

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

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ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE
SECOND REGULAR SESSION
37th Legislative Day
Friday, March 4, 1988

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

Prayer by Reverend James Flye, United Baptist Church, Island Falls.

The Journal of Thursday, March 3, 1988, was read and approved.

Quorum call was held.

SENATE PAPERS

Bill "An Act to Provide a Special Exemption to Bangor Pre-Release Center Employees for Service Retirement Benefits" (S.P. 926) (L.D. 2437)

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 Require Farms to Post Notice of Pesticides Used" (S.P. 930) (L.D. 2441)

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

Was referred to the Committee on Agriculture in concurrence.

Bill "An Act to Provide Funds for Teenage Suicide Prevention" (S.P. 924) (L.D. 2435)

Bill "An Act to Promote Community-Based Drug and Alcohol Abuse Prevention and Education Programs" (S.P. 931) (L.D. 2442)

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

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

Bill "An Act to Regulate the Sale of Potentially Harmful Toys for Children" (S.P. 925) (L.D. 2436)

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

(The Committee on Reference of Bills had suggested reference to the Committee on Human Resources.)

Was referred to the Committee on Business Legislation in concurrence.

Bill "An Act to Provide Maine Residents Access to Graduate Social Work Education in Southern Maine" (Emergency) (S.P. 927) (L.D. 2438)

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

Was referred to the Committee on Education in concurrence.

Bill "An Act to Create Minimum Standards for Licensing Shelters for Homeless People" (S.P. 928) (L.D. 2439)

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 Concerning Tribal Courts" (Emergency) (S.P. 929) (L.D. 2440)

Bill "An Act to Amend the Maine Tort Claims Act" (S.P. 932) (L.D. 2443)

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

Were referred to the Committee on Judiciary in concurrence.

Non-Concurrent Matter

Bill "An Act to Improve the Services Provided to the Members and Retirees of the Maine State Retirement System" (Emergency) (H.P. 1763) (L.D. 2416) which was referred to the Committee on Aging, Retirement and Veterans in the House on March 2, 1988.

Came from the Senate referred to the Committee on Appropriations and Financial Affairs in non-concurrence.

The House voted to recede and concur.

COMMUNICATIONS

The following Communication:

PENOBSCOT CONSORTIUM
P.O. Box 1136
117 BROADWAY
BANGOR, ME 04401

TO: Edwin H. Pert, Clerk of the House

FROM: s/John Dorrer

DATE: March 2, 1988

RE: Penobscot Consortium SDA Job Training Plan

Pursuant to the Federal Job Training Partnership Act, the Penobscot Consortium Service Delivery Area is providing a summary of the Job Training Plan for the program year beginning July 1, 1988 for review and comment. Funding for the program will be used to provide services and activities to prepare youth and unskilled adults for entry into the labor force and to afford job training to those economically disadvantaged individuals and others who face serious barriers to employment, who are in need of such training, to obtain productive employment. In accordance with Section 105.(a)(1) of the Job Training Partnership Act we are transmitting a summary of the Penobscot Consortium Service Delivery Area Job Training Plan for program year 1988 for your information. In reviewing this summary, if you or other individuals have questions or concerns about the proposed activities, please let us know so that we may address issues that may arise. Thank you for your cooperation with this matter.

Was read and with accompanying paper ordered placed on file.

The following Communication:

DEPARTMENT OF ENVIRONMENTAL PROTECTION
March 3, 1988

Honorable John L. Martin
Speaker of the House
113th Maine Legislature
State House
Augusta, ME 04333

Dear Mr. Speaker:

I am pleased to provide you with a copy of the final management study of the DEP prepared by Peat Marwick Main & Co. Copies will be distributed to members of the Energy and Natural Resources Committee and the Appropriations Committee. At your convenience I would be happy to meet with you to

discuss the findings and recommendations of this report.

Sincerely,
s/Dean C. Marriott
Commissioner

Was read and with accompanying report ordered placed on file.

The following Communication:

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DATE: March 2, 1988

TO: John L. Martin, Speaker of the Maine House of Representatives

FROM: s/Dean C. Marriott, Commissioner
s/Paul B. Federic, Director, Land Use Regulation Commission,
Department of Conservation

SUBJ: Study of Indirect Discharges

Attached is a copy of the study that the Department of Environmental Protection, in cooperation with the Land Use Regulation Commission, was directed by 38 M.R.S.A., Section 464, 3, D, to conduct "of indirect discharges and the problems posed by those discharges to the waters of the State." As is noted in this study, these two agencies, along with other appropriate agencies, are continuing to work on developing the State's role in controlling nonpoint source pollution through the requirements of Section 319 of the Federal Clean Water Act. Please let us know if we can be of further assistance to you in this matter.

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:

Appropriations and Financial Affairs

Bill "An Act to Further Implement Programs and Activities of the Department of Economic and Community Development" (Emergency) (H.P. 1787) (L.D. 2448) (Presented by Representative CARTER of Winslow) (Cosponsors: Senators EMERSON of Penobscot, PEARSON of Penobscot and Representative HIGGINS of Scarborough)

Ordered Printed.

Sent up for Concurrence.

Education

Bill "An Act Relating to Absenteeism of Community School Directors" (Emergency) (H.P. 1783) (L.D. 2444) (Presented by Representative SMITH of Island Falls) (Cosponsor: Representative HANDY of Lewiston) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Ordered Printed.

Sent up for Concurrence.

Appropriations and Financial Affairs

Bill "An Act to Protect Lake Water from Phosphorous Pollution" (H.P. 1784) (L.D. 2445) (Presented by Representative SIMPSON of Casco) (Cosponsors: Representatives MICHAUD of East Millinocket, PARENT of Benton and Senator PEARSON of

Penobscot) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26) (The Committee on Reference of Bills had suggested reference to the Committee on Energy and Natural Resources.)

On motion of Representative Jacques of Waterville, was referred to the Committee on Appropriations and Financial Affairs, ordered printed, and sent up for concurrence.

Utilities

Bill "An Act to Revise Exemptions Under the Law Relating to the Commercial Transport of Water and to Create the Maine Water Supply Study Commission" (H.P. 1786) (L.D. 2447) (Presented by Representative FOSS of Yarmouth) (Cosponsors: Senator PEARSON of Penobscot, Representatives JACKSON of Harrison and McGOWAN of Canaan) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

(The Committee on Reference of Bills had suggested reference to the Committee on Energy and Natural Resources.)

On motion of Representative Jacques of Waterville, was referred to the Committee on Utilities, ordered printed, and sent up for concurrence.

Fisheries and Wildlife

RESOLVE, to Establish the Special Commission on Boating (H.P. 1785) (L.D. 2446) (Presented by Representative SIMPSON of Casco) (Cosponsors: Representatives STANLEY of Cumberland, CLARK of Millinocket and Senator BLACK of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Ordered Printed.

Sent up for Concurrence.

Judiciary

Bill "An Act to Establish a System of Corporate Governance to Protect Employees and the Public from Corporate Lawbreakers and to Improve Compliance with Existing Civil and Criminal Laws" (H.P. 1790) (L.D. 2451) (Presented by Representative CONLEY of Portland) (Cosponsors: Representative MAHANY of Easton, Senators GAUVREAU of Androscoggin and BRANNIGAN of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Abolish the Office of Complaint Justice and Replace it with the Office of Justice of the Peace" (Emergency) (H.P. 1791) (L.D. 2452) (Presented by Representative MacBRIDE of Presque Isle) (Cosponsors: Representatives BEGLEY of Waldoboro, COTE of Auburn and Senator GAUVREAU of Androscoggin) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Address Comprehensively Bail Relative to a Defendant in a Criminal Proceeding" (H.P. 1792) (L.D. 2456) (Presented by Representative DIAMOND of Bangor) (Cosponsors: Senator BRANNIGAN of Cumberland, Representatives PARADIS of Augusta and FOSTER of Ellsworth) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Ordered Printed.

Sent up for Concurrence.

Labor

Bill "An Act to Create the Technology Retraining Investment Fund" (H.P. 1789) (L.D. 2450) (Presented by Representative BOST of Orono) (Cosponsors: Senator DUTREMBLE of York, Representative MCHENRY of Madawaska, and Speaker MARTIN of Eagle Lake) (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 Make Supplemental Allocations from the Highway Fund for the Fiscal Years Ending June 30, 1988, and June 30, 1989" (Emergency) (H.P. 1788) (L.D. 2449) (Presented by Representative SALSBURY of Bar Harbor) (Cosponsors: Senators THERIAULT of Aroostook, CAHILL of Sagadahoc and Representative SOUCY of Kittery)

Ordered Printed.

Sent up for Concurrence.

Study Report - Committee on Business Legislation

Representative ALLEN from the Committee on Business Legislation to which was referred by the Legislative Council the Study Relative to Uniform Unclaimed Property Act have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Replace the Abandoned Property Law" (H.P. 1793) (L.D. 2457) be referred to this Committee for public hearing and printed pursuant to Joint Rule 19.

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

ORDERS

On motion of Speaker MARTIN of Eagle Lake, the following Joint Resolution: (H.P. 1782) (Cosponsors: President PRAY of Penobscot, Senator BERUBE of Androscoggin and Representative CARTER of Winslow)

JOINT RESOLUTION IN RECOGNITION OF MAINE AND NEW BRUNSWICK DAYS OF PEACE AND FRIENDSHIP

WHEREAS, the Congress of the United States and the Parliament of Canada have established July 2nd and 3rd as the United States-Canada Days of Peace and Friendship; and

WHEREAS, this first such international law in history encourages Canadians and Americans and their federal, state, provincial and municipal governments and their economic, educational and cultural leaders and organizations to expand on all manner of helpful United States-Canadian relationships and to initiate new ones; and

WHEREAS, the economics, politics and human relations of the Canadian Maritime and United States New England regions have always been of major importance in United States-Canadian history; and

WHEREAS, the Province of New Brunswick and the State of Maine stand at the heart of this Atlantic region; and

WHEREAS, we have shared 3 centuries of our countries' histories, ranging from wars, invasions and political and economic troubles to times of accomodation and occasional exemplary international friendship; and

WHEREAS, for 20 years the University of New Brunswick and the University of Maine System have fostered better international understanding; and

WHEREAS, they are now launching, together with members of the New Brunswick and Maine Bar

Associations, Rotary clubs and members of both governments, international forums to introduce Maine and New Brunswick high school and college students to the studies of law and government and their nations' constitutions and systems of democracy; and

WHEREAS, the Legislature of the State of Maine encourages these and other forward-looking international activities of all groups and organizations and calls upon our respective governments to join in observing July 2nd and 3rd, which fall between Canada Day and Independence Day, as annual days of peace and friendship between New Brunswick and the State of Maine; and now, therefore, be it

RESOLVED: That We, the Members of the 113th Legislature of the great and sovereign State of Maine, now assembled in the Second Regular Session, take this opportunity to recognize our close international relationship with the good people of Canada and urge our leaders and constituents to join forces on July 2nd and 3rd of this and each succeeding year for the purposes of year-round pursuit of improving international relationships; initiating new programs and exchanges among cities and towns, political leaders, economic, environmental and professional organizations, school systems and cultural groups of all kinds; helping to make our state-province region a focal point for friendship and cooperation throughout the Maritimes and New England; and contributing to the most promising international image, the United States-Canadian image, of cooperative democracy in the world; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted forthwith to the Premier of New Brunswick, Canada, and the Governor of the State of Maine.

Was read and adopted and sent up for concurrence.

ORDERS

REPORTS OF COMMITTEES

Representative MICHAUD from the Committee on Energy and Natural Resources on Bill "An Act to Amend the Solid Waste Provisions of the Site Location Law" (H.P. 1507) (L.D. 2057) reporting "Ought Not to Pass"

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 COLES from the Committee on Energy and Natural Resources on RESOLVE, Regarding the Study of Low-Level Radioactive Waste in the Town of Greenbush (H.P. 1551) (L.D. 2111) reporting "Ought to Pass" in New Draft (H.P. 1794) (L.D. 2458)

Report was read and accepted, the New Draft read once and assigned for second reading Monday, March 7, 1988.

CONSENT CALENDAR

First Day

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

(S.P. 822) (L.D. 2144) Bill "An Act to Provide for the Establishment of a Nonlapsing Fund for the Maine Student Incentive Scholarship Program" Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (S-321)

There being no objections, the above item was ordered to appear on the Consent Calendar of Monday, March 7, 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. 735) (L.D. 1994) Bill "An Act to Amend the Law Concerning the Blaine House Scholars Program"

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 ENGROSSED

Bill "An Act to Encourage Conservation Investments by Electric Utilities" (H.P. 1768) (L.D. 2421)

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

Emergency Measure

An Act to Make Additional Allocations from the Public Utilities Regulatory Fund for the Fiscal Years Ending June 30, 1988, and June 30, 1989 (H.P. 1479) (L.D. 2014)

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. 102 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

Emergency Measure

An Act to Fund and Implement Certain Collective Bargaining Agreements and to Fund and Implement Benefits for Certain Employees Excluded from Collective Bargaining (H.P. 1578) (L.D. 2153)

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. 103 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.

FINALLY PASSED

Emergency Measure

RESOLVE. for Laying of the County Taxes and Authorizing Expenditures of Hancock County for the Year 1988 (H.P. 1734) (L.D. 2379)

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. 102 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 Clarify the Status of Meetings and Records of the Public Utilities Commission Under the

Freedom of Access Law (H.P. 1456) (L.D. 1967) (C. "A" H-459)

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:

JOINT ORDER - Relative to Recalling L.D. 328 from the files to the Senate. (S.P. 923)

- In Senate, read and passed.

TABLED - March 3, 1988 by Representative DIAMOND of Bangor.

PENDING - Passage in concurrence.

The SPEAKER: The pending question before the House is passage in concurrence. This being recalled from the files to the Senate requires a vote of two-thirds of the members present and voting. 102 having voted in favor of same and 1 against, the Joint Order was passed in concurrence.

The Chair laid before the House the second tabled and today assigned matter:

Bill "An Act to Fund a Demonstration Teaching Nursing Home" (H.P. 1778) (L.D. 2431)

(Committee on Appropriations and Financial Affairs suggested)

TABLED - March 3, 1988 by Representative CARTER of Winslow.

PENDING - Reference.

Subsequently, was referred to the Committee on Appropriations and Financial Affairs, ordered printed, and sent up for concurrence.

The Chair laid before the House the third tabled and today assigned matter:

Bill "An Act to Allow Greater Flexibility in Education, Financial Assistance, Training and Wages Relating to Health Care Facilities Experiencing Labor Shortages" (H.P. 1780) (L.D. 2433)

(Committee on Appropriations and Financial Affairs suggested)

TABLED - March 3, 1988 by Representative CARTER of Winslow.

PENDING - Reference.

Subsequently, was referred to the Committee on Appropriations and Financial Affairs, ordered printed, and sent up for concurrence.

The Chair laid before the House the fourth tabled and today assigned matter:

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

TABLED - March 3, 1988 by Representative PRIEST of Brunswick.

PENDING - Passage to be Enacted.

On motion of Representative Priest of Brunswick, retabled pending passage to be enacted and specially assigned for Monday, March 7, 1988.

(Off Record Remarks)

On motion of Representative Hickey of Augusta, Adjourned until Monday, March 7, 1988, at four o'clock in the afternoon.