

MAINE STATE LEGISLATURE

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

VOLUME III

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ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE

SECOND REGULAR SESSION

4th Legislative Day

Wednesday, January 13, 1988

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

Prayer by Reverend Hanford Bradstreet, Retired - Assembly of God, Brunswick.

The Journal of Tuesday, January 12, 1988, was read and approved.

Quorum call was held.

SENATE PAPERS

Bill "An Act Concerning Investment of State Funds in Corporations Doing Business in Northern Ireland" (S.P. 757) (L.D. 2008)

Came from the Senate, referred to the Committee on Aging, Retirement and Veterans and Ordered Printed.

Was referred to the Committee on Aging, Retirement and Veterans in concurrence.

Bill "An Act to Provide Emergency Shelter Services to Homeless Youth" (Emergency) (S.P. 760) (L.D. 2023)

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 Enforce 3rd-Party Liability Reimbursement for Medicaid Recipients as Required by Title XIX of the Social Security Act" (S.P. 759) (L.D. 2022)

Bill "An Act to Prohibit the Sale of the Substance Amyl Nitrite, Commonly Referred to as 'Rush' or 'Lockerroom,' to Minors" (S.P. 761) (L.D. 2024)

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

Were referred to the Committee on Human Resources in concurrence.

Bill "An Act Relating to Sentences with Intensive Supervision" (S.P. 728) (L.D. 1987)

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

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

Was referred to the Committee on Human Resources in concurrence.

Bill "An Act Relating to Unlawful Passing of School Buses" (S.P. 758) (L.D. 2009)

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

Was referred to the Committee on Transportation in concurrence.

Non-Concurrent Matter

Bill "An Act to Provide for Retail Inspection of Potatoes" (H.P. 1447) (L.D. 1958) which was referred to the Committee on Agriculture in the House on January 7, 1988.

Came from the Senate referred to the Committee on Appropriations and Financial Affairs in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

RESOLVE, to Protect Against Property Tax Losses Resulting from Transfers Under Provisions of Certain Land Trust Transfers (H.P. 1445) (L.D. 1956) which was referred to the Committee on Appropriations and Financial Affairs in the House on January 7, 1988.

Came from the Senate referred to the Committee on Taxation in non-concurrence.

The House voted to recede and concur.

COMMUNICATIONS

The following Communication: (S.P. 762)

113th Maine Legislature

January 11, 1988

Senator John L. Tuttle, Jr.

Representative Donnell P. Carroll

Chairpersons

Joint Standing Committee on State and Local Government

113th Legislature

Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Peter G. Merrill of Portland for appointment to the Maine State Housing Authority.

Pursuant to Title 30, M.R.S.A. Section 4602, this nomination will require review by the Joint Standing Committee on State and Local Government and confirmation by the Senate.

Sincerely,

S/Charles P. Pray

President of the Senate

S/John L. Martin

Speaker of the House

Came from the Senate, Read and Referred to the Committee on State and Local Government.

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

The following Communication: (S.P. 763)

113th Maine Legislature

January 11, 1988

Senator Joseph C. Brannigan

Representative Patrick E. Paradis

Chairpersons

Joint Standing Committee on Judiciary

113th Legislature

Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Dawn Pelletier of Winterport for appointment to the Workers' Compensation Commission.

Pursuant to Title 39, M.R.S.A. Section 91, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,

S/Charles P. Pray

President of the Senate

S/John L. Martin

Speaker of the House

Came from the Senate, Read and Referred to the Committee on Judiciary.

Was Read and Referred to the Committee on Judiciary in concurrence.

The following Communication: (S.P. 764)

113th Maine Legislature

January 11, 1988

Senator Joseph C. Brannigan

Representative Patrick E. Paradis

Chairpersons
Joint Standing Committee on Judiciary
113th Legislature
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Peter J. Goranites of Falmouth for appointment as Judge-at-Large of the Maine District Court.

Pursuant to Title 4, M.R.S.A. Section 157, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

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

Came from the Senate, Read and Referred to the Committee on Judiciary.

Was Read and Referred to the Committee on Judiciary in concurrence.

The following Communication: (S.P. 765)
113th Maine Legislature
January 11, 1988

Senator Joseph C. Brannigan
Representative Patrick E. Paradis
Chairpersons
Joint Standing Committee on Judiciary
113th Legislature
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated John B. Beliveau of Lewiston for appointment as Judge of the Maine District Court.

Pursuant to Title 4, M.R.S.A. Section 157, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

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

Came from the Senate, Read and Referred to the Committee on Judiciary.

Was Read and Referred to the Committee on Judiciary in concurrence.

The following Communication: (S.P. 766)
113th Maine Legislature
January 11, 1988

Senator John L. Tuttle, Jr.
Representative Donnell P. Carroll
Chairpersons
Joint Standing Committee on State and Local Government
113th Legislature
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated AnnaLee Rosenblatt of Scarborough for reappointment to the Civil Service Appeals Board.

Pursuant to Title 5, M.R.S.A. Section 7081, this nomination will require review by the Joint Standing Committee on State and Local Government and confirmation by the Senate.

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

Came from the Senate, Read and Referred to the Committee on State and Local Government.

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

The following Communication: (S.P. 767)
113th Maine Legislature
January 11, 1988

Senator John L. Tuttle, Jr.
Representative Donnell Carroll
Chairpersons
Joint Standing Committee on State and Local Government
113th Legislature
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Colin C. Hampton of Cape Elizabeth, Mark A. Kearns, Esq. of Kennebunk, Howard Goldenfarb of Portland and J. Benjamin Wootten of Bangor for appointments to the Maine Court Facilities Authority.

Pursuant to P.L. 1987, Chapter 438, Section 1602, these nominations will require review by the Joint Standing Committee on State and Local Government and confirmation by the Senate.

Sincerely,
S/Charles P. Pray
President of the Senate

S/John L. Martin
Speaker of the House

Came from the Senate, Read and Referred to the Committee on State and Local Government.

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

The following Communication:
STATE OF MAINE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
COMMITTEE ON TAXATION
January 13, 1988

Honorable John L. Martin, Speaker
House of Representatives
Augusta, Maine 04333
Dear Speaker Martin:

Enclosed are two reports of the Joint Standing Committee on Taxation regarding tax expenditure reviews of property tax exemptions and sales tax exemptions. These reports are required by statute (36 MRSA §195 and 1 MRSA §2601) to be submitted to the Legislature along with any implementing legislation. Only the property tax report has such legislation which is attached as Appendix A and has been submitted to the Office of Revisor of Statutes for processing.

Sufficient copies of these reports have been provided to the House and the Senate and the Law Library to meet their requirements. We hope everyone that reads them finds them to be useful during the debate and discussion to follow.

Respectfully submitted,
S/R. Donald Twitchell S/John A. Cashman
Senate Chair House Chair
Was read and with accompanying reports ordered placed on file.

PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE

The following Bills 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:

Agng, Retirement and Veterans

Bill "An Act to Ensure the Complete Payment of Health Insurance Premiums for Teachers over a Certain Age" (H.P. 1490) (L.D. 2040) (Presented by Representative ALIBERTI of Lewiston) (Cosponsors: Representatives CLARK of Brunswick, JALBERT of Lisbon and Senator CLARK of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Ordered Printed.
Sent up for Concurrence.

Agriculture

Bill "An Act to Allow the Sale of Farm-Raised Venison in Maine" (H.P. 1499) (L.D. 2049) (Presented by Representative KILKELLY of Wiscasset) (Cosponsors: Representatives BEGLEY of Waldoboro, THISTLE of Dover-Foxcroft and MAYO of Thomaston) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Ordered Printed.
Sent up for Concurrence.

Appropriations and Financial Affairs

Bill "An Act to Provide Additional Funds for the Maintenance and Repair of Montpelier in Thomaston" (H.P. 1500) (L.D. 2050) (Presented by Representative MAYO of Thomaston) (Cosponsors: Representatives MILLS of Bethel, MELENDY of Rockland and Senator BRAWN of Knox) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Ordered Printed.
Sent up for Concurrence.

Banking and Insurance

Bill "An Act to Amend the Uniform Commercial Code" (H.P. 1504) (L.D. 2054) (Presented by Representative MARSANO of Belfast) (Cosponsor: Representative ALLEN of Washington) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Ordered Printed.
Sent up for Concurrence.

Business Legislation

Bill "An Act to Amend Reporting Deadlines under the Therapeutic Pharmaceutical Monitoring Panel" (Emergency) (H.P. 1491) (L.D. 2041) (Presented by Representative ALLEN of Washington) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Bill "An Act to Require Gasoline Stations which Provide Self-Service at a Lower Rate to Provide Services at the Same Rate for Handicapped Drivers" (H.P. 1497) (L.D. 2047) (Presented by Representative JALBERT of Lisbon) (Cosponsors: Representative DELLERT of Gardiner and Senator BUSTIN of Kennebec) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Ordered Printed.
Sent up for Concurrence.

Education

Bill "An Act to Amend the Law Concerning Alternate Voting Procedures for School Budget Approval" (H.P. 1501) (L.D. 2051) (Presented by Representative MURPHY of Berwick) (Cosponsors: Senator TUTTLE of York and Representative SMALL of Bath) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Ordered Printed.
Sent up for Concurrence.

Energy and Natural Resources

Bill "An Act to Amend the Maine Low-Level Radioactive Waste Authority Liability Provisions" (H.P. 1495) (L.D. 2045) (Presented by Representative HOLT of Bath) (Cosponsors: Representatives HOLLOWAY of Edgecomb and CURRAN of Westbrook) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Ordered Printed.
Sent up for Concurrence.

Human Resources

Bill "An Act to Allow Greater Departmental Input Under Certificate of Need Provisions" (Emergency) (H.P. 1503) (L.D. 2053) (Presented by Representative ROLDE of York) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Ordered Printed.
Sent up for Concurrence.

Judiciary

Bill "An Act Relating to the Time Limit for Delivering the Warrant or Process by Which a Prisoner is Detained" (H.P. 1492) (L.D. 2042) (Presented by Representative TAYLOR of Camden) (Cosponsors: Representatives STROUT of Windham, MANNING of Portland and Senator GOULD of Waldo) (Submitted by the Department of Corrections pursuant to Joint Rule 24)

Ordered Printed.
Sent up for Concurrence.

State and Local Government

Bill "An Act to Clarify the Authority of Harbor Masters" (H.P. 1493) (L.D. 2043) (Presented by Representative ANTHONY of South Portland) (Cosponsor: Representative CARROLL of Gray) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Ensure that a Certain Percentage of Public Housing is Handicapped Accessible" (H.P. 1498) (L.D. 2048) (Presented by Representative JALBERT of Lisbon) (Cosponsors: Representative HOLLOWAY of Edgecomb and Senator BUSTIN of Kennebec) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Authorize the City of Old Town to Acquire Land from the University of Maine to Construct a Solid Waste Disposal System" (Emergency) (H.P. 1502) (L.D. 2052) (Presented by Representative PARADIS of Old Town) (Cosponsors: Representative CASHMAN of Old Town and Senator PEARSON of Penobscot) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Ordered Printed.
Sent up for Concurrence.

Taxation

Bill "An Act to Exempt Deeds of Distribution from the Transfer Tax Filing Requirement" (H.P. 1494) (L.D. 2044) (Presented by Representative HOLLOWAY of Edgecomb) (Cosponsors: Representatives SMALL of Bath and GARLAND of Bangor) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Ordered Printed.
Sent up for Concurrence.

Utilities

Bill "An Act to Clarify the Voting Method of Expansion of the Harrison Water District" (Emergency) (H.P. 1496) (L.D. 2046) (Presented by Representative JACKSON of Harrison) (Cosponsor: Senator TWITCHELL of Oxford) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Ordered Printed.
Sent up for Concurrence.

ORDERS

On motion of Representative CARROLL of Gray, the following Joint Order: (H.P. 1489)

Ordered, the Senate concurring, that the Joint Standing Committee on State and Local Government report out to the House such legislation as it sees fit to revise the salaries of county officers and lay the county taxes for the year 1988.

Was read and passed and sent up for concurrence.

ORDERS OF THE DAY
UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment yesterday, has preference in the Orders of the Day and continues with such preference until disposed of as provided by Rule 24.

The Chair laid before the House the first item of Unfinished Business:

Bill "An Act to Provide Elderly Mental Health Service Needs" (Emergency) (S.P. 742) (L.D. 2001)
- In Senate, Referred to the Committee on Appropriations and Financial Affairs.
TABLED January 12, 1988 (Till Later Today) by Representative MANNING of Portland.
PENDING - Reference in concurrence.

On motion of Representative Diamond of Bangor, was referred to the Committee on Human Resources in non-concurrence and sent up for concurrence.

TABLED AND TODAY ASSIGNED

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

An Act to Encourage Prompt and Peaceful Settlements of Labor Disputes (H.P. 1415) (L.D. 1919) (H. "A" H-435; H. "B" H-436)

TABLED - January 12, 1988 by Representative DIAMOND of Bangor.

PENDING - Reconsideration (Returned by the Governor without his approval)

On motion of Representative Diamond of Bangor, retabled pending reconsideration (Returned by the Governor without his approval) and specially assigned for Thursday, January 14, 1988.

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

Bill "An Act Concerning High Speed Chases" (H.P. 1450) (L.D. 1961)
(Committee on Legal Affairs suggested)

TABLED - January 12, 1988 by Representative GWADOSKY of Fairfield.

PENDING - Reference.

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

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

Bill "An Act to Prevent Mental Health Service Reductions" (Emergency) (S.P. 737) (L.D. 1996)
- In Senate, Referred to the Committee on Appropriations and Financial Affairs.

TABLED - January 12, 1988 by Representative GWADOSKY of Fairfield.

PENDING - Reference in Concurrence.

Subsequently, was referred to the Committee on Appropriations and Financial Affairs in concurrence.

(Off Record Remarks)

On motion of Representative Baker of Portland, the House reconsidered its action whereby Bill "An Act Relating to Sentences with Intensive Supervision" (L.D. 1987) (S.P. 728) was referred to the Committee on Human Resources in non-concurrence.

On further motion of the same Representative, tabled pending reference in concurrence and specially assigned for Thursday, January 14, 1988.

(Off Record Remarks)

On motion of Representative Bost of Orono, Adjourned until Thursday, January 14, 1988, at ten o'clock in the morning.