

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

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FOURTH SPECIAL SESSION

April 28, 1982 and April 29, 1982

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FIFTH SPECIAL SESSION

May 13, 1982

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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 7, 1982

Senate called to order by the President.

Prayer by Father John Bellefontaine of Sacred Heart Catholic Church of Hallowell.

FATHER BELLEFONTAINE: O'God, You are the author of all life, therefore, the source of every benediction. Therefore, humbly we ask You for a blessing on behalf of our legislators of 1982. Enlighten them, that they may realize more and more that all true law is a proclamation of reason for the common good. Inspire our leaders that as they work for the valid interests of their own constituents, they may also seek out the authentic goal of all legislation, universal justice. Grant to them, O'Lord, Your wisdom, that they may legislate wisely, and fill them with deep satisfaction as they exercise the exalted role of laboring for the well-being of all our people in our beloved State. We ask these blessings for our legislators in the name of Jesus, our Lord. Amen.

Reading of the Journal of yesterday.

Out of Order and Under Suspension of the Rules:

On motion by Senator Collins of Knox, ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Tuesday, January 12, 1982, at ten o'clock in the morning. (S. P. 754)

Which was Read and Passed.

Sent down forthwith for concurrence.

Papers from the House
Joint Orders

Expressions of Legislative Sentiment recognizing:

Jim Balmer, of Bangor, who has been named to the 1981 Maine Class AA All-State Football Team. (H. P. 1758)

Dana Birnbaum, of Bangor, who has been named Maine's "Outstanding Young Woman" for 1981. (H. P. 1759)

Peter Durant, of Bangor, who has been named to the 1981 Maine Class AA All-State Football Team's offensive and defensive squad. (H. P. 1760)

Robbie Gould, of Bangor, who has been named to the 1981 Maine Class AA All-State Football Team, second team. (H. P. 1761)

Captain Raymond J. Normandeau who is retiring December 31, 1981, after 20 years of dedicated service to Sanford and the State as a firefighter. (H. P. 1762)

Come from the House, Read and Passed.

Which were Read and Passed, in concurrence.

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

Senator HICHENS: Back in 1967—I served my first term here

And for a fellow Senator 'Twas also his first year

He was a democrat—"Tis true, but he stood out alone

As a conservative from Lewiston—Almost here-to-fore unknown

Representing folks back home in the minority Whom he felt seldom had a voice with the majority

He stood his ground against oppression that was sure

To come and won respect from friend and foe Who watched him from back home

Two years as representative—then he to the Senate came

And with the income tax issue—he made himself a name

when I came to this chamber and chaired the

Committee

On Health and Institutions—He was named to serve with me

And with controversial issues that the committee faced

He stood with me against department heads who expressed distaste

For institutions in the state—and sad to say we lost

But in the years that have gone by—the state has paid the cost

And now is faced with finding room for those who commit crime

Because looking toward the future—back then they found not time.

With the exception of one term—this Senator has served

The people of his district—and he has well deserved

Credit that is due him for his service here

And on this his birthday—and he begins another year

We wish Carroll Minkowsky—wishes sincere and true

For a very Happy Birthday—and the best of luck to you.

Joint Resolution

Joint Resolution in Memoriam:

WHEREAS, the Legislature has learned with deep regret of the death of Frank Russell Hopper, of Caribou, who devoted his life in the service of his county and community. (H. P. 1763)

Comes from the House, Read and Adopted.

Which was Read and Adopted, in concurrence.

Communications

Department of Conservation

December 23, 1981

The Honorable John L. Martin

Speaker of the House

Station #2

Augusta, Maine

The Honorable Joseph Sewall

President of the Senate

Station #2

Augusta, Maine

Dear Speaker Martin and President Sewall:

As provided by 12 M.R.S.A. Section 685-A, Subsection 8, any amendment to the Land Use Regulation Commission's land use standards must be submitted to the Legislation. On behalf of the Commission, I am submitting to you amendments which the Commission adopted this past October. Under the LURC statute, if the Legislature chooses to take no action, these amendments will remain in effect as adopted.

These particular amendments are clarifications of the Commission's regulations concerning mineral exploration activities. They define those types of intensive exploration activities which require a LURC permit, and allow for less intensive Exploration activities to be undertaken by adhering to performance standards similar to those applied to forestry activities. Attached to this letter is the Basis Statement which we prepared to explain the reasoning behind the changes to our regulations. The Basis Statement also contains representative comments made by the public during the public hearing we held on these changes, as well as responses to those comments.

Also attached to this letter is a document showing each of the amendments as well as a complete set of the Commission's revised standards which incorporate these changes.

We believe that these revised standards are more effective in protecting the environment, while minimizing burdens of landowners, than were the standards prior to amendment. The Commission and its staff are committed to an ongoing process of reviewing and improving these standards in order to assure that they are fully responsive to public needs and LURC's statutory mandate.

I will be happy to meet with the appropriate

legislative committee and/ or yourselves to further explain these amendments.

Thank you for your consideration.

Sincerely,
S/JEFFREY R. PIDOT

Director
(H. P. 1756)

Comes from the House, Read and, with accompanying report, Ordered Placed on File.

Which was Read and, with accompanying report, Ordered Placed on File, in concurrence.

OFFICE OF THE GOVERNOR

December 18, 1982

The Honorable Joseph Sewall
President of the Maine Senate

332 Stillwater Avenue

Old Town, Maine

and

The Honorable John L. Martin

Speaker of the Maine House

Box 250

Eagle Lake, Maine

Dear Joe and John:

I am required by P.L. 1977 c. 710 §1 to submit my recommendations for funding personnel and program costs in State government with monies from the Maine Criminal Justice Planning and Assistance Agency by January 15.

Once again, no Law Enforcement Assistance Administration funds will be available for new program grants. Further, I do not anticipate any new programs or personnel to be funded under the Juvenile Justice and Delinquency Prevention Act. Therefore, I do not anticipate any new personnel or program expenditures in State government under this program.

In the event either of these projections changes, I will notify you at the earliest time.

Sincerely,
S/JOSEPH E. BRENNAN

Governor
(H. P. 1757)

Comes from the House, Read and Ordered Placed on File.

Which was Read and Ordered Placed on File, in concurrence.

Senate Papers

Senator DEVOE of Penobscot presented, Bill, "An Act to Authorize One Corporation to Permit its Name to be Used by Another Corporation." (S. P. 750)

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

Senator DEVOE of Penobscot presented, Bill, "An Act Concerning Annuity Agreements with the University of Maine." (S. P. 751)

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

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

Sent down for concurrence.

Senator DEVOE of Penobscot presented, Bill, "An Act Concerning Payment of School Committee Debts." (S. P. 749)

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

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

Sent down for concurrence.

Senator DEVOE of Penobscot presented, Bill, "An Act to Require the Recording of Certain Zoning Actions." (S. P. 752)

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

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

Sent down for concurrence.

Senator DEVOE of Penobscot presented, Bill, "An Act to Establish a Small Claims Court." (S. P. 743)

(Approved for introduction by the Legis-

lative Council pursuant to Joint Rule 26.)

The same Senator presented, Bill, "An Act to Provide the District Courts with Concurrent Jurisdiction Over Mechanics Lien Actions." (S. P. 746)

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

Senator CLARK of Cumberland presented, Bill, "An Act Relating to Detention of Shoplifters." (S. P. 747)

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

Senator DEVOE of Penobscot presented, Bill, "An Act Concerning Declaration of Value for Deeds of Distribution." (S. P. 748)

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

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

Sent down for concurrence.

Senator DEVOE of Penobscot presented, Bill, "An Act to Create a Commission to Prepare a Revision of the Public Utilities Law." (S. P. 745)

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

Which was referred to the Committee on Public Utilities and Ordered Printed.

Sent down for concurrence.

Senator PRAY of Penobscot (Cosponsors: Representative PEARSON of Old town and Representative DIAMOND of Windham) presented.

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Limit the Life of Bond Issues. (S. P. 753)

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

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

Sent down for concurrence.

Senator DEVOE of Penobscot presented, Bill, "An Act Relating to Property Taxes Prorated between Seller and Purchaser." (S. P. 744)

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

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

Sent down for concurrence.

There being no objections all items previously acted upon were sent forthwith.

Orders of the Day

The President laid before the Senate the first Tabled and specially assigned matter:

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

Tabled—January 6, 1982 by Senator Redmond of Somerset.

Pending—Reference.

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

Senator O'LEARY: Mr. President, under Joint Rule 37, I think which is applicable, or perhaps Joint Rule 4, this Bill is improperly before the Legislature.

It is identical in nature and boundaries as L. D. 254 which died between both House of this Legislature.

On motion by Senator Collins of Knox, Retabled until later in today's session.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Sutton.

Senator SUTTON: Mr. President is the Senate in possession of L. D. 1718?

The PRESIDENT: The Chair would answer in the affirmative. L. D. 1718, "An Act to Regulate the Materials, Construction, and Installation of Chimneys, Fireplaces, Vents and Solid Fuels Burning Appliances," having been held.

On motion by Senator Sutton of Oxford, the

Senate voted to reconsider its action whereby:

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) was referred to the Committee on Legal Affairs.

On motion by Senator Sutton of Oxford referred to the Committee on Business Legislation and Ordered Printed in non-concurrence.

Sent down for concurrence.

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

On motion by Senator Collins of Knox, Referred until the sound of the Bell.

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 Permit the Town of Mechanic Falls to Withdraw from the Group Life Insurance Program under the Maine State Retirement System." (Emergency) (H. P. 1768)

Bill, "An Act to Provide that Administrative Employees of School Superintendents' Offices be Recognized as Members of the Maine State Retirement System." (H. P. 1769)

Bill, "An Act to Permit the Town of Mexico to Withdraw from the Maine State Retirement System." (Emergency) (H. P. 1770)

Come from the House, referred to the Committee on Aging, Retirement and Veterans and Ordered Printed.

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

Bill, "An Act to Increase the Potato Tax." (H. P. 1771)

Come 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 Clarify License Requirements for Municipal Work under the Electrician's Law." (H. P. 1772)

Bill, "An Act to Clarify the Deposit Authority and Conversion Procedures of Savings and Loan Associations." (H. P. 1773)

Come 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.

Bill, "An Act Concerning Need Under the School Lunch Program." (H. P. 1774)

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

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

Bill, "An Act to Establish a Uniform Hunting Season for Raccoons." (H. P. 1775)

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

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

Bill, "An Act to Require the Collection of Medicaid Copayments." (H. P. 1777)

Come from the House, referred to the Committee on Health and Institutional Services and

Ordered Printed.

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

Bill, "An Act to Permit the Juvenile Court to Impose Parental Financial Support Orders in Certain Cases Under the Juvenile Code." (H. P. 1778)

Bill, "An Act to Make Intentional or Knowing Default on Payment of Civil Penalties to the State a Class E Offense." (H. P. 1779)

Bill, "An Act to Clarify the Term "Account" in the Probate Code." (H. P. 1780)

Come 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 Revise the Charter of Hebron Academy." (H. P. 1781)

RESOLVE, Authorizing the City of South Portland to Bring a Civil Action Against the State." (Emergency) (H. P. 1782)

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

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

Bill, "An Act to Amend the Charter of the Lucerne-in-Maine Village Corporation." (H. P. 1783)

Bill, "An Act Converting West Forks Plantation into the Town of West Forks." (Emergency) (H. P. 1784)

Bill, "An Act to Prohibit County Departments from Overspending their Budgets." (H. P. 1785)

Come from the House, referred to the Committee on Local and County Government and Ordered Printed.

Which were referred to the Committee on Local and County Government and Ordered Printed, in concurrence.

Bill, "An Act to Require the Department of Environmental Protection to Obtain the Approval of the Commissioner of Marine Resources Prior to Issuing a License to Discharge Waste Waters to Tidal Waters." (H. P. 1786)

Bill, "An Act to Clarify the Discharge Requirements for the Processing of Certain Marine Resources." (Emergency) (H. P. 1787)

Come 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 concurrence.

Bill, "An Act to Prevent the Pollution of Burdland Pond." (Emergency) (H. P. 1788)

Bill, "An Act to Establish the Position of the Director of Engineering within the Public Utilities Commission." (H. P. 1789)

Bill, "An Act to Eliminate the Requirement that Changes in the Public Utility Rates be Prorated." (H. P. 1790)

Bill, "An Act to Clarify the Regulation of Sewer Districts." (H. P. 1791)

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

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

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Prevent Combining more than One Bond Issue Item in a Single Bond Issue Bill. (H. P. 1793)

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

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

Bill, "An Act to Define the Raising of Seeds as Agricultural Production under the Sales and Use Tax Law." (H. P. 1794)

Bill, "An Act Concerning the Rate of Return on Investment Factor Under the Railroad Excise Tax." (H. P. 1795)

Bill, "An Act to Remove Wallgrass Plantation from the Maine Forestry District." (Emergency) (H. P. 1796)

Bill, "An Act to Restore a Property Tax Exemption Previously Granted to the American Red Cross." (Emergency) (H. P. 1797)

Come 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.

Bill, "An Act to Provide Directional Signs on the Maine Turnpike for Westbrook College." (H. P. 1798)

Bill, "An Act to Study the Cost and Feasibility of Constructing Safe Walkway Barriers on the Memorial Bridge in Augusta." (H. P. 1799)

Bill, "An Act to Provide a Directional Sign at Exit 11 of the Maine Turnpike Indicating Sunday River Recreational Area." (H. P. 1800)

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.

Communication

Office of the Secretary of State

January 4, 1982

To the Honorable 110th Legislature of the State of Maine

Attention: House of Representatives, Clerk Pert

I have the honor to transmit herewith an initiated bill, "AN ACT to Adjust Annually Income Tax Laws to Eliminate Inflation-Induced Increases in Individual State Income Taxes," and the results of the examination by this office of the initiative petitions relating to it.

The minimum number of valid signatures required to initiate this legislation is 37,026. On December 22, 1981, our office received 1,343 petitions said to contain 39,226 signatures. After extensive review we have determined the number of valid signatures to be 39,214.

In view of the foregoing determination, I hereby certify that these petitions have met the constitutional requirements of the minimum of 37,026 valid signatures. Since the petitions have previously satisfied the constitutional requirements in all other respects, under the provision of Article IV, Part Third, Section 18, of the Constitution of Maine, I do hereby declare this initiative petition to be valid.

In the event the Legislature rejects this initiative proposal, a referendum election will be called for November, 1982.

Respectfully,
S/RODNEY S. QUINN
(H. P. 1748)

Come from the House, Read and Ordered Placed on File.

The accompanying Bill, "An Act to Adjust Annually Individual Income Tax Laws to Eliminate Inflation-induced Increases in Individual State Income Taxes" comes from the House, referred to the Committee on Taxation.

Which was Read and Ordered Placed on File, in concurrence and the Bill referred to the Committee on Taxation and Ordered Printed, in concurrence.

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

Paper from the House

House Paper

Study Report-Joint Select Committee on the Decommissioning of Nuclear Generating Facilities

The Joint Select Committee on the Decom-

missioning of Nuclear Generating Facilities on Bill, "An Act to Ensure Funding for the Eventual Decommissioning of any Nuclear Power Plant" (H. P. 1803) (L. D. 1757) (Filed under Joint Rule 17 pursuant to P&SL 1979, chapter 59 of the 109th Legislature and P&SL of 1981, chapter 13 of the 110th Legislature) ask leave to report that the same be referred to the Joint Standing Committee on Public Utilities for public hearing and printed pursuant to Joint Rule 18.

Come from the House, the Report Read and Accepted, and the Bill referred to the Committee on Public Utilities.

Which was Read and Accepted, in concurrence, and the Bill referred to the Committee on Public Utilities, in concurrence.

Senate Paper

Joint Resolution

A Joint Resolution in Memoriam:

WHEREAS, the Legislature has learned with deep regret of the death of the Honorable John H. Needham, of Orono, Member of the 97th and 98th Maine Legislatures and distinguished member of the Bar. (S. P. 755)

presented by Senator DEVOE of Penobscot.

Which was Read and Adopted.

Sent down for concurrence.

Orders of the Day

On motion by Senator Collins of Knox, the Senate voted to take from the Table:

Bill, "An Act to Regulate the Harvest of Antlerless Deer Within the Western Deer Zone (H. P. 1754) (L. D. 1744), Retabled earlier in today's session, by Senator Collins of Knox.

The PRESIDENT: The Chair has been requested to rule under Joint Rule 37 on this matter. The Chair would state that this Rule does not apply in this case. There is enough difference between the bills in question so that, in the opinion of the Chair, the Rule does not apply.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, has there been a motion made with respect to this legislation?

The PRESIDENT: The Chair would answer in the negative. There has been no positive motion from the floor on this matter. It has been referred to the Committee in the other Body.

The Senator has the floor.

Senator CONLEY: Mr. President and Members of the Senate, I tend to agree with the good Senator from Oxford County with respect to this piece of legislation. I think, perhaps, the most disturbing feature of the Bill, just reading the cover of the legislation is where 1,400 bills have been ordered in the printing of this document. It seems to me that there is far more worthy legislation that could, perhaps, use some extra printing than this Bill.

I would, therefore, move Indefinite Postponement of same.

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

Senator COLLINS: I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the Indefinite Postponement of L. D. 1744, please rise in their places to be counted.

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

5 Senators having voted in the affirmative and 12 Senators having voted in the negative, the motion to Indefinitely Postpone L. D. 1744 does not prevail.

The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: I now move that L. D. 1744 be referred to the Committee on Fisheries and Wildlife.

The PRESIDENT: The Senator from Knox, Senator Collins now moves that L. D. 1744 be

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

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: I would like to pose a question through the Chair. What is so important about this Bill that it would demand to authorize 1,400 copies of this Bill to be printed? I would like to know if someone could respond to that?

The PRESIDENT: The Senator from Cumberland, Senator Conley has posed a question through the Chair to any Senator who may care to answer. The question being, why were 1,400 copies of this Bill printed?

The Chair recognizes the Senator from Cumberland, Senator Usher.

Senator USHER: Thank you Mr. President, Mr. President, Members of the Senate, I have touched bases very, very briefly with the Commissioner on this issue and this is the results of a Deer Management Study that has been going on for the past three years. He has selected people throughout the State, and the Bill was submitted through the Governor's office. This has been a problem in the western part of the State, the low deer herd, and it has worked in other states and this is why they have submitted this Legislation before us.

The PRESIDENT: The Chair would advise the good Senator from Cumberland, Senator Conley, that the Chair has been advised, by the Chair's assistant, that 1,400 is the minimum number of bills that are printed.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, if I may inquire, of the chair, as to why this is not shown on the cover of all the bills that are submitted?

The PRESIDENT: The Senator from Cumberland, Senator Conley has posed an additional question to any knowledgeable Senator who may care to answer.

The Chair has been further advised that this session it is.

On motion by Senator Collins of Knox, referred to the Committee on Fisheries and Wildlife and Ordered Printed, in concurrence.

(Off Record Remarks)

Senator Collins of Knox was 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 Collins of Knox, Adjourned until Tuesday, January 12, 1982 at 10 o'clock in the morning.