

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

April 10, 1981

Senate called to order by the President.

Prayer by Father Louis Berube of Saint Philip's Church in Auburn.

FATHER BERUBE: Let us pray. Heavenly Father, on this beautiful spring day, we ask Your special blessing upon this assembly. On the threshold of Holy Week we are reminded that Your Son, Jesus, came to live among us, and He spoke of peace and justice, love and joy. We earnestly ask You, Father, in the name of Your Son, Jesus, to bring peace to our hearts and justice in our society, to help us to live in harmony, to bring love and joy in all the families in our land. We pray through Christ, our Lord. Amen.

Reading of the Journal of yesterday.

(Off Record Remarks)

House Papers

Bill, "An Act to Provide for the Election of Jury Trials in Certain Criminal Cases." (H. P. 1328) (L. D. 1527)

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

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

Bill, "An Act to Extend the Territory of the Gardiner Water District and to Enlarge the Board of Trustees." (H. P. 1324) (L. D. 1524)

Comes 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 Create a Tax on Mining Companies and to Amend the Statute on Mining on State Lands." (H. P. 1325) (L. D. 1525)

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.

**Communications
House of Representatives**

April 9, 1981

Honorable May M. Ross
Secretary of the Senate
110th Legislature
Augusta, Maine

Dear Madam Secretary:

The House voted today to Adhere to its action whereby it Indefinitely Postponed Bill "An Act Relating to Furloughs for Inmates of County Jails" (H. P. 872) (L. D. 1041)

Respectfully
S/EDWIN H. PERT
Clerk of the House

Which was Read and Ordered Placed on File.

House of Representatives

April 9, 1981

Honorable May M. Ross
Secretary of the Senate
110th Legislature
Augusta, Maine

Dear Madam Secretary:

The House voted today to Adhere to its action whereby it accepted the Majority "Ought Not to Pass" Report of the Committee on Energy and Natural Resources on Bill "An Act Relating to Standards of the Maine Land Use Regulation Commission" (S. P. 264) (L. D. 746)

Respectfully,
S/EDWIN H. PERT
Clerk of the House

Which was Read and Ordered Placed on File.

Order

An Expression of Legislative Sentiment recognizing:

The Augusta Sharpies Cossack Drill Team, first-place winners in Class B drill team competition at the Cherry Blossom Festival in Washington, D.C., on April 4, 1981. (S. P. 560) presented by Senator BUSTIN of Kennebec (Cosponsors: Representative LUND of Augusta, Representative HICKEY of Augusta and Representative PARADIS of Augusta).

Which was Read and Passed.

Sent down for concurrence.

**Committee Reports
House
Leave to Withdraw**

The Committee on Transportation on, Bill, "An Act to Provide Reduced Toll for Car Pools Using the Maine Turnpike." (H. P. 861) (L. D. 1024)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

Which Report was Read and Accepted, in concurrence.

Ought to Pass

The Committee on Appropriations and Financial Affairs on, Bill, "An Act to Make Allocations from the Maine Coastal Protection Fund for the Fiscal Years Ending June 30, 1982 and June 30, 1983." (Emergency) (H. P. 345) (L. D. 393)

Reported that the same Ought to Pass.

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

The Committee on Taxation on, Bill, "An Act to Amend the Tax Law Providing a One-time Property Tax Exemption for Disabled Veterans, World War I Veterans and Persons Claiming from World War I Veterans." (Emergency) (H. P. 1327) (L. D. 1521)

Reported pursuant to Joint Order (H. P. 1321) that the same Ought to Pass.

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

The Committee on Transportation on, Bill, "An Act to Authorize Certain Crossings of Public Ways under the Highway Laws." (H. P. 509) (L. D. 560)

Reported that the same Ought to Pass.

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

Which Reports were Read and Accepted, in concurrence, and the Bills Read Once and Tomorrow Assigned for Second Reading.

Ought to Pass — As Amended

The Committee on Fisheries and Wildlife on, Bill, "An Act to Prohibit Taking Antlerless Deer in Certain Municipalities and Townships." (H. P. 217) (L. D. 254)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-179).

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

The Committee on Judiciary on, Bill, "An Act Concerning the Limitation on Damages for Loss of Comfort, Society and Companionship in Wrongful Death Actions." (H. P. 740) (L. D. 878)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-189).

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

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

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-190).

Comes from the House, the Bill Passed to be

Engrossed as amended by Committee Amendment "A".

The Committee on Labor on, "Bill, An Act to Clarify Application of the Workers' Compensation Law to Injuries Received by an Employee who Voluntarily Participates on an Employer-Sponsored Athletic Team." (H. P. 666) (L. D. 770)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-188).

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

The Committee on Transportation on, Bill, "An Act to Establish a Transit License Plate for Movement of Special Off-road Vehicles and Equipment Weighing over 6,000 Pounds." (H. P. 693) (L. D. 807)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-187).

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

The Committee on Transportation on, Bill, "An Act to Require Trucks Carrying Explosive Material to Come to a Complete Stop Before Crossing Railroad Tracks." (H. P. 786) (L. D. 931)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-186).

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

The Committee on Education on, Bill, "An Act to Clarify the School Construction Law." (H. P. 166) (L. D. 230)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-176).

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.

Divided Report

The Majority of the Committee on Election Laws on, Bill, "An Act Concerning Residing Prior to Voting in an Election." (H. P. 793) (L. D. 947)

Reported that the same Ought Not to Pass.

Signed:

Senators:

PRAY of Penobscot
CARPENTER of Aroostook

Representatives:

BENOIT of South Portland
NADEAU of Lewiston
BOISVERT of Lewiston
DIAMOND of Bangor
ROBERTS of Buxton

The Minority of the same Committee on the subject matter reported that the same Ought to Pass.

Signed:

Senator:

PIERCE of Kennebec

Representatives:

BORDEAUX of Mount Desert
WENTWORTH of Wells
CAHILL of Woolwich
HANSON of Kennebunkport
WEYMOUTH of West Gardiner

Comes from the House, Bill and Papers Indefinitely Postponed.

Which Reports were Read.

On motion by Senator Pierce of Kennebec, Tabled for 1 Legislative Day, pending Acceptance of Either Committee Report.

Senate

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 Concerning Funds for the Maintenance for the Baxter Park Perimeter Road." (S. P. 320) (L. D. 910)

Leave to Withdraw

Senator Sutton for the Committee on Business Legislation on,

Bill, "An Act Requiring that Stuffed Furniture Sold in Maine be Fire Retardant." (S. P. 365) (L. D. 1084)

Reported that the same be granted Leave to Withdraw.

Which Report was Read and Accepted.
Sent down for concurrence.

Divided Report

The Majority of the Committee on Legal Affairs on,

Bill, "An Act to Prohibit the Sale of Kegs of Malt Liquor to Nonlicense Holders." (S. P. 294) (L. D. 820)

Reported that the same Ought Not to Pass.
Signed:

Senators:

SHUTE of Waldo
CHARENTE of Androscoggin
VIOLETTE of Aroostook

Representatives:

COX of Brewer
DUDLEY of Enfield
STUDLEY of Berwick
SWAZEY of Bucksport
STOVER of West Bath
McSWEENEY of Old Orchard Beach
GWADOSKY of Fairfield
PERRY of Mexico
SOULAS of Bangor

Minority of the same Committee on the same subject matter reported that the same Ought to Pass.

Signed:

Representative:

TREADWELL of Veazie

Which Reports were Read.

On motion by Senator Shute of Waldo, the Majority Ought Not to Pass Report of the Committee was Accepted.

Sent down for concurrence.

Second Readers

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

House — As Amended

Bill, "An Act to Create a State Compensation Commission." (H. P. 757) (L. D. 894)

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

Bill, "An Act to Prevent Certain Abuses in Door-to-Door Sales." (H. P. 833) (L. D. 1000)

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

Bill, "An Act to Make Operating a Vehicle under the Influence of Intoxicating Liquor or Drugs an Adult Crime Regardless of the Age of the Operator of the Vehicle." (H. P. 459) (L. D. 505)

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

Senate

Bill, "An Act to Deregulate the Bag Limit and Size Requirements of Striped Bass." (S. P. 369) (L. D. 1088)

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

Sent down for concurrence.

Enactors

The Committee on Engrossed Bills reported as truly and strictly engrossed the following: An Act to Create an Environmental Health Program. (H. P. 804) (L. D. 914)

The PRESIDENT: The Chair recognizes the

Senator from Cumberland, Senator Huber.

Senator HUBER: Mr. President, I move that LD 914 be placed on the Special Appropriations Table.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that LD 914 be placed on the Special Appropriations Table, pending Enactment.

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President, and Members of the Senate, you recall, I'm quite sure, very, very vividly.

The PRESIDENT: The Chair would advise the Senator that a Tabling motion is not debatable.

The Chair understood that the Senator from Androscoggin, Senator Minkowsky, requests a Division on the Tabling motion?

Senator MINKOWSKY: That's correct, Mr. President.

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

Senator HUBER: Mr. President, I Withdraw my Tabling motion.

The PRESIDENT: Senator Huber of Cumberland now requests Leave of the Senate to Withdraw his motion to Table L. D. 914.

Is it the pleasure of the Senate to Grant this Leave?

It is a vote.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President and Members of the Senate, I thank the good Senator from Cumberland, Senator Huber, for Withdrawing his Tabling motion.

I think it's of significant value this afternoon that we discuss, somewhat, the ramifications of "An Act to Create an Environmental Health Program" here in the State of Maine. As you may recall, I articulated quite a few viewpoints I had, and reservations thereof, relevant to this program on April 3. At that particular segment of time, I did not ask for a Division, or a Roll Call, or anything else, because at that particular point I wanted to be sure that the Legislature, at least, slowed this issue down somewhat so it could be evaluated more clearly.

As we have progressed through this Legislative Session, and I have researched some of the items that have come before us, I'm just starting to wonder what the rationale is behind putting this particular document through as quickly as it was, and especially laying it on the Appropriations Table.

When I look at all the different departments, involved in State government, that are addressing basically the very, very same thing, and I'm referring primarily now to L. D. 19 that we just passed recently. The Bill by Senator Wood and Senator Hichens, which was "An Act to Amend the Maine Pesticides Control Act of 1975," to fund full research relating to public health, under the Department of Agriculture, or as a separate entity. The amount of research that's going on with the Department of Environmental Protection, the additional research with the Bureau of Civil Emergency Preparedness, and additional research by the Department of Agriculture. When I look at all these different departments in the bureaucratic system, that are investigating health issues in the State of Maine, I'm just wondering who is going to be the lead agency in making this determination.

My greater concern rests with the fact that this quarter of a million dollar boondoggle is really not in the interests of the people in the State of Maine during these very, very trying times. I sincerely believe I got the message just like each and every one of you did, from our constituency, to curtail the proliferation of government, and to act responsibly and rationally on proposing new programs.

It's also amazing that this particular thing

has already been funded in the Part 2 Budget, as though the rest of us, who may not have wisdom that leadership has, or the Governor's office has, are supposed to be conformists, instantaneously, to this horrendous piece of legislation.

This afternoon, Mr. President, and Members of the Senate, if I have to stand here alone and kill this particular monstrosity, I intend to do just that, because I think it's about time somebody gets up and tells the people of the State of Maine that yes, we are listening to you. We are concerned with what is happening in State government. We are concerned with the costs that are accumulating, especially at the present time, if we are facing somewhere near estimations of a \$75 million deficit.

Yes, everybody's for a clean environment. Everybody wants to protect everybody else's health. The intent and purpose may be great, but the end result is that this thing is going to proliferate to the point where it's going to cost the taxpayers untold millions of dollars as we progress with this, just like when we started off with the D. E. P. a few years back. I was a great proponent of that. Now it's in excess of a four or five, or eight million dollar operation. There's no end to it.

What I'm simply saying, we have to draw the line somewhere and coordinate all these different agencies involved in, allegedly, trying to help protect the health and welfare of the people of the State of Maine.

I appreciate what the good Senator did in allowing me the chance to debate this before it goes on the Appropriations Table. I realize that at the end of the Session we might be debating this again if it succeeds in going on the Appropriations Table. I feel it's of paramount importance, this afternoon, to take a Roll Call vote on this particular issue, so we know pretty much where we stand.

A Roll Call vote was taken in the unmentioned Body, in the other part of this Chamber. You know, I can see now the rationale why the emergency part of that particular Bill was taken off. I guess many people who are of my party persuasion also feel identically the same way as I do.

Mr. President, on that particular note, I would ask that this particular Bill, and all accompanying papers be Indefinitely Postponed. I would ask for a Roll Call.

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from Cumberland, Senator Gill.

Senator GILL: Mr. President, I might respond to some of the comments that were made by the good Senator from Androscoggin, Senator Minkowsky. This Bill has come about precisely because the people out there have said, they've wanted something to prevent accidents from happening, prevent sickness and health problems developing, and costing the State a lot more money in the long run than it would in the prevention area.

The Department of Human Services, where the Environmental Health Unit would be housed, is there, for the protection of the health of the people of the State of Maine, all the people of the State of Maine.

I might add that this has been an ongoing piece of legislation. We have dealt with it through two Sessions. We've had several studies on it, first of all by the State Government Committee who originally heard the Bill. Then by the Health and Institutional Committee, which I happen to chair. We did set up a subcommittee of the Health and Institutional Committee to look into this through the summer. They came back with a Report. I might add that this is a bipartisan group. The Committee came out with a unanimous Report. It's a bipartisan report from the Committee.

There are no current resources that can really adequately evaluate the long term health impact for various environmental diseases and

hazards within the State. This is precisely why this unit was set up.

I think everybody feels that the Bill should go to the Appropriations Table. They should deal with it and list it among their priorities. They only have so much money to deal with. They have much legislation that they're looking at. This was included in the Governor's budget. This is a Governor's Bill.

There are some major differences between this piece of legislation and the legislation proposed last time. It calls for a smaller staff, with fewer medical personnel on the staff. Those people within the staff, the epidemiologists would have training and experience in the application of all the epidemiological research methods, to all the environmentally related health problems, particularly chronic diseases that we have in the State. The toxicologists would be responsible for assembling, and analyzing this medical information with regard to the impact of these toxic substances used within the State and with regard to these substances being used and the effect they would have on the health of those that would be exposed to them.

It would include a public advisory committee. It does not give the department any rule-making authority.

So I think we have really come in with a piece of legislation that has been worked, and worked, and worked. I think we should let it go along, and let it take its changes on the Appropriations Table with the many other measures that we have there.

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

Senator MINKOWSKY: Mr. President, Members of the Senate, just one final note. There's another agency in Washington, D.C. It's the Federal Center for Disease Control. They have all these elite prima donnas that we are requesting on this particular Bill sitting down there telling the people not only in the State of Maine, but throughout this nation, we realize the problems out there, but you know, we don't have the solutions. We are researching it.

Do we want to add on another layer in State government to do identically the very same thing? I think not. From what I've heard from my constituents, they say no, also.

The PRESIDENT: Is the Senate ready for the question?

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 by the Senator from Androscoggin, Senator Minkowsky, that LD 914 be Indefinitely Postponed.

A Yes vote will be in favor of Indefinite Postponement of LD 914.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Ault, Devoe, Emerson, McBreairey, Minkowsky, Perkins, Pierce, Redmond, Sewall, C.; Shute, Sutton.

NAY—Brown, Bustin, Carpenter, Charette, Clark, Collins, Dutremble, Gill, Hichens, Huber, Kerry, Najarian, Pray, Trafton, Trotzky, Usher, Violette, Wood.

ABSENT—Conley, O'Leary, Teague.

A Roll Call was had.

11 Senators having voted in the affirmative and 18 Senators in the negative, with 3 Senators being absent, the motion to Indefinitely Postpone L. D. 914 does not prevail.

On motion by Senator Huber of Cumberland, placed on the Special Appropriations Table, pending Enactment.

AN ACT to Require Disclosure of Reserves by Workers' Compensation Insurers. (S. P. 343) (L. D. 987)

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

AN ACT to Amend the Lien Law for Sewer Districts. (H. P. 222) (L. D. 259)

AN ACT to Establish the Department of Public Safety as the Lead Agency Regarding Accidental Spills of Hazardous Waste Matter. (H. P. 270) (L. D. 303)

AN ACT to Permit the Workers' Compensation Commission to Grant a Rehearing on the Ground of Newly Discovered Evidence. (H. P. 281) (L. D. 311)

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

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

Emergency

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Franklin County for the Year 1981. (H. P. 1308) (L. D. 1510)

This being an emergency measure and having received the affirmative votes of 29 members of the Senate, with No Senators having voted in the negative was Finally Passed and having been signed by the President was by the Secretary presented to the Governor for his approval.

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

Senator HICHENS: Thank you, Mr. President.

The early 30's I recall weren't very happy years

As the Country was depression bound — and there were many fears of what the future held in store — but in one humble home

A baby girl came on the scene and made her presence known.

She grew up while the government the Democrats controlled

But she was not a bit convinced with all that they extolled.

And as a staunch Republican — she firmly stood her ground

For her political beliefs and a few years back was found

In the House of Representatives and served her people well

Then moved up to the Senate, and I have heard some tell

That someday in the future she'd like to fill the chair

In the office on the 2nd floor — the first woman to be there.

On Health and Institutional Committee she has done

A job to be commended and I stand here as one Who appreciates her efforts — Sometimes we don't agree

On all the issues that we face — but it is plain to see

That she can't be right all the time — we all make our mistakes

But in doing what she has to do — she has just what it takes

To be the kind of Senator that makes Maine People proud

And to her many qualities — I'd shout it clear and loud

So stand with me this afternoon and join me if you will

In wishing Happy Birthday to our lovely Barbara Gill.

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

Senator Pray of Penobscot was granted unanimous consent to address the Senate, Off the Record.

On motion by Senator Pierce of Kennebec, Adjourned until Monday, April 13, 1981, at 5 o'clock in the afternoon.