

# 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

February 10, 1982

Senate called to order by the President.

Prayer by the Reverend Walter R. Brown of the Readfield United Methodist Church of Readfield.

REVEREND BROWN: Let us pray, Gracious God, I give You thanks this day on behalf of all of us assembled here, for this beautiful day, and for the opportunity, again, to serve each other, and to serve those whose trust we have, and the trust that You place in us in our own lives.

May that which we say this day and do this day be both a credit to ourselves as elected officials, as we represent the people of this State, and also be a credit to You for the trust that You place in us to use wisely the wisdom and the resources present. May that which we do and say be lasting, both for us and for those who follow after us. Amen.

Reading of the Journal of Yesterday.

Papers from the House  
House Papers

**Study Report — Energy and Natural Resources**

The Committee on Energy and Natural Resources to which was referred by the Legislative Council, the study relative to the protection of freshwater wetlands, have had the same under consideration, and ask leave to submit its findings and to report that the accompanying bill, "An Act to Protect Freshwater Wetlands", (H. P. 1961) (L. D. 1934) be referred to this Committee for public hearing and printed pursuant to Joint Rule 18.

Comes from the House, the Report Read and Accepted, and the Bill referred to the Committee on Energy and Natural Resources.

Which Report was Read and Accepted and the Bill referred to the Committee on Energy and Natural Resources, in concurrence.

**Study Report — Marine Resources**

The Committee on Marine Resources to which was referred by the Legislative Council, the study relative to the Transfer of Aquaculture Leases, have had the same under consideration, and ask leave to submit its findings and to report that the accompanying bill, "An Act to Allow the Transfer of Aquaculture Leases", (H. P. 1955) (L. D. 1927) be referred to this Committee for public hearing and printed pursuant to Joint Rule 18.

Comes from the House, the Report Read and Accepted, and the Bill referred to the Committee on Marine Resources.

Which Report was Read and Accepted and the Bill referred to the Committee on Marine Resources, in concurrence.

**Study Report — Public Utilities**

The Committee on Public Utilities to which was referred by the Legislative Council, the study relative to Electrical Energy, have had the same under consideration, and ask leave to report that the accompanying Joint Resolution to Establish a State Emergency Electrical Energy Conservation Plan, (H. P. 1958) (L. D. 1931) be referred to this Committee for public hearing and printed pursuant to Joint Rule 18.

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

**Study Report — Public Utilities**

The Committee on Public Utilities to which was referred by the Legislative Council, the study relative to Natural Gas, have had the same under consideration, and ask leave to submit its findings and report that the accompanying Bill, "An Act to Encourage Fuel Diversity by Increased Use of Natural Gas", (H.

P. 1956) (L. D. 1929) be referred to this Committee for public hearing and printed pursuant to Joint Rule 18.

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

**Study Report — Public Utilities**

The Committee on Public Utilities to which was referred by the Legislative Council, the study relative to Electrical Energy, have had the same under consideration, and ask leave to submit its findings and report that the accompanying Bill, "An Act to Establish Standard Procedures Enabling the Formation of Municipal Power Districts", (H. P. 1959) (L. D. 1932) be referred to this Committee for public hearing and printed pursuant to Joint Rule 18.

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

Which Report was Read and Accepted and the Joint Resolution and Bills referred to the Committee on Public Utilities, in concurrence.

**Study Report — Taxation**

The Committee on Taxation to which was referred the study relative to the Maine Development Foundation and Economic Development pursuant to P.L. 1977, Chapter 548, have had the same under consideration, and ask leave to submit its findings and to report at the accompanying Bill, "An Act to Amend the Laws Relating to the Maine Development Foundation and Economic Development", (H. P. 1960) (L. D. 1933) be referred to this Committee for Public Hearing and Printed Pursuant to Joint Rule 18.

Comes from the House, the Report Read and Accepted, and the Bill referred to the Committee on Taxation.

Which Report was Read and Accepted and the Bill referred to the Committee on Taxation, in concurrence.

**Joint Orders**

Expressions of Legislative Sentiment recognizing:

Linda Alden, of Monmouth Academy, who has scored over 1000 points during her 4 years on the Academy Basketball Team, establishing in impressive school record. (H. P. 1954)

John L. Gatcombe, of Waldoboro, for his 12 years of dedicated public service in the Waldoboro Ambulance Service. (H. P. 1964)

Edith Tibbitts, of East Millinocket, who is retiring after 19 years of service to the town as Town Clerk and Treasurer. (H. P. 1965)

that a new Veteran's of Foreign Wars Post was opened in Sherman Station on January 24, 1982. (H. P. 1966)

Ada Guthrie, of Ellsworth, who celebrated the 100th anniversary of her birth on February 7, 1982. (H. P. 1977)

the Woman's Hospital Association of Central Maine Medical Center for its production of the 1982 "Red Stocking Review". (H. P. 1978)

Margaret Philbrook, of Greene, who will celebrate the 90th anniversary of her birth on February 14, 1982. (H. P. 1979)

Stanley Hackett, of Troop 342, Bar Mills, who has attained the high rank and distinction of Eagle Scout. (H. P. 1980)

Come from the House, Read and Passed.

Which were Read and Passed, in concurrence.

**Joint Resolutions**

Joint Resolutions in Memoriam:

WHEREAS, the Legislature has learned with deep regret of the death of Bernard "Beaver" O'Neil, of Calais, a beloved citizen and dedicated public official of that community. (H. P. 1962)

WHEREAS, the Legislature has learned with deep regret of the death of Margaret H. Gillis, of East Millinocket and Milo, an outstanding teacher and educator for over 40 years. (H. P. 1963)

Come from the House, Read and Adopted.

Which were Read and Adopted, in concurrence.

Communications  
Maine Turnpike Authority

February 3, 1982

Hon. Joseph E. Brennan  
Governor, State of Maine  
Hon. Joseph Sewall  
President of the Senate  
Hon. John L. Martin  
Speaker of the House  
Gentlemen:

On June 19, 1981, the last day of the first session of the 110th Legislature, the Legislature enacted and the Governor subsequently approved LD 1691 — legislation to provide funding for the State's highway program. (This bill was entitled AN ACT to make Allocations from the Highway Fund and Appropriations from the General Fund for the Fiscal Years Ending June 30, 1982, and June 30, 1983; to Establish a local Road Assistance Program; to Continue the Maine Turnpike Authority; and to Adjust Highway Fund Revenue.)

Part D of LD 1691, now identified as Chapter 492 — Public Laws of 1981, contains provisions relating to the future of the Maine Turnpike and also several provisions expressing the intent of the Legislature relating to the objectives of the Maine Turnpike Authority.

The Authority, recognizing its responsibilities in this regard, did authorize as of the effective date of the act, procedures for the selection of a Consulting Engineer to review the toll schedules in effect on the Turnpike and to develop information relating to revenues and the cost of maintenance and operations for the purpose of carrying out the provisions of Chapter 492.

This report is being made to advise you of the results of the efforts of the Maine Turnpike Authority to cooperate with the Governor and the Legislature in developing a plan to implement the provisions of Chapter 492.

The members of the Maine Turnpike Authority are hopeful that information contained in the report will—

- assist the Governor in making a determination as to whether or not he wishes to place before the Legislature proposed legislation developed by Legal Counsel\* for the Authority which provides the basis for implement the plan proposed by the Authority; and
- provide information to the members of the Legislature explaining the plan by the Maine Turnpike Authority to implement Chapter 492.

If there are questions in regard to the report, the Authority would be pleased to attempt to answer such questions:

Very truly yours,

S/HAROLD T. WILEY, Chairman

Maine Turnpike Authority

\*See Appendix 1 for list of Legal Counsel and Consulting Engineers who developed information that was used in preparing this report.

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

Senate Chamber  
President's Office

February 9, 1982

Honorable Howard Trotzky  
Honorable Richard Davies  
Chairmen

Joint Standing Committee on Public Utilities  
State House  
Augusta, Maine

Dear Chairmen, Trotzky and Davies:

Please be advised that Governor Joseph E. Brennan is nominating Peter Bradford of Brunswick for the position of Public Advocate.

Pursuant to Title 35 MRSA Section 1-A subsection 1, this nomination will require review by the Joint Standing Committee on Public Utilities.

lities and confirmation by the Senate.

Sincerely,  
S/JOSEPH SEWALL  
President of the Senate  
S/JOHN L. MARTIN  
Speaker of the House  
(S. P. 835)

Which was Read and referred to the Committee on Public Utilities.

Sent down for concurrence.

**Office of  
Secretary of State**

February 2, 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 Repeal the Control of Milk Prices at the Wholesale and Retail Levels," and the results of the examination by this office of the initiative petitions relative to it.

The minimum number of valid signatures required to initiate this legislation is 37,026. On January 28, 1982, our office received 274 petitions said to contain 44,003 signatures. After extensive review we have determined the number of valid signatures to be 44,414.

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 provisions 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. 1940)

Comes from the House, Read and Ordered Placed on File. The Initiated Bill, "An Act to Repeal the Control of Milk Prices at the Wholesale and Retail Levels", (IB 3) (LD 1935), referred to the Committee on Agriculture and Ordered Printed.

Which was Read.

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

Senator COLLINS: Mr. President, this morning I was handed, from the Office of the Secretary of State, a copy of a court action filed in the County of Cumberland yesterday, entitled "A Complaint for Declaratory Relief and Appeal from the Decision of the Secretary of State". The gist of this action is that certain parties have gone into court to challenge the procedure of the Secretary of State, the authenticity of the certification, and the signatures on the initiated bill concerning the Milk Commission, which is now before us.

Last week, a letter was delivered by the Secretary of State, to the other Body, addressed to, "the Honorable 110th Legislature of the State of Maine, February 4, 1982", in which the Secretary of State requested that his certification of this act be rescinded and explaining that he was withdrawing his previous communication so that all interested parties may have a sufficient time to review the petitions in detail.

He says further, "my decision in no way implies any deficiency of any impropriety in the petitions. It is simply and wholly in the interests of equity. Respectfully, Rodney S. Quinn, Secretary of State."

I inquired of the Secretary of the Senate a few minutes ago and learned that this communication from the Secretary of State has never reached this Body. I think, however, under these circumstances, where both the Executive Department and the Judicial Department are involved in asking the Legislature to take a little more time to look at the regularity of this

matter, it would be fair and appropriate if we were to Table this for a couple of days, and I hope that someone will move in that direction.

On motion by Senator Hichens of York, Tabled for 2 Legislative Days, pending Placing on File.

**Committee Reports  
House**

The following **Ought Not to Pass** report shall be placed in the legislative files without further action pursuant to Rule 22 of the Joint Rules:

Bill, "An Act Concerning Annual Report of Filings for Profit and Nonprofit Corporations." (H. P. 1826) (L. D. 1808)

**Leave to Withdraw**

The Committee on Judiciary on, Bill, "An Act to Make Intentional or Knowing Default on Payment of Civil Penalties to the State a Class E Offense." (H. P. 1779) (L. D. 1769)

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 Energy and Natural Resources on, Bill, "An Act to Allocate Funds from the Low-level Waste Siting Fund." (H. P. 1751) (1741)

Reported that the same Ought to Pass.

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

Which Report was Read.

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

Senator MINKOWSKY: Thank you, Mr. President. Mr. President and Members of the Senate, I first of all would like to say that I was not aware that this Bill was before us this morning.

Secondly, I am presently serving on the Low-level Waste Siting Commission and we have not even finalized our final report at the present time.

In reading over the Statement of Fact I am a little bewildered and I would like to for the sake of clarity read a portion into the Record so that somebody on the Committee might be able to clarify what happened during the public hearing relevant to this particular Bill.

The opening statement in the Statement of Fact says: "The Low-level Waste Siting Commission is actively engaged in various studies." Not various, we are engaged in one singular study. "These studies incur expenses that need to be paid. A significant expense is out-of-state travel in order that Maine can participate with other states in the development of regional solution to the low-level siting problem."

I disagree with that particular thing, and that is why I am a little bewildered this morning exactly what the name of the game is when this particular Bill was put into play before the Committee on Natural Resources.

Out-of-state travel in the past has been very easily taken care of through the legislative expense account. I think, basically, the generators of low-level waste, their money should not be used for travel to other agencies or to meet with other people in various parts of the United States at the expense of the generators. I think this is absolutely incorrect. That money should be utilized in the State of Maine to find the solution, if we will address low-level waste siting locations.

That particular report is not complete. I just don't see why this thing is being railroaded through the Legislature so quickly, at the present time, without further evaluation.

Personally, I would rather see this particular Bill at least Tabled for a couple of Legislative Days so, at least, I can have an opportunity to

investigate exactly what is going on.

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

The Committee on Energy and Natural Resources on, 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)

Reported that the same Ought to Pass.

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

Which Report was Read and Accepted, in concurrence, and the Bill Read Once and Tomorrow Assigned for Second Reading.

**Second Readers**

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

Bill, "An Act to Clarify the Certificate of Approval Holder and Maine Wholesale Licensee Agreement Act." (S. P. 768) (L. D. 1826)

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

Sent down for concurrence.

**Enactor**

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

AN ACT to Revise the Charter of Hebron Academy. (H. P. 1781) (L. D. 1771)

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

(Off Record Remarks)

**(Senate At Ease)**

The Senate called to order by the President.

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

**Committee Report  
House**

**Ought to Pass — As Amended**

The Committee on Public Utilities on, Bill, "An Act to Exempt the York Water District from the Revised Statutes, Title 35, chapter 262, Relating to Local Control of Water Districts in Existence Prior to January 1, 1982." (H. P. 1931) (L. D. 1914)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-590).

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

Which Report was Read and Accepted, in concurrence, and the Bill Read Once. Committee Amendment "A" Read and Adopted in concurrence. Under Suspension of the Rules, the Bill as amended, Read a Second Time and Passed to be Engrossed, in concurrence.

Sent forthwith to the Engrossing Department.

(Off Record Remarks)

**(Senate At Ease)**

The Senate called to order by the President.

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

**Paper from the House  
Joint Order**

An Expression of Legislative Sentiment recognizing:

Timothy Reed, of Augusta, Troop 603, who has attained the high rank and distinction of Eagle Scout. (H. P. 1982)

Comes from the House, Read and Passed.

Which was Read and Passed, in concurrence.

**Enactor**

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

**Emergency**

AN ACT to Clarify the Application of the Maine Water District Act to Existing Water Districts. (H. P. 1931) (L. D. 1914)

This being an emergency measure and having received the affirmative votes of 28 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.

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

On motion by Senator Pierce of Kennebec, Adjourned until 10 o'clock tomorrow morning.