

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 6, 1981
Senate called to order by the President.

Prayer by the Reverend Douglas Morgan Strong of All Souls Unitarian Church in Augusta.

REVEREND STRONG: In this place we give thanks today, for the joy of human life, its wonders and surprises; its hopes and achievements.

We in this place give thanks today, for our common community; our common dust and destiny; our oneness transcending all narrowness that would divide us; our striving for peace in the midst of hostility and oppression.

We in this place give thanks today, for high hopes and noble causes; for faith without fanaticism; for understanding rather than judgement of views not shared.

We in this place give thanks today, for all who have labored and suffered for a fairer world; who have fought to listen to the dark places of the earth; who have lived their lives so that others might live with dignity and freedom.

We in this place give thanks today, for human rights and holy rites; for opportunities to change and grow, to affirm and choose. We live not by our fears but by our hopes and our world will be saved not by our words but by our deeds.

We in this place give our thanks today, so it shall be.

Reading of the Journal of yesterday.

House Papers

Bill, "An Act Relating to Funding and Support for Alcoholism Treatment and Rehabilitation Centers." (H. P. 515) (L. D. 582)

Bill, "An Act Appropriating Funds to the Soil and Water Conservation Commission to Restore an Executive Budget Cut." (H. P. 541) (L. D. 602)

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

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

Bill, "An Act Relating to the Availability of Joint Life Insurance in Connection with Real Estate Mortgage Loans." (H. P. 517) (L. D. 583)

Bill, "An Act Relating to Loans to Purchase Foreclosed Properties." (H. P. 518) (L. D. 584)

Bill, "An Act to Allow Savings Banks and Savings Associations to Accept Demand Deposits of their own Funds." (H. P. 519) (L. D. 585)

Bill, "An Act to Increase the Fees and Provide for Continuing Education of Podiatrists." (H. P. 542) (L. D. 603)

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 Allow Voter Registration and Party Enrollment on the Same Form." (H. P. 520) (L. D. 586)

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 to Authorize Payment of Over-time Rate for Certain Court Appearances of Municipal Law Enforcement Officers." (H. P. 521) (L. D. 587)

Bill, "An Act to Provide Method of Re-

imbursement to the District Attorney for Collection of Payment Due to the Department of Human Services." (H. P. 522) (L. D. 588)

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 Improve the Administration of Workers' Compensation Hearings and Appeals." (H. P. 523) (L. D. 589)

Bill, "An Act to Amend the Workers' Compensation Second Injury Fund." (H. P. 524) (L. D. 590)

Bill, "An Act to Abolish the Panel of Physicians under the Workers' Compensation Act." (H.P. 525) (L.D. 591)

Come 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 Clarify the Designation of the Practice of Chiropractic under the Chiropractic Licensing Law." (H. P. 499) (L. D. 581)

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

On motion by Senator Collins of Knox, Tabled for 1 Legislative Day, pending Reference.

Bill, "An Act Relating to Action by the Public Utilities Commission on Applications by Motor Common Carriers of Freight for Certificates of Public Convenience and Necessity." (H. P. 526) (L. D. 592)

Bill, "An Act to Authorize the Public Utilities Commission to Adopt Filing Requirements for Utility Rate Changes." (H. P. 527) (L. D. 593)

Bill, "An Act to Authorize in Proceedings before the Public Utilities Commission the Appearance by an Officer or Employee of a Corporation or Partnership." (H. P. 528) (L. D. 594)

Bill, "An Act to Exempt Fuel Adjustment Charges of Electric Utilities from the Requirement that such Charges be Prorated." (H. P. 529) (L. D. 595)

Bill, "An Act to Authorize the Public Utilities Commission to Grant the Assignment and Transfer of Special or Charter Licenses." (H. P. 530) (L. D. 596)

Bill, "An Act Relating to Disposition of Consumer Complaints by the Public Utilities Commission." (H. P. 531) (L. D. 597)

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 Authorize and Encourage Private Risk Capital Corporations." (H. P. 532) (L. D. 598)

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

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

Bill, "An Act Relating to the Excise Tax Transfer Fee and Excise Tax Maximum." (H. P. 533) (L. D. 599)

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

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

Bill, "An Act to Require a Certificate of Salvage for Certain Motor Vehicles." (H. P. 534) (L. D. 600)

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.

Communications
Senate Chamber

President's Office
February 4, 1981

Honorable Charlotte Z. Sewall
Honorable Edith S. Beaulieu
Chairmen, Joint Standing
Committee on Labor
State House
Augusta, ME

Please be advised that Governor Joseph E. Brennan is nominating Russell A. Webb of Clinton for appointment as an alternate employee member of the Maine Labor Relations Board.

Pursuant to Title 26 MRSA Section 968, this nomination will require review by the Joint Standing Committee on Labor and confirmation by the Senate.

Sincerely,
S/JOSEPH SEWALL
President of the Senate
S/JOHN L. MARTIN
Speaker of the House
(S. P. 244)

Which was Read and referred to the Committee on Labor.

Sent down for concurrence.

Committee on Business Legislation

February 5, 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 Maine Legislature, the Joint Standing Committee on Business Legislation has had under consideration the nomination of Harvey DeVane as Commissioner of Business Regulation.

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 10

NAYS:

ABSENT:

Thirteen members of the Committee having voted in the affirmative and 0 in the negative it was the vote of the Committee that the nomination of Harvey DeVane as Commissioner of Business Regulation be confirmed.

S/Senator ROLAND SUTTON
S/Representative JOSEPH BRANNIGAN
House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Business Legislation has recommended that the nomination of Harvey DeVane be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on Business Legislation 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

YEAS—None

NAYS—Brown, Bustin, Carpenter, Charette, Clark, Collins, Conley, Devoe, Dutremble, Emerson, Gill, Hichens, Huber, Kerry, McBreairty, Minkowsky, O'Leary, Pierce, Pray, Redmond, Sewall, C., Shute, Sutton, Teague, Trafton, Trotzky, Usher, Violette, Wood, The President, J. Sewall.

ABSENT—Ault, Najarian, Perkins.

No Senators having voted in the affirmative and 30 Senators in the negative, with 3 Senators 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 Harvey DeVane is confirmed.

Senate Papers

Senator PIERCE of Kennebec (Cosponsor: Senator CONLEY of Cumberland) presented, Bill, "An Act to Provide Cost-of-Living Adjustments to Retirement Allowances under the Maine State Retirement System to Parallel Those Granted to Active State Employees." (S. P. 239)

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

Sent down for concurrence.

Senator CLARK of Cumberland (Cosponsors: Representative MITCHELL of Freeport and Representative SMALL of Bath) presented, Bill, "An Act to Facilitate Recovery under Uninsured Vehicle Coverage." (S. P. 242)

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

Sent down for concurrence.

Senator BROWN of Washington (Cosponsor: Senator HICHENS of York) presented, Bill, "An Act to Amend the Maine Certificate of Need Act of 1978 and with Respect to the Acquisition of Existing Health Care Facilities." (S. P. 241)

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

Sent down for concurrence.

Senator CONLEY of Cumberland presented, Bill, "An Act to Repeal the Law Providing Reimbursement for Travel Involved in Criminal Cases." (S. P. 240)

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

Sent down for concurrence.

Senator HICHENS of York (Cosponsors: Senator BROWN of Washington, Representative CARRIER of Westbrook and Representative DRINKWATER of Belfast) presented, Bill, "An Act to Prohibit the Dissemination of Obscene Material." (S. P. 243)

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

Sent down for concurrence.

Senator HICHENS of York presented, Bill, "An Act to Exempt Fuels Used to Heat Commercial Greenhouses from the Sales Tax." (S. P. 238)

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

Sent down for concurrence.

Under Suspension of the Rules the Senate voted to consider the following:

Joint Resolution

A Joint Resolution in Memoriam: WHEREAS, The Legislature has learned with deep regret of the death of The Honorable Ella T. Grasso, former Governor of the State of Connecticut, (S. P. 245) presented by Senator TRAFTON of Androscoggin (Cosponsors: Senator CONLEY of Cumberland, Representative MITCHELL of Vassalboro and Representative HOBBS of Saco).

Which was Read.

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

Senator TRAFTON: Mr. President, and Men and Women of the Senate, it is with deep regret that we learn of the death of Ella Grasso, former Governor of Connecticut. I think, that it is fitting in this Body, today, that we pause for a minute in our hectic activities to acknowledge the great contribution that she has made as a politician.

She first won her office as a candidate for the State House of Representative in 1952; served as Connecticut's Secretary of State; also in the U.S. Congress; and then was elected as Governor and reelected in 1978.

Throughout all her many activities in political life, which have spanned thirty years, we can most assuredly say she has been a credit as a woman, as a democrat, and as an elected official.

More important than the achievement that she has gained, are the ways in which she gained those achievements. I would like to read her words from 1974 when she announced her first bid for Governor. She said, she had always been guided by one principle: to work for people and to serve them with all my heart and mind and spirit.

I think, that the motivation that she had for office is reflected by the motivation that all of us have for serving in our office. I hope, that we can pause for a minute to reflect on her great contribution. Thank you.

Which was Adopted.

Sent down forthwith for concurrence.

Committee Reports House

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

Bill, "An Act to Permit a Trade-in Credit Under the Sales Tax Statutes for Utility Tractors." (H. P. 84) (L. D. 102)

Bill, "An Act to Exempt Small Businessmen from the Workers' Compensation Law." (H. P. 68) (L. D. 117)

Leave to Withdraw

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

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Judiciary on, Bill, "An Act to Insure Access to Information which is not Protected by the Criminal History Record Information Act." (H. P. 27) (L. D. 31)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Labor on, Bill, "An Act to Prevent Self-insurers under the Employment Security Law from Becoming Liable for Benefits Paid to Certain Individuals." (H. P. 183) (L. D. 198)

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 State Government on, Bill, "An Act to Remove the State Board of Education from the Nominating Process for the Commissioner of Educational & Cultural Services." (H. P. 150) (L. D. 132)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

Which Report was Read.

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

Senator CONLEY: Mr. President, I would move that we substitute the Bill for the Report.

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

Senator TROTZKY: Mr. President, that Senator from Cumberland, took advantage of me when three of my leaders went to Washington, D. C., now we are back in the majority and I

would request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion to Substitute the Bill for the Report, please rise in their places to be counted.

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

No Senators having voted in the affirmative, and 29 Senators having voted in the negative, the motion does not prevail.

Which Report was Accepted, in concurrence.

The Committee on State Government on, Resolution, Proposing an Amendment to the Constitution of Maine to Establish a Right to Privacy. (H. P. 179) (L. D. 226)

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 Provide for a Refund on the Sales Tax on Logging Equipment." (H. P. 80) (L. D. 139)

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.

Senate

Leave to Withdraw

Senator EMERSON of the Committee on Taxation on, Bill, "An Act to Eliminate County Commissioner Hearings for Tax Abatements." (S. P. 76) (L. D. 113)

Reported that the same be granted Leave to Withdraw.

Which Report was Read and Accepted.

Sent down for concurrence.

Ought to Pass — As Amended

Senator BUSTIN for the Committee on Health and Institutional Services on, Bill, "An Act Concerning the Assignment of Rights of Recovery." (S. P. 71) (L. D. 108)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-9).

Which Report was Read and Accepted and the Bill Read Once. Committee Amendment "A" was Read and Adopted and the Bill, as amended, Tomorrow Assigned for Second Reading.

Second Readers

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

Senate

Bill, "An Act Concerning the Uniform Processing of Employer Contributions into the Retirement System." (S. P. 101) (L. D. 210)

Bill, "An Act to Amend the Maine Business Corporation Act." (S. P. 83) (L. D. 180)

Bill, "An Act Relating to the Special Administrative Expense Fund and Errors in Benefit Payments under the Employment Security Law." (S. P. 62) (L. D. 89)

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

Sent down for concurrence.

Senate — as Amended

Bill, "An Act Concerning Appointments to the Maine Veterans Home Board of Trustees." (S. P. 73) (L. D. 110)

Which was 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 Amend the Maine Nonprofit Corporation Act. (S. P. 72) (L. D. 109)

Which was Passed to be Enacted and having been signed by the President was by the Secre-

tary presented to the Governor for his approval.

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

**Paper from the House
Joint Resolution**

Joint Resolution Memorializing
the Honorable Ronald W. Reagan,
President of the United States,
and the United States Senate to
Refuse to Ratify the United States/Canadian
East Coast Fisheries Treaty

We, your Memorialists, the Senate and the House of Representatives of the State of Maine in the One Hundred and Tenth Legislative Session now assembled, most respectfully present and petition President Ronald W. Reagan and the United States Senate, as follows:

WHEREAS, the boundary between the United States and Canada over the Georges Bank is still in dispute; and

WHEREAS, the territory in dispute is a very productive fishing area, of vital interest to Maine fishermen; and

WHEREAS, in order to reach agreement to arbitrate the boundary dispute, the United States and Canada signed a comprehensive East Coast Fisheries Treaty; and

WHEREAS, as signed, the treaty would require management of every commercially valuable fisheries species in the Gulf of Maine with little biological justification; and

WHEREAS, this management would lead to extensive over-regulation of Maine's fishing industry during a critical period in its development; and

WHEREAS, the treaty has serious adverse consequences for Maine fishermen's interests in certain fisheries, while it ignores their legitimate interest in others; and

WHEREAS, the provisions of the treaty are permanent and this permanence aggravates the serious adverse impact to Maine fishermen and ignores the need for flexibility in responding to changing biological and economic circumstances; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that the Honorable Ronald W. Reagan, President of the United States, withdraw the United States/Canadian East Coast Fisheries Treaty in its present form from consideration by the United States Senate; and be it further

RESOLVED: That a copy of this Memorial, duly authenticated by the Secretary of State, be transmitted forthwith by the Secretary of State to President Ronald W. Reagan and to the Members of the United States Senate from the State of Maine. (H. P. 628)

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

Joint Order

An expression of Legislative Sentiment recognizing:

The Town of Greenville, Maine, which has joined towns of the same name from across the Nation in plans to honor the 150th year of its founding. (H. P. 627)

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

Senator Gill of Cumberland was granted unanimous consent to address the Senate, On the Record.

Senator GILL: Mr. President and Members of the Senate, there will be a meeting of the Women's Senate Caucus immediately after session in the board room.

On motion by Senator Pierce of Kennebec, Adjourned until Monday, February 9, 1981 at 4 o'clock in the afternoon.