

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Thirteenth Legislature

OF THE

State Of Maine

VOLUME IV

SECOND REGULAR SESSION

March 25, 1988 to May 5, 1988

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HOUSE & SENATE LEGISLATIVE SENTIMENTS

December 3, 1986 to December 6, 1988

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE
SECOND REGULAR SESSION
52nd Legislative Day
Friday, March 25, 1988

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

Prayer by Reverend James Blanchette, Capehart Community Church, Bangor.

The Journal of Thursday, March 24, 1988, was read and approved.

Quorum call was held.

SENATE PAPERS

The following Joint Order: (S.P. 973)

ORDERED, the House concurring, that the Joint Standing Committee on Energy and Natural Resources report out a bill to the Senate entitled "AN ACT Concerning Storage of Radioactive Material in Public Buildings."

Came from the Senate, read and passed.

Was read and passed in concurrence.

Non-Concurrent Matter

An Act to Clarify the Status of Police Officers Assigned to the Bureau of Intergovernmental Drug Enforcement and to Add a District Attorney to the Bureau's Policy Board (Emergency) (S.P. 832) (L.D. 2166) (S. "A" S-343; C. "A" S-340) which was passed to be enacted in the House on March 24, 1988.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-340) and Senate Amendments "A" (S-343) and "B" (S-357) in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Improve the Regulation of Pesticides" (H.P. 1557) (L.D. 2121) which was passed to be engrossed as amended by Committee Amendment "A" (H-516) in the House on March 24, 1988.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-516) as amended by Senate Amendment "A" (S-356) thereto in non-concurrence.

The House voted to recede and concur.

The following item appearing on Supplement No. 1 was taken up out of order by unanimous consent:

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the Boy Scouts of America, for fostering the qualities of good citizenship and a concern and love for the outdoor environment in our nation's youth; and especially the Eagle Scouts whose contributions to home, church, school and community exemplify the highest ideals and traditions of scouting leadership; (HLS 1087) by Speaker MARTIN of Eagle Lake. (Cosponsors: President PRAY of Penobscot, Senator PERKINS of Hancock, Representative PARADIS of Old Town)

There being no objection, was read, passed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

COMMUNICATIONS

The following Communication:

MAINE INDIAN TRIBAL-STATE COMMISSION
March 16, 1988

The Honorable John L. Martin
 Speaker of the House
 Maine House of Representatives
 The Honorable Charles P. Pray
 President of the Senate
 Maine Senate

Dear Mr. Speaker and Mr. President:

In accordance with Title 30 MRSA 6205 (5) and Joint Rule 36-A of the Maine Legislature, the Maine Indian Tribal-State Commission met on March 16, 1988 for the purpose of making a recommendation on the request of the Penobscot Nation to amend 30 M.R.S.A. section 6203, subsection 8 by adding to those areas presently designated as Penobscot Indian Reservation parcels of land which have been or may be acquired by the Penobscot Nation from Bangor Pacific Hydro Associates as compensation for flowage of reservation lands by the West Enfield dam: A parcel located on the Mattagamon Gate Road and on the East Branch of the Penobscot River in T.6 R.8 WELS, which is a portion of the "Mattagamon Lake Dam Lot" and has an area of approximately 24.3 acres, and Smith Island in the Penobscot River, which has an area of approximately one acre.

With a quorum present the Commission voted to recommend to the Maine Legislature passage of this proposed amendment which is presented in LD 2248, An Act Relating to the Penobscot Indian Reservation.

Sincerely,
 s/Alton E. Cianchette
 Chairman

Was read.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Ellsworth, Representative Foster.

Representative FOSTER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question to the House. Is this an amendment to the Indian Land Claims Act?

The SPEAKER PRO TEM: Representative Foster of Ellsworth has posed a question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from the Penobscot Nation, Representative Attean.

Representative ATTEAN: Mr. Speaker, Men and Women of the House: To answer the Representative from Ellsworth's question, yes, this is an amendment to the Maine Indian Land Claims Act.

Subsequently, was placed on file.

The following Communication:
 MAINE DEPARTMENT OF AGRICULTURE,
 FOOD AND RURAL RESOURCES
 STATE HOUSE STATION 28
 AUGUSTA, MAINE 04333
 March 24, 1988

Honorable John L. Martin
 Speaker of the House
 House of Representatives
 State House Station 2
 Augusta, Maine 04333

Dear Speaker Martin and Members of the House:

This 1987 report to the Maine State Legislature is submitted in response to legislation enacted in 1975 (P.L. c. 584; 7 MRSA §2, sub-§5). That law requires the Commissioner of Agriculture, Food and Rural Resources to annually recommend "methods of stimulating and encouraging the growth and modernization of agricultural enterprises in this State." Given the rapid changes facing agriculture nationally, this charge to maintain and expand agriculture in Maine requires long-range planning.

During the past year, the Department has completed a planning process to address the present and future needs and problems confronting Maine agriculture. We have also encouraged the commodity groups to plan ahead for the future. In this report, we review recent accomplishments and describe the new initiatives we believe are necessary for a future that will allow us to best serve the agricultural community and the general public.

Farmers, agricultural leaders, the Department and members of the Maine State Legislature can work together to develop a plan for the future of a strong agriculture in Maine.

Sincerely,
S/Bernard W. Shaw
Commissioner

Was read and with accompanying report ordered placed on file.

REPORTS OF COMMITTEES
Ought to Pass in New Draft

Representative TARDY from the Committee on Agriculture on Bill "An Act to Encourage and Monitor the Use of New Potato Varieties" (H.P. 1595) (L.D. 2181) reporting "Ought to Pass" in New Draft (H.P. 1893) (L.D. 2586)

Report was read and accepted, the New Draft read once and assigned for second reading Monday, March 28, 1988.

CONSENT CALENDAR
Second Day

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

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

(S.P. 728) (L.D. 1987) Bill "An Act Relating to Sentences with Intensive Supervision" (C. "A" S-353)

(S.P. 910) (L.D. 2376) Bill "An Act to Provide for Allocations of the State Ceiling on Private Activity Bonds" (Emergency)

(H.P. 1777) (L.D. 2430) Bill "An Act to Fund and Implement a Collective Bargaining Agreement with Certain Vocational-Technical Institute System Employees Represented by the Maine Teachers Association" (Emergency) (C. "A" H-525)

(H.P. 1707) (L.D. 2344) Bill "An Act to Continue Professional Forestry Supervision of Biomass Fuel Wood Harvesting Operations" (C. "A" H-526)

(H.P. 1772) (L.D. 2425) Bill "An Act Concerning Safety Hazards on Maine Lakes" (C. "A" H-527)

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 as Amended and sent up for concurrence.

PASSED TO BE ENGROSSED

Bill "An Act to Make Certain Personnel Records Maintained by the Bureau of Human Resources Available to the Bureau of Employee Relations" (S.P. 972) (L.D. 2581)

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

PASSED TO BE ENGROSSED
As Amended

Bill "An Act to Expand the Membership and Clarify the Role of the Commission on Intergovernmental Relations" (Emergency) (S.P. 790) (L.D. 2078) (C. "A" S-354)

Was reported by the Committee on Bills in the Second Reading and read a second time.

On motion of Representative Carroll of Gray, the House reconsidered its action whereby Committee Amendment "A" (S-354) was adopted.

The same Representative offered House Amendment "A" (H-529) to Committee Amendment "A" (S-354) and moved its adoption.

House Amendment "A" (H-529) to Committee Amendment "A" (S-354) was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

The Bill Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto in non-concurrence and sent up for concurrence.

PASSED TO BE ENACTED
Emergency Measure

An Act to Clarify the Experience Requirement for Licensed Dietitians (S.P. 809) (L.D. 2118) (C. "A" S-346)

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. 112 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

PASSED TO BE ENACTED
Emergency Measure

An Act to Change the Definition of Wine Coolers (S.P. 959) (L.D. 2544) (H. "A" H-513)

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. 113 voted in favor of the same and 1 against and accordingly the Bill was passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

ENACTOR
Emergency Measure
Tabled and Assigned

An Act to Reform the Pharmacy Laws (S.P. 963) (L.D. 2555) (S. "A" S-349)

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

On motion of Representative Allen of Washington, tabled pending passage to be enacted and specially assigned for Monday, March 28, 1988.

PASSED TO BE ENACTED
Emergency Measure

An Act to Provide a Sales Tax Exemption to Nonprofit Organizations which Fulfill the Last Wishes of Terminally Ill Children (H.P. 1742) (L.D. 2388) (C. "A" H-500)

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. 110 voted in favor of the same and 1 against and accordingly the Bill was passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

PASSED TO BE ENACTED
Emergency Measure

An Act to Waive Filing Fees for the State in Asset Forfeiture Proceedings (H.P. 1760) (L.D. 2409)

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. 110 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

PASSED TO BE ENACTED
Emergency Measure

An Act to Increase the Debt Limit for the South Berwick Sewer District (H.P. 1774) (L.D. 2427) (C. "A" H-501)

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 1 against and accordingly the Bill was passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

PASSED TO BE ENACTED
Emergency Measure

An Act to Develop a Plan to Minimize and Dispose of Household Hazardous Waste (H.P. 1850) (L.D. 2532) (H. "A" H-508)

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. 116 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

ENACTOR
Tabled and Assigned

An Act to Require Testing for Dioxin and Toxic Metals at Energy Recovery Facilities (S.P. 907) (L.D. 2362)

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 Monday, March 28, 1988.

PASSED TO BE ENACTED

An Act to Provide Funds for the Seed Potato Breeding Program (H.P. 1605) (L.D. 2196)

An Act to Clarify the Reporting Mechanism of the Student Assessment Program (H.P. 1692) (L.D. 2321)

An Act to Amend the Maine Business Corporation Act to Define the Liability of Directors and to Modernize Indemnification Provisions (H.P. 1863) (L.D. 2549) (S. "A" S-348)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be

enacted, signed by the Speaker pro tem and sent to the Senate.

ENACTOR
Tabled and Assigned

An Act Concerning High Speed Chases (H.P. 1864) (L.D. 2552)

Were 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 Monday, March 28, 1988.

ORDERS OF THE DAY
TABLED AND TODAY ASSIGNED

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

An Act to Promote Solid Waste Research (Emergency) (H.P. 1652) (L.D. 2260) (C. "A" H-492)
TABLED - March 24, 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 Monday, March 28, 1988.

The Chair laid before the House the second Tabled and Today assigned matter:

Bill "An Act to Freeze Further Increases in the Minimum Lobster Size" (H.P. 1881) (L.D. 2573)
(Committee on Marine Resources suggested.)

TABLED - March 24, 1988 by Representative DIAMOND of Bangor.

PENDING - Reference.

On motion of Representative Mitchell of Freeport, was referred to the Committee on Marine Resources, ordered printed and sent up for concurrence.

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

An Act to Appropriate Funds for Replacement of Real Estate Tax Validation Machines in County Registries of Deeds (H.P. 1638) (L.D. 2237) (C. "A" H-476)

TABLED - March 24, 1988 by Representative CARTER of Winslow.

PENDING - Passage to be Enacted.

On motion of Representative Diamond of Bangor, retabled pending passage to be enacted and specially assigned for Monday, March 28, 1988.

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

Bill "An Act to Revise the Energy Building Standards Act" (S.P. 93) (L.D. 247)

- In House, Bill and accompanying papers indefinitely postponed on March 21, 1988.

- In Senate, Majority "Ought to Pass" in New Draft Report of the Committee on Energy and Natural Resources read and accepted and the New Draft (S.P. 958) (L.D. 2539) passed to be engrossed as amended by Senate Amendment "B" (S-352) in non-concurrence.

TABLED - March 24, 1988 by Representative DIAMOND of Bangor.

PENDING - Further Consideration.

Representative Høglund of Portland moved that the House recede and concur.

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On motion of the same Representative, tabled pending her motion and specially assigned for Monday, March 28, 1988.

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

An Act to Recodify the Laws on Municipalities and Counties (H.P. 1855) (L.D. 2538)

TABLED - March 24, 1988 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

On motion of Representative Diamond of Bangor, retabled pending passage to be enacted and specially assigned for Monday, March 28, 1988.

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

Bill "An Act to Amend the Endangered Species Act" (H.P. 1875) (L.D. 2567)

TABLED - March 24, 1988 by Representative JACQUES of Waterville.

PENDING - Passage to be Engrossed.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Jacques.

Representative JACQUES: Mr. Speaker, Men and Women of the House: The amendment is ready and has been agreed upon by all sides but the prime sponsor of this L.D. is not here today so I would respectfully request somebody table this for one day.

On motion of Representative Murphy of Kennebunk, tabled pending passage to be engrossed and specially assigned for Monday, March 28, 1988.

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

An Act to Continue State Benefits to Retired Teachers who have Joined a New Insurance Plan upon Retirement (H.P. 1862) (L.D. 2547)

TABLED - March 24, 1988 by Representative DIAMOND of Bangor.

PENDING - Passage to be Enacted.

Subsequently, was passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

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

RESOLVE, Concerning a Proposed Supreme Judicial Court Facility (Emergency) (H.P. 130) (L.D. 159)

TABLED - March 24, 1988 by Representative CARTER of Winslow.

PENDING - Adoption of House Amendment "A" (H-485) to Committee Amendment "A" (H-481)

On motion of Representative Carter of Winslow, retabled pending adoption of House Amendment "A" (H-485) to Committee Amendment "A" (H-481) and specially assigned for Monday, March 28, 1988.

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

Bill "An Act Relating to Exceptions to Prevent Escapes and Other Offenses under the Interception of Wire and Oral Communications Law" (H.P. 1846) (L.D. 2528)

TABLED - March 24, 1988 by Representative PARADIS of Augusta.

PENDING - Passage to be Engrossed.

On motion of Representative Paradis of Augusta, retabled pending passage to be engrossed and specially assigned for Monday, March 28, 1988.

By unanimous consent, all matters having been acted upon requiring Senate concurrence were ordered sent forthwith to the Senate.

(Off Record Remarks)

On motion of Representative Lord of Waterboro, Adjourned until Monday, March 28, 1988, at nine o'clock in the morning.