

# 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 10, 1981  
Senate called to order by the President.

Prayer by the Reverend William A. Dunstan of the First Baptist Church in Gardiner.

REVEREND DUNSTAN: Let us pray. Full of thanksgiving we come unto Thee, O'God our Father, because of the freedom that we have to determine the political course of our lives.

We thank you for your democratic form of government, and we ask Thy special blessings upon this State Senate of ours. We pray, Our Father, that they may be guided by an awing sense of the great responsibility placed upon them. As they act in their official capacity, may nothing be done because of selfishness or expediency, but may all things be done in accordance with the general welfare of our great State and Nation.

We pray for our Governor, for the President of the United States, and for all those in public service. Amen.

Reading of the Journal of yesterday.

**Papers from the House  
Non-concurrent Matter**

Bill "An Act to Amend the Social Worker Registration Act with Respect to Employment by Nursing Homes and to Foster Coordination with State and Federal Regulations Governing Required Social Services in Nursing Homes." (S. P. 235) (L. D. 653)

In the Senate, February 5, 1981, referred to the Committee on Health and Institutional Services.

Comes from the House, referred to the Committee on Business Legislation, in non-concurrence.

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

Senator COLLINS: I move that the Senate Recede and Concur with the House.

The PRESIDENT: The Senator from Knox, Senator Collins moves that the Senate Recede and Concur with the House.

Is this the pleasure of the Senate?

The Motion Prevailed.

**House Papers**

Bill "An Act to Remove Restrictions Preventing Retired Teachers Elected to the Legislature from Receiving Certain Benefits." (H. P. 587) (L. D. 665)

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 Relating to the Marking of Glassware." (H. P. 589) (L. D. 667)

Bill, "An Act Relating to Frozen Dessert Products." (H. P. 588) (L. D. 666)

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

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

Bill, "An Act Concerning Criminal Trespass by Motor Vehicle." (H. P. 563) (L. D. 639)

Bill, "An Act Relating to the Confidentiality of Communications Between Patients and Dentists." (H. P. 562) (L. D. 638)

Bill, "An Act Concerning the Habitability of a Rental Unit under the Rental Property Law." (H. P. 561) (L. D. 637)

Bill, "An Act to Create a Land Use Violation Hearing Examiner." (H. P. 559) (L. D. 636)

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

Which were referred to the Committee on Ju-

diciary and Ordered Printed, in concurrence.

Bill, "An Act to Clarify the Liability of Employers under the Workers' Compensation Act." (H. P. 570) (L. D. 646)

Bill, "An Act to Amend the Workers' Compensation Act to Permit Rate Deductibles." (H. P. 569) (L. D. 645)

Bill, "An Act Concerning the Treatment of Asbestos under the Workers' Compensation Act." (H. P. 567) (L. D. 643)

Bill, "An Act to Allow a 30-Day Deductible Provision in Workers' Compensation Insurance Coverage." (H. P. 564) (L. D. 640)

Bill, "An Act Relating to Attorney's Fees under the Workers' Compensation Law." (H. P. 565) (L. D. 641)

Bill, "An Act to Repeal the Provision Concerning Waiver of an Employee's Rights under the Occupational Disease Law." (H. P. 566) (L. D. 642)

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 Establishing the Women's Training and Employment Program." (H. P. 568) (L. D. 644)

Reference to the Committee on Labor is suggested.

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

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

Bill, "An Act Concerning the Manner in Which a Municipality Adopts a Development Program." (H. P. 571) (L. D. 647)

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 Extend the Period During Which Proposed Rate Changes for Common Carriers may be Suspended." (H. P. 572) (L. D. 648)

Bill, "An Act to Exempt the Operation of Dump Trucks when Transporting Sand, Gravel and Road Construction Materials from some Types of Regulation by the Public Utilities Commission." (H. P. 573) (L. D. 649)

Bill, "An Act to Require the Public Utilities Commission to Consider Issues of Operational Efficiency in Rate Cases." (H. P. 574) (L. D. 650)

Bill, "An Act Clarifying the Authority of the Caribou Utilities District to Acquire the Caribou Waterworks Corporation." (H. P. 575) (L. D. 651)

Bill, "An Act to Increase the Assessments upon Certain Public Utilities and to Include Railroad Companies among the Utilities Assessed." (H. P. 576) (L. D. 656)

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

On motion by Senator Conley of Cumberland, referred to the Committee on Public Utilities and Ordered Printed, in concurrence.

Bill, "An Act Relating to the Public Utilities Commission Officials' and Employees' Compensation." (H. P. 577) (L. D. 657)

Bill, "An Act to Promote Greater Efficiency through Alternative Working Hours in State Government." (H. P. 578) (L. D. 658)

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 Impose a Luxury Tax on Jewelry." (H. P. 579) (L. D. 659)

Bill, "An Act Concerning the Rate of Return on Investment Factor under the Railroad Excise Tax." (H. P. 580) (L. D. 660)

Bill, "An Act to Clarify the Real Estate Tax Exemption for Employee Housing at Literary and Scientific Institutions." (H. P. 581) (L. D. 661)

Bill, "An Act Relating to Affixing of Indicia of Payment of Real Estate Transfer Tax of Deeds." (H. P. 582) (L. D. 662)

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 Municipal Agents to Renew Operator Licenses." (H. P. 584) (L. D. 664)

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 Concerning the Collection of Personal Property Tax on Objects which Require a Permit Prior to their Being Moved." (H. P. 583) (L. D. 663)

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

On motion by Senator Teague of Somerset, referred to the Committee on Taxation and Ordered Printed, in non-concurrence.

Sent down for concurrence.

**Communication  
Senate Chamber  
President's Office**

February 9, 1981

Honorable Howard M. Trotzky  
Honorable Laurence E. Connolly, Jr.  
Chairmen, Joint Standing  
Committee on Education  
State House  
Augusta, ME 04333

Please be advised that Governor Joseph E. Brennan is nominating Marshall Cohen of Harrison for appointment to the State Board of Education.

Pursuant to Title 20 MRSA Section 51, this nomination will require review by the Joint Standing Committee on Education and confirmation by the Senate.

Sincerely,  
S/JOSEPH SEWALL  
President of the Senate  
S/JOHN L. MARTIN  
Speaker of the House  
(S. P. 273)

Which was Read and referred to the Committee on Education.

Sent down for concurrence.

**Senate Papers**

Senator WOOD of York presented, Resolve, Authorizing and Directing the Board of Pesticides Control to Study and Report on Urban Pesticide Usage. (S. P. 256)

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

Sent down for concurrence.

Senator CONLEY of Cumberland presented, Bill, "An Act to Clarify Food Stamp Allotment Calculations in Cases of Immediate Economic Loss." (S. P. 257)

Reference to the Committee on Appropriations and Financial Affairs suggested.

On motion by Senator Collins of Knox referred to the Committee on Health and Institutional Services and Ordered Printed.

Sent down for concurrence.

Senator PERKINS of Hancock (Cosponsors: Representative SALSBUURY of Bar Harbor and Representative PRESCOTT of Hampden) pre-

sented, Bill, "An Act to Prevent Requirements that Returned Beverage Containers be Separated." (S. P. 267)

Which was referred to the Committee on Business Legislation and Ordered Printed.  
Sent down for concurrence.

Senator CLARK of Cumberland (Cosponsor: Representative MITCHELL of Freeport) presented, Bill, "An Act Withdrawing School Administrative District No. 62 from Participation in Vocation Region No. 10." (S. P. 259)

Senator TROTZKY of Penobscot (Cosponsor: Representative GOWEN of Standish) presented, Bill, "An Act Relating to the Calculation of State Average Per Pupil Operating Costs." (S. P. 266)

The same Senator (Cosponsors: Senator CLARK of Cumberland, Representative THERIAULT of Fort Kent and Representative THOMPSON of South Portland) presented, Bill, "An Act Relating to State Participation in Local Leeway under the School Finance Act." (Emergency) (S. P. 265)

Which were referred to the Committee on Education and Ordered Printed.  
Sent down for concurrence.

Senator CLARK of Cumberland (Cosponsors: Senator McBREAIRTY of Aroostook, Representative MASTERMAN of Milo and Representative NADEAU of Lewiston) presented, Bill, "An Act Relating to Political Fundraising by State Employees." (S. P. 258)

Which were referred to the Committee on Election Laws and Ordered Printed.  
Sent down for concurrence.

Senator McBREAIRTY of Aroostook (Cosponsors: Senator O'LEARY of Oxford and Senator REDMOND of Somerset) presented, Bill, "An Act Relating to the Maine Comprehensive Land Use Guidance Plan." (S. P. 262)

The same Senator (Cosponsors: Senator O'LEARY of Oxford and Senator REDMOND of Somerset) presented, Bill, "An Act Relating to Standards of the Maine Land Use Regulation Commission." (S. P. 264)

Which were referred to the Committee on Energy and Natural Resources and Ordered Printed.

Sent down for concurrence.

Senator DEVOE of Penobscot (Cosponsor: Representative HOBBS of Saco) presented, Bill, "An Act Relating to Law Libraries." (S. P. 260)

Senator NAJARIAN of Cumberland (Cosponsors: Senator GILL of Cumberland, Representative THOMPSON of South Portland and Representative ALOUPIS of Bangor) presented, Bill, "An Act Concerning the Protection of Incapacitated and Dependent Adults." (S. P. 268)

Which were referred to the Committee on Judiciary and Ordered Printed.  
Sent down for concurrence.

Senator DUTREMBLE of York (Cosponsors: Representative LANCASTER of Kittery, Representative HANSON of Kennebunkport and Representative PAUL of Sanford) presented, Bill, "An Act Concerning Meetings of County Commissioners." (S. P. 269)

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

Sent down for concurrence.

Senator TEAGUE of Somerset presented, Bill, "An Act to Provide for Competitive Bidding on Design of Public Buildings." (S. P. 263)

Which was referred to the Committee on State Government and Ordered Printed.  
Sent down for concurrence.

Senator WOOD of York (Cosponsors: Senator BROWN of Washington and Representative

SWAZEY of Bucksport) presented, Bill, "An Act to Equalize the Tax Burden of Rural Community Health Centers." (S. P. 261)

Which was referred to the Committee on Taxation and Ordered Printed.  
Sent down for concurrence.

Senator EMERSON of Penobscot (Cosponsors: Senator USHER of Cumberland and Representative CARROLL of Limerick) presented, Bill "An Act to Make Allocations from the Highway Fund and Appropriations from the General Fund for the Fiscal Years Ending June 30, 1982, and June 30, 1983, and to Establish a Local Road Assistance Program." (Emergency) (S. P. 270)

Which was referred to the Committee on Transportation and Ordered Printed.  
Sent down 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 Concerning the Transportation of Sawdust and Shavings on Public Ways." (H. P. 25) (L. D. 29)

Bill, "An Act to Repeal the Prohibition on Importing Live Bait." (H. P. 39) (L. D. 48)

#### Leave to Withdraw

The Committee on Business Legislation on, Bill, "An Act to Require Notification to Abutting Landowners Upon Correction or Alteration of a Prior Survey." (H. P. 133) (L. D. 160)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Marine Resources on, Bill, "An Act to Require a Permit for Purse Seining on the Medomak River." (H. P. 187) (L. D. 200)

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 Health and Institutional Services on, Bill "An Act Concerning the Habitual Use of Drugs by Podiatrists." (H. P. 199) (L. D. 244)

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.

#### Ought to Pass — As Amended

The Committee on Taxation on, Bill, "An Act to Increase the Standard Interest Provision for the Tax Laws from 9% to 12% Per Year." (H. P. 82) (L. D. 77)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H. 7).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A".

The Committee on Taxation on, Bill, "An Act to Repeal the Law Requiring a Taxable Year of April to April for Real Estate Taxes which are Prorated between Seller and Purchaser of Real Estate." (H. P. 87) (L. D. 80)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H. 8).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A".

Which Reports were Read and Accepted, in concurrence, and the Bills Read Once. Com-

mittee Amendments "A" were Read and Adopted, in concurrence, and the Bills, as amended, Tomorrow Assigned for Second Reading.

#### Senate

##### Ought to Pass — As Amended

Senator GILL for the Committee on Health and Institutional Services on, Bill, "An Act Concerning Eye Enucleation under the Anatomical Gift Act." (S. P. 54) (L. D. 81)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S. 11).

Senator WOOD for the Committee on Taxation on, Bill, "An Act to Require Certain Notification in the Case of Tax Liens and Mortgages." (S. P. 69) (L. D. 106)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S. 10).

Which Reports were Read and Accepted and the Bills Read Once. Committee Amendments "A" were Read and Adopted and the Bills, as amended, Tomorrow Assigned for Second Reading.

#### Divided Report

The Majority of the Committee on Education on, Bill, "An Act Providing for a Period of Silence in Public Schools." (S. P. 70) (L. D. 107)

Reported that the same Ought to Pass in New Draft under Same Title (S. P. 272) (L. D. 699)

Signed:

Sensors:

PIERCE of Kennebec  
CLARK of Cumberland

Representatives:

ROLDE of York  
LOCKE of Sebec  
BROWN of Livermore Falls  
BROWN of Gorham  
MURPHY of Kennebunk

The Minority of the Same Committee on the same subject matter reported that the same Ought Not to Pass.

Signed:

Sensor:

TROTZKY of Penobscot

Representatives:

CONNOLLY of Portland  
THERIAULT of Fort Kent  
THOMPSON of So. Portland  
MATTHEWS of Caribou  
GOWEN of Standish

Which Reports were Read.

On motion by Senator Collins of Knox Tabled for 2 Legislative Days, pending Acceptance of Either Committee Report.

(Off Record Remarks)

#### Second Readers

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

##### House

Bill, "An Act Concerning Identification and Testing of Equine Infectious Anemia on Horses." (H. P. 131) (L. D. 158)

Bill, "An Act to Amend the Maine Insurance Guaranty Association Act to Increase Liability of Association Member Companies." (H. P. 52) (L. D. 66)

Bill, "An Act to Allow the Exclusion of Covered Persons under a Personal Automobile Policy." (H. P. 586) (L. D. 601)

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

#### House — As Amended

Bill, "An Act to Remove the Sunset Provisions on the Regulation of Business Between Motion Picture Distributors and Exhibitors." (H. P. 96) (L. D. 126)

Bill, "An Act to Increase the Licensing Fees for Chiropractors." (H. P. 98) (L. D. 128)

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

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**Senate**

Bill, "An Act to Permit Auctioneers to Conduct Auctions for Charitable Organizations without Posting an Additional Bond under the Charitable Solicitations Act." (S. P. 111) (L. D. 240)

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

Sent down for concurrence.

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**Enactor**

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

AN ACT to Provide Free Access for Disabled Veterans to State Parks, Camping Areas and Beaches. (H. P. 51) (L. D. 65)

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

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**Orders of the Day**

The President laid before the Senate the Tabled and Specially assigned matter:

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

Tabled—February 9, 1981 by Senator O'LEARY of Oxford.

Pending—Consideration.

On motion by Senator Emerson of Penobscot, the Senate voted to Recede from its action whereby L. D. 179 was Passed to be Engrossed.

House Amendment "A" (H-6) was Read.

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

Senator EMERSON: I now present Senate Amendment "A" to House Amendment "A" and move its Adoption.

The PRESIDENT: The Senator from Penobscot, Senator Emerson, now presents Senate Amendment "A" to House Amendment "A" and moves its Adoption.

Senate Amendment "A" (S-12) was Read and Adopted. House Amendment "A", as amended, Adopted, in non-concurrence. The Bill, as amended, Passed to be Engrossed, in non-concurrence.

Sent down for concurrence.

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

Senator Trafton of Androscoggin was granted unanimous consent to address the Senate, Off the Record.

Senator Trotzky of Penobscot 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.