

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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August 21, 1987
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SECOND REGULAR SESSION

January 6, 1988 to March 24, 1988

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE
SECOND REGULAR SESSION
29th Legislative Day
Tuesday, February 23, 1988

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

Prayer by Rabbi Harry Sky, Temple Beth El, Portland.

The Journal of Monday, February 22, 1988, was read and approved.

Quorum call was held.

SENATE PAPERS

Bill "An Act Establishing a Medicare Assignment Program" (S.P. 895) (L.D. 2324)

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 Clarify the Site Location of Development Law" (S.P. 897) (L.D. 2326)

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, to Establish the Commission on State Standards for Personal Service Contracts (S.P. 894) (L.D. 2323)

Came from the Senate, referred to the Committee on State and Local Government and Ordered Printed.

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

Bill "An Act Concerning Legislative Review of Nominations to the Maine State Housing Authority Board and the Board of Directors of the Finance Authority of Maine" (S.P. 891) (L.D. 2303)

Came from the Senate under suspension of the rules and without reference to a Committee, the Bill read twice and passed to be engrossed as amended by Senate Amendment "A" (S-318).

(The Committee on Reference of Bills had suggested reference to the Committee on State and Local Government.)

Under suspension of the rules and without reference to any Committee, the bill was read once.

Senate Amendment "A" (S-318) was read by the Clerk and adopted and the Bill assigned for second reading Wednesday, February 24, 1988.

Bill "An Act Making an Amendment to the Charter of the Jackman Water District" (S.P. 896) (L.D. 2325)

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

(The Committee on Reference of Bills had suggested reference to the Committee on State and Local Government.)

Was referred to the Committee on Utilities in concurrence.

Ought to Pass in New Draft

Report of the Committee on Transportation on Bill "An Act Concerning the Use of Flashing Lights on School Buses" (S.P. 716) (L.D. 1945) reporting "Ought to Pass" in New Draft (S.P. 893) (L.D. 2305)

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 Wednesday, February 24, 1988.

COMMUNICATIONS

The following Communication:

February 19, 1988

STATE OF MAINE
WORKERS' COMPENSATION COMMISSION
STATE HOUSE STATION 27
AUGUSTA, MAINE 04333

Honorable John L. Martin

Speaker of the House

State House Station #2

Augusta, Maine 04333

Dear Speaker Martin:

Enclosed please find 2 copies of the report to the 113th Legislature on Vocational Rehabilitation under the Maine Workers' Compensation Act, 39 M.R.S.A. sub-section 81-90. Also enclosed are 2 copies of my summary of the conclusions in the report.

The report was compiled by Frank Richards and Michael Niss of this Agency.

Sincerely,
s/Ralph L. Tucker
Chairman

Was read and with accompanying report ordered placed on file.

PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE

The following Bills and Resolve 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:

Education

Bill "An Act to Provide for the Education of Students Residing in Long-Term Drug Treatment Centers" (Emergency) (H.P. 1700) (L.D. 2333) (Presented by Representative KIMBALL of Buxton) (Cosponsors: Representatives ROLDE of York, MATTHEWS of Caribou, and Senator PERKINS of Hancock) (Submitted by the Department of Educational and Cultural Services pursuant to Joint Rule 24)

Ordered Printed.

Sent up for Concurrence.

Labor

Bill "An Act Relating to Employment of Minors" (H.P. 1697) (L.D. 2330) (Presented by Representative HIGGINS of Scarborough) (Cosponsor: Senator DUTREMBLE of York) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Ordered Printed.

Sent up for Concurrence.

State and Local Government

RESOLVE, to Extend the Reporting Deadline for the Commission on Children in Need of Supervision and Treatment (Emergency) (H.P. 1698) (L.D. 2331) (Presented by Representative THISTLE of Dover-Foxcroft) (Cosponsors: Senators BRANNIGAN of Cumberland, GILL of Cumberland, and Representative CHONKO of Topsham) (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 to Create Tax Incentives for Employers who Utilize the Services of Sheltered Workshops" (H.P. 1699) (L.D. 2332) (Presented by Representative MAYO of Thomaston) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Ordered Printed.
Sent up for Concurrence.

Transportation

Bill "An Act to Give the Commissioner of Transportation Power to Condemn Existing Rail Lines for Transfer to Safe, Reliable and Efficient Rail Operators" (H.P. 1701) (L.D. 2338) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsors: President PRAY of Penobscot, Representative CARTER of Winslow, and Senator DUTREMBLE of York) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Ordered Printed.
Sent up for Concurrence.

ORDERS

REPORTS OF COMMITTEES

Ought to Pass in New Draft

Representative MACOMBER from the Committee on Transportation on Bill "An Act to Control Vehicle Speeds on Public Easements" (H.P. 1462) (L.D. 1973) reporting "Ought to Pass" in New Draft (H.P. 1696) (L.D. 2329)

Report was read and accepted, the New Draft read once and assigned for second reading Wednesday, February 24, 1988.

Divided Report

Majority Report of the Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-454) on Bill "An Act Relating to Geographic Isolation Grants" (H.P. 1422) (L.D. 1933)

Signed:
Senator: RANDALL of Washington
Representatives: PARADIS of Frenchville
SMALL of Bath
O'GARA of Westbrook
MATTHEWS of Caribou
LAWRENCE of Parsonsfield
OLIVER of Portland
KILKELLY of Wiscasset

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Signed:
Senator: KANY of Kennebec
Representatives: HANDY of Lewiston
NORTON of Winthrop

Senator ESTES of York - of the Senate - abstaining.
Representative BOST of Orono - of the House - abstaining.

Reports were read.

On motion of Representative O'Gara of Westbrook, the House accepted the Majority "Ought to Pass" Report. the Bill read once.

Committee Amendment "A" (H-454) was read by the Clerk and adopted and the Bill assigned for second reading, Wednesday, February 24, 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. 779) (L.D. 2036) Bill "An Act Concerning the Carrying of Concealed Firearms by Licensed Private Investigators" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-316)

(H.P. 1571) (L.D. 2142) Bill "An Act Relating to Nonforfeiture and Valuation Standards for Fraternal Benefit Societies" Committee on Banking and Insurance reporting "Ought to Pass"

(H.P. 1539) (L.D. 2094) Bill "An Act to Clarify Late Charges for Residential Dwelling Units" Committee on Legal Affairs reporting "Ought to Pass"

There being no objections, the above items were ordered to appear on the Consent Calendar of Wednesday, February 24, 1988, under the listing of Second Day.

CONSENT CALENDAR

Second Day

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

(S.P. 732) (L.D. 1991) Bill "An Act Concerning Marine Recreational Fisheries"

(H.P. 1483) (L.D. 2017) Bill "An Act Requiring that Curb Ramps be Constructed in Accordance with the American National Standards Institute Standards" (C. "A" H-452)

(H.P. 1469) (L.D. 1980) Bill "An Act to Clarify the Method of Computing Unusual Enrollment Adjustments" (C. "A" H-453)

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

PASSED TO BE ENGROSSED

Bill "An Act to Create the Maine Choice Fund" (H.P. 1695) (L.D. 2328)

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 Authorize the Bureau of Banking, Securities Division, to Adopt a Simplified Registration Statement for Limited Public Offerings (S.P. 738) (L.D. 1997)

Was 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:

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)

(Committee on Appropriations and Financial Affairs suggested)

TABLED - February 22, 1988 by Representative DIAMOND of Bangor.

PENDING - Reference.

LEGISLATIVE RECORD - SENATE, FEBRUARY 23, 1988

On motion of Representative Manning of Portland, was referred to the Committee on Human Resources, ordered printed and sent up for concurrence.

On motion of Representative Diamond of Bangor, the House reconsidered its action whereby RESOLVE, to Extend the Reporting Deadline for the Commission on Children in Need of Supervision and Treatment (Emergency) (H.P. 1698) (L.D. 2331) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27) was referred to the Committee on State and Local Government.

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

By unanimous consent, ordered sent forthwith to the Senate.

(Off Record Remarks)

On motion of Representative Dutremble of Biddeford,

Adjourned until Wednesday, February 24, 1988, at nine o'clock in the morning.

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

In Senate Chamber
Tuesday
February 23, 1988

Senate called to Order by the President.

Prayer by Father Donald McAllister of Saint Catherine of Siena Parish in Norway.

FATHER MCALLISTER: Oh God our Father, source of all wisdom Who's statutes are good, Who's statutes are gracious and Who's law is truth, guide and direct our State Legislature and particularly our State Senators that by just and prudent laws they may promote the well-being of all our people. We ask this through Christ our Lord. Amen.

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE
Non-concurrent Matter

Bill "An Act to Amend Laws Relating to Certain Licensing Boards"

H.P. 1255 L.D. 1713
(C "A" H-443)

In Senate, February 16, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-443), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-443) AND HOUSE AMENDMENT "A" (H-455) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

House Papers

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

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

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

Bill "An Act to Clarify the Reporting Mechanism of the Student Assessment Program"

H.P. 1692 L.D. 2321

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.

Bill "An Act to Change the Sales Tax Status of Snow-Making Equipment used by Commercial Ski Areas"

H.P. 1691 L.D. 2320

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

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

Pursuant to Public Law
Commission on Land Conservation
and Economic Development

The Maine Commission on Land Conservation and Economic Development, pursuant to Public Law 1987,