

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

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE
 SECOND REGULAR SESSION
 19th Legislative Day
 Monday, February 8, 1988

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

Prayer by Reverend John Shorty. St. Mary's Catholic Church, Augusta.

National Anthem by Camden-Rockport High School Band, Camden.

The Journal of Friday, February 5, 1988, was read and approved.

Quorum call was held.

SENATE PAPERS

Bill "An Act to Strengthen the Site Location of Development Law" (S.P. 846) (L.D. 2202)

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

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

RESOLVE, Establishing the Commission to Study the Status of the Nursing and Health Care Professions in Maine (S.P. 847) (L.D. 2203)

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

Was referred to the Committee on Human Resources in concurrence.

Bill "An Act to Protect Elderly, Infirm Persons from Improvident Transfer of Title to Property" (S.P. 848) (L.D. 2204)

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

Was referred to the Committee on Judiciary in concurrence.

PETITIONS, BILLS AND RESOLVES
 REQUIRING REFERENCE

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

Appropriations and Financial Affairs

Bill "An Act to Establish Child Care Availability for Individuals in the Substance Abuse Treatment System" (H.P. 1612) (L.D. 2205) (Presented by Representative CLARK of Brunswick) (Cosponsors: Representatives LISNIK of Presque Isle, FOSTER of Ellsworth 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.

ORDERS

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

ORDERED, that Representative David G. Stanley of Cumberland be excused February 2 for personal reasons and February 3 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Cushman D. Anthony of South Portland be excused February 5 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Lucien A. Dutremble of Biddeford be excused January 6 to January 29 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Annette M. Hoglund of Portland be excused February 4 for the duration of her illness.

AND BE IT FURTHER ORDERED, that Representative Robert L. Glidden of Houlton be excused February 4 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Charlene B. Rydell of Brunswick be excused February 4 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Sally R. Rice of Stonington be excused February 9, 10, 11, 12 and 16 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Jean T. Dellert of Gardiner be excused February 8 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Christopher S. Gurney of Portland be excused February 1 and 2 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Margaret Pruitt Clark of Brunswick be excused February 4 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Francis C. Marsano of Belfast be excused February 4 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Willis A. Lord of Waterboro be excused February 5 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Constance D. Cote of Auburn be excused February 12 for personal reasons.

Was read and passed.

REPORTS OF COMMITTEES

Unanimous Leave to Withdraw

Representative HOLT from the Committee on Utilities on Bill "An Act to Provide a Definition of Small Electric Utilities" (H.P. 1427) (L.D. 1938) reporting "Leave to Withdraw"

Was 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 SALSBURY from the Committee on Marine Resources on Bill "An Act to Postpone the Effective Date for the Use of Biodegradable Escape Panels on Lobster Traps" (Emergency) (H.P. 1487) (L.D. 2021) reporting "Ought to Pass" in New Draft (Emergency) (H.P. 1613) (L.D. 2206)

Report was read and accepted, the New Draft read once.

Under suspension of the rules, the New Draft was read a second time, passed to be engrossed, and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

CONSENT CALENDAR

First Day

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

(S.P. 714) (L.D. 1944) Bill "An Act Clarifying the Authority of Superior Court Justices to Sit in District Court" Committee on Judiciary reporting "Ought to Pass"

There being no objections, the above item was ordered to appear on the Consent Calendar of Tuesday, February 9, 1988, under the listing of Second Day.

CONSENT CALENDAR

Second Day

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

(S.P. 736) (L.D. 1995) Bill "An Act to Clarify the Offense of Furnishing Liquor to a Minor"

No objections having been noted at the end of the Second Legislative Day, the Senate Paper was Passed to be Engrossed in concurrence.

PASSED TO BE ENACTED

Emergency Measure

RESOLVE, to Extend the Deadline for the Study of the Relationship between Nonprofit Service Agencies and Professional Liability and Other Hard-to-Obtain Lines of Liability Insurance (S.P. 807) (L.D. 2116)

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. 112 voted in favor of the same and none against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Exempt Deeds of Distribution from the Transfer Tax Filing Requirement (H.P. 1494) (L.D. 2044)

An Act to Amend the Maine Tree Growth Tax Law (H.P. 1591) (L.D. 2177)

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.

(Off Record Remarks)

(At Ease)

The House was called to order by the Speaker.

On motion of Representative Matthews of Caribou, Adjourned until Tuesday, February 9, 1988, at ten o'clock in the morning.

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

In Senate Chamber
Monday
February 8, 1988

Senate called to Order by the President.

Prayer by Reverend Paul Cates of Friends Meeting in East Vassalboro.

REVEREND CATES: Let us pray. Dear God we the people from the cities and villages and towns of Maine have tried to elect to the Maine Senate some of the best from among us and we think we have done a reasonably good job and yet when we read in the daily paper about some of the problems which they face providing for the future of our transportation system, providing for the safety of our factory workers and of children on the way to school, possibly even changing certain language in our constitution to mention only a few things, we are reminded that they are truly representative of us in that they are also like us - human. We remember that their motivation though deep is not unlimited. That their wisdom is human and not divine. That even the energy of these, our Maine Senators, is subject to the limitations of our human condition. And so dear God this morning we are deeply grateful that You are with us. We are grateful for the realization that in the deliberations of this Body, human limitations of wisdom can be compensated by Your divine and infinite wisdom and that the thoughts and the motivations of this group can be inspired by Your infinite justice tempered by Your perfect love.

Dear God we thank You this morning for Your inspiration which is a greater source of energy for all of us than all of the caffeine we could ever consume. Be with every member of this Body in this day dear God as they attempt to legislate for all the citizens of this great state. Amen.

Reading of the Journal of Friday, February 5, 1988.

PAPERS FROM THE HOUSE
Non-concurrent Matter

Bill "An Act to Clarify the Authority for Judicial Suspension of Motor Vehicle Licenses" (Emergency)

S.P. 656 L.D. 1879
(C "A" S-309; S "A" S-310)

In Senate, February 2, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-309) AND SENATE AMENDMENT "A" (S-310).

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-310) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

House Papers

Bill "An Act to Improve the Marketing of Potatoes by Strengthening the Maine Bag Program"

H.P. 1606 L.D. 2197

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

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