

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 13, 1981
Senate called to order by the President.

Prayer by the Reverend Perley C. Odell of the United Methodist Church in Gardiner.

Reverend ODELL: Master of the Universe, we thank You for having called us out of many peoples to be one people, and out of many traditions to be one tradition, and to ask that that which we are and that which we do this day may be received into the record of the history of Your people. Amen.

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

Senator HICHENS:

Since I have been a Senator from District Number 1,

I've occupied this same old seat since sessions have begun.

And for my first four terms here, I had as my seatmate

The gentleman from Milbridge quite proper and sedate.

Last session there were changes — and my seatmate chanced to be,

The man from District 24 — a quiet one was he.

With both these men older than me — it made me feel that I

Among the middle agers — could myself identify.

But now my former seatmate has moved across the room

And the realization of my plight — brings on a thought of gloom

For next to me and behind me are those of younger age

Which gives me the odd feeling — of being the old sage.

Yet I won't let it get me down — and I bring it to your mind

That the one beside me is prettier than those who sit behind.

And every time I have to move my chair for her to pass,

I take the opportunity to greet the winsom lass.

And I'm sure that you'll agree — one way to keep my mind from rustin'

Is to sit beside a gal like our vivacious Senator Bustin.

And though she may not appreciate these words I have to say,

Ne'ertheless I must remind you that tomorrow is the day

When she celebrates her birthday — an attractive Valentine.

And so I hope you'll join me — with the old familiar line,

In wishing her the very best as she starts another year,

And trust that she'll enjoy her stay throughout the session here.

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, they adjourn to Tuesday, February 17, 1981, at ten o'clock in the morning. (S. P. 304)

Which was Read and Passed.

Sent down forthwith for concurrence.

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

Bill, "An Act to Prohibit Fingerprinting by Merchants in Negotiation of Checks." (H. P. 109) (L. D. 157)

In the House, February 9, 1981, the Bill

Passed to be Engrossed.

In the Senate, February 11, 1981, Majority Ought Not to Pass Report Read and Accepted, in non-concurrence.

Comes from the House, that Body having Adhered.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Dutremble.

Senator DUTREMBLE: Mr. President I move that we Recede and Concur with the House.

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

The Chair recognizes the Senator from Lincoln, Senator Sewall.

Senator SEWALL: I request a Division.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: I request a Roll Call.

The PRESIDENT: A Roll Call has been requested. Under the Constitution, in order for the Chair to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

Will all those Senators in favor of ordering a Roll Call, please rise and remain standing until counted.

Obviously more than one-fifth having arisen a Roll Call is ordered.

The pending question before the Senate is the motion to Recede and Concur with the House.

A Yes vote will be in favor of Receding and Concurring.

A No vote will be opposed.

The Doorkeeper will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Dutremble, Najarian, O'Leary, Violette, Wood.

NAY — Ault, Brown, Bustin, Carpenter, Clark, Collins, Conley, Devoe, Emerson, Gill, Hichens, Huber, McBrearty, Minkowsky, Pierce, Pray, Sewall, C.; Shute, Teague, Traf-ton, Trotzky, Usher.

ABSENT — Charette, Kerry, Perkins, Redmond, Sutton.

A Roll Call was had.

5 Senators having voted in the affirmative and 22 Senators in the negative, with 5 Senators being absent the Motion to Recede and Concur does not prevail.

The PRESIDENT: Is it now the pleasure of the Senate to Adhere?

The motion prevailed.

House Papers

Bill, "An Act to Coordinate Agriculture and Energy Related Activities in State Government." (H. P. 648) (L. D. 753)

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

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

Bill, "An Act Concerning Application of the Insurance Code to the Nonprofit Hospital or Medical Service Organization." (H. P. 649) (L. D. 754)

Bill, "An Act to Enable Eastern Maine Medical Center to File Articles of Incorporation under the Maine Nonprofit Corporation Act." (Emergency) (H. P. 650) (L. D. 755)

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 Relating to Special Education, Vocational Education, and Transportation Operating Allocations." (H. P. 653) (L. D. 759)

Bill, "An Act to Pay School Subsidies on a Sliding Percentage Scale." (H. P. 654) (L. D. 757)

Bill, "An Act to Increase the Compensation for Substitute Teachers." (H. P. 655) (L. D. 758)

Bill, "An Act to Permit a Person, other than the Superintendent of Schools, to Keep a Record of Meetings of a School Administrative District." (H. P. 656) (L. D. 756)

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

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

Bill, "An Act Concerning Registration and Enrollment of Voters." (H. P. 657) (L. D. 760)

Come 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 Reduce the Set Back Requirement from 75 Feet to 50 Feet on Principal Structures in the Resource Protection and Limited Residential Districts." (H. P. 658) (L. D. 761)

Bill, "An Act to Require Primary Suppliers to Report Deliveries of Petroleum Products to the Office of Energy Resources." (Emergency) (H. P. 659) (L. D. 762)

Come from the House, referred to the Committee on Energy and Natural Resources and Ordered Printed.

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

Bill, "An Act to Protect the Integrity of the Unemployment Compensation Fund." (H. P. 641) (L. D. 763)

Bill, An Act to Establish Reasonable Limitation on the Recovery of Unemployment Compensation Benefits Overpaid in Nonfraud Cases. (H. P. 642) (L. D. 732)

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 Relating to Winter Closing of Town Ways." (H. P. 643) (L. D. 733)

Come 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 Relating to Action by the Public Utilities Commission on Applications by Motor Common Carriers of Passengers for Certificates of Public Convenience and Necessity." (H. P. 644) (L. D. 734)

Come 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.

Bill, "An Act to Remove the Exemption for Motor Vehicle Fuel from the State Sales Tax Law." (Emergency) (H. P. 645) (L. D. 735)

Bill, "An Act to Repeal Portions of the Excise Tax Law." (H. P. 646) (L. D. 736)

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 Regulate Passengers Standing in Motor Trucks." (H. P. 647) (L. D. 737)

Come 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

**Office of
Secretary of State**

Honorable May M. Ross, Secretary
Maine Senate
State House
Augusta, Maine
Dear Mrs. Ross:

Attached please find the 1980 Annual Report on the activities of charitable organizations within this state.

Maine's Charitable Solicitations Act took effect January 1, 1978. Essentially, it requires all charitable organizations to register with our office. Certain types (churches, educational institutions, small charities) are "exempt" from annual filings and financial reports; they submit only an initial registration.

Charitable organizations pay no filing fees; however, professional fundraisers must pay a \$100 fee and post a \$10,000 bond. Organizations grossing more than \$30,000 annually must submit a financial report indicating how much was spent directly for the charity, for administration and for fundraising.

Currently LD 64 proposes transferring the responsibility for administering the Act to the Department of Business Regulation. That Department's regulation of auctioneers and itinerant vendors suggest efficiencies and convenience for the public.

If any legislators have any constituents who are interested in the administration of this law or who need assistance, please feel free to have them contact my Deputy, Dr. James S. Henderson. He will be glad to accept any suggestions that would result in the fairest application of this law to all organizations while avoiding hardship on the smallest charitable groups.

Very truly yours,
S/RODNEY S. QUINN
Secretary of State

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

**Senate Chamber
President's Office**

February 12, 1981

Honorable James A. McBreairty
Honorable Donald M. Hall
Chairmen, Joint Standing Committee
on Energy and Natural Resources
State House
Augusta, ME

Please be advised that Governor Joseph E. Brennan is nominating Evelyn Jephson of Kennebunk for reappointment to the Board of Environmental Protection.

Pursuant to Title 38 MRSA Section 341, this nomination will require review by the Joint Standing Committee on Energy and Natural Resources and confirmation by the Senate.

Sincerely,
S/JOSEPH SEWALL
President of the Senate
S/JOHN L. MARTIN
Speaker of the House
(S. P. 305)

Which was Read and referred to the Committee on Energy and Natural Resources.
Sent down for concurrence.

**Senate Chamber
President's Office**

February 12, 1981

Honorable James A. McBreairty
Honorable Donald M. Hall
Chairmen, Joint Standing Committee
on Energy and Natural Resources
State House
Augusta, ME

Please be advised that Governor Joseph E. Brennan is nominating James H. Tweedie of Mars Hill for reappointment to the Board of Environmental Protection.

Pursuant to Title 38 MRSA Section 341, this nomination will require review by the Joint Standing Committee on Energy and Natural Resources and confirmation by the Senate.

Sincerely,
S/JOSEPH SEWALL
President of the Senate
S/JOHN L. MARTIN
Speaker of the House
(S. P. 306)

Which was Read and referred to the Committee on Energy and Natural Resources.
Sent down for concurrence.

**Senate Chamber
President's Office**

February 12, 1981

Honorable James A. McBreairty
Honorable Donald M. Hall
Chairmen, Joint Standing Committee
on Energy and Natural Resources
State House
Augusta, ME

Please be advised that Governor Joseph E. Brennan is nominating William B. Blodgett of Waldo for appointment to the Board of Environmental Protection.

Pursuant to Title 38 MRSA Section 341, this nomination will require review by the Joint Standing Committee on Energy and Natural Resources and confirmation by the Senate.

Sincerely,
S/JOSEPH SEWALL
President of the Senate
S/JOHN L. MARTIN
Speaker of the House
(S. P. 307)

Which was Read and referred to the Committee on Energy and Natural Resources.
Sent down for concurrence.

Senate Papers

Senator COLLINS of Knox presented, Bill, "An Act Concerning Retirement and Benefits for State Employees Returning to Work after Attaining the Age of 60." (S. P. 299)

Senator COLLINS of Knox presented, Bill, "An Act Concerning Health Insurance Plans under the State Retirement System." (S. P. 300)

Senator TEAGUE of Somerset (Cosponsor: Representative NELSON of Portland) presented, Bill, "An Act to Amend the Group Life Insurance Program for State Employees and Teachers." (S. P. 301)

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

Sent down for concurrence.

Senator TRAFON of Androscoggin (Cosponsor: Senator COLLINS of Knox) presented, Bill, "An Act to Establish the Dental Practice Act." (S. P. 298)

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

Sent down for concurrence.

Senator GILL of Cumberland (Cosponsors: Representative HOLLOWAY of Edgecomb, Representative BERUBE of Lewiston and Representative RANDALL of East Machias) presented, Bill, "An Act Promoting the Availability of Health Care Services." (S. P. 303)

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

Sent down for concurrence.

Senator DUTREMBLE of York presented, Bill, "An Act Concerning the Reappointment of Sheriffs' Deputies." (S. P. 297)

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

Sent down for concurrence.

Senator REDMOND of Somerset presented, Bill, "An Act Relating to Vehicle Sizes and Weights." (S. P. 302)

Which was 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 Abolish the Present Structure of the Public Utilities Commission." (H. P. 114) (L. D. 187)

Leave to Withdraw

The Committee on Fisheries and Wildlife on, Bill, "An Act Concerning Election of the Members of the Inland Fisheries and Wildlife Advisory Council." (H. P. 272) (L. D. 305)

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

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on State Government on, Bill, "An Act to Establish a Standard of Type for Governmental Use to Assure Readability of Published Information." (H. P. 77) (L. D. 100)

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 — As Amended

The Committee on Agriculture on, Bill, "An Act to Amend the Annual Timber Cut Report Requirement to Include Fuelwood under the Annual Timber Cut Report." (H. P. 10) (L. D. 5)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H. 16).

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

The Committee on Legal Affairs on, Bill, "An Act to Repeal Provisions for Premiums and Rebates under the Liquor Laws." (H. P. 234) (L. D. 249)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H. 13)

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

The Committee on Legal Affairs on, Bill, "An Act to Provide Relocation Assistance to Certain Persons Ineligible for Federal Benefits." (H. P. 19) (L. D. 25)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H. 14).

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

Which Report was Read.

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

Senator COLLINS: May I ask through the Chair if there is any fiscal note attached to this measure?

The PRESIDENT: The Senator from Knox, Senator Collins, has proposed a question through the Chair, to any Senator who may

care to answer.

The Chair recognizes the Senator from Cumberland, Senator Huber.

Senator HUBER: Mr. President and Members of the Senate, there is an implied fiscal note for future costs to this Bill. There is no way to estimate the dollar impact. There will presumably be a cost at some level of government. I will examine it further.

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

Senate

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 Establish a Presidential Primary." (S. P. 91) (L. D. 207)

Bill, "An Act to Allow Persons 60 Years of Age or Over to Vote by Absentee Ballot." (S.P. 159) (L.D. 367)

Second Readers

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

House — As Amended

Bill, "An Act Relating to Appeals by Taxpayers from Municipal Assessment." (H. P. 81) (L. D. 120)

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

Senate

Bill, "An Act to Amend the Charter of the Sanford Sewerage District." (Emergency) (S. P. 146) (L. D. 317)

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

Sent down for concurrence.

Orders of the Day

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

Senator CONLEY: Mr. President, is the Chair in possession of LD 110, SP 73, An Act Concerning Appointments to the Maine Veterans Home Board of Trustees?

The PRESIDENT: The Chair would answer the Senator in the affirmative. The Bill, "An Act Concerning Appointments to the Maine Veterans Home Board of Trustees." (S. P. 73) (L. D. 110) having been held.

Senator Gill of Cumberland, Senator Clark of Cumberland, Senator Najarian of Cumberland, Senator Sewall of Lincoln, Senator Bustin of Kennebec, and Senator Trafton of Androscoggin were 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 Tuesday, February 17, at 10 o'clock in the morning.