

# 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 29, 1981  
Senate called to order by the President.

Prayer by the Reverend John V. MacNeill of the East Winthrop Baptist Church.

REVEREND MACNEILL: Let us pray. God of our fathers, in who's name this republic was born, we pray that by Your help we may be worthy to receive Your blessings upon our labors this special national Thanksgiving Day, as proclaimed by our President.

In those troubled times, before the birth of lasting peace when men and women have made deceit a habit, lying an art, and cruelty a science, help us to show the moral superiority of the way of life that we cherish. Here may men and women see truth upheld, and honesty loved, and kindness practiced.

May our private lives and our public actions be consistent with our prayers through Jesus, Our Lord. Amen.

Reading of the Journal of yesterday.

Out of Order and Under Suspension of the Rules:

On motion by Senator PIERCE of Kennebec, ORDERED, the House concurring, that when the House and Senate adjourn, the House adjourns to Monday, February 2, 1981, at ten o'clock in the morning; and the Senate adjourns to Monday, February 2, 1981, at five o'clock in the afternoon. (S. P. 195)

Which was Read and Passed.

Sent down forthwith for concurrence.

**Papers from the House  
Joint Orders**

Expressions of Legislative Sentiment recognizing:

Miss Colleen E. Duplissie of Van Buren who has been selected as Maine's Junior Miss for 1981. (H. P. 415)

Robert L. Dow of Vassalboro, upon his retirement after 43 years of state service in the field of marine science and fisheries management. (H. P. 416)

Donald D. McIntosh of Farmingdale, upon his retirement after 20 years of dedicated state service in the Department of Marine Resources. (H. P. 417)

Come from the House, Read and Passed.

Which were Read and Passed, in concurrence.

**Joint Resolution**

A Joint Resolution in Memoriam:

WHEREAS, the Legislature has learned with deep regret of the death of the Honorable Augusta K. Christie of Presque Isle, member of the 96th through 101st Maine Legislatures. (H. P. 442)

Comes from the House, Read and Adopted.

Which was Read and Adopted, in concurrence.

**House Papers**

Bill, "An Act to Authorize the Merger of the Kennebunk, Kennebunkport and Wells Water District Pension Trust with the Maine State Retirement System." (H. P. 393) (L. D. 436)

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 Amend the Maine Consumer Credit Code." (H. P. 394) (L. D. 437)

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 Change the Date of the Primary Election to the First Thursday after Labor Day." (H. P. 395) (L. D. 438)

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

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

Bill, "An Act Relating to the Use of Snare Traps." (H. P. 376) (L. D. 414)

Bill, "An Act Prohibiting the Trapping of Bear." (H. P. 408) (L. D. 435)

Bill, "An Act Relating to the Issuance of Motorboat Racing Permits." (H. P. 396) (L. D. 439)

Bill, "An Act to Provide that Certain Licenses Issued by the Department of Inland Fisheries and Wildlife be Issued on the Basis of Fiscal Year." (H. P. 397) (L. D. 440)

Comes 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 Relating to Forcible Entry and Detainer Hearings." (H. P. 377) (L. D. 415)

Bill, "An Act to Amend the Conditions under Which a Tenant May File a Complaint Concerning the Habitability of a Dwelling Unit." (H. P. 378) (L. D. 416)

Bill, "An Act to Establish Statutory Definitions of Entrapment Under the Criminal Code." (H. P. 398) (L. D. 441)

Bill, "An Act to Establish Manslaughter as a Class A Offense under the Criminal Code." (H. P. 399) (L. D. 442)

Bill, "An Act to Permit Rental Payments by Tender of General Assistance Vouchers." (H. P. 400) (L. D. 443)

Bill, "An Act Creating Specific Penalties for Theft of Gasoline." (H. P. 379) (L. D. 417)

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

On motion by Senator CONLEY of Cumberland, referred to the Committee on Judiciary and Ordered Printed, in concurrence.

Bill, "An Act Concerning Arbitration Involving Municipal Fire and Police Departments and University of Maine Police." (H. P. 380) (L. D. 423)

Bill, "An Act to Reduce Multiple Injury Litigation before the Workers' Compensation Commission." (H. P. 381) (L. D. 424)

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

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

Bill, "An Act to Further Competition with New Hampshire in the Liquor Trade." (H. P. 382) (L. D. 425)

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

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

Bill, "An Act to Enable Municipal Governments to Set Speed Limits within their own Jurisdictions." (H. P. 383) (L. D. 426)

Comes from the House, referred to the Committee on Local and County Government and Ordered Printed.

Which was referred to the Committee on Local and County Government and Ordered Printed, in concurrence.

Bill, "An Act to Amend the Kittery Water District Incorporation Act to Provide Reasonable Compensation for the Trustees of the District and to Authorize the Trustees to Join the

Maine State Retirement System." (H. P. 384) (L. D. 427)

Bill, "An Act to Increase the Surplus Account of the Kennebec Sanitary Treatment District." (H. P. 385) (L. D. 428)

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 Make the Treasurer of State an Ex-officio Member of the State Liquor Commission." (H. P. 386) (L. D. 429)

Bill, "An Act to Create a Legislators' Turnpike Pass." (H. P. 388) (L. D. 431)

Bill, "An Act to Clarify Lobbyist Disclosure Procedures." (H. P. 387) (L. D. 430)

Bill, "An Act to Increase the Membership on the Commission on Uniform State Laws." (H. P. 402) (L. D. 445)

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

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

Bill, "An Act to Increase Job Security for Employees Elected to the Legislature, Excluding Employees Covered under Provisions Dealing with Teachers." (H. P. 401) (L. D. 444)

Reference to the Committee on State Government is suggested.

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

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

Bill, "An Act to Provide for a Graduated Exemption from Sales Tax on Sale of Gasohol and to Encourage State Use of Gasohol." (H. P. 404) (L. D. 447)

Bill, "An Act to Provide a Trade-in Credit for the Sales Tax on Camper Trailers and Camper Bodies." (H. P. 389) (L. D. 432)

Bill, "An Act to Include Industrial and Medical Gas Installations as Personal Property Employed in Trade under Exceptions for Purposes of Personal Property Taxes." (H. P. 403) (L. D. 446)

Comes 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 Authorize the Use of Flashing Lights by Passenger Buses." (Emergency) (H. P. 390) (L. D. 433)

Bill, "An Act to Require Headlights to be Used on Vehicles at Certain Times." (H. P. 391) (L. D. 434)

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

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

**Senate Papers**

Senator NAJARIAN of Cumberland presented, Bill, "An Act to Amend the Group Life Insurance Law." (S. P. 190)

Senator SEWALL of Lincoln presented, Bill, "An Act to Establish Insurance Information and Privacy Protection Standards." (S. P. 194)

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

Sent down for concurrence.

Senator SEWALL of Lincoln presented, Bill, "An Act to Amend the Maine Certificate of Need Act of 1978." (S. P. 193)

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

Sent down for concurrence.

Senator PRAY of Penobscot (Cosponsor: Representative MICHAEL of Auburn) pre-

sented, Bill, "An Act Relative to the Employment of Minors and Overtime Pay." (S. P. 188)

Senator BROWN of Washington (Cosponsor: Senator SEWALL of Lincoln) presented, Bill, "An Act to Require the Workers' Compensation Commission to Conduct a Data Systems Study." (S. P. 189)

Which were referred to the Committee on Labor and Ordered Printed.

Sent down for concurrence.

Senator HICHENS of York presented, Bill, "An Act Relating to Compensatory Telecommunication Toll Call Rates for Deaf and Hearing Impaired Persons." (S. P. 191)

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

Sent down for concurrence.

Senator EMERSON of Penobscot presented, Resolve, Authorizing and Directing the Department of Transportation to Report on the Effect of the 1980 Census in Establishing Compact Areas." (S. P. 192)

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

Sent down for concurrence.

### Committee Reports House

The following Ought Not to Pass report shall be placed in the Legislative files without further action pursuant to Rule 22 of the Joint Rules:

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

### Leave to Withdraw

The Committee on Fisheries and Wildlife on, Bill, "An Act to Set the Length Limit on Salmon in East Grand Lake at 16 Inches." (H. P. 104) (L. D. 138)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Health and Institutional Services on, Bill, "An Act Relating to Conflict of Interest under the Medicaid Program." (H. P. 65) (L. D. 116)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Taxation on, Bill, "An Act to Exempt Certain Supplies and Equipment Used in Aquaculture from the Sales Tax." (H. P. 116) (L. D. 148)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

Which Reports were Read and Accepted, in concurrence.

### Ought to Pass

The Committee on Judiciary on, Bill, "An Act to Amend the Motor Vehicle Statutes to Allow the Secretary of State to Enter into the Nonresident Violator Compact." (Emergency) (H. P. 66) (L. D. 96)

Reported that the same Ought to Pass.  
Comes from the House, the Bill Passed to be Engrossed.

Which Report was Read.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Thank you very much Mr. President. I would like to pose a question to any member of the Judiciary Committee, relevant to page 2 of the Bill, item c, to comply with a court order issued by another state or province. When I see the word "province" listed in there, I am just wondering are we talking about another government, meaning the Government of Canada, insofar as this pro-

vision covering not just states within the United States, but into another government altogether. How would this be enforced if we are talking of people who come into the State of Maine during the summer season in particular, insofar as forcing them to pay these particular fines, as it says in the Statement of Fact, to increase our revenues to our Judicial System.

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

Senator CONLEY: Mr. President, it is always a pleasure for me to speak on behalf of the Judiciary Committee, particularly when its chairman is outside drafting some more Legislation, for us.

The bill before us this morning is one that is going to gain revenues for the State. Presently when out-of-staters are detained along our highways and summoned to be in court, many of them just take the summons and never appear. It is my understanding that there was something like 20,000 cases in Cumberland County Courts, last year, that were never processed, because of the fact, that out-of-state residents never paid the fines or never appeared in the court, and, therefore, there was a great loss of revenues to the State.

The purpose of this Bill before us is to join the State with other states into a compact that would automatically suspend the license of that driver, say in the State of Massachusetts, or Vermont, or New Hampshire, for failure to comply with the summons. The same would also pertain to any Maine resident who was in violation or alleged to be in violation of speeding offense, or traffic offense, in some other state, and failed to appear. It is our understanding that there will be a great recovery for all these states who do join in the compact, and that is the intent of the Legislation.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President, I thank the good Senator from Cumberland for his explanation, but he has not addressed the area of the word "province". I am concerned about our Canadian visitors coming into the State of Maine, as to how this will be enforced and how we are going to deal with a foreign government, insofar as enforcement of this particular matter. That is particularly, as I mentioned before, on page 2, item c.

On motion by Senator Minkowsky, Tabled for 1 Legislative Day, pending Acceptance of the Committee Report.

### Second Readers

The Committee on Bills in the Second Reading reported the following:

#### House

Bill, "An Act Relating to Permits and Inspection for Electrical Installation in Commercial Buildings under the Electrician Law." (H. P. 392) (L. D. 378)

Which was Read a Second Time.

On motion by Senator Conley of Cumberland, Tabled for 2 Legislative Days, pending Passage to be Engrossed.

### Senate - as Amended

Bill, "An Act to Amend the Maine Pesticide Control Act of 1975 to Fund Research Relating to Public Health." (S. P. 21) (L. D. 19)

Which was Read a Second Time and Passed to be Engrossed, as amended.

Sent down for concurrence.

### Senate at Ease

The Senate called to Order by the President.

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

### Papers from the House House Paper

Bill, "An Act to Prohibit Suppliers from Reducing or Discontinuing Supplies of Petroleum

Products to Maine Customers." (H. P. 485) (L. D. 489)

Reference to the Committee on Business Legislation is suggested.

Comes from the House, Passed to be Engrossed without reference to Committee.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President, yesterday, Governor Brennan, requested the leadership of both Branches to meet with him, to discuss the question of whether Maine should take some action in view of the Federal Government's deregulation of the oil industry.

The Governor, had with him his advisors on energy and his legal advisors, and after discussion with the Leadership, it was agreed that it seemed wise to ask the Legislature to put a temporary sort of freeze on the situation.

The Bill, that is before us, is basically a Bill that requires oil companies to notify the State of Maine if they intend to withdraw from the State of Maine. To give a one year advance notice, so that studies of allocation and replacement, and the other problems that might be engendered can be addressed in an orderly fashion.

This particular Bill contains a sunset clause of April 1st. The reason, obviously, is that there ought to be an opportunity along the way, as soon as we can do it in an orderly fashion, to have public hearing on this question. To have input from all those who are concerned.

The suddenness of the decontrol and the possibility that some of the major oil companies might be moving swiftly to withdraw from Maine lead us to the conclusion that it was wise to freeze the status quo at least for the moment, until we could examine the matter more carefully.

As the memo from the Governor's office, that is on our desks, indicates it is the intent that if the Legislature will pass this Emergency Bill today, that immediately thereafter another bill will be introduced which will say that the sunset provision in the Bill now before us would be removed. This second bill, would provide an opportunity for a full hearing before the Committee on Business Legislation. Unless that committee and the Legislature were to Enact the second bill, then the freeze would expire on April 1st. This is the thinking that we bring to you this morning.

We have an invitation from the Speaker of the House, if we care to, to listen to a discussion of this, in the house at 11 o'clock, by the new Commissioner of Energy, Gordon Weil. There will be opportunities, also, this morning for party caucuses, I believe, of both parties, to discuss this more carefully if you wish to do so.

What the Leadership is recommending to the Senate, at this time, is that this Bill be Passed without Reference to Committee and moved along through Engrossment so that the technical work of getting the printing, and the other mechanical features done can move along. If this is the will of the Senate, we would then plan to Recess until 2:30 this afternoon, assuming that our minds are in that direction, we would at that time meet in order to Enact the Bill.

I would remind the Senate that an emergency measure of this type requires the affirmative votes of 22 Members of the Senate. This means that if a large handful decide to go to the movies this afternoon, we would not be able to Enact the measure, so your attendance this afternoon is absolutely essential if we are going to do what the Governor has requested us to do, on this matter.

I am sure that there will be a lot of questions about various features of this in your minds. I would urge you to fully explore them at the caucuses that will follow, or in discussion with the Commissioner of Energy, or in other ways. I would urge you at this time to permit the Senate to move along through the Engrossment stage with this emergency measure. Thank

you, Mr. President.

Under Suspension of the Rules, the Bill Read Twice, and Passed to be Engrossed, without Reference to Committee in concurrence.

Senator Collins of Knox was granted unanimous consent to address the Senate, Off the Record.

On motion by Senator Pierce of Kennebec, Recessed until 2:30 o'clock this afternoon.

#### **Recess**

#### **After Recess**

The Senate called to Order by the President.

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

#### **Enactor**

The Committee on Engrossed Bills reports as truly and strictly engrossed the following:

#### **Emergency**

An Act to Prohibit Suppliers from Reducing or Discontinuing Supplies of Petroleum Products to Maine Customers. (H. P. 485) (L. D. 489)

This being an emergency measure and having received the affirmative votes of 31 Members of the Senate, with No Senators voting in the negative, was Passed to be Enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

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

#### **Papers from the House Joint Order**

An Expression of Legislative Sentiment recognizing:

Dr. Paul N. Silverman, who, on February 2, 1981, will be inaugurated as the 13th President of the University of Maine. (H. P. 486)

Comes from the House, Read and Passed.

Which was Read and Passed, in concurrence.

Senator Conley of Cumberland was granted unanimous consent to address the Senate, Off the Record.

The Adjournment Order having been returned from the House, Read and Passed, in concurrence, on motion by Senator Pierce of Kennebec, Adjourned until Monday, February 2, 1981, at 5 o'clock in the afternoon.