

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**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**

**INDEX**

**FIFTH SPECIAL SESSION**  
**May 13, 1982**

**INDEX**

**SECOND CONFIRMATION SESSION**  
**July 16, 1982**

**INDEX**

STATE OF MAINE  
One Hundred and Tenth Legislature  
Second Regular Session  
JOURNAL OF THE SENATE

Augusta, Maine  
February 23, 1982  
Senate called to order by the President.

Prayer by the Reverend Stanley L. Ross of the Church of the Nazarene of Oakland.

REVEREND ROSS: Shall we pray. Our Lord and our God, Thou that has been our help in times past, Who can be our help now, Whom we believe will be our help in the future, we acknowledge You today, appreciate Your interest in our behalf. We submit ourselves to You today for Your leadership, for Your inspiration, Your knowledge and Your wisdom.

We thank You for this Senate Body, pray for Your blessing upon each one of them, and for their efforts today. I pray that You may direct them, in their role of leadership, in their decision-making processes, that we, the citizens of this great State of Maine, may live in peace and in prosperity.

Lord, would You be pleased to equip them for these fine days that lie ahead of us, for the challenge that they face. And for Your help and Your presence we thank You. For we pray in Jesus' dear name. Amen.

Reading of the Journal of yesterday.

**Papers From the House**  
**House Papers**

Bill, "An Act to Amend the Medical Practice Act." (H. P. 2070) (L. D. 2011)

Reference to the Committee on Business Legislation suggested.

Comes 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 Clarify the Effect of an Attorney's Opinion on the Procedures for Initiating Amendments to Municipal Charters." (H. P. 2069) (L. D. 2010)

Bill, "An Act Converting Grand Lake Stream Plantation into the Town of Grand Lake Stream." (Emergency) (H. P. 2068) (L. D. 2009)

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 Permit and Regulate the Location of Group Homes in Residential Districts." (H. P. 2067) (L. D. 2088)

Reference to the Committee on Local and County Government suggested.

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 Creating the Housing Opportunities for Maine (HOME) Program and Governing Program Funds Appropriated by this Act to the Maine State Housing Authority." (Emergency) (H. P. 2071) (L. D. 2012)

Comes 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 Clarify and Extend Solar Energy Tax Exemptions." (H. P. 2031)

Reference to the Committee on Taxation suggested.

Comes from the House, Indefinitely Post-

poned.

On motion by Senator TEAGUE of Somerset, the Bill was Indefinitely Postponed, in concurrence.

Bill, "An Act to Clarify Solar Energy Tax Exemptions." (H. P. 2066) (L. D. 2007)

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.

(Off Record Remarks)

**Communication**  
**Executive Department**  
**State Planning Office**  
**MEMORANDUM**

TO: Governor Joseph E. Brennan  
Member, 110th Legislature

FROM: Richard E. Barringer, Director

RE: 1981 Annual Housing Report

DATE: February 12, 1982

I am pleased to transmit the annual report of the State Planning Office on housing, as required by 5 M.R.S.A. Section 3306-A. We hope you will find it of interest and use at this time.

If you have any questions on this, please feel free to contact me or Frank O'Hara, Director of Community Assistance in this Office.

Sincerely,

S/RICHARD E. BARRINGER  
(H. P. 2064)

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.

**Senate Paper**

Senator DEVOE of Penobscot (Cosponsor: Senator CONLEY of Cumberland) presented, Bill, "An Act to Create the Maine Condominium Act." (GOVERNOR'S BILL) (S. P. 870)

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

Sent down for concurrence.

**Order**

An Expression of Legislative Sentiment recognizing:

Lura Farr, of Brooksville, who is retiring following 30 years of dedicated public service in the United States Postal Service. (S. P. 871) presented by Senator PERKINS of Hancock (Cosponsor: Representative PERKINS of Brooksville).

Which was Read and Passed.

Sent down for concurrence.

**Committee Reports**

**House**

**Ought to Pass — As Amended**

The Committee on Energy and Natural Resources on, RESOLVE, Authorizing the Exchange of Certain Public Reserved Lands. (H. P. 1739) (L. D. 1728)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-594).

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

Which Report was Read and Accepted, in concurrence, and the Resolve Read Once. Committee Amendment "A" was Read and Adopted, in concurrence, and the Resolve, as amended, Tomorrow Assigned for Second Reading.

**Divided Report**

The Majority of the Committee on Business Legislation on, Bill, "An Act to Clarify Variable Rate Disclosures in the Maine Consumer Credit Code." (H. P. 1752) (L. D. 1742)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-595).

Signed:

Senator:

CLARK of Cumberland

Representatives:

BRANNIGAN of Portland

GWADOSKY of Fairfield

FITZGERALD of Waterville

POULIOT of Lewiston

TELOW of Lewiston

PERKINS of Brooksville

MARTIN of Van Buren

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as amended by Committee Amendment "B" (H-596).

Signed:

Sensors:

SUTTON of Oxford

SEWALL of Lincoln

Representatives:

GAVETT of Orono

RACINE of Biddeford

JACKSON of Yarmouth

Comes from the House, the Majority Report Read and Accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-595).

Which Reports were Read.

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

**Senate**

**Ought to Pass**

Senator AULT for the Committee on State Government on, Bill, "An Act Relating to the Terms of the Public Utilities Commissioners." (S. P. 812) (L. D. 1908)

Reported that the same Ought to Pass.

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

**Second Readers**

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

**House**

Bill, "An Act to Provide Assistance in the Marketing of Maine Agricultural Products." (H. P. 1900) (L. D. 1885)

Bill, "An Act to Clarify the Term "Account" in the Probate Code." (H. P. 1780) (L. D. 1770)

Bill, "An Act to Clarify the Boundary Between the Town of Waterford and the Township of Albany." (H. P. 1864) (L. D. 1858)

RESOLVE, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Real Estate in the Unorganized Territory. (H. P. 1831) (L. D. 1813)

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

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)

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

**Senate — As Amended**

Bill, "An Act to Adjust the Fees for Licenses Issued by the Arborist Examining Board." (S. P. 739) (L. D. 1724)

Bill, "An Act Establishing a Directional Sign at Exit 8 of the Maine Turnpike Indicating St. Joseph's College." (S. P. 771) (L. D. 1821)

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

Sent down for concurrence.

**Orders of the Day**

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

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

Tabled—February 18, 1982 by Senator

CONLEY of Cumberland.

Pending—Enactment.

On motion by Senator Violette of Aroostook, the Senate voted to Suspend the Rules.

On motion by Senator Violette of Aroostook, the Senate voted to Reconsider its action whereby LD 1826 was Passed to be Engrossed.

The PRESIDENT: The Senator has the floor.

Senator VIOLETTE: Mr. President I now present Senate Amendment (S-384) to LD 1826 and would speak briefly, please.

The PRESIDENT: The Senator from Aroostook, Senator Violette offers Senate Amendment "A" to LD 1826 and moves its adoption.

Senate Amendment "A" (S-384) Read.

The PRESIDENT: The Senator has the floor.

Senator VIOLETTE: Thank you, Mr. President. Three years ago I was the sponsor of legislation which established the rights of malt beverage wholesalers in Maine and the rights of certificate of approval holders with whom they did business.

The legislation was intended to prevent suppliers from arbitrarily and capriciously terminating the franchises of their wholesalers. It provided that no franchise agreement could be terminated without just cause. It, also, provided that when a franchise was terminated that reasonable compensation would be given to the terminated wholesaler.

This Bill is intended to close a possible loophole in that franchise law. Under certain conditions it is possible for two certificate of approval holders to sell the same brand of beer or wine to a different wholesaler than the one who had the franchise for that brand.

This amendment corrects a drafting error, whereby a paragraph in the law was repealed. It was intended that the two paragraphs in LD 1826 would be added to that section and not replace it. Thank you.

Senate Amendment "A" Adopted. The Bill, as amended, Passed to be Engrossed, in non-concurrence.

Sent down for concurrence.

#### **Senate at Ease**

The Senate called to order by the President.

On motion by Senator Pierce of Kennebec, Adjourned until 9:30 o'clock tomorrow morning.