MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Thirteenth Legislature

OF THE

State Of Maine

VOLUME III

FIRST CONFIRMATION SESSION

August 21, 1987 Index

FIRST SPECIAL SESSION

October 9, 1987 to October 10, 1987 Index

SECOND SPECIAL SESSION

October 21, 1987 to November 20, 1987 Index

SECOND REGULAR SESSION

January 6, 1988 to March 24, 1988

On motion by Senator KANY of Kennebec, ADJOURNED until Friday, January 15, 1988, at 11:00 in the morning.

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE SECOND REGULAR SESSION 6th Legislative Day

Friday, January 15, 1988
The House was called to order by the Speaker Pro

Prayer by Chaplain James W. Daniels, Green Street

Methodist Church, Augusta. The Journal of Thursday, January 14, 1988, was read and approved.

Quorum call was held.

SENATE PAPERS

Bill "An Act to Implement the Department of Human Services Long-Term Care Plan for the Elderly, Handicapped and Citizens with Long-Term Care Needs" (S.P. 788) (L.D. 2065)

Bill "An Act to Maximize the Effectiveness of Funds Appropriated for Long-Term Care" (S.P. 789) (L.D. 2066)

Came from the Senate, referred to the Committee on <u>Appropriations and Financial Affairs</u> and Ordered

Were referred to the Committee on Appropriations and Financial Affairs in concurrence.

Bill "An Act Concerning Crash Parts Used to Repair Damaged Motor Vehicles" (S.P. 787) (L.D. 2064) Came from the Senate, referred to the Committee on <u>Business Legislation</u> and Ordered Printed.

Was referred to the Committee on Business Legislation in concurrence.

Bill "An Act to Increase the Base Salary of Vocational-Technical Institute Instructors" (S.P. 776) (L.D. 2033)

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

Was referred to the Committee on Education in concurrence.

Unanimous Leave to Withdraw

Report of the Committee on <u>Utilities</u> reporting "Leave to Withdraw" on Bill "An Act to Modernize the Definition of Telecommunications Utilities Subject to the Jurisdiction of the Public Utilities Commission" (S.P. 740) (L.D. 1999)

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

Non-Concurrent Matter
Bill "An Act to Provide Elderly Mental Health
Service Needs" (Emergency) (S.P. 742) (L.D. 2001)
which was referred to the Committee on Human

Resources in the House on January 13, 1988.

Came from the Senate with that body Adhered to its former action whereby the Bill was referred to the Committee on Appropriations and Financial Affairs in non-concurrence.

On motion of Representative Fairfield, tabled pending further consideration and specially assigned for Tuesday, January 19, 1988.

COMMUNICATIONS The following Communication: MAINE COMMISSION ON OUTDOOR RECREATION January 14, 1988

President Prav Speaker Martin State House Augusta, ME 04333

Dear President Pray and Speaker Martin:

The Commission on Outdoor Recreation is pleased to submit its report to the Legislature pursuant to P.L. 1987 c. 68. The report is currently being printed and will be delivered to all legislators in the next several days.

Sincerely,

s/Rep. Herbert E. Clark, Chair

Was read and with accompanying report ordered placed on file.

The following Communication:

DEPARTMENT OF CONSERVATION

January 14, 1988

The Honorable John L. Martin Speaker of the House State House Station 2 Augusta, ME 04333

Dear Speaker Martin:

The Forests For the Future Program is charged with undertaking studies and preparing a report for the Legislature and the Governor due January 1, 1988. This letter is to inform you that a final draft is nearly finished. The Citizens Forestry Advisory Council is scheduled to meet on January 14 to finish discussing actions and finalize the recommendations. Final revisions will be made and we plan to submit the report by January 31, 1988.

Thank you for your understanding in this matter.

Sincerely, s/Robert R. LaBonta Commissioner

Was read and ordered placed on file.

The following Communication:
113th Maine Legislature January 14, 1988

Hon. Robert Woodbury Chancellor University of Maine System Orono, ME 04473 Dear Mr. Chancellor:

You are invited to address a Joint Convention of the Maine Legislature on Tuesday, January 19th at 10:30 a.m.

Please let us know if this time and date is convenient for you.

Sincerely,

s/Charles P. Pray s/John L. Martin President of the Senate Speaker of the House

Was read and ordered placed on file.

The following Communication: (H.P. 1525) UNIVERSITY OF MAINE SYSTEM January 14, 1988

The Honorable Charles P. Pray President of the Senate

State of Maine

Augusta, Maine 04333

The Honorable John L. Martin

Speaker of the House State of Maine

Augusta, Maine 04333 Dear President Pray and Speaker Martin:

I appreciate your kind invitation to address a Joint Convention of the 113th Legislature on Tuesday, January 19, 1988, at 10:30 a.m. I am delighted to accept.

It is a distinct honor and privilege to speak to you and your colleagues about Maine's public University System, and I look forward to the opportunity.

Sincerely, s/Robert L. Woodbury Chancellor

Was read and ordered placed on file and sent up for concurrence.

The following Communication: DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION BUREAU OF BANKING

January 15, 1988

The Honorable John L. Martin Speaker of the House State House Station 2 Augusta, Maine 04333 Dear Speaker Martin:

In accordance with Title 9-B, Section 217, Maine Revised Statutes Annotated of 1975, as amended, I am submitting the attached "Annual Report on the Status of Maine's Financial Institutions."

This report contains information on the number, type and legal structure of all regulated financial institutions in the State of Maine, as well as the location of offices and total deposits held by these institutions. An analysis of the programs offered by Maine financial institutions with out-of-state ownership, to meet the credit needs consumers and businesses, is also included. Maine

Respectfully submitted, s/H. Donald DeMatteis Superintendent

Was read and with accompanying report 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:

Appropriations and Financial Affairs
Bill "An Act to Provide for the Computerization of Data and Information Relating to Boards and Commissions" (H.P. 1519) (L.D. 2072) (Presented by Representative GWADOSKY of Fairfield) (Cosponsors: Representatives DAGGETT of Augusta and CARROLL of Gray) (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 Require Dealers in All-Terrain Vehicles to Provide Written Warranties" (H.P.1517) (L.D. 2070) (Presented by Representative TRACY of Rome) (Cosponsors: Senator BRANNIGAN of Cumberland, Representatives ALLEN of Washington and LEBOWITZ of Bangor) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Bill "An Act Concerning the Regulation of Welders" (H.P. 1520) (L.D. 2073) (Presented by Representative TRACY of Rome) (Cosponsors: Senator BRANNIGAN of Cumberland, Representatives RACINE of Biddeford and ALLEN of Washington) (Approved for introduction by a majority of the Legislative Council

pursuant to Joint Rule 26)

Ordered Printed. Sent up for Concurrence.

TABLED AND ASSIGNED

Bill "An Act Relating to the Tax Exempt Status of Anson Academy Association" (Emergency) (H.P. 1523) (L.D. 2076) (Presented by Representative ROTONDI of Athens) (Cosponsor: Senator WEBSTER of Franklin) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

(The Committee on Reference of Bills suggested the Committee on Education).

On motion of Representative Mayo of Thomaston, tabled pending reference and specially assigned for Tuesday, January 19, 1988.

Labor

Bill "An Act to Protect Workers from Unreasonable Exposure to Toxic Substances in the Workplace" (H.P. 1521) (L.D. 2074) (Presented by Representative JOSEPH Waterville) (Cosponsors: President PRAY of Penobscot, Representative MICHAUD of East Millinocket and Senator KANY of Kennebec) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Ordered Printed.

Sent up for Concurrence.

Legal Affairs

Bill "An Act to Prohibit Publication of Names of Concealed Weapon Permit Holders" (H.P. 1516) (L.D. 2069) (Presented by Representative ROTONDI of Athens) (Cosponsors: Senator EMERSON of Penobscot and Representative JACQUES of Waterville) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Ordered Printed.

Sent up for Concurrence.

TABLED AND ASSIGNED

Bill "An Act to Amend the Maine Uniform Accounting and Auditing Practices Act for Community Agencies" (H.P. 1518) (L.D. 2071) (Presented by Representative ROLDE of York) (Cosponsors: Speaker MARTIN of Eagle Lake, Representatives ERWIN of Rumford and FARNUM of South Berwick) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

(The Committee on Reference of Bills the Committee on State suggested and

Government).

On motion of Representative Carroll of Gray, tabled pending reference and specially assigned for Tuesday, January 19, 1988.

State and Local Government

Bill "An Act to Deorganize the Town of Sherman" (H.P. 1522) (L.D. 2075) (Presented by Representative SMITH of Island Falls) (Cosponsor: Senator LUDWIG of Aroostook) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Ordered Printed.

Sent up for Concurrence.

TABLED AND ASSIGNED

Bill "An Act to Implement Uniform Federal Lien Registration" (Emergency) (H.P. 1524) (L.D. 2077) (Presented by Representative CONLEY of Portland)

(Cosponsors: Senator BRANNIGAN of Cumberland and Representative MacBRIDE of Presque Isle) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

(The Committee on Reference Bills

suggested the Committee on Taxation).

On motion of Representative Mayo of Thomaston, tabled pending reference and specially assigned for Tuesday, January 19, 1988.

Reported Pursuant to Resolves

Representative TARDY from the Committee Agriculture, pursuant to Resolves of 1987, Chapter 50 ask leave to submit its findings and report that the accompanying Bill "An Act to Provide Additional Resources to the Board of Pesticides Control" (H.P. 1514) (L.D. 2067) be referred to the Joint Standing Committee on <u>Agriculture</u> for Public Hearing and printed pursuant to Joint Rule 18.

Report was read and accepted, and the referred to the Committee on Agriculture, ordered

printed and sent up for concurrence.

Reported Pursuant to Resolves

Representative TARDY from the Committee Agriculture, pursuant to Resolves of 1987, Chapter 50 ask leave to submit its findings and report that the accompanying Bill "An Act to Assist Agricultural Employers in Complying with Federal Hazard Communication Rules" (H.P. 1515) (L.D. 2068) be referred to the Joint Standing Committee on Agriculture for Public Hearing and printed pursuant to Joint Rule 18.

Report was read and accepted, and the bill referred to the Committee on Agriculture, ordered

printed and sent up for concurrence.

ORDERS OF THE DAY 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 14, 1988 by Representative DIAMOND

of Bangor.

PENDINĞ - Reconsideration (Returned by the Governor

without his approval)

On motion of Representative Gwadosky Fairfield, retabled pending reconsideration and specially assigned for Tuesday, January 19, 1988.

(Off Record Remarks)

(At Ease)

The House was called to order by the Speaker Pro Tem.

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

The following Joint Order: (S.P. 793)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, January 19, 1988, at 10:00 in the morning.

Came from the Senate, read and passed.

Was read and passed in concurrence.

(Off Record Remarks)

On motion of Representative Gould of Greenville, Adjourned until Tuesday, January 19, 1988, at ten o'clock in the morning pursuant to Joint Order (S.P. 793).

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

In Senate Chamber Friday

January 15, 1988

Senate called to Order by the President.

Prayer by Father Samuel Najjar of St.

Maronite Church in Waterville.

FATHER NAJJAR: Heavenly Father, we assemble here today to open this Session of the Senate of this great State of Maine. The people of our State have intrusted us to act in their behalf as our actions and decisions will affect all of us. Come upon us Heavenly Father and influence our hearts and our minds that we may act according to Your will and to the will of these people. Bless us and our constituents as we may flourish in our endeavors. We ask this to all Your glory now and forever. Amen.

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE Non-concurrent Matter

Bill "An Act Relating to Sentences with Intensive Supervision"

S.P. 728 L.D. 1987

In Senate, January 12, 1988, referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED.

Comes from the House referred to the Joint Select Committee on CORRECTIONS and ORDERED PRINTED in NON-CONCURRENCE.

On motion by Senator GAUVREAU of Androscoggin, Tabled until Later in Today's Session, pending FURTHER CONSIDERATION.

House Papers

Bill "An Act to Amend the Animal Control Laws" H.P. 1505 L.D. 2055

Bill "An Act to Establish Appropriate and Effective Penalty Levels for Violation of the Pesticide Control Laws"

H.P. 1513 L.D. 2063

Come from the House referred to the Committee AGRICULTURE and ORDERED PRINTED.

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

Bill "An Act to Supplement Crisis Intervention Services to Penobscot, Piscataguis, Hancock and Washington Counties"

H.P. 1506 L.D. 2056 Comes from the House referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

Committee Which was referred to the APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED, in concurrence.

Bill "An Act to Continue the Block Grants for Teacher Salaries"

H.P. 1508 L.D. 2058

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

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