public Schools" (S.P. 381) (L.D. 1158)

Report of the Committee on Business Legislation reporting "Leave to Withdraw" on Bill "An Act to Require Manufacturers of Automobiles to Sell Parts to the Consumer or his Agent" (S.P. 451) (L.D. 1378)

Report of the Committee on Legal Affairs reporting "Leave to Withdraw" on Bill "An Act Concerning the Sale of Certain Firecrackers" (S.P. 481) (L.D. 1444)

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

Non-Concurrent Matter

Bill "An Act to Prohibit Smoking in Public Areas of Publicly Owned Buildings" (H.P. 270) (L.D. 353) which was Passed to be Engrossed as amended by Committee Amendment "A" (H-151) in the House on May 20, 1987.

Came from the Senate Passed to be Engrossed as amended by Committee Amendment "A" (H-151) and Senate Amendment "B" (S-88) in non-concurrence.

The House voted to recede and concur.

REPORTS OF COMMITTEES

Unanimous Leave to Withdraw

Representative MACOMBER from the Committee on Transportation on Bill "An Act to Amend the Traffic-control Signal Law" (H.P. 929) (L.D. 1245) reporting "Leave to Withdraw"

Representative CARTER from the Committee on Appropriations and Financial Affairs on RESOLVE, Relating to Workplace Substance Abuse Education (H.P. 757) (L.D. 1020) reporting "Leave to Withdraw"

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

Divided Report

Majority Report of the Committee on Transportation reporting "Ought Not to Pass" on Bill "An Act Concerning Loads Carried in Certain Vehicles" (H.P. 310) (L.D. 409)

Signed:

Senators:

DOW of Kennebec
THERIAULT of Aroostook
CAHILL of Sagadahoc

Representatives:

CALLAHAN of Mechanic Falls
SOUCY of Kittery
MILLS of Bethel
MOHOLLAND of Princeton
STROUT of Corinth
SALSBURY of Bar Harbor
MACOMBER of South Portland
McPHERSON of Eliot

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-169) on same Bill.

Signed:

Representatives:

REEVES of Pittston
POULIOT of Lewiston

Reports were read.

The SPEAKER: The Chair recognizes the Representative from Princeton, Representative Moholland.

Representative MOHOLLAND: Mr. Speaker, Men and Women of the House: I move that the House accept the Majority "Ought Not to Pass" Report.

This bill has a fiscal note on it of \$1.5 million. That is just for state vehicles only. There are hundreds of thousands of dollars more on your municipal trucks and all your contractors so I

hope you would go along with the motion of accepting the Majority "Ought Not to Pass" Report.

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

Representative HANDY: Mr. Speaker, Ladies and Gentlemen of the House: The bill before you today would require loads on vehicles be secured by tarpaulins. This bill has been kicked around in the legislature for quite a number of years. Unfortunately, during that period of time, there has not only been property damage and personal injury but there have been deaths on our Maine roads.

What the good Chair of the Transportation Committee is asking you to do is to put a price tag on all of those items, personal property, personal injury and death. I would simply submit that \$756,000 in the first year and \$133,000 in the second year is a far less price than anyone could put on anyone's life. I would ask you to reject the motion before you so we could accept the Minority "Ought to Pass" Report.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of the Representative from Princeton, Representative Moholland, that the House accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Representative Handy of Lewiston requested a roll call.

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 the motion of the Representative from Princeton, Representative Moholland, that the House accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 73

YEA - Anderson, Anthony, Armstrong, Bailey, Baker, Begley, Bickford, Bost, Bott, Boutilier, Bragg, Brown, Callahan, Carter, Conley, Crowley, Curran, Davis, Dellert, Dore, Duffy, Dutremble, L.; Erwin, P.; Farnum, Farren, Garland, Gould, R. A.; Greenlaw, Gwadosky, Hanley, Harper, Hepburn, Hichborn, Higgins, Hoglund, Holloway, Hussey, Ingraham, Jackson, Jacques, Jalbert, LaPointe, Lawrence, Lebowitz, Lisnik, Look, Lord, MacBride, Macomber, Marsano, Martin, H.; Matthews, K.; McGowan, McHenry, McPherson, McSweeney, Michaud, Mills, Moholland, Murphy, T.; Nadeau, G. R.; Nicholson, Norton, O'Gara, Paradis, E.; Parent, Paul, Pines, Priest, Rand, Reed, Rice, Rotondi, Salsbury, Scarpino, Seavey, Sheltra, Sherburne, Small, Smith, Soucy, Stanley, Stevens, A.; Stevens, P.; Stevenson, Strout, B.; Tamaro, Tardy, Taylor, Telow, Vose, Walker, Warren, Webster, M.; Wentworth, Weymouth, Whitcomb, Zirkilton.

NAY - Aliberti, Allen, Carroll, Chonko, Clark, H.; Clark, M.; Coles, Cote, Diamond, Foss, Foster, Gurney, Handy, Hickey, Holt, Joseph, Kilkelly, Lacroix, Mahany, Manning, Mayo, Melendy, Mitchell, Murphy, E.; Nadeau, G. G.; Nutting, Paradis, J.; Paradis, P.; Perry, Pouliot, Reeves, Rolde, Ruhlin, Rydell, Simpson, Swazey, Thistle, Tracy, Tupper.

ABSENT - Cashman, Dexter, Hale, Hillock, Ketover, Kimball, Racine, Richard, Ridley, Strout, D.; Willey, The Speaker.

Yes, 98; No, 39; Absent, 12; Vacant, 2; Paired, 0; Excused, 0.

98 having voted in the affirmative and 39 in the negative with 12 absent and 2 vacant, the Majority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on Bill "An Act Relating to the Maine State Lottery and the Tri-state Lottery" (H.P. 819) (L.D. 1105)

Signed:

Senators: KANY of Kennebec
ESTES of York
DILLENBACK of Cumberland
Representatives: PRIEST of Brunswick
PERRY of Mexico
PAUL of Sanford
STEVENSON of Unity
HARPER of Lincoln
MARTIN of Van Buren
STEVENS of Sabattus
TUPPER of Orrington
JALBERT of Lisbon

Minority Report of the same Committee reporting "Ought to Pass" on same Bill.

Signed:

Representative: MURPHY of Berwick

Reports were read.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Priest.

Representative PRIEST: Mr. Speaker, Men and Women of the House: I move that the House accept the Majority "Ought Not to Pass" Report.

This bill would have earmarked revenues from the lottery in the Tri-state Lotto for state aid to education. The bill was studied by the Legal Affairs Committee and we heard testimony from Commissioner Mattamore, who testified against the bill. The bill would have involved, not only dedicated funds, but also a revision of the state education funding formula. The committee felt that the bill, in its present form, was simply not developed enough to enable us to get into such a complex area. The bill also looked at the use of dedicated funds for funding state aid to education. It was the committee's feeling that the legislature had, in the past, decided that it wanted more control over all funds available to the state through the Appropriations Committee and through the legislative process itself rather than an increasing number of dedicated funds. It was, for this reason, that the committee voted 12 to 1 "Ought Not to Pass" and I would ask you to support that motion.

The SPEAKER: The Chair recognizes the Representative from St. George, Representative Scarpino.

Representative SCARPINO: Mr. Speaker, Ladies and Gentlemen of the House: My good friend from Brunswick, Representative Priest, brought up a couple of points, -- one, yes, it does create a dedicated fund. It dedicates the money to education. It doesn't revise the school education formula, it sets up two education formulas for monies to be delivered to local municipalities, one the current formula and then the funds that would be dedicated out of the state lotteries would be distributed among the local communities based on the inverse of the current

formula. They are either towns that get a lot of state-sharing money and get the small amount and the towns that get no state-sharing money will get the larger amount.

Let's look at some of the problems in our education system -- this state, up to this point, has used property valuation as a judgment of a town's ability to meet its share of education costs. Accordingly, that has set the state-sharing formula -- in some cases, zero; in other cases as high as 80 percent or so. Perhaps, in years past, that was a viable indicator of what a town's ability to pay was.

I will give you an example of one town in my district, a town whose commitment to education includes languages from grade 1, computer literacy from grade 1, mathematics up to and including calculus, a school that spends \$5200 per student for school costs. It is also a town that the state deems does not make sufficient commitment to education to receive any money from the state. What they pay right now is in excess of double of what the state average is. The community has 360 year-round residents in it, 80 of them are senior citizens on fixed incomes and approximately 70 of them are students, which leaves 210 year-round residents bearing this kind of tax burden. That burden is going to be increased with the full implementation of the school reform act. This problem will not only affect that community, it will affect many other communities. I am well aware that a commission has been set up to study the property tax as a means of funding schools. That is going to be a minimum of a year and probably two before anything is done.

The bottom line is, there are some towns that need assistance now. There are some towns that are not going to be assisted by the Governor's proposed \$22 million dollars because that is based on the school-sharing formula. If you get nothing out of the school-sharing formula, you get no assistance in implementing the reform act.

This particular town is eligible for one form of state aid and that is the innovative teacher grants. They are not eligible for innovative school grants because they don't get anything from the state-sharing formula. They are not eligible for geographic isolation grants, which physically they meet the qualifications for, because they get nothing from the state-sharing formula. There are many towns in this state that get nothing from the state-sharing formula. It seems to me that if we, as a legislature, are going to mandate a school reform act, we should do something to assist the municipalities in meeting those expenses.

The Governor's \$22 million does go toward all those towns that get some money from the state-sharing formula but it doesn't even start to address those towns who aren't included in the formula because of their property valuation. The property valuation, in many cases, bear no relationship whatsoever to the worth of that community, to that community's commitment to education or that community's ability to pay for that education.

This bill would be a small measure to assist all communities but particularly those that get no state-sharing. I don't think it is too much to ask. I would hope that this legislature would realize its responsibility to help the towns that pay the cost of this school reform act and accept the Minority Report on this bill.

I would urge the defeat of the Majority Report so we might enact this bill and I would request a roll call.

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 the motion of the Representative from Brunswick, Representative Priest, that the House accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 74

YEA - Allen, Anderson, Anthony, Armstrong, Bailey, Baker, Begley, Bickford, Bott, Boutilier, Bragg, Carroll, Carter, Chonko, Clark, H.; Clark, M.; Conley, Cote, Crowley, Curran, Davis, Diamond, Dore, Duffy, Dutremble, L.; Erwin, P.; Farren, Foss, Gould, R. A.; Gurney, Gwadosky, Hanley, Harper, Hepburn, Hichborn, Hickey, Higgins, Hoglund, Holloway, Holt, Hussey, Ingraham, Jackson, Jacques, Jalbert, Joseph, Ketover, Kilkelly, Lacroix, LaPointe, Lawrence, Lisnik, Lord, MacBride, Mahany, Manning, Marsano, Martin, H.; Mayo, McGowan, McHenry, McSweeney, Melendy, Mills, Mitchell, Moholland, Nadeau, G. G.; Nadeau, G. R.; Norton, Nutting, O'Gara, Paradis, E.; Paradis, J.; Paradis, P.; Paul, Perry, Pines, Pouliot, Priest, Rand, Reed, Reeves, Richard, Rotondi, Ruhlin, Rydell, Sheltra, Simpson, Soucy, Stanley, Stevens, A.; Stevens, P.; Stevenson, Strout, B.; Swazey, Tammaro, Tardy, Taylor, Telow, Thistle, Tracy, Tupper, Vose, Walker, Warren, Webster, M.; Whitcomb.

NAY - Aliberti, Bost, Brown, Callahan, Coles, Dellert, Farnum, Foster, Garland, Greenlaw, Handy, Lebowitz, Look, Macomber, Matthews, K.; McPherson, Michaud, Murphy, E.; Murphy, T.; Nicholson, Parent, Rice, Rolde, Salisbury, Scarpino, Seavey, Sherburne, Small, Smith, Wentworth, Zirkilton.

ABSENT - Cashman, Dexter, Hale, Hillock, Kimball, Racine, Ridley, Strout, D.; Weymouth, Willey, The Speaker.

Yes, 107; No, 31; Absent, 11; Vacant, 2; Paired, 0; Excused, 0.

107 having voted in the affirmative and 31 in the negative with 11 being absent and 2 vacant, the Majority "Ought Not to Pass" Report was accepted. 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. 1047) (L.D. 1410) Bill "An Act to Clarify the Taking of Property by the Department of Transportation" Committee on Transportation reporting "Ought to Pass"

(H.P. 1096) (L.D. 1487) Bill "An Act to Clarify Existing Federal Compensation and Care as the Primary Resource to an Injured Service Member before Seeking Benefits under the Workers' Compensation Act" Committee on Aging, Retirement and Veterans reporting "Ought to Pass"

(H.P. 1024) (L.D. 1382) Bill "An Act to Require Financial Institutions to Furnish Copies of Real Estate Appraisals to Prospective Buyers upon Request" Committee on Banking and Insurance reporting "Ought to Pass" as amended by Committee Amendment "A" (H-174)

(H.P. 1123) (L.D. 1526) Bill "An Act to Eliminate Reference to 'Standard Premium' in the Workers' Compensation Self-Insurance Laws" Committee on Banking and Insurance reporting "Ought to Pass" as amended by Committee Amendment "A" (H-175)

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

CONSENT CALENDAR
Second Day

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

(H.P. 1068) (L.D. 1451) Bill "An Act Concerning the Authority of the Attorney General to Request Telephone Records"

(H.P. 1124) (L.D. 1527) Bill "An Act Relating to Nonrenewal of an Automobile Insurance Policy Due to Accidents Involving Property Damage"

(H.P. 760) (L.D. 1023) RESOLVE, to Direct a Comprehensive Examination of the Health Threat of Radon and its Derivatives upon Maine Citizens (C. "A" H-168)

(S.P. 487) (L.D. 1469) Bill "An Act to Clarify Licensing Definitions under the Laws Related to the Board of Pesticides Control"

(S.P. 274) (L.D. 784) Bill "An Act Relating to Check Cashing" (C. "A" S-79)

(H.P. 612) (L.D. 830) Bill "An Act to Improve the Assessment of Floods, Droughts, Ground Water Contamination, Stream Water Quality and Hydropower Potential in this State"

(H.P. 425) (L.D. 570) RESOLVE, to Provide Funds for the Maine Partners of the Americas, Inc. (C. "A" H-171)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were Passed to be Engrossed or 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.

PASSED TO BE ENGROSSED

Bill "An Act to Provide Substance Abuse Treatment to Youths at the Maine Youth Center" (H.P. 1220) (L.D. 1663)

Bill "An Act to Hold Employees of Licensees Criminally Liable for Knowingly Selling Liquor to Minors" (H.P. 1224) (L.D. 1669)

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

SECOND READER
TABLED AND ASSIGNED

Bill "An Act to Modify the Electric Fuel Clause" (H.P. 1225) (L.D. 1672)

Was reported by the Committee on Bills in the Second Reading and read a second time.

On motion of Representative Vose of Eastport, tabled pending passage to be engrossed and specially assigned for Wednesday, May 27, 1987.

PASSED TO BE ENGROSSED

Bill "An Act Concerning Mental Stress Claims Under the Workers' Compensation Act" (H.P. 1223) (L.D. 1668)

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

PASSED TO BE ENGROSSED
As Amended

Bill "An Act to Establish an Outreach and Support Program for Head-Injured Persons" (S.P. 436) (L.D. 1316) (C. "A" S-75; S. "A" S-82)

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

The following items appearing on Supplement No. 5 was taken up out of order by unanimous consent:

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative CASHMAN from the Committee on Taxation on RESOLUTION, Proposing an Amendment to the Constitution of Maine Limiting the Power of the Legislature to Raise Taxes (H.P. 1167) (L.D. 1593) 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 MacBRIDE from the Committee on Judiciary on Bill "An Act Concerning Costs for Discovery Materials in Criminal Proceedings" (H.P. 1146) (L.D. 1561) reporting "Leave to Withdraw"

Representative CASHMAN from the Committee on Taxation on Bill "An Act to Repeal the Gross Receipts Tax on Telecommunications Services" (Emergency) (H.P. 966) (L.D. 1295) reporting "Leave to Withdraw"

Representative ALLEN from the Committee on Business Legislation on Bill "An Act Relating to the Educational Requirements of Chiropractic Practice in this State" (H.P. 1001) (L.D. 1347) reporting "Leave to Withdraw"

Representative ALLEN from the Committee on Business Legislation on Bill "An Act Concerning the Construction of Public Assembly Buildings" (H.P. 996) (L.D. 1342) reporting "Leave to Withdraw"

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

Refer to the Committee

on Energy and Natural Resources

Representative CARTER from the Committee on Appropriations and Financial Affairs on Bill "An Act to Improve the State's Capability to Respond to a Hazardous Materials Incident" (H.P. 1125) (L.D. 1528) reported that it be referred to the Committee on Energy and Natural Resources.

Report was read and accepted and the bill referred to the Committee on Energy and Natural Resources 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. 1090) (L.D. 1481) Bill "An Act to Clarify Abrogation of Confidentiality of Communicable Disease Information for Child and Adult Protection

Purposes" Committee on Judiciary reporting "Ought to Pass"

(H.P. 1112) (L.D. 1506) RESOLVE, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Real Estate in the Unorganized Territory Committee on Taxation reporting "Ought to Pass"

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

The Chair laid before the House the following matter: Bill "An Act Establishing the Commission to Study the Impact of Game and Nongame Species on Maine's Economy" (H.P. 1219) (L.D. 1662) which was tabled earlier in the day and later today assigned pending adoption of House Amendment "A" (H-173).

Subsequently, House Amendment "A" (H-173) was adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" (H-173) and sent up for concurrence.

The Chair laid before the House the following matter: An Act Relating to Agricultural Internship and Training (H.P. 446) (L.D. 599) (H. "A" H-145) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Tardy of Palmyra, under suspension of the rules, the House reconsidered its action whereby L.D. 599 was passed to be engrossed.

On motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby House Amendment "A" (H-145) was adopted.

The same Representative offered House Amendment "A" (H-176) to House Amendment "A" (H-145) and moved its adoption.

House Amendment "A" to House Amendment "A" was read by the Clerk and adopted.

House Amendment "A" as amended by House Amendment "A" thereto was adopted.

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

The Chair laid before the House the following matter: An Act to Require Archery Hunter Training (H.P. 914) (L.D. 1226) (C. "A" H-144) which was tabled earlier in the day and later today assigned 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. 1226 was passed to be engrossed.

On motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-144) was adopted.

The same Representative offered House Amendment "A" (H-170) to Committee Amendment "A" (H-144) and moved its adoption.

House Amendment "A" to Committee Amendment "A" was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment

"A" thereto in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter: Bill "An Act to Provide an Accident and Sickness or Health Insurance Program to Retired Teachers" (S.P. 522) (L.D. 1637) (S. "A" S-77) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

On motion of Representative Diamond of Bangor, retabled pending passage to be engrossed and specially assigned for Wednesday, May 27, 1987.

The Chair laid before the House the following matter: RESOLVE, Creating a Watershed District Commission (S.P. 261) (L.D. 742) (C. "A" S-65) which was tabled earlier in the day and later today assigned pending final passage.

On motion of Representative Diamond of Bangor, retabled pending final passage and specially assigned for Wednesday, May 27, 1987.

The following items appearing on Supplement No. 6 were taken up out of order by unanimous consent:

REPORTS OF COMMITTEES

Unanimous Leave to Withdraw

Representative PRIEST from the Committee on Legal Affairs on Bill "An Act Relating to the Distance Requirements to Operate an Agency Store under the Liquor Laws" (H.P. 573) (L.D. 771) reporting "Leave to Withdraw"

Representative MANNING from the Committee on Human Resources on Bill "An Act to Simplify Certificate of Need Review for Transfers of Ownership of Nursing Home Facilities" (H.P. 253) (L.D. 326) 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:

(H.P. 1045) (L.D. 1408) Bill "An Act to Extend the Period for Filing Birth Records" Committee on Human Resources reporting "Ought to Pass"

(H.P. 1165) (L.D. 1591) Bill "An Act to Amend the Maine Emergency Medical Services Act of 1982" Committee on Human Resources reporting "Ought to Pass"

(H.P. 1089) (L.D. 1480) Bill "An Act to Amend the Child and Family Services and Child Protection Act as it Relates to Judicial Reviews" Committee on Human Resources reporting "Ought to Pass"

(H.P. 1088) (L.D. 1479) Bill "An Act to Authorize Evaluation of Vital Statistics" Committee on Human Resources reporting "Ought to Pass"

(H.P. 427) (L.D. 572) RESOLUTION, Proposing an Amendment to the Constitution of Maine Requiring Residency of Candidates 3 Months Before Filing Deadline Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-178)

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

(Off Record Remarks)

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

On motion of Representative Ruhlman of Brewer,
Adjourned until Wednesday, May 27 1987, at nine
o'clock in the morning.

In Senate Chamber
Tuesday
May 26, 1987

Senate called to Order by the President.

Prayer by Pastor Andrew Spohrer of the United Baptist Church in Old Town.

PASTOR SPOHRER: Shall we pray. Heavenly Father, we thank You this morning for the beauty of this day. We thank You for our state. We thank You, Father, for the opportunity for honoring those yesterday who have given their lives in defense of our country. Now, Father, as we start this day, we pray that these Senators will know Your power, Your wisdom and Your guidance. That they may build well upon the foundation that was laid by those who gave their lives for our country. That the laws they pass, the decisions they make, will have the wisdom of seeing in the future as well as the immediate needs. We pray Your blessing upon them, in Jesus' name. Amen.

Reading of the Journal of Friday, May 22, 1987.

Off Record Remarks

PAPERS FROM THE HOUSE
Non-concurrent Matter

Bill "An Act Creating the St. Croix International Waterway Commission"

H.P. 733 L.D. 985
(C "A" H-131)

In Senate, May 18, 1987, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-131), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-131) AS AMENDED BY HOUSE AMENDMENT "A" (H-165), thereto in NON-CONCURRENCE.

On motion by Senator USHER of Cumberland, the Senate RECEDED and CONCURRED.

Non-concurrent Matter

Bill "An Act to Equalize Retirement Credits for Air and Army National Guardsmen"

H.P. 1177 L.D. 1606
(H "A" H-142)

In Senate, May 19, 1987, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-142), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENTS "A" (H-142) AND "B" (H-166) in NON-CONCURRENCE.

On motion by Senator BERUBE of Androscoggin, the Senate RECEDED and CONCURRED.

Non-concurrent Matter

Bill "An Act to Amend the Postgraduate Residency Requirements for Certain Physicians" (Emergency)

H.P. 1180 L.D. 1609

In Senate, May 19, 1987, PASSED TO BE ENGROSSED, in concurrence.