

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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
 28th Legislative Day
 Monday, February 22, 1988

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

Prayer by Reverend Robert Canfield, Free Methodist Church, Gardiner.

National Anthem by Georges Valley High School Band, Thomaston.

The Journal of Friday, February 19, 1988, was read and approved.

Quorum call was held.

SENATE PAPERS

Bill "An Act to Provide for Payment of Contributions by Employers Under the Maine State Retirement System" (S.P. 887) (L.D. 2299)

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 Develop a Program for Prenatal Detection of Handicapping Conditions" (S.P. 890) (L.D. 2302)

Bill "An Act to Respond to Health Care Occupation Shortages in Maine through the Health Occupations Training Project" (S.P. 892) (L.D. 2304)

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 to Capture Sales Tax Revenues on Manufactured Housing Purchased Outside the State" (S.P. 888) (L.D. 2300)

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

Was referred to the Committee on Taxation in concurrence.

Reported Pursuant to the Private and Special Laws

Report of the Maine Commission on Outdoor Recreation, pursuant to Private and Special Laws of 1987, Chapter 68 ask leave to submit its findings and report that the accompanying Bill "An Act to Enhance Outdoor Recreation Opportunities" (S.P. 889) (L.D. 2301) be referred to the Joint Standing Committee on Energy and Natural Resources for public hearing and printed pursuant to Joint Rule 18.

Came from the Senate with the report read and accepted and the bill referred to the Committee on Energy and Natural Resources and ordered printed.

Report was read and accepted and the bill referred to the Committee on Energy and Natural Resources in concurrence.

COMMUNICATIONS

The following Communication:

MAINE TURNPIKE AUTHORITY
 430 RIVERSIDE STREET
 PORTLAND, MAINE 04103

February 17, 1988

Honorable John L. Martin
 Speaker of the House
 House of Representatives
 State House Station 2

Augusta, Maine 04333

Dear Speaker Martin:

I am pleased to submit to you in accordance with Section 1966, paragraph 4, of Title 23, M.R.S.A., the Maine Turnpike Authority's Legislative Report, which will serve as the semi-annual report to the Transportation Committee.

The Authority intends to meet with the Legislature's Transportation Committee to share with it the findings and conclusions of our current review of transportation needs along the corridor of the Maine Turnpike.

I look forward to working with you, other members of leadership, the Joint Standing Committee on Transportation and the Legislature, as we work toward meeting Maine's transportation needs.

If I can be of further assistance in this regard, please feel free to contact me at any time.

Sincerely,
 S/Paul E. Violette
 Executive Director

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:

Economic Development

Bill "An Act to Preserve Existing Rental Units which have been Constructed with Federal Assistance and Tax Benefits for Moderate-Income and Low-Income People" (H.P. 1693) (L.D. 2322) (Presented by Representative RAND of Portland) (Cosponsors: Representatives MILLS of Bethel, HOGLUND of Portland, and Senator ANDREWS of Cumberland) (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 Clarify the Reporting Mechanism of the Student Assessment Program" (H.P. 1692) (L.D. 2321) (Presented by Representative BOST of Orono) (Cosponsors: Representatives HANDY of Lewiston, MATTHEWS of Caribou and NORTON of Winthrop) (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 Change the Sales Tax Status of Snow-Making Equipment used by Commercial Ski Areas" (H.P. 1691) (L.D. 2320) (Presented by Representative MILLS of Bethel) (Cosponsor: Representative NADEAU of Lewiston) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Ordered Printed.
 Sent up for Concurrence.

Reported Pursuant to the Resolves

Tabled and Assigned

Representative MELENDY for the Commission on the Role of State Government in Providing Independent Living Opportunities and Services to Disabled Persons, pursuant to Resolve 1987, Chapter 62 ask

leave to submit its findings and report that the accompanying Bill "An Act to Promote the Creation and Expansion of Independent Living Opportunities for Maine's Citizens with Disabilities" (H.P. 1694) (L.D. 2327) be referred to the Joint Standing Committee on Appropriations and Financial Affairs for Public Hearing and printed pursuant to Joint Rule 18.

Report was read and accepted.

On motion of Representative Diamond of Bangor, tabled pending reference and specially assigned for Tuesday, February 23, 1988.

Reported Pursuant to the Public Laws

Representative HOGGLUND for the Maine Commission on Land Conservation and Economic Development, pursuant to Public Laws of 1987, Chapter 514, Section 3 ask leave to submit its findings and report that the accompanying Bill "An Act to Promote Orderly Economic Growth and Natural Resource Conservation" (H.P. 1688) (L.D. 2317) be referred to the Joint Standing Committee on Energy and Natural Resources for Public Hearing and printed pursuant to Joint Rule 18.

Report was read and accepted, and the bill referred to the Committee on Energy and Natural Resources, ordered printed and sent up for concurrence.

Reported Pursuant to the Public Laws

Representative MAYO for the Maine Commission on Land Conservation and Economic Development, pursuant to Public Laws of 1987, Chapter 514, Section 3 ask leave to submit its findings and report that the accompanying Bill "An Act to Impose a Tax on Capital Gains from Speculative Land Sales" (H.P. 1689) (L.D. 2318) be referred to the Joint Standing Committee on Taxation for Public Hearing and printed pursuant to Joint Rule 18.

Report was read and accepted, and the bill referred to the Committee on Taxation, ordered printed and sent up for concurrence.

Reported Pursuant to the Public Laws

Representative MITCHELL for the Maine Commission on Land Conservation and Economic Development, pursuant to Public Laws of 1987, Chapter 514, Section 3 ask leave to submit its findings and report that the accompanying Bill "An Act to Amend the Farm and Open Space Tax Law" (H.P. 1690) (L.D. 2319) be referred to the Joint Standing Committee on Taxation for Public Hearing and printed pursuant to Joint Rule 18.

Report was read and accepted, and the bill referred to the Committee on Taxation, ordered printed and sent up for concurrence.

ORDERS

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

ORDERED, that Representative Cushman D. Anthony of South Portland be excused February 10, 11 and 12 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Maria Glen Holt of Bath be excused February 12 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Ronald C. Bailey of Farmington be excused February 17 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Guy G. Scarpino of St. George be excused February 16 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Ralph M. Willey of Hampden be excused February 19 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Sally R. Rice of Stonington be excused February 19 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Dale F. Thistle of Dover-Foxcroft be excused February 18 and 19 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Richard P. Ruhlman of Brewer be excused February 17 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Dana C. Hanley of Paris be excused February 4, 10, 12, 17 and 19 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Marge L. Kilkelly of Wiscasset be excused February 16, 17 and 18 for health reasons.

AND BE IT FURTHER ORDERED, that Representative John M. Nutting of Leeds be excused February 22 to 26 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative B. Carolyne T. Mahany of Easton be excused February 19 for the duration of her illness.

Was read and passed.

SPECIAL SENTIMENT CALENDAR

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

In Memory of:

Basil "Benny" L. Curtis a 10-year veteran of the Milo Volunteer Fire Department who died in the line of duty while trying to save a home in the town of Milo; Benny was a beloved family member and had many friends throughout his Piscataquis County town; (HLS 948) by Representative HUSSEY of Milo. (Cosponsor: President PRAY of Penobscot)

On motion of Representative Hussey of Milo, was removed from the Special Sentiment Calendar.

Was read, adopted, and sent up for concurrence.

REPORTS OF COMMITTEES

Refer to the Committee on Judiciary

Representative O'GARA from the Committee on Utilities on Bill "An Act Establishing Rights-of-Way for Utilities in Existing Rights-of-Way for Egress and Ingress" (H.P. 1633) (L.D. 2228) reporting that it be referred to the Committee on Judiciary.

Report was read and accepted and the bill referred to the Committee on Judiciary and sent up for concurrence.

Ought to Pass in New Draft/New Title

Representative PARADIS from the Committee on Education on Bill "An Act to Create the Maine Choice Scholarship Fund" (H.P. 927) (L.D. 1240) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Create the Maine Choice Fund" (H.P. 1695) (L.D. 2328)

Report was read and accepted, the New Draft read once and assigned for second reading Tuesday, February 23, 1988.

CONSENT CALENDAR

First Day

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

(S.P. 732) (L.D. 1991) Bill "An Act Concerning Marine Recreational Fisheries" Committee on Marine Resources reporting "Ought to Pass"

(H.P. 1483) (L.D. 2017) Bill "An Act Requiring that Curb Ramps be Constructed in Accordance with the American National Standards Institute Standards" Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-452)

(H.P. 1469) (L.D. 1980) Bill "An Act to Clarify the Method of Computing Unusual Enrollment Adjustments" Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-453)

There being no objections, the above items were ordered to appear on the Consent Calendar of Tuesday, February 23, 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. 1540) (L.D. 2095) Bill "An Act to Clarify the Authority of Local Health Officers"

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

PASSED TO BE ENGROSSED

Bill "An Act Creating the Fayette Water District" (Emergency) (S.P. 883) (L.D. 2291)

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Clarify the Volume Fee Provision of the Maine Consumer Credit Code (H.P. 1468) (L.D. 1979)

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. 114 voted in favor of the same and none 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 Strengthen the Disciplinary Authority of Various State Regulatory Boards (S.P. 733) (L.D. 1992) (C. "A" S-315)

An Act Pertaining to Fire Permit Enforcement (S.P. 865) (L.D. 2254)

An Act to Amend the Notice Provision under the Motor Vehicle Laws (H.P. 1656) (L.D. 2266)

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 19, 1988 by Representative ALLEN of Washington.

PENDING - Passage to be Enacted.

On motion of Representative Allen of Washington, under suspension of the rules, the House reconsidered its action whereby L.D. 1713 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-455) and moved its adoption.

House Amendment "A" (H-455) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-443) and House Amendment "A" (H-455) thereto in non-concurrence and sent up for concurrence.

(Off Record Remarks)

On motion of Representative Telow of Lewiston, Adjourned until Tuesday, February 23, 1988, at nine o'clock in the morning.