

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Tenth  
Legislature***

OF THE

STATE OF MAINE

**Volume I**

**FIRST REGULAR SESSION**

**December 3, 1980 to May 1, 1981**

KJ PRINTING  
AUGUSTA, MAINE

STATE OF MAINE  
One Hundred and Tenth Legislature  
First Regular Session  
JOURNAL OF THE SENATE  
January 14, 1981  
Senate called to order by the President.

Prayer by the Reverend Russell M. Chase of the United Church of Monmouth.

REVEREND CHASE: Our Father and our God, we thank You for the privilege to be where we are this morning. We thank You for the many blessings You have bestowed upon us. We ask Your blessings upon this great State of Maine, upon all of its people. We ask Your blessings upon all members of this body. Be with and guide them in their decisions that they must make. We ask Your blessings especially upon the President of this body. We thank You, our Father, that we may come often before You seeking wisdom, and guidance, and strength, and love. So be with us, our Father, as we would know and feel that You are guiding us always. We thank You for being Your children, for we know that we are precious in Your sight. We pray all of these things in the name of Jesus Christ, Your Son. Amen.

Reading of the Journal of yesterday.

Out of Order and Under Suspension of the Rules:

On motion by Senator COLLINS of Knox, ORDERED, that a message be sent to the House of Representatives proposing a Convention of both branches in the Hall of the House at eleven o'clock for the purpose of extending to The Honorable Edmund S. Muskie, Secretary of State of these United States, an invitation to attend the Convention and make such communication as pleases him.

Which was Read and Passed.

The President appointed Senator Collins of Knox to deliver the message, the Senator then retired to the Hall of the House, and subsequently reported that he had performed the duties with which he was charged.

Papers from the House  
Joint Order

ORDERED, the Senate concurring, that the Legislative Finance Officer be authorized and directed to pay each member of the Legislature, prior to January 30, 1981, a \$200 allowance for constituent services as authorized in Title 3, section 2 of the Maine Revised Statutes. (H. P. 206)

Comes from the House, Read and Passed.  
Which was Read and Passed, in concurrence.

Joint Resolutions

Joint Resolutions in Memoriam:

WHEREAS, the Legislature has learned with deep regret of the death of Harry W. Rowe of Lewiston, Dean Emeritus of Bates College and a beloved and highly respected community servant. (H. P. 204)

WHEREAS, the Legislature has learned with deep regret of the death of Former Superior Court Judge Lewis I. Naiman of Augusta. (H. P. 205)

Come from the House, Read and Adopted.

Which were Read and Adopted, in concurrence.

At this point a message was received from the House of Representatives, through Representative Mitchell of Vassalboro, concurring in the proposition for a Joint Convention.

Communications  
Director of Legislative Research

January 13, 1981

The Honorable May M. Ross  
Secretary of the Senate  
110th Maine Legislature  
State House  
Augusta, Maine

Dear May:

Following is the report of the Director of Legislative Research pursuant to Title 3, section 164, subsection 10 of the Maine Revised Statutes Annotated.

On December 3, 1980, the Maine Legislature convened in the first regular session of the 110th Legislature. This session marked the first time in the State's history that the Legislature convened in regular session during the month of December. This unprecedented event led to an earlier organization of the Legislature and the enactment of one bill.

For citation purposes, the legislation passed during this session will be included in the laws of 1981. However, in the future, if laws are enacted at a December session, I recommend that the biennial system of citing laws be discarded in favor of a system that references the specific Legislature and year of enactment. For example, 110th L. P. L. 1980 c. 1. Such a system would pinpoint the Legislature and year of enactment instead of referencing the biennium of enactment as is the case currently. This may be helpful in understanding this change should it become necessary.

The Legislature as the law-making branch of State Government, has continued its republication program for statutes in order to keep the law as nearly complete and current for public use as possible in the least costly manner. Since 1973, 11 volumes of the Maine Revised Statutes Annotated which had become outdated with additions and deletions have been republished. The updating program should be continued and it is therefore recommended, within the limits of available funds, that at least 4 more outdated volumes of the statutes be republished over the coming biennium with an ultimate goal, upon completion of the republication of all volumes, of enacting the updated set into positive law.

The Maine Rules of Court have been deleted from Volume 8 of the Maine Revised Statutes Annotated to reduce the size of that volume and to prevent needlessly duplicating the annual desk copy of the rules which has gained widespread acceptance as a source for such information.

In order to fulfill the State's need to maintain a supply of statutes for sale and loan at the State Law Library, legislation will be introduced for a bulk purchase of additional volumes of the statutes to make up, in conjunction with republished volumes on hand, 50 complete sets of the Maine Revised Statutes Annotated. Passage of this legislation at a cost of \$10,237.50 is recommended as the least costly way of replenishing supplies to meet this need.

This office should continue its review of computer technology as applied to the legislative process in order to be ready to install an appropriate in-house system when conditions are most favorable. Unfortunately, all aspects of this technological development are not to the Legislature's advantage. Therefore, it is strongly recommended that we continue our current approach in developing a cost-effective, integrated system that is unrestricted, reliable and can be installed in steps at times that are least disruptive to the legislative process.

As of August, 1980, the State Manual for Legislative Drafting was completely revised and updated. This guide to drafting is not a best seller, but for those who are called upon to do legislative drafting, it can be a very important tool. However, due to the low demand and the high cost of the publication, a limited number of copies were produced, many of which have been placed on file in the State Law Library for reference purposes. Should demand exceed current supply now held for reference, additional printing may become necessary.

Unless objection is heard, cost savings will be attempted in 2 areas over the next biennium. Although the amount to be saved cannot be projected with any degree of accuracy at this point, an attempt will be made to lower the

publishing costs of both the pamphlet laws and the Laws of Maine. In the case of the pamphlet laws, it is recommended that the entire format be changed to a standard 6 x 9" publication which can be printed in its entirety locally. As to the Laws of Maine, the index is cumulative since 1964 and has become fairly extensive. It is, however, recommended that the index be printed as a soft-bound version, thus reducing the volume and cost of the bound portion of this publication. Both of these changes will not only result in some savings through the bid process, but hopefully, will also allow for more prompt delivery of the finished products. Two other areas of major concern to this office and the Legislature should be noted. First, in order to reduce the present ever-expanding number of errors and omissions, this office maintains a computerized title and section program which enables most conflicts in pending legislation to be caught before the conflict becomes enacted into law. The success of this program depends heavily upon each standing committee, as well as the Committee on Bills in the Second Reading in each House, requiring the clearance of all conflicts listed on the title and section program before legislation containing those conflicts receive further legislative action. Your full support will be greatly appreciated in this effort.

Second, all errors and omissions in the statutes discovered or brought to the attention of the Director since the previous Legislature will be submitted in bill form to the Judiciary Committee for clarification and correction during this session. The "Errors Bill" as it is generally known, is customarily sponsored by the committee chairman and contains no substantive matters when initially introduced. Once this bill is before Committee, a hearing will be scheduled at which time both substantive and non-substantive amendments will be considered. It should be remembered that this bill serves a dual purpose which contributes to its annual size and length. First, it is one of the only means of quality control the Legislature has in order to make needed corrections and clarifications of current and past errors. Also, of equal importance, the bill provides the only opportunity for needed revision work or the many housekeeping tasks to update the statutes that other states accomplish in a separate bill.

As a final note, in order to continue to promote uniformity of procedure, to avoid confusion and to permit an orderly transition from revision to revision, it is important that all bills be checked by the Office of the Director before presentation to the Legislature. Also, it would be helpful if all criticisms of the 1964 revision and of the current methods of updating statutes could be forwarded to the Director to aid in planning future republications or revisions.

Thank you for your kind attention and favorable consideration of this report.

Sincerely,  
S/ DAVID S. SILSBY  
Director, Legislative Research  
(S. P. 109)

Which was Read and Ordered Placed on File.  
Sent down for concurrence.

The Senate of Maine

January 14, 1981

To the Members of the Senate  
of the 110th Legislature

Pursuant to Senate Orders relative to appointment of subordinate officers of the Senate, this is to inform you that the President of the Senate has appointed Jane Perkins as Secretary to the President and Linda Howe as Official Reporter of the Senate. Linda Howe has appointed Peggy Newcombe as Assistant Reporter of the Senate.

The Secretary of the Senate has appointed Patricia Moreau, Alta Main, Donna Tracy and Madelyn McNamara as Office Secretaries; Pauline Gruber, June Palman, Helen Wing and

Vicky Lee Pelchat as Senate Stenographers and Emile J. Pelletier as Assistant Postmaster.

Sincerely,  
S/MAY M. ROSS  
Secretary of the Senate  
Which was Read and Ordered Placed on File.

#### Senate Papers

Senator McBREAIRTY of Aroostook presented, Bill, An Act to Amend the Statutory Limit on Phosphorus in Detergents. (S. P. 106)  
Which was referred to the Committee on Energy and Natural Resources and Ordered Printed.

Sent down for concurrence.

Senator HICHENS of York (Cosponsors: Representative CONNORS of Franklin, Representative STUDLEY of Berwick) presented, Bill, "An Act to Define Alewives for the Purpose of Managing or Leasing Alewife Fishing Rights." (S. P. 108)  
Fishing Rights." (S. P. 108)

Which was referred to the Committee on Marine Resources and Ordered Printed.

Sent down for concurrence.

Senator VIOLETTE of Aroostook (Cosponsors: Senator TEAGUE of Somerset, Representative TWITCHELL of Norway and Representative POST of Owls Head) presented, Bill, "An Act to Remove Certain Time Restrictions Exempting Tax on Sales, Storage or Use of Certain Food Products for Human Consumption." (S. P. 105)

Which was referred to the Committee on Taxation and Ordered Printed.

Sent down for concurrence.

Senator O'LEARY of Oxford presented, RESOLVE, to Designate Certain Parts of Routes 17 and 4 as Scenic Highway. (S. P. 107)

Which was referred to the Committee on Transportation and Ordered Printed.

Sent down for concurrence.

Out of Order and Under Suspension of the Rules, the Senate voted to consider the following:

#### Papers from the House

##### House Papers

Bill, "An Act Concerning Information Provided to Veterans by the Bureau of Vital Statistics." (H. P. 161) (L. D. 188)

Comes from the House, referred to the Committee on Aging, Retirement and Veterans and Ordered Printed.

Which was referred to the Committee on Aging, Retirement and Veterans and Ordered Printed, in concurrence.

Bill, "An Act to Set Standards for Reinsuring Powers of Domestic Assessment Mutual Companies." (H. P. 163) (L. D. 189)

Bill, "An Act to Increase Registration Fees under the Maine Consumer Credit Code." (H. P. 164) (L. D. 190)

Come from the House, referred to the Committee on Business Legislation and Ordered Printed.

Which were referred to the Committee on Business Legislation and Ordered Printed, in concurrence.

Bill, "An Act to Close the University of Maine on State Holidays." (H. P. 134) (L. D. 161)

Bill, "An Act Authorizing the Town of Lincolnville to Employ a Superintendent of Schools and Supervising Principal." (H. P. 167) (L. D. 191)

Come 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 Permit Appointment of De-

puties for the Purpose of Registering Voters Under the Election Laws." (H. P. 135) (L. D. 162)

Bill, "An Act to Permit Persons who Register Voters on Election Day to Vote by Absentee Ballot." (H. P. 170) (L. D. 192)

Come from the House, referred to the Committee on Election Laws and Ordered Printed.

Which were referred to the Committee on Election Laws and Ordered Printed, in concurrence.

Bill, "An Act to Provide Free Pheasant Hunting Stamps to Disabled Veterans." (H. P. 136) (L. D. 163)

Bill, An Act to Change the Raccoon Hunting Season in Maine. (H. P. 137) (L. D. 164)

Come from the House, referred to the Committee on Fisheries and Wildlife and Ordered Printed.

Which were referred to the Committee on Fisheries and Wildlife and Ordered Printed, in concurrence.

Bill, "An Act Concerning Legend Drugs." (H. P. 138) (L. D. 165)

Comes from the House, referred to the Committee on Health and Institutional Services and Ordered Printed.

Which was referred to the Committee on Health and Institutional Services and Ordered Printed, in concurrence.

Bill, "An Act Concerning the Fees Charged by Persons Involved in Probating Estates." (H. P. 141) (L. D. 167)

Bill, "An Act Reinstating Littering as a Criminal Offense." (H. P. 142) (L. D. 168)

Bill, "An Act Concerning the Use of Force to Protect Property." (H. P. 143) (L. D. 169)

Bill, "An Act Concerning the Taking of Wood Without Permission of the Owner." (H. P. 144) (L. D. 170)

Bill, "An Act to Amend the Disorderly Conduct Statutes to Include Instances of Affray." (H. P. 145) (L. D. 171)

Come from the House, referred to the Committee on Judiciary and Ordered Printed.

Which were referred to the Committee on Judiciary and Ordered Printed, in concurrence.

Bill, "An Act to Authorize Municipal Ordinances Preventing Drinking in Public." (H. P. 146) (L. D. 172)

Comes from the House, referred to the Committee on Legal Affairs and Ordered Printed.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I would move that this Bill be referred to the Committee on Judiciary.

On Motion by Senator Shute of Waldo, tabled for 1 Legislative Day, pending the motion by the Senator from Cumberland, Senator Conley.

Bill, "An Act to Prohibit Telephone Charges for Information or Directory Assistance Calls." (H. P. 147) (L. D. 173)

Bill, "An Act to Revise the Charter of the South Berwick Water District." (H. P. 148) (L. D. 174)

Bill, "An Act to Amend the Charter of the York Water District." (H. P. 149) (L. D. 175)

Come from the House, referred to the Committee on Public Utilities and Ordered Printed.

Which were referred to the Committee on Public Utilities and Ordered Printed, in concurrence.

Bill, "An Act to Remove the Sales Tax from Residential Electricity." (H. P. 152) (L. D. 176)

Bill, "An Act Concerning Tax Exempt County Property." (H. P. 153) (L. D. 177)

Come from the House, referred to the Committee on Taxation and Ordered Printed.

Which were referred to the Committee on Taxation and Ordered Printed, in concurrence.

Bill, "An Act to Coordinate and Assign the Responsibility for Conducting Air Search and Rescue Operations in the State Arising from Aeronautical Activities." (H. P. 154) (L. D. 178)

Comes from the House, referred to the Committee on Transportation and Ordered Printed.

Which was referred to the Committee on Transportation and Ordered Printed, in concurrence.

Bill, "An Act to Increase the Compensation for the Board of Commissioners of the Profession of Pharmacy." (H. P. 139) (L. D. 166)

Reference to the Committee on Health and Institutional Services is suggested.

Comes from the House, referred to the Committee on Business Legislation and Ordered Printed.

Which was referred to the Committee on Business Legislation and Ordered Printed, in concurrence.

Bill, "An Act to Abolish the Present Structure of the Public Utilities Commission." (H. P. 114) (L. D. 187)

Reference to the Committee on State Government is suggested.

Comes from the House, referred to the Committee on Public Utilities and Ordered Printed.

Which was referred to the Committee on Public Utilities and Ordered Printed, in concurrence.

Senator Teague of Somerset, was granted unanimous consent to address the Senate, On the Record.

Senator TEAGUE: Thank you, Mr. President.

Members of the Senate, on yesterday's Calendar, on Page 3, under Communications, there was a letter to the Honorable Joseph Sewall from the Committee on Aging, Retirement and Veterans. There is an error in that letter. It shows that Representative Richard Armstrong was absent. Richard Armstrong was present and voted "Yes." It was Representative Theriault from Fort Kent that was absent. Thank you.

On Motion by Senator Collins of Knox, Recess until the sound of the bell.

#### Recess After Recess

The Senate called to order by the President.

The Senate then retired to the Hall of the House, where a Joint Convention was formed. (For proceedings of Joint Convention see House Report)

#### After Joint Convention In Senate

The Senate called to order by the President.

On Motion by Senator Pierce of Kennebec, Adjourned until 10 o'clock tomorrow morning.