

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

Commission. It will be this Body. It will be this Body who is going to make a decision whether it is right or wrong to do that. It is also this Body's decision to make sure whether it makes sense or not some of the investments of that particular fund and whether they are furthering the cause of discrimination against Catholics whatever it is. If we can stand up and support the blacks in South Africa and what is going on with apartheid, we should be able to at least stand up for discrimination for Catholics in Ireland. Thank you Mr. President.

On motion by Senator KERRY of York, supported by a Division of at least one-fifth of the Members present and voting, a roll call was ordered.

THE PRESIDENT: The pending question before the Senate is the motion of Senator BERUBE of Androscoggin to ACCEPT the Minority OUGHT NOT TO PASS Report.

A vote of Yes will be in favor of the motion of Senator BERUBE of Androscoggin to ACCEPT the Minority OUGHT NOT TO PASS Report.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

Senator SEWALL of Lincoln who would have voted YEA requested and received Leave of the Senate to pair her vote with Senator BRANNIGAN of Cumberland who would have voted NAY.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators BERUBE, BRAWN, COLLINS, DILLENBACK, EMERSON, GOULD, LUDWIG, MAYBURY, PERKINS, WEBSTER

NAYS: Senators ANDREWS, BALDACCI, BLACK, BUSTIN, CLARK, DOW, DUTREMBLE, ERWIN, ESTES, GAUVREAU, GILL, KANY, KERRY, MATTHEWS, PEARSON, RANDALL, THERIAULT, TUTTLE, TWITCHELL, USHER, WHITMORE, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senator CAHILL

PAIRED: Senators BRANNIGAN, SEWALL

10 Senators having voted in the affirmative and 22 Senators having voted in the negative, with 2 Senators having paired their votes and 1 Senator being absent, the motion of Senator BERUBE of Androscoggin, to ACCEPT the Minority OUGHT NOT TO PASS Report, FAILED.

The Majority OUGHT TO PASS AS AMENDED Report was ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-323) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Off Record Remarks

On motion by Senator KERRY of York, ADJOURNED until Wednesday, March 9, 1988, at 9:00 in the morning.

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE
SECOND REGULAR SESSION
40th Legislative Day
Wednesday, March 9, 1988

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

Prayer by Reverend Priscilla Traunstein, First Universalist Church, Pittsfield.

The Journal of Tuesday, March 8, 1988, was read and approved.

Quorum call was held.

SENATE PAPERS

Bill "An Act Concerning the Issuance of Subdivision Permits" (S.P. 938) (L.D. 2476)

Bill "An Act Concerning the Storage, Use and Transportation of Hazardous Chemicals" (Emergency) (S.P. 939) (L.D. 2477)

Came from the Senate, referred to the Committee on Energy and Natural Resources and Ordered Printed.

Were referred to the Committee on Energy and Natural Resources in concurrence.

Non-Concurrent Matter

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) which was referred to the Committee on Judiciary in the House on March 4, 1988.

Came from the Senate referred to the Committee on State and Local Government in non-concurrence.

The House voted to recede and concur.

COMMUNICATIONS

The following Communication:

MAINE STATE RETIREMENT SYSTEM

State House Station 46

Augusta, Maine 04333

March 7, 1988

Charles P. Pray, President

Maine State Senate

John L. Martin, Speaker

House of Representatives

Dear President Pray and Speaker Martin:

In accordance with the provisions of 5 MRSA, §17806, the Board of Trustees of the Maine State Retirement System hereby notifies you that a 3.7 percent increase in retirement benefits paid to state employees, teachers and retirees of certain participating local districts was authorized effective September 1, 1987. This was a cost-of-living increase based upon the increase in the Consumer Price Index. The Consumer Price Index (CPI-U) published by the United States Department of Labor, Bureau of Labor Statistics, increased 3.7 percent in the twelve month period ending June 1987.

The 3.7 percent cost-of-living increase paid to state employees and teachers will cost approximately \$3.2 million in the current year. The total increase in the System's reserve requirements generated by this cost-of-living increase is \$35.2 million.

Sincerely,
s/Claude R. Perrier
Executive Director

Was read and ordered placed on file.

The following Communication:

COMMITTEE TO STUDY THE RETIREMENT SYSTEM

AUGUSTA, MAINE 04333

March 7, 1988

Sent up for Concurrence.

Honorable John L. Martin
 Speaker, House of Representatives
 113th Legislature, State House
 Augusta, Maine 04333
 Dear Speaker Martin:

Pursuant to the requirements of Chapter 68, section 9 of the Public Laws of 1987, I am pleased to submit the final report of the Committee to Study the Retirement System.

This report concludes an extensive study of the financial health of the Maine State Retirement System. We hope that it will prove to be a useful reference for current and future policy-makers.

Respectfully submitted,
 S/Robert A.G. Monks, Esq.
 Chair, Committee to Study
 the Retirement System

Was read and with accompanying report ordered placed on file.

PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE

The following Bills and Resolves 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:

Agriculture

Bill "An Act to Outlaw Pit Bull Dogs in the State" (H.P. 1813) (L.D. 2481) (Presented by Representative LOOK of Jonesboro) (Cosponsor: Senator BERUBE of Androscoggin) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Ordered Printed.
 Sent up for Concurrence.

Appropriations and Financial Affairs

RESOLVE, to Ensure Payment of Attorney Fees Incurred by Maine State Police Trooper Michael T. Edes (Emergency) (H.P. 1816) (L.D. 2486) (Presented by Representative HIGGINS of Scarborough) (Cosponsors: Representatives MCGOWAN of Canaan, WEYMOUTH of West Gardiner and Senator WEBSTER of Franklin) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Ordered Printed.
 Sent up for Concurrence.

Audit and Program Review

Bill "An Act to Require Audit Review of the Bureau of Capitol Security in 1989" (H.P. 1811) (L.D. 2479) (Presented by Representative PARADIS of Augusta) (Cosponsors: Senators BUSTIN of Kennebec, WEBSTER of Franklin and Representative HICKEY of Augusta) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Ordered Printed.
 Sent up for Concurrence.

Human Resources

Bill "An Act to Establish Procedures for the Testing and Control of AIDS" (H.P. 1815) (L.D. 2483) (Presented by Representative SEAVEY of Kennebunkport) (Cosponsors: Representative DELLERT of Gardiner and Senator DUTREMBLE of York) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Ordered Printed.

Legal Affairs

Bill "An Act to Regulate the Hiring of School Bus Drivers" (H.P. 1812) (L.D. 2480) (Presented by Representative STEVENS of Bangor) (Cosponsors: Representatives BOST of Orono, NORTON of Winthrop and Senator ESTES of York) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Ordered Printed.
 Sent up for Concurrence.

Taxation

RESOLVE, Reimbursing Certain Municipalities on Account of Taxes Lost Due to Lands being Classified under the Maine Tree Growth Tax Law (Emergency) (H.P. 1814) (L.D. 2482) (Presented by Representative WHITCOMB of Waldo) (Cosponsors: Representative SEAVEY of Kennebunkport, Senators TWITCHELL of Oxford and LUDWIG of Arostook)

Ordered Printed.
 Sent up for Concurrence.

ORDERS
REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative RYDELL from the Committee on Banking and Insurance on Bill "An Act to Assure Savings to the Public From the Maine Health Care Finance Commission" (H.P. 1617) (L.D. 2210) reporting "Ought Not to Pass"

Representative MILLS from the Committee on Transportation on Bill "An Act to Abolish the Maine Turnpike Authority" (H.P. 1528) (L.D. 2082) reporting "Ought Not to Pass"

Were placed in the Legislative Files without further action pursuant to Joint Rule 15 and sent up for concurrence.

Unanimous Leave to Withdraw

Representative ALLEN from the Committee on Business Legislation on Bill "An Act Relating to the Uniform Unclaimed Property Act" (H.P. 969) (L.D. 1298) reporting "Leave to Withdraw"

Representative CASHMAN from the Committee on Taxation on Bill "An Act to Abolish Sales Tax on Labor Involved in Telecommunications" (H.P. 1546) (L.D. 2106) reporting "Leave to Withdraw"

Representative O'GARA from the Committee on Education on Bill "An Act to Increase State Aid for Education in Unrestricted Growth Municipalities" (H.P. 1532) (L.D. 2086) reporting "Leave to Withdraw"

Were 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 PRIEST from the Committee on Legal Affairs on Bill "An Act to Prohibit Publication of Names of Concealed Weapon Permit Holders" (H.P. 1516) (L.D. 2069) reporting "Ought to Pass" in New Draft (H.P. 1817) (L.D. 2487)

Report was read and accepted, the New Draft read once and assigned for second reading Thursday, March 10, 1988.

Ought to Pass in New Draft

Representative TARDY from the Committee on Agriculture on Bill "An Act to Amend the Animal Control Laws" (H.P. 1505) (L.D. 2055) reporting "Ought to Pass" in New Draft (Emergency) (H.P. 1819) (L.D. 2493)

Report was read and accepted, the New Draft read once and assigned for second reading Thursday, March 10, 1988.

Ought to Pass Pursuant to Joint Order (H.P. 1489)

Representative HUSSEY from the Committee on State and Local Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Piscataquis County for the Year 1988 (Emergency) (H.P. 1818) (L.D. 2488) reporting "Ought to Pass" - Pursuant to Joint Order (H.P. 1489)

Report was read and accepted, the Resolve read once.

Under suspension of the rules, the Resolve was read a second time, passed to be engrossed and sent up for concurrence.

CONSENT CALENDAR

First Day

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

(H.P. 1598) (L.D. 2184) Bill "An Act to Make Corrections in the Recodification of the Liquor Laws" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-467)

(H.P. 1600) (L.D. 2189) Bill "An Act to Amend the Laws Governing Absentee Balloting" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-468)

(H.P. 1663) (L.D. 2275) RESOLVE, to Change the Reporting Date of the Commission on Sport Fisheries (Emergency) Committee on Fisheries and Wildlife reporting "Ought to Pass"

There being no objections, the above items were ordered to appear on the Consent Calendar of Thursday, March 10, 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. 1517) (L.D. 2070) Bill "An Act to Require Dealers in All-Terrain Vehicles to Provide Written Warranties" (C. "A" H-466)

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 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)

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

(At Ease to Gong)

The House was called to order by the Speaker.

ORDERS OF THE DAY
TABLED AND TODAY ASSIGNED

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

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

TABLED - March 8, 1988 by Representative DIAMOND of Bangor.

PENDING - Passage to be Enacted.

On motion of Representative Diamond of Bangor, retabled pending passage to be enacted and specially assigned for Thursday, March 10, 1988.

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

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

TABLED - March 8, 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 Thursday, March 10, 1988.

(Off Record Remarks)

On motion of Representative Macomber of South Portland,

Adjourned until Thursday, March 10, 1988, at nine o'clock in the morning.