

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Tenth
Legislature

OF THE

STATE OF MAINE

SECOND REGULAR SESSION
January 6, 1982 to April 13, 1982
INDEX

FOURTH SPECIAL SESSION
April 28, 1982 and April 29, 1982
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FIFTH SPECIAL SESSION
May 13, 1982
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SECOND CONFIRMATION SESSION
July 16, 1982
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STATE OF MAINE
One Hundred and Tenth Legislature
Second Regular Session
JOURNAL OF THE SENATE

Augusta, Maine
January 6, 1982

Pursuant to the provisions of the Constitution and the laws of the State of Maine, the Senators convened in the Senate Chamber at 10 o'clock in the morning and were called to order by the President.

Prayer by the Reverend David L. Glusker of the Green Street Methodist Church of Augusta.

REVEREND GLUSKER: Let us pray. Lord God, we pause with thanksgiving as we enter into this new year, and this new season in the life of this Body. We are grateful for all of the ways in which You have blessed us during the past year, for the accomplishments and achievements which have been ours to enjoy, and for the gifts that we now benefit from as we reflect on past actions.

Lord, as we begin together again, we pray that You will enable us to be selfless rather than selfish, to be thinking more of others than we think of ourselves, to be conscious of Your will and that which is good for all people, rather than that which will profit us. To that end, we pray Your blessing upon us, and the continuance of Your Holy Spirit moving among us, that we may indeed be acting as the people of God. Amen.

The Roll being called, the following Senators answered to their names:

Ault, Bustin, Charette, Clark, Collins, Conley, Devoe, Dutremble, Emerson, Gill, Hichens, Huber, Kerry, McBreairty, Minkowsky, Najarian, O'Leary, Perkins, Pierce, Pray, Redmond, Sewall, C.; Shute, Sutton, Teague, Trafton, Usher, Wood, The President-J. Sewall.

29 Senators having answered to the Roll, the President declared that a quorum was present.

Out of Order and Under Suspension of the Rules:

On motion by Senator CONLEY of Cumberland.

ORDERED, that a message be sent to His Excellency, the Governor, informing him that a quorum of Senators is assembled in the Senate Chamber for the consideration of such business as may come before the Senate.

Which was Read and Passed.

The President appointed Senator Conley of Cumberland to deliver the message to His Excellency, the Governor.

Subsequently, Senator Conley of Cumberland reported that he had delivered the message with which he was charged.

At this point, a message was received from the House of Representatives, through Representative Mitchell of Vassalboro, the Majority Floor Leader of the House of Representatives, informing the Senate that a quorum was present for the consideration of such business as might come before the House.

Out of Order and Under Suspension of the Rules:

On motion by Senator COLLINS of Knox,

ORDERED, that a message be conveyed to the House of Representatives informing that Body that a quorum of Senators is present for the consideration of such business as may come before the Senate.

Which was Read and Passed.

The President appointed Senator Collins of Knox to convey the message, the Senator then retired to the Hall of the House, and subsequently, reported that he had delivered the message with which he was charged.

Communications
University of Maine at Orono

Bureau of Public Administration

December 30, 1981

Ms. May Ross
Secretary of the Senate
State House
Augusta, ME
Dear Ms. Ross

Enclosed please find 10 copies of the annual report on the operation of the State Government Internship Program as required by the Maine State Statutes, Chapter 14, paragraph 294. Due to a decreased budget, we are not able to provide copies for each Senator this year.

Sincerely,

S/KATHRYN H. GOODWIN, Director
Bureau of Public Administration

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

Department of Conservation

December 31, 1981

The Honorable Joseph Sewall
President of the Senate
Maine State Senate
State House Station #3
Augusta, ME
Dear President Sewall:

In accordance with 12 MRSA 1601, I hereby submit to the Legislature my written estimate of the total anticipated costs of the Maine Forestry District for the next fiscal year.

My estimate of anticipated costs for the MFD for fiscal year 1983 is \$3,238,087.

Sincerely,

S/RICHARD B. ANDERSON
Commissioner

Which was Read and Ordered Placed on File.

Office of the Governor

January 4, 1982

Honorable Joseph Sewall
President of the Senate
Senate Chamber
State House
Augusta, Maine
Dear Senator Sewall:

This is to inform you that I am nominating Annalee Z. Rosenblatt of Scarborough, Roderick E. Farnham of Hampden, Cynthia Murray-Beliveau of Augusta, Harold L. Gosselin of Lewiston and Tobie Nathanson of Saco for appointment to the State Personnel Board.

Pursuant to Title 5 MRSA Section 591, these nominations will require review by the Joint Standing Committee on State Government and confirmation by the Senate.

Thank you for your assistance in this matter.

Sincerely,

S/JOSEPH E. BRENNAN
Governor

Which was Read and Ordered Placed on File.

The Senate of Maine

January 4, 1982

The Honorable David R. Ault
The Honorable Judy C. Kany
Chairmen, State Government Committee
110th Maine Legislature

Please be advised that Governor Joseph E. Brennan has nominated Annalee Z. Rosenblatt of Scarborough, Roderick E. Farnham of Hampden, Cynthia Murray-Beliveau of Augusta, Harold L. Gosselin of Lewiston and Tobie Nathanson of Saco for appointment to the State Personnel Board.

Pursuant to Title 5 MRSA Section 591, these nominations will require review by the Joint Standing Committee on State Government.

Sincerely,

S/MAY M. ROSS
Secretary of the Senate

Which was Read and Ordered Placed on File.

Senate Papers

Senator VIOLETTE of Aroostook (Cosponsors: Representative LISNIK of Presque Isle and Representative MASTERTON of Cape Elizabeth) presented, Bill, "An Act to Address

the Potential Conflict of Interest of the Board of Pesticides Control." (Emergency) (S. P. 738)

(Submitted by the Department of Agriculture, Food and Rural Resources pursuant to Joint Rule 24.)

Senator WOOD of York (Cosponsors: Senator HICHENS of York, Representative LISNIK of Presque Isle and Representative SHERBURNE of Dexter) presented, Bill, "An Act to Transfer Certain Responsibilities for Insect Nuisance Identification from the Department of Conservation to the Department of Agriculture, Food and Rural Resources. (S. P. 741) (Submitted by the Department of Conservation pursuant to Joint Rule 24.)

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

Sent down forthwith for concurrence.

Senator CONLEY of Cumberland (Cosponsors: Representative LOCKE of Sebec and Representative MARTIN of Van Buren) presented, Bill, "An Act to Adjust the Fees for Licenses Issued by the Arborist Examining Board." (S. P. 739)

(Submitted by the Department of Conservation pursuant to Joint Rule 24.)

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

Sent down forthwith for concurrence.

Senator HICHENS of York presented, Bill, "An Act Permitting Deaf Persons to Serve on Juries." (S. P. 742)

(Approved for introduction by the Legislative Council pursuant to Joint Rule 26.)

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

Sent down forthwith for concurrence.

Senator BUSTIN of Kennebec (Cosponsors: Senator HICHENS of York, Representative BELL of Paris and Representative MCCOLLISTER of Canton) presented, Bill, "An Act to Amend the Membership of the Governor's Advisory Council on Alcoholism and Drug Abuse Prevention and Treatment." (S. P. 740)

(Submitted by the Department of Human Services pursuant to Joint Rule 24.)

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

Sent down forthwith for concurrence.

Orders

On motion by Senator DEVOE of Penobscot, ORDERED, the House concurring, that two hundred seventy-five (275) copies of the Legislative Record for the session of 1982 be printed, one copy for each of the members of the Senate, House of Representatives, the Secretary of the Senate and Clerk of the House, and the remainder to be deposited with the State Law Librarian for exchange and library use; and be it further

ORDERED, that suitable index be prepared for such Legislative Record, under the direction of the Director of Legislative Research. (S. P. 728)

Which was Read and Passed.

Sent down forthwith for concurrence.

On motion by Senator GILL of Cumberland, ORDERED, the House concurring, that the Clerk of the House and the Secretary of the Senate be authorized to furnish 100 - 20¢ stamps for each member of the House and Senate for the purpose of distributing various reports of the Department of State and other public documents such as they may desire to mail to the citizens of the State. (S. P. 729)

Which was Read and Passed.

Sent down forthwith for concurrence.

On motion by Senator PERKINS of Hancock, ORDERED, the House concurring, that there be paid to the members of the Senate and House as advances on account of compensation

established by statute, the amount of Two Hundred and Fifty Dollars (\$250) a week, payable bi-weekly, according to lists certified to the State Controller by the President of the Senate and Speaker of the House, respectively. (S. P. 730)

Which was Read and Passed.

Sent down forthwith for concurrence.

On motion by Senator NAJARIAN of Cumberland,

ORDERED, the House concurring, that there be prepared after adjournment of the present session, by the Legislative Information Officer, a Register of all the Bills and Resolves considered by both branches of the Legislature, showing the history and final disposition of each Bill and Resolve and that there be printed 500 copies of the same. The Legislative Information Officer shall mail a copy of the Register to each member and officer of the Legislature and the State Law and Legislative Reference Library shall receive such number of copies as may be required. (S. P. 731)

Which was Read and Passed.

Sent down forthwith for concurrence.

On motion by Senator MINKOWSKY of Androscoggin,

ORDERED, the House concurring, that the Secretary of the Senate and Clerk of the House be directed to furnish each morning to each member of the Senate and the House, a copy of a newspaper published in the State of Maine, chosen by the member during the Second Regular Session of the Legislature. (S. P. 732)

Which was Read and Passed.

Sent down forthwith for concurrence.

Expressions of Legislative Sentiment recognizing:

Bangor High School Rams Girls' Field Hockey Team which won the 1981 State Class A Championship. (S. P. 733) presented by Senator TROTZKY of Penobscot (Cosponsors: Representative TARBELL of Bangor, Representative ALOUPIS of Bangor and Representative DIAMOND of Bangor).

Bangor High School Rams winners of the 1981 class AA State Football Championship. (S. P. 734)

presented by Senator TROTZKY of Penobscot (Cosponsors: Representative TARBELL of Bangor, Representative ALOUPIS of Bangor and Representative KELLEHER of Bangor).

Marshwood High Hawks State Class C Football Champions for 1981, coached by Rod Wotten and co-captained by Joey Santes, Tobin Gray, Berry Fife and Mark Lyman. (S. P. 735) presented by Senator HICHENS of York (Cosponsor: Representative McPherson of Eliot).

Glenn Wing, of Bingham, for his timeless efforts in advancing the socioeconomic through-out the community of Bingham, County of Somerset and the State of Maine. (S. P. 736)

presented by Senator REDMOND of Somerset (Cosponsor: Representative AUSTIN of Bingham).

The Honorable Barbara M. Trafton of Auburn, named by the Jaycee Women as Outstanding Young Woman of the Year for Lewiston-Auburn. (S. P. 737)

presented by Senator NAJARIAN of Cumberland (Cosponsors: Senator CLARK of Cumberland, Senator BROWN of Washington and Senator CONLEY of Cumberland).

Which were Read and Passed.

Sent down for concurrence.

(Senate At Ease)

The Senate called to order by the President.

On motion by Senator Collins of Knox, Recessed until 11:00 a.m.

Recess

After Recess

The Senate called to order by the President.

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

Papers From The House

House Papers

Bill, "An Act to Revise the Maine State Retirement Law to Provide Local Participating Districts the Option of Paying Employees' Mandatory Contributions to the Maine State Retirement System." (H. P. 1719) (L. D. 1704)

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 to Protect Maine Milk Producers from Abrupt Loss of Markets." (H. P. 1726) (L. D. 1711)

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 to Revise the Fair Credit Reporting Act and to Conform it to Recent Maine Judicial Decisions." (H. P. 1727) (L. D. 1712)

Bill, "An Act to Clarify Variable Rate Disclosure in the Maine Consumer Credit Code." (H. P. 1752) (L. D. 1742)

Bill, "An Act to Clarify the First Lien Mortgage Exemption in the Maine Consumer Credit Code." (H. P. 1729) (L. D. 1714)

Comes 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 Clarify the Procedure for Budget Meetings." (Emergency) (H. P. 1730) (L. D. 1715)

Bill, "An Act to Correct Errors in the Education Laws." (H. P. 1738) (L. D. 1727)

Bill, "An Act to Provide an In-State Practice Option as a Loan Forgiveness Factor of the Osteopathic Student Loan Program." (H. P. 1749) (L. D. 1739)

Comes 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 to Eliminate a Mandatory Public Hearing for Permits to Locate Solid Waste Disposal Areas Closer than 300 Feet to a Classified Body of Surface Water." (H. P. 1721) (L. D. 1706)

RESOLVE, Authorizing the Exchange of Certain Public Reserved Lands. (H. P. 1739) (L. D. 1728)

Bill, "An Act to Allocate Funds from the Low-Level Waste Siting Fund." (Emergency) (H. P. 1751) (L. D. 1741)

Bill, "An Act to Provide for Withdrawal of Certain Lands from the Spruce Budworm Suppression Program." (H. P. 1750) (L. D. 1740)

Comes 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 Pertaining to Inland Fisheries and Wildlife Laws." (H. P. 1731) (L. D. 1716)

Bill, "An Act to Define Open Firearm Season on Deer." (H. P. 1723) (L. D. 1708)

Bill, "An Act Relating to Control of Nuisance Wildlife." (H. P. 1722) (L. D. 1707)

Bill, "An Act Relating to Birds and Wild Ani-

mals Kept in Captivity." (H. P. 1720) (L. D. 1705)

Bill, "An Act to Eliminate Discrimination in the Granting of Hunting, Fishing and Trapping Licenses." (H. P. 1740) (L. D. 1729)

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

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

Bill, "An Act to Regulate the Harvest of Antlerless Deer Within the Western Deer Zone." (H. P. 1754) (L. D. 1744)

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

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator O'Leary.

Senator O'LEARY: Mr. President, Members of the Senate, we would save ourselves a lot of trouble by not sending this Bill to hearing, but I will not move for that today. I should hope that the Committee would remember that this is the same Bill, identical to the one the Governor vetoed here just a short while ago.

I don't know what the thinking is of the Department heads down there, but I can't understand their trying to do things that they said weren't good for the deer herd in the western zone.

I think that when these bills were screened someone should have recognized this Bill. I hope in the future that when these bills come up like this, that something else will happen to them.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Redmond.

Senator REDMOND: Has there been a motion, let me pose a question, has there been a motion made with regard to his Bill?

The PRESIDENT: The Chair would answer the Senator in the negative, no motion has been made.

On motion by Senator Redmond of Somerset, Tabled for 1 Legislative Day, pending Reference to Committee.

Bill, "An Act to Clarify and Make Corrections in the Labor Laws of Maine." (H. P. 1724) (L. D. 1709)

Bill, "An Act to Amend Certain Provisions of the Elevator Laws." (H. P. 1732) (L. D. 1717)

Bill, "An Act Allowing Variations on Interest Reflecting Conventional Interest Rates on Overdue Employer Contributions to the Bureau of Employment Security." (H. P. 1741) (L. D. 1730)

Bill, "An Act to Amend the Employment Security Law to Include Federal Requirements and Other Options Available to the State." (H. P. 1753) (L. D. 1743)

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 to Regulate the Materials, Construction and Installation of Chimneys, Fireplaces, Vents and Solid Fuels Burning Appliances." (H. P. 1733) (L. D. 1718)

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

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

Bill, "An Act Relating to Emergency Closure of Contaminated Shellfish Areas." (H. P. 1734) (L. D. 1719)

Bill, "An Act to Clarify Fish Inspection Responsibilities." (H. P. 1742) (L. D. 1731)

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

Which were referred to the Committee on Marine Resources and Ordered Printed, in con-

currence.

Bill, "An Act to Clarify Certain Provisions of the Public Advocates Statutes." (H. P. 1735) (L. D. 1720)

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 Revolving Fund for Publications of the Department of Conservation." (H. P. 1743) (L. D. 1732)

RESOLVE, Authorizing the Transfer of the Care and Custody of Certain Property to Grand Falls Township to the Bureau of Public Lands." (H. P. 1745) (L. D. 1734)

RESOLVE, Authorizing the Bureau of Public Lands to Convey by Bid Sale of the State's Interest in Certain Real Property in the Unorganized Territory in Knox County." (H. P. 1744) (L. D. 1733)

Come 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 Providing for Administrative Changes in the Maine Tax Laws." (H. P. 1746) (L. D. 1735)

RESOLVE, Reimbursing Great Pond on Account of Taxes Lost Due to Lands being Classified under the Maine Tree Growth Tax Law." (H. P. 1736) (L. D. 1721)

RESOLVE, Reimbursing Certain Municipalities on Account of Taxes Lost Due to the Veterans' Property Tax Exemption. (H. P. 1737) (L. D. 1722)

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 Relating to Interstate Signing." (H. P. 1725) (L. D. 1710)

Bill, "An Act Providing Greater Flexibility on the Use of State Public Transportation Funds for Operating Assistance to Public Transportation Providers." (H. P. 1747) (L. D. 1736)

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

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

Joint Resolution

Joint Resolution in Memoriam:

WHEREAS, the Legislature has learned with deep regret of the death of The Honorable Richard E. McKean, of Limestone, Member of the 108th, 109th and 110th Legislatures. (H. P. 1764)

Comes from the House, Read and Adopted.

Which was Read and Adopted, in concurrence.

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

House Papers

Bill, "An Act to Allow the Chairman to Appoint Members of the Public Utilities Commission to Serve as Hearing Examiners." (H. P. 1755) (L. D. 1745)

Reference to the Committee on State Government suggested.

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 Adjust the Fees for Licenses of the Electricians' Examining Board." (H. P. 1728) (L. D. 1713)

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

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

Orders of the Day

(Off Record Remarks)

On motion by Senator Collins of Knox, Adjourned until 10 o'clock tomorrow morning.