

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
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FIRST SPECIAL SESSION

October 9, 1987 to October 10, 1987
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SECOND SPECIAL SESSION

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SECOND REGULAR SESSION

January 6, 1988 to March 24, 1988

Senator GAUVREAU of Androscoggin was granted unanimous consent to address the Senate off the Record.

On motion by Senator TWITCHELL of Oxford, ADJOURNED, in memory of Harry F. Sanborn, until Friday, February 19, 1988, at 11:00 in the morning.

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE
SECOND REGULAR SESSION
27th Legislative Day
Friday, February 19, 1988

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

Prayer by Reverend James O'Brien, South Parish Congregational Church, Augusta.

The Journal of Thursday, February 18, 1988, was read and approved.

Quorum call was held.

SENATE PAPERS

RESOLVE, to Create A Demonstration Project to Provide for Ladders of Advancement in the Nursing Profession (Emergency) (S.P. 877) (L.D. 2280)

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

Was referred to the Committee on Business Legislation in concurrence.

Bill "An Act to Establish the Maine Elderly Tax Assistance Program" (S.P. 880) (L.D. 2283)

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

Was referred to the Committee on Economic Development in concurrence.

Bill "An Act to Improve Personal Care Attendant Services under the Home-Based Care Laws" (S.P. 884) (L.D. 2296)

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 Continue the Driver Education Evaluation Program" (Emergency) (S.P. 886) (L.D. 2298)

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 Appropriations and Financial Affairs.)

Was referred to the Committee on Human Resources in concurrence.

Bill "An Act to Enhance the Effectiveness of the Operating-Under-the-Influence Laws" (Emergency) (S.P. 885) (L.D. 2297)

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

Was referred to the Committee on Legal Affairs in concurrence.

Unanimous Leave to Withdraw

Report of the Committee on Labor reporting "Leave to Withdraw" on Bill "An Act to Provide Retraining Opportunities to Workers who have been Replaced During a Labor Dispute" (Emergency) (S.P. 813) (L.D. 2127)

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

Ought to Pass in New Draft

Report of the Committee on Utilities on Bill "An Act Creating the Fayette Water District" (S.P. 431)

(L.D. 1311) reporting "Ought to Pass" in New Draft (Emergency) (S.P. 883) (L.D. 2291)

Came from the Senate, with the report read and accepted and the New Draft passed to be engrossed.

Report was read and accepted, the New Draft read once and assigned for second reading Monday, February 22, 1988.

COMMUNICATIONS

The following Communication:

SPECIAL COMMISSION TO STUDY THE USE OF STATE VALUATION IN THE ALLOCATION OF STATE FUNDING AMONG MUNICIPALITIES

February 18, 1988

President Pray
Speaker Martin
State House
Augusta, ME 04333

Dear President Pray and Speaker Martin:

The Special Commission to Study the Use of State Valuation in the Allocation of State Funding Among Municipalities is pleased to submit its report to the Legislature pursuant to Resolve, c. 63.

Sincerely,
s/Sen. R. Donald Twitchell
Chairman

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 Authorize a Bond Issue to Provide Funds to Create an Adaptive Equipment Loan Program" (H.P. 1686) (L.D. 2315) (Presented by Representative MELENDY of Rockland) (Cosponsors: Senators BUSTIN of Kennebec, GILL of Cumberland and ANDREWS of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Ordered Printed.

Sent up for Concurrence.

PASSED TO BE ENGROSSED
WITHOUT REFERENCE TO COMMITTEE

Bill "An Act to Remove the Statutory Loan Guarantee Ceiling on the Small Business Mortgage Insurance Program of the Finance Authority of Maine" (Emergency) (H.P. 1680) (L.D. 2309) (Presented by Representative CROWLEY of Stockton Springs) (Cosponsor: Senator ANDREWS of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

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

Under suspension of the rules, without reference to any committee, the Bill was read twice, passed to be engrossed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Education

Bill "An Act to Restrict Smoking in Elementary and Secondary Schools" (H.P. 1682) (L.D. 2311) (Presented by Representative DIAMOND of Bangor) (Cosponsors: Senator GILL of Cumberland,

Representatives DEXTER of Kingfield and HICKEY of Augusta) (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 Improve and Expedite the Enforcement of Environmental Laws" (H.P. 1685) (L.D. 2314) (Presented by Representative LORD of Waterboro) (Cosponsors: Representative GREENLAW of Standish, Senators USHER of Cumberland and CAHILL of Sagadahoc)

Bill "An Act to Consolidate State Land Use Statutes into the Natural Resources Protection Act" (H.P. 1687) (L.D. 2316) (Presented by Representative DEXTER of Kingfield) (Cosponsors: Senator RANDALL of Washington, Representatives MCGOWAN of Canaan and HANLEY of Paris)

Ordered Printed.

Sent up for Concurrence.

Judiciary

Bill "An Act to Increase the Penalties for Class A, B and C Crimes" (H.P. 1683) (L.D. 2312) (Presented by Representative PARADIS of Augusta) (Cosponsors: Representative CARTER of Winslow, Senators BERUBE of Androscoggin and BLACK of Cumberland) (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

Bill "An Act to Amend the Requirement that Counties Contribute to the Support of the Superior Courts and the Supreme Judicial Court" (H.P. 1677) (L.D. 2306) (Presented by Representative LOOK of Jonesboro) (Cosponsors: Senator RANDALL of Washington, Representatives TAMMARO of Baileyville and SHELTRA of Biddeford) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Establish On-Site Day Care at the Capitol Complex" (H.P. 1678) (L.D. 2307) (Presented by Representative BAKER of Portland) (Cosponsors: Senators BUSTIN of Kennebec, GILL of Cumberland and Representative HICKEY of Augusta) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Designate the Schooner Bowdoin as the Official State Vessel" (H.P. 1679) (L.D. 2308) (Presented by Representative MELENDY of Rockland) (Cosponsors: Representative HOLLOWAY of Edgecomb, Senators CLARK of Cumberland and PERKINS of Hancock) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Ordered Printed.

Sent up for Concurrence.

Taxation

Bill "An Act Relating to the Net Operating Loss Carry-Back on the Maine Income Tax" (H.P. 1681) (L.D. 2310) (Presented by Representative MAYO of Thomaston) (Cosponsors: Senator TWITCHELL of Oxford and Representative NADEAU of Saco) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Ordered Printed.

Sent up for Concurrence.

Transportation

Bill "An Act to Amend the Charter of the Eastport Port Authority" (Emergency) (H.P. 1684) (L.D. 2313) (Presented by Representative VOSE of Eastport) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Ordered Printed.
Sent up for Concurrence.

ORDERS

SPECIAL SENTIMENT CALENDAR

In accordance with House Rule 56 and Joint Rule 34, the following item:

In Memory of:

Edward B. Lewis, of Pemaquid, former school teacher, Bristol town selectman, member of the Maine House of Representatives, and active member of community and civic organizations; (HLS 944) by Representative BEGLEY of Waldoboro. (Cosponsors: Senator SEWALL of Lincoln, Representative HOLLOWAY of Edgecomb)

On motion of Representative of Begley of Waldoboro, was removed from the Special Sentiment Calendar.

Was read and adopted and sent up for concurrence.

CONSENT CALENDAR

First Day

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

(H.P. 1540) (L.D. 2095) Bill "An Act to Clarify the Authority of Local Health Officers" Committee on Human Resources reporting "Ought to Pass"

There being no objections, the above item was ordered to appear on the Consent Calendar of Monday, February 22, 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:

(H.P. 1509) (L.D. 2059) Bill "An Act to Amend Procedures Under the Unclaimed Motor Vehicle Laws" (C. "A" H-451)

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

PASSED TO BE ENGROSSED

Bill "An Act to Incorporate the Pembroke Utilities District" (Emergency) (H.P. 1675) (L.D. 2294)

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

PASSED TO BE ENACTED

An Act to Adequately Compensate Municipal Agents for Activities Undertaken on Behalf of the State in the Registration of Motor Vehicles (H.P. 1446) (L.D. 1957) (C. "A" H-448)

An Act to Exempt from Labeling Requirements Goods Produced Under Certification issued by the United States Department of Justice Pursuant to the Prison Industries Enhancement Act (H.P. 1471) (L.D. 1982)

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 Amend Laws Relating to Certain Licensing Boards (H.P. 1255) (L.D. 1713) (C. "A" H-443)

TABLED - February 18, 1988 by Representative ALLEN of Washington.

PENDING - Passage to be Enacted.

On motion of Representative Allen of Washington, retabled pending passage to be enacted and specially assigned for Monday, February 22, 1988.

(At Ease)

The House was called to order by the Speaker.

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Remove the Statutory Loan Guarantee Ceiling on the Small Business Mortgage Insurance Program of the Finance Authority of Maine (H.P. 1680) (L.D. 2309)

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. 121 voted in favor of the same and 3 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

(Off Record Remarks)

On motion of Representative Allen of Washington, Adjourned until Monday, February 22, 1988, at nine o'clock in the morning in memory of Edward B. Lewis of Pemaquid, a former member of the House of Representatives.