

# 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 14, 1981

Senate called to order by the President.

Prayer by the Reverend Clayton Blackstone of the Advent Christian Church in Friendship.

REVEREND BLACKSTONE: Our Father, we recognize You today as the source of all wisdom. We recognize today that the problems that our nation, our state faces are of great complexity, and present us often with problems that we, in our own strength and wisdom, can not deal with.

Today, I ask on behalf of these men and women that You would give them clarity of mind, and insight into the situations which they must deal, that this State might remain stable in a very unstable time. Give them the strength, the courage, and the wisdom they need to provide the kind of leadership that our State needs.

Thank you, Father, for how You are going to answer this prayer. Amen.

Reading of the Journal of yesterday.

(Off Record Remarks)

**Papers from the House  
Joint Orders**

Expressions of Legislative Sentiment recognizing:

Phil Emery, of Bangor High School, who has been named swimming coach of the year. (H. P. 1339)

Karen Hunter, of Bangor, Junior II Champion in the women's division of the 1981 United States Ski Association National Amateur Freestyle Championships. (H. P. 1430)

Bangor High School Co-Captains, Ann Dean and Deb England and their team for earning the Sportsmanship Award for 1981 at the State Girls' Class A Championship Meet. (H. P. 1341)

Kevin Martin and Konrad Martin, of Bangor, who have been named by the Maine Interscholastic Swim Coaches to receive all-state swimming honors. (H. P. 1342)

Diane Folsom of Presque Isle, who has been named Schoolgirl Basketball Coach of the Year. (H. P. 1343)

Come from the House, Read and Passed.

Which were Read and Passed, in concurrence.

**Senate Paper**

Senator PERKINS of Hancock (Cosponsors: Senator CLARK of Cumberland, Representative POST of Owls Head and Representative HIGGINS of Scarborough) presented, Bill, "An Act to Recover Amounts Retained by Distributors under the Beverage Container Law." (S. P. 564)

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

Sent down for concurrence.

**Orders**

Expressions of Legislative Sentiment recognizing:

Peter Crosby, Robert St. Pierre and Eddie Mallett of the Augusta Fire Department for their daring rescue of an endangered youth. (S. P. 563) presented by Senator BUSTIN of Kennebec (Cosponsors: Representative LUND of Augusta, Representative HICKEY of Augusta and Representative PARADIS of Augusta).

Sean Donegan and Michael Hastings of Readfield, who received the Bobby Orr Sportsmanship Award for dedication and achievement in the game of hockey. (S. P. 565) presented by Senator PIERCE of Kennebec (Cosponsor: Representative DAMREN of Belgrade).

Which were Read and Passed.

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 to Formalize the Restitution Process in the Maine District Court." (H. P. 1091) (L. D. 1288)

Bill, "An Act Relative to the Jurisdiction of the Public Utilities Commission over Nonutility Attachments to Public Utility Plant." (H. P. 1017) (L. D. 1227)

Bill, "An Act to Permit Supermarkets to Remain Open on Sunday." (H. P. 778) (L. D. 923)

Bill, "An Act Concerning Absentee Voting." (H. P. 312) (L. D. 344)

Bill, "An Act Concerning the Date on which Local Referenda Questions Should be Voted on." (H. P. 1035) (L. D. 1254)

Bill, "An Act to Authorize the Use of Flashing Lights by Passenger Buses." (Emergency) (H. P. 390) (L. D. 433)

Bill, "An Act to Require a Mandatory, Minimal Commitment of Persons Acquitted of Criminal Charges as a Result of Mental Abnormality." (H. P. 1090) (L. D. 1287)

Bill, "An Act Relating to Granting Witness Immunity in Criminal Proceedings." (H. P. 743) (L. D. 881)

**Leave to Withdraw**

The Committee on Public Utilities on, Bill, "An Act to Equalize Toll Charges for Residents of the Same Community Who Have Different Telephone Exchanges." (H. P. 189) (L. D. 202)

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 Establish a 9-hour Workday and 50-hour Week." (H. P. 902) (L. D. 1069)

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 Establish Reasonable Limitation on the Recovery of Unemployment Compensation Benefits Overpaid in Nonfraud Cases." (H. P. 642) (L. D. 732)

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 Concerning Reimbursement Payments for Unemployment Benefits Where Claimants have Resigned, have Retired or have been Discharged." (H. P. 601) (L. D. 678)

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

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 Improve the Financing and Administration of the Second Injury Fund under the Workers' Compensation Act." (H. P. 747) (L. D. 884)

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 Adjust the Weekly Benefit Amount for Dependents of Unemployment Compensation Claimants." (H. P. 748) (L. D. 885)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and

Accepted.

The Committee on Business Legislation on, Bill, "An Act to Require that Retailers who Make More than 200% profit Notify the Purchaser." (H. P. 736) (L. D. 874)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Election Laws on, Bill, "An Act to Improve Voter Registration Access for Potential Absentee Voters." (H. P. 344) (L. D. 392)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Election Laws on, Bill, "An Act to Abolish the Application Procedure in Absentee Balloting." (H. P. 731) (L. D. 898)

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 Concerning the Sale of Certain Off Road Vehicles." (H. P. 769) (L. D. 906)

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 Local Excise Tax on Watercraft." (H. P. 1242) (L. D. 1467)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Election Laws on, Bill, "An Act to Require Identification of an Individual Speaking in a Televised Paid Political Advertisement." (H. P. 973) (L. D. 1161)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Election Laws on, Bill, "An Act Preventing Candidates in Primary or General Elections, or Members of their Immediate Families, who are Justices of the Peace or Notaries Public, from Registering Voters or Witnessing Absentee Ballots." (H. P. 869) (L. D. 1038)

Reported that the same be granted Leave to Withdraw.

Comes from the House, and Report Read and Accepted.

The Committee on State Government on, Bill, "An Act to Provide Free Access for Legislators to State Parks, Camping Areas, Beaches and the Maine Turnpike." (H. P. 1020) (L. D. 1230)

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 Provide that Legislative Documents and Senate and House Calendars be Printed on 8½ Inch x 11 Inch Commercial Paper." (H. P. 855) (L. D. 1018)

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 in New Draft**

The Committee on Judiciary on, Bill, "An Act Related to Forcible Entry and Detainer Hearings." (H. P. 377) (L. D. 415)

Reported that the same Ought to Pass in New Draft under New Title, "An Act to Amend, Revise and Codify the Landlord-Tenant Laws." (H. P. 1337) (L. D. 1351)

Comes from the House, the Bill and accompanying papers Recommended to the Commit-

tee on Judiciary.

Which Report was Read.

On motion by Senator Conley of Cumberland, Recommended to the Committee on Judiciary, in concurrence.

#### Divided Report

The Majority of the Committee on Health and Institutional Services on, Bill, "An Act Relating to Radiological Exposure." (H. P. 555) (L. D. 631)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H. 194).

Signed:

Senator:

BUSTIN of Kennebec

Representatives:

PRESCOTT of Hampden

BRODEUR of Auburn

KETOVER of Portland

RICHARD of Madison

MacBRIDE of Presque Isle

McCOLLISTER of Canton

MANNING of Portland

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

Signed:

Sensors:

GILL of Cumberland

HICHENS of York

Representatives:

BOYCE of Auburn

HOLLOWAY of Auburn

RANDALL of East Machias

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

Which Reports were Read.

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

#### Senate

##### Leave to Withdraw

Senator SUTTON for the Committee on Business Legislation on Bill, "An Act Concerning Administrative Fees Paid to Financial Institutions." (S. P. 277) (L. D. 786)

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

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Sagadahoc County for the Year 1981. (Emergency) (H. P. 1333) (L. D. 1526)

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

##### House — As Amended

Bill, "An Act to Require Availability of Municipal Ordinances." (H. P. 893) (L. D. 997)

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

Bill, "An Act to Authorize the Town of West Bath to Regulate Ice Racing on New Meadows Lake." (H. P. 751) (L. D. 888)

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

##### Senate

Bill, "An Act Relating to Law Libraries." (S. P. 562) (L. D. 1532)

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

Sent down for concurrence.

##### Senate—As Amended

Bill, "An Act Relating to Reapportionment for Municipal Officers." (Emergency) (S. P. 226) (L. D. 612)

RESOLVE, Authorizing the Exchange by the Department of Conservation of a Certain Parcel of Land in Rockport for a Similar Parcel of Land Adjoining the Marine Park with Gudrun H. Kononen. (S. P. 315) (L. D. 871)

RESOLVE, Authorizing the Attorney General to Convey Certain Lands of the State to the Town of Gorham. (S. P. 200) (L. D. 567)

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

Sent down for concurrence.

#### Enactors

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

An Act to Regulate Interest Rates on Life Insurance Policy Loans. (S. P. 153) (L. D. 361)

An Act to Facilitate the Development of More Placements in Boarding Homes that are Small, Homelike and Safe for Ambulatory and Mobile Nonambulatory Persons. (S. P. 551) (L. D. 1516)

An Act to Exempt Guide Dogs from Registration Fee Requirements During the Raising Period in Foster Homes. (H. P. 266) (L. D. 329)

An Act to Amend the Law to Provide a Lien for Sewer Rates for the Houlton Water Company. (H. P. 622) (L. D. 705)

An Act Further Amending the Planning and Zoning Statute. (S. P. 183) (L. D. 461)

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

An Act to Include Energy and Economic Considerations in Assessing Proposals before the Land Use Regulations Commission, the Department of Environmental Protection and the Department of Inland Fisheries and Wildlife. (H. P. 596) (L. D. 673)

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

Senator TROTZKY: Mr. President, and Members of the Senate, L. D. 673 started out as a Bill to require the Board of Environmental Protection to consider the economic and energy benefits of a project. Bills like this have been killed session after session, because basically, when a project comes in, it's the duty of the Board of Environmental Protection to take a look at what effect that project has on the environment.

The Bill that's up for Enactment that I see, basically says that "the commission shall permit the applicant to provide evidence on the economic benefits of the proposal as well as the impact of energy resources." In other words, it allows the applicant to provide this evidence at a hearing, but the Board in no way is required to act on it. In fact, the Board is not supposed to act on the economic benefits. The Board is supposed to act on the effects on the environment.

To me, this piece of legislation is doing absolutely nothing. We've rejected it time and time in the past, therefore, I hope the Senate would not Enact this. It's unessential. The people on the Board of Environmental Protection can read of the economic benefits, and energy impact of a project in any of the newspapers in the State of Maine.

If the Bill said, they had to consider the economic impact, the energy impact, it would mean something, but they're not required to consider it. In fact, they're not supposed to consider it. They're supposed to, by law, look at the effect the project has on the environment.

This is really totally unnecessary legislation. I request a Division.

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

Senator CONLEY: Mr. President, I wonder if some member of the Committee might respond to this Bill.

The PRESIDENT: The Senator from Cumberland, Senator Conley has posed a question through the Chair to any member of the Committee.

The Chair recognizes the Senator from Aroostook, Senator McBreaity.

Senator McBREAITY: Mr. President and Honorable Members of the Senate, I think Senator Trotzky described it very well. This Bill, if passed, would allow anyone who is coming before the board with a request to at least present the economic factors involved.

Now as he says they would not have to comply with them. They do not have to comply with anything over there, but they would at least have it planted in their mind and hopefully this might influence their decision.

I would ask if possible that the Committee Report on this Bill be read. Thank you.

The Committee Report was Read.

The PRESIDENT: Is the Senate ready for the question?

A Division has been requested.

Will all those Senators in favor of Enactment of L. D. 673, please rise in their places to be counted.

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

21 Senators having voted in the affirmative, and 5 Senators having voted in the negative, the Bill was Passed to be Enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

RESOLVE, Authorizing the Bureau of Public Lands to Convey the State's Interest in a Certain Parcel of Land in Dixmont. (S. P. 290) (L. D. 816)

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

#### Emergency

An Act to Implement Certain Cost Savings while the State's Unemployment Compensation Fund Remains in Debt. (H. P. 845) (L. D. 1011)

This being an emergency measure and having received the affirmative votes of 27 members of the Senate, with No Senators having voted in the negative, 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:

SENATE REPORTS—from the Committee on State Government—Bill, "An Act to Require that Legislators Include in their Ethic Reports Whether they are Union Members and Pay Union Dues During the Year." (S. P. 351) (L. D. 994) Report A—Ought Not to Pass; Report B—Ought to Pass as Amended by Committee Amendment "A" (S-113); Report C—Ought to Pass as Amended by Committee Amendment "B" (S-114).

Tabled—April 13, 1981 by Senator Conley of Cumberland.

Pending—Motion of Senator Ault of Kennebec to Accept Report "C".

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

Senator CONLEY: Mr. President, I would move that this Bill and all of its accompanying papers be Indefinitely Postponed.

The PRESIDENT: The Senator from Cumberland, Senator Conley, moves that L. D. 994 be Indefinitely Postponed.

The Chair recognizes the Senator from Kennebec, Senator Ault.

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

The PRESIDENT: A Division has been requested.

With all those Senators in favor of the motion by the Senator from Cumberland, Senator Conley, that L. D. 994 be Indefinitely Postponed, please rise in their places to be counted.

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

13 Senators having voted in the affirmative.

and 11 Senators having voted in the negative, the motion to Indefinitely Postpone L. D. 994 does prevail.

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

Senator CONLEY: Mr. President, having voted on the prevailing side, I now move Reconsideration and I would urge you to vote against my motion.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Conley, that the Senate Reconsider its action whereby L. D. 994 was Indefinitely Postponed.

Will all those Senators in favor of Reconsideration, please say "Yes".

Will all those Senators opposed, please say "No".

A Viva Voce Vote being had, the motion to Reconsider does not prevail.

Sent down for concurrence.

The President laid before the Senate the second Tabled and specially assigned matter.

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

Tabled—April 13, 1981 by Senator Collins of Knox.

Pending—Consideration.

On motion by Senator Collins of Knox, Retabled for 1 Legislative Day.

On motion by Senator Collins of Knox,

Adjourned until 9:30 o'clock tomorrow morning.