

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

February 3, 1981

Senate called to order by the President.

Prayer by the Reverend Barry Fearon of the First Baptist Church of West Gardiner.

REVEREND FEARON: Our heavenly Father, we come to You this morning and pause before this day of activity and decision making begins.

We thank you for the bible that we are holding right now, on this desk. Thank you for what it stands for, for its principles and for its life giving message. We thank you, that You have not only made us, created us, but that You have also bought us back from sin, by the previous blood of our Lord Jesus. We thank you, today that we can serve You, and live for You.

We pray today for this Senate, and for its President, we thank you for each member here, and for their dedication to the service of this State.

We are asking O'God, that Thou would pour out a blessing upon them, that each one will have a real sense of responsibility for the people. We ask that the decisions that they make today will have Your blessings and Your anointing. We ask these things in the name of Christ, our savior. Amen.

Senator Hichens of York was granted unanimous consent to address the Senate, On the Record.

Senator HICHENS: This day, the 3rd of February 1981

Is not the very best of days—for I have seen no sun

But compared to yesterday—it's great—no rain—no wind—no snow

And like the aftermath of storms—it's easier to go

Along life's way—so here we are all gathered here today.

For legislative business—and we're well on our way.

But I suggest that we would pause and contemplate a bit

On this third day of February—the significance of it

To one with whom we serve each day—for back in 43

He made his entrance on the scene—and one can plainly see

That he has come a long, long way and now has reached a place

Where he is seen, and he is heard among the human race.

He is a handsome sort of guy and has a winning smile

That captivates those whom he meets—and he'll admit that while

He wins the hearts of almost all he greets along life's way

He still ain't found that girl of girls to share his every day.

I bet there's lots of them out there who'd like to be his wife

But as of now—he's looking still for one to share his life.

Regardless—he's the sort of guy who gets what he goes after.

A serious type, but one who finds the time for fun and laughter.

Aspiring to be one who serves in many ways—we hear

That the sound of Governor now seems like music to his ear.

Whatever is to be will be—in the best way he can.

He can be calm—he can be bold—some times he seems quite fierce

But you'll agree that there can be—but just one Richard Pierce.

So join with me in wishing him the best along life's way

As this 3rd day of February—is the Senator's birthday.

Reading of the Journal of yesterday.

Papers From the House

Bill, "An Act to Require Individually Marked Prices on Certain Retail Merchandise." (H. P. 445) (L. D. 507)

Bill, "An Act to Provide for the Arbitration of Disputes Between Health Insurers and Policyholders." (H. P. 447) (L. D. 508)

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 Prohibit Smoking in Food Stores and Portions of Restaurants." (H. P. 457) (L. D. 509)

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 to Provide for Forfeiture of Illegally Obtained or Illegally used Property." (H. P. 460) (L. D. 510)

Bill, "An Act to Prohibit Rent Increases for Dwellings in which there are Violations of the Warranty of Habitability or Housing, Building, Health or Safety Codes." (H. P. 461) (L. D. 511)

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 Expedite the Filing of Medical Reports under the Workers' Compensation Act." (H. P. 462) (L. D. 512)

Bill, "An Act Relating to Occupational Loss of Hearing." (H. P. 463) (L. D. 513)

Bill, "An Act Relating to Unavailability Due to Illness under the Employment Security Law." (H. P. 464) (L. D. 516)

Bill, "An Act Relating to the Notice Provisions of the Workers' Compensation Act." (H. P. 465) (L. D. 517)

Come 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 Repeal the Law Preventing Hotels and Restaurants from Permitting Secular Business on Sunday." (H. P. 466) (L. D. 518)

Bill, "An Act to Establish Guidelines for the Issuance of Concealed Weapon Permits." (H. P. 467) (L. D. 519)

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

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

Bill, "An Act to Bring Accountability to the Penobscot County Budget." (H. P. 469) (L. D. 520)

Bill, "An Act to Improve Integrity of the Voting Process in Town Meetings and Elections." (H. P. 470) (L. D. 521)

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

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

**Communications
Department of Business Regulation
State Claims Board**

January 29, 1980

The Honorable Joseph Sewall
President of the Senate

Senate Post Office

State House

Augusta, Maine

Re: Report of Small Claims to Legislature

Dear Senator Sewall:

Herewith is Report of Small Claims which were received in this office during 1980 and which is being submitted to you for your information and records in accordance with Title 5 M.R.S.A., Section 1510-A, Subsection 8.

A similar report is also being submitted to the Honorable John L. Martin, Speaker of the House, and if you or your staff should have any questions in connection with this report, please communicate with this office.

Yours very truly,
S/RONALD M. ROY
Chief Counsel

Which was Read and with accompanying Report, Ordered Placed on File.

**Department of State
Division of Public Administration**

January 29, 1981

To the Honorable 110th Legislature
of the State of Maine

Attention: House of Representatives,
Clerk Pert

Info: Senate, Secretary Ross

I have the honor to transmit herewith an initiated bill, "AN ACT to Create the Maine Energy Commission," and the result of the examination by this office of the initiative petitions relating to it.

The minimum number of valid signatures required to initiate this legislation is 37,026. On January 22, 1981, our office received 1,767 petitions said to contain 43,268. After extensive review we have determined the number of valid signatures to be 43,214.

In view of the foregoing determination, I hereby certify that these petitions have met the constitutional requirements of the minimum of 37,026 valid signatures. Since the petitions have previously satisfied the constitutional requirements in all other respects, under the provision of Article IV, Part Third, Section 18, of the Constitution of Maine, I do hereby declare this initiative petition to be valid.

In the event the Legislature rejects this initiative proposal, a referendum election will be called for November, 1981.

Respectfully,
S/JAMES S. HENDERSON
Deputy Secretary of State
(H. P. 513)

Comes from the House, Read and Ordered Placed on File, and the accompanying Bill (IB 1) (L.D. 522), referred to the Committee on Public Utilities.

Which was Read and Ordered Placed on File, and the accompanying Bill, (IB 1) (L. D. 522), referred to the Committee on Public Utilities, in concurrence.

Committee on Health & Institutional Services
February 3, 1981

The Honorable Joseph Sewall
President of the Senate of Maine

State House

Augusta, Maine

Dear President Sewall:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 110th Legislature, the Joint Standing Committee on Health and Institutional Services has had under consideration the nomination of David F. Wihry as a consumer member of the Health Facilities Cost Review Board.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

Yeas: Senators 3
Representatives 9
Nays: Senators 0
Representatives 0

Absent: Senators 0

Representatives 1 - Rep. Ketover of Portland

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of David Wihry as a consumer member of the Health Facilities Cost Review Board be confirmed.

Sincerely,
S/BARBARA A. GILL
Senate Chairman
S/SANDRA K. PRESCOTT
House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Health and Institutional Services has recommended that the nomination of David F. Wihry be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on Health and Institutional Services be overridden? In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 38 of the 110th Legislature, the vote will be taken by the yeas and nays. A vote of YES will be in favor of overriding the recommendation of the Committee. A vote of NO will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.
The Secretary will call the Roll.

ROLL CALL

YEA — None.

NAY — Ault, Brown, Carpenter, Charette, Clark, Collins, Conley, Devoe, Dutremble, Emerson, Gill, Hichens, Huber, Kerry, McBreaity, Minkowsky, Najarian, O'Leary, Perkins, Pierce, Pray, Redmond, Sewall, C.; Shute, Sutton, Teague, Trafton, Trozky, Usher, Violette, Wood, The President, J. Sewall.

ABSENT — Bustin.

No Senators having voted in the affirmative and 32 Senators in the negative, with 1 Senator being absent and none being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be accepted. The nomination of David F. Wihry is confirmed.

Senate Papers

Senator McBreaity of Arroostook (Cosponsors: Representative PETERSON of Caribou and Representative MATTHEWS of Caribou) presented, Bill, "An Act Appropriating \$5,000 for the Caribou High School Band to Represent Maine in the Cherry Blossom Festival. (Emergency)" (S. P. 215)

Which was referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Sent down for concurrence.

Senator CLARK of Cumberland presented, Bill, "An Act to Increase the Fees of the Bureau of Insurance." (S. P. 210)

Senator COLLINS of Knox (Cosponsor: Representative JACKSON of Yarmouth) presented, Bill, "An Act Clarifying the Laws Relating to the Registration and Protection of Trademarks." (S. P. 213)

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

Sent down for concurrence.

Senator TRAFTON of Androscoggin (Cosponsors: Senator PIERCE of Kennebec, Representative Brown of Livermore Falls) presented, Bill, "An Act Authorizing Mid-State Business School to Confer Associate Degrees." (S. P. 208)

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

Sent down for concurrence.

Senator TEAGUE of Somerset (Cosponsor: Senator PIERCE of Kennebec) presented, Bill

"An Act to Make Changes in the Kennebec Water District Charter." (S. P. 207)

Senator GILL of Cumberland (Cosponsor: Representative MACOMBER of South Portland) presented, Bill, "An Act to Amend the Charter of the Portland Water District." (S. P. 209)

Senator TRAFTON of Androscoggin (Cosponsor: Representative KANY of Waterville) presented, Bill, "An Act to Authorize Municipal and Quasi-municipal Water Districts to Set Rates." (S. P. 214)

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

Sent down for concurrence.

Senator WOOD of York presented, Bill, "An Act to Provide an Income Tax Credit for Geothermal Energy Systems." (S. P. 211)

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

Sent down for concurrence.

Senator USHER of Cumberland (Cosponsor: Representative BROWN of Gorham) presented, Bill, "An Act to Establish a Sign on the Maine Turnpike for the University of Southern Maine." (S. P. 212)

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

Sent down for concurrence.

Committee Reports

House

Leave to Withdraw

The Committee on Public Utilities on, Bill, "An Act to Change the Name of the Kennebec Sewer District to the Kennebec Sanitary District." (H. P. 113) (L. D. 146)

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 Prevent Electric Companies from Collecting More in Sales Tax than They Pay to the State." (H. P. 115) (L. D. 147)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Transportation on, Bill, "An Act to Increase the Minimum Age for Motor Vehicle Operators to 16." (H. P. 122) (L. D. 154)

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.

The Committee on Aging, Retirement and Veterans on, Bill, "An Act to Provide Free Access for Disabled Veterans to State Parks, Camping Areas and Beaches." (H. P. 51) (L. D. 65)

Reported that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed.

Which Report was Read and Accepted, in concurrence, and the Bill Read Once, and Tomorrow Assigned for Second Reading.

Senate

Leave to Withdraw

Senator McBREAITY for the Committee on Energy and Natural Resources on, Bill, "An Act to Prohibit Open Burning in Areas Determined as Urban Areas." (S. P. 58) (L. D. 84)

Reported that the same be granted Leave to Withdraw.

Which Report was Read and Accepted.

Sent down for concurrence.

Second Readers

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

House

Bill, "An Act to Change the Name of Roadside Menagerie to Wildlife Exhibit under the Inland Fisheries and Wildlife Laws." (H. P. 59) (L. D. 103)

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)

Bill, "An Act to Amend the Operation Provisions of the Maine State Museum to Permit the Award of Stipend Support for Students Engaged in Nongeneral Fund Supported Archaeological and Conservation Projects." (H. P. 20) (L. D. 13)

Which were Read a Second Time and Passed to be Engrossed, in concurrence.

Bill, "An Act Redesignating the Bureau of Resource Development as the Bureau of Social Services, and the Bureau of Social Welfare as the Bureau of Income Maintenance." (H. P. 64) (L. D. 95)

Which was Read a Second Time.

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

Senator MINSKOWSKY: Mr. President and Members of the Senate, I would like to pose a question through the Chair to the Chairman of the Health and Institutional Services Committee, as to why it takes an act of the Legislature to change two bureaus within the department, where this can be done administratively?

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, has posed a question through the Chair to a member of the Health and Institutional Committee.

The Chair recognizes the Senator from Cumberland, Senator Gill.

Senator GILL: Mr. President, this was one question that was not brought up at the hearing, Senator Minkowsky. The department has come in because it was a department Bill, but it was done through a regional study, to have uniformity throughout the Northeast region. The departments and bureaus with the same functions having the same names, so that they could be easily identified.

There seems to be some question about the social welfare, there was some debate down in the other body, in this regard. I really did not want to get into that now, but if you want to I will.

There seemed to be no, the department brought the Bill, because that it seemed to be by statute that it had to be done. That question was not raised as to whether it could be done by policy of the department.

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

Senator MINSKOWSKY: I am happy to report that this department is presently being reviewed by the Committee on Audit and Program Review, maybe we can handle this a little more effectively, because they still have not answered the question as to why this can not be done administratively, instead of by a statutory law. If that be the case, Mr. President, I move that this Bill and all of its accompanying papers be Indefinitely Postponed.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President and Members of the Senate, to answer the question raised by the Senator from Androscoggin, Senator Minkowsky, if he would turn to the LD book and look at LD 95, he would see that in the statutes presently these departments are already listed and to be able to change the titles of them you would have to change the titles that existed in the statutes.

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

Senator MINSKOWSKY: Just to point out to the good Senator from Penobscot, Senator

Pray, they are still maintaining the same account numbers, all it amounts to is changing the letterheads and I do not think that you have to go through a statutory law, from which to do this.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Minkowsky, that LD 95 and all of its accompanying papers be Indefinitely Postponed.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the Indefinite Postponement of LD 95, please rise in their places to be counted.

Will all those Senators opposed, please rise in their places to be counted.

7 Senators having voted in the affirmative, and 23 Senators having voted in the negative, the motion to Indefinitely Postpone does not prevail.

Which was Passed to be Engrossed, in concurrence.

Senate

Resolve, Designating the Senate Overlook on Interstate 95 in T1-R6 WELS as the "The Albert J. 'Allie' Cole Memorial Scenic Overlook." (S. P. 82) (L. D. 179)

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

Sent down for concurrence.

Senate - As Amended

Bill, "An Act Relating to the Period for Establishing Employer Contribution Rates under the Employment Security Law." (S. P. 61) (L. D. 87)

Bill, "An Act to Exempt Certain Aquaculture Workers Under the Workers' Compensation Law." (S. P. 74) (L. D. 111)

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

Sent down for concurrence.

Enactor

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

AN ACT to Make Confidential Discussion of Settlement Made Prior to a Maine Human Rights Commission Determination (H. P. 33) (L. D. 38)

Which was Passed to be Enacted and having been signed by the President was by the Secretary presented to the Governor for his approval.

Orders of the Day

The President laid before the Senate the First Tabled, and specially assigned matter:

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

Tabled—January 29, 1981 by Senator CONLEY of Cumberland.

Pending—Passage to be Engrossed.

Which was Passed to be Engrossed, in concurrence.

The President laid before the Senate the Second Tabled and specially assigned matter:

JOINT ORDER — relating to amending the Joint Rules by adding Rule 37A relative to Bills or Resolves requiring continued funding. (S. P. 206)

Tabled—February 2, 1981 by Senator PRAY of Penobscot.

Pending—Motion of Senator HUBER of Cumberland to refer to Committee on Appropriations and Financial Affairs.

On motion by Senator Conley of Cumberland, Retabled for 1 Legislative Day.

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

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

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