

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

(In Senate, June 18, 1987, INDEFINITELY POSTPONED.)

(RECALLED from the Legislative Files, pursuant to Joint Order S.P. 923.)

Which was RECOMMITTED to the Committee on LEGAL AFFAIRS in NON-CONCURRENCE.

Sent down for concurrence.

Out of order and under suspension of the Rules, the Senate considered the following:

COMMITTEE REPORTS

Senate

Divided Report

The Majority of the Committee on AGING, RETIREMENT AND VETERANS on Bill "An Act Concerning Investment of State Funds in Corporations Doing Business in Northern Ireland"

S.P. 757 L.D. 2008

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-323).

Signed:

Senators:

- CLARK of Cumberland
- RANDALL of Washington

Representatives:

- DUTREMBLE of Biddeford
- HICKEY of Augusta
- MCSWEENEY of Old Orchard Beach
- RICHARD of Madison
- JALBERT of Lisbon
- PERRY of Mexico
- MATTHEWS of Caribou

The Minority of the same Committee on the same subject reported that the same Ought Not to Pass.

Signed:

Senator:

- BERUBE of Androscoggin

Representatives:

- DELLERT of Gardiner
- HARPER of Lincoln

Which Reports were READ.

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending ACCEPTANCE OF EITHER REPORT.

Off Record Remarks

On motion by Senator WHITMORE of Androscoggin, ADJOURNED until Tuesday, March 8, 1988, at 9:00 in the morning.

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE
SECOND REGULAR SESSION
39th Legislative Day
Tuesday, March 8, 1988

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

Prayer by Reverend Archie McRee, First Congregational Church, Camden.

The Journal of Monday, March 7, 1988, was read and approved.

Quorum call was held.

SENATE PAPERS

Bill "An Act to Promote Greater Workplace Safety" (S.P. 936) (L.D. 2469)

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

Was referred to the Committee on Labor in concurrence.

Bill "An Act Relating to the State Health Insurance Program and the Bureau of State Employee Health" (S.P. 937) (L.D. 2470)

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.

Non-Concurrent Matter

Bill "An Act to Establish a Presidential Primary in Maine" (S.P. 123) (L.D. 328)

- In Senate, Bill and Accompanying Papers Indefinitely Postponed on June 18, 1987.

In House, House Receded and Concurred on June 18, 1987.

- Recalled from the Legislative Files pursuant to Joint Order (S.P. 923)

Came from the Senate with the Bill and accompanying papers Recommitted to the Committee on Legal Affairs in non-concurrence.

The House voted to recede and concur.

COMMUNICATIONS

The following Communication:

113th Maine Legislature

March 1, 1988

Edwin H. Pert

Clerk of the House

State House Station #2

Augusta, ME 04333

Dear Clerk Pert:

Pursuant to our authority under Chapter 56 of the Resolves of Maine, 1987, we have appointed Sally Clay to the Maine Commission to Review Overcrowding at the Augusta Mental Health Institute and the Bangor Mental Health Institute. She will replace Marion McCue, who resigned.

Please let me know if you have any questions about this appointment.

Sincerely,

s/Charles P. Pray

s/John L. Martin

President of the Senate

Speaker of the House

Was read and 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:

Business Legislation

Bill "An Act to Clarify the Obligations of Distributors, Dealers and Redemption Centers" (H.P. 1806) (L.D. 2472) (Presented by Representative SHERBURNE of Dexter) (Cosponsors: Senator BALDACCI of Penobscot, Representatives LEBOWITZ of Bangor and TELOW of Lewiston)

Ordered Printed.

Sent up for Concurrence.

Energy and Natural Resources

Bill "An Act to Regulate Development Along the Shoreland Zone and to Protect Lake Water Quality" (H.P. 1808) (L.D. 2474) (Presented by Representative SIMPSON of Casco) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Ordered Printed.

Sent up for Concurrence.

Fisheries and Wildlife

Bill "An Act Pertaining to Free Hunting Licenses For Residents Over 70 Years of Age Who Have Had Military Service" (H.P. 1805) (L.D. 2471) (Presented by Representative SMITH of Island Falls) (Cosponsors: Representatives WALKER of Norway, DUFFY of Bangor and JACKSON of Harrison) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Ordered Printed.

Sent up for Concurrence.

Human Resources

Bill "An Act to Require Employers to Develop and Implement Day Care Plans" (H.P. 1807) (L.D. 2473) (Presented by Representative SIMPSON of Casco) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Ordered Printed.

Sent up for Concurrence.

Reported Pursuant to Public Laws

Representative CARTER for the Committee to Study the Retirement System, pursuant to Public Law 1987, chapter 68, section 9 ask leave to submit its findings and report that the accompanying Bill "An Act to Establish Disability Retirement Benefits for Members of the Maine State Retirement System" (Emergency) (H.P. 1810) (L.D. 2478) be referred to the Joint Standing Committee on Aging, Retirement and Veterans for Public Hearing and printed pursuant to Joint Rule 18.

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

ORDERS

REPORTS OF COMMITTEES

Ought to Pass in New Draft/New Title

Representative HANDY from the Committee on Education on Bill "An Act to Repeal the Commissioner of Educational and Cultural Services' Access to Employee Records for Certification of Educational Personnel" (H.P. 1455) (L.D. 1966) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Clarify the Access of the Commissioner of Educational and Cultural Services to Employee Records for

Certification of Educational Personnel" (H.P. 1809) (L.D. 2475)

Report was read and accepted, the New Draft read once and assigned for second reading Wednesday, March 9, 1988.

CONSENT CALENDAR

First Day

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

(H.P.1517) (L.D. 2070) Bill "An Act to Require Dealers in All-Terrain Vehicles to Provide Written Warranties" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-466)

There being no objections, the above item was ordered to appear on the Consent Calendar of Wednesday, March 9, 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:

(H.P. 1526) (L.D. 2080) Bill "An Act to Provide Increased Funding for the Civil Air Patrol" (C. "A" H-464)

(S.P. 824) (L.D. 2146) Bill "An Act to Amend the Charter of the Jackman Sewer District to Make the Provisions for Collection of Unpaid Rates Conform to the General Provisions for Collection of Unpaid Rates by Sanitary Districts" (Emergency)

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

(S.P. 717) (L.D. 1946) Bill "An Act to Remove Discriminating Language from a Section of the Maine Retirement Laws" (Emergency) (C. "A" S-322)

(H.P. 1601) (L.D. 2192) Bill "An Act Relative to the Union of the Trustees of the Maine Annual Conference of the United Methodist Church and the Trustees of the New Hampshire Annual Conference of the United Methodist Church" (C. "A" H-465)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were Passed to be Engrossed or Passed to be Engrossed as Amended 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 Clarify the Unemployment Compensation Appeals Process" (H.P. 1795) (L.D. 2459)

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

FINALLY PASSED

Emergency Measure

RESOLVE, Authorizing a Working Capital Advance for the Seed Potato Board (H.P. 1705) (L.D. 2342)

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. 115 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.

Adjourned until Wednesday, March 9, 1988, at nine o'clock in the morning.

FINALLY PASSED
Emergency Measure

RESOLVE. for Laying of the County Taxes and Authorizing Expenditures of Somerset County for the Year 1988 (H.P. 1765) (L.D. 2418)

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. 119 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 Amend the Law Concerning the Blaine House Scholars Program (S.P. 735) (L.D. 1994)

An Act to Provide for a Record of the Facility Designated for Confinement in Criminal Cases (H.P. 1457) (L.D. 1968)

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.

ENACTOR
TABLED AND ASSIGNED

An Act to Permit Sharing of Confidential Information between Criminal Justice Agencies at all Governmental Levels (H.P. 1467) (L.D. 1978)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

On motion of Representative Diamond of Bangor, tabled pending passage to be enacted and specially assigned for Wednesday, March 9, 1988.

ORDERS OF THE DAY
TABLED AND TODAY ASSIGNED

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

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

TABLED - March 7, 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 Wednesday, March 9, 1988.

The Chair laid before the House the second 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)

(Reference to the Committee on Appropriations and Financial Affairs suggested.)

TABLED - March 7, 1988 by Representative GWADOSKY of Fairfield.

PENDING - Reference.

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

(Off Record Remarks)

On motion of Representative Hussey of Milo,