

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Eleventh  
Legislature***

OF THE

STATE OF MAINE

**Volume I**

**FIRST REGULAR SESSION**

**December 1, 1982 to May 13, 1983**

STATE OF MAINE  
 One Hundred and Eleventh Legislature  
 First Regular Session  
 JOURNAL OF THE SENATE  
 Augusta, Maine  
 January 5, 1983  
 Senate called to order by the President.

Prayer by the Reverend Bruce W. Meyer of Prince of Peace Lutheran Church in Augusta.

REVEREND MEYER: Gracious God, as we come to be beginning of a new year we give thanks for all new beginnings in our lives, believing that Your Spirit in us allows us to have great hope and confidence about the days and opportunities before us. How right it is to invite You, O Lord, into the new beginning of this Legislative Session, and to invoke today and every day Your blessing upon the work that will be done here. We know that in whatever we do, we are called to heed Your Will and be Your servants.

Father, move the men and women and all the leadership represented here to first, before they do anything else, take counsel: with You and Your Wisdom, with You and Your Guidance, with You and Your Holy Will, before decisions are made that affect the lives of so many people.

Be with the President of this Senate as he embarks upon a new position of leadership; endow him with qualities that build bridges of cooperation and understanding with one another, with all who serve in the governing body of our State.

So, let this new beginning bear the fruit of many good works that are pleasing to you and a blessing to us all.

We ask it in the Name of Him who taught us to pray: Our Father who art in Heaven, Hallowed be Thy Name. Thy Kingdom come. Thy Will be done on earth as it is in Heaven. Give us this day our daily bread. And forgive us our trespasses, as we forgive those who trespass against us. Lead us not into temptation, but deliver us from evil. For thine is the Kingdom, and the power, and the glory, for ever and ever. Amen.

Reading of the Journal of Wednesday, December 1, 1982.

Out of Order and Under Suspension of the Rules.

On motion by Senator Carpenter of Aroostook,

ORDERED, the House concurring, that the returns of votes for the Governor, given in the several cities, towns and plantations of the State for the political years 1983, 1984, 1985 and 1986, be referred to a Joint Select Committee of seven on the part of the Senate, with such as the House may join.

(S. P. 38)

Which was Read and Passed.  
 Sent down forthwith for concurrence.

The PRESIDENT: The Chair would appoint to the Joint Select Committee on gubernatorial Vote the following Senators on the part of the Senate:

- Senators: Pearson of Penobscot
- Wood of York
- Carpenter of Aroostook
- Clark of Cumberland
- Gill of Cumberland
- Sewall of Lincoln
- Perkins of Hancock

Communication  
 State of Maine  
 Department of State

Augusta, Maine  
 December 17, 1982

To the President of the Senate and to the Speaker of the House of Representatives of the One Hundred and Eleventh Legislature of the State of Maine:

In compliance with the Constitution and laws of the State of Maine, I have the honor to herewith transmit the returns of the votes cast for Governor in the several cities, towns and plantations in the State of Maine at the General Election held on November 2, 1982, as submitted by the appropriate officials of the municipalities involved immediately following said election.

Respectfully,  
 S/RODNEY S. QUINN  
 Secretary of State

State of Maine  
 General Election  
 November 2, 1982  
 Governor

**Democrat BRENNAN, JOSEPH E. Portland:** Androscoggin, 25,486; Aroostook, 17,233; Cumberland, 65,233; Franklin, 6,007; Hancock, 9,083; Kennebec, 28,176; Knox, 7,315; Lincoln, 7,241; Oxford, 11,963; Penobscot, 30,951; Piscataquis, 3,566; Sagadahoc, 7,746; Somerset, 10,291; Waldo, 6,124; Washington, 7,037; York, 37,114. Total 281,066.

**Republican CRAGIN, CHARLES L. Fal-**  
**mouth:** Androscoggin, 13,504; Aroostook, 11,248; Cumberland, 31,917; Franklin, 4,552; Hancock, 8,624; Kennebec, 16,564; Knox, 6,241; Lincoln, 6,059; Oxford, 7,977; Penobscot, 21,564; Piscataquis, 3,338; Sagadahoc, 3,696; Somerset, 6,896; Waldo, 5,424; Washington, 5,345; York, 20,000. Total 172,949.

**VACHON, J. MARTIN Sanford:** Androscoggin, 238; Aroostook, 123; Cumberland, 350; Franklin, 53; Hancock, 78; Kennebec, 305; Knox, 61; Lincoln, 74; Oxford, 93; Penobscot, 195; Piscataquis, 40; Sagadahoc, 43; Somerset, 95; Waldo, 89; Washington, 56; York, 680. Total 2,573.

**WARREN, VERN Brunswick:** Androscoggin, 315; Aroostook, 134; Cumberland, 755; Franklin, 93; Hancock, 155; Kennebec, 306; Knox, 104; Lincoln, 192; Oxford, 109; Penobscot, 366; Piscataquis, 70; Sagadahoc, 204; Somerset, 177; Waldo, 143; Washington, 121; York, 406. Total 3,650.

**OTHERS:** Androscoggin, 1; Aroostook, 2; Cumberland, 16; Franklin, 2; Hancock, 1; Kennebec, 11; Knox, 0; Lincoln, 1; Oxford, 0; Penobscot, 11; Piscataquis, 0; Sagadahoc, 0; Somerset, 3; Waldo, 2; Washington, 3; York, 4. Total 57.

Which was Read and referred to the Committee on Gubernatorial Vote.  
 Sent forthwith.

Communications  
 The Following Communication:  
 The Senate of Maine  
 Augusta

December 29, 1982

Honorable Richard Trafton  
 Honorable Barry Hobbins  
 Chairmen  
 Joint Standing Committee on Judiciary  
 State House  
 Augusta, Maine 04333

Dear Chairmen Trafton and Hobbins:  
 Please be advised that Governor Joseph E. Brennan is nominating Clifford F. O'Rourke of Camden for appointment to the Maine District Court as Judge-at-Large.

Pursuant to Title 4 MRSA Section 157, this nomination will require review by the Joint Standing Committee on the Judiciary and confirmation by the Senate.

Sincerely,  
 S/GERARD P. CONLEY  
 President of the Senate  
 S/JOHN L. MARTIN  
 Speaker of the House  
 (S. P. 35)

Which was Read and referred to the Committee on Judiciary.  
 Sent down for concurrence.

The Following Communication  
 The Senate of Maine

Augusta

December 29, 1982

Honorable Richard Trafton  
 Honorable Barry Hobbins  
 Chairmen  
 Joint Standing Committee on Judiciary  
 State House  
 Augusta, Maine 04333

Dear Chairmen Trafton and Hobbins:  
 Please be advised that Governor Joseph E. Brennan is nominating Jane S. Bradley of Freeport for appointment as a Commissioner of the Workers' Compensation Committee.

Pursuant to Title 39 MRSA Section 91, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,  
 S/GERARD P. CONLEY  
 President of the Senate  
 S/JOHN L. MARTIN  
 Speaker of the House  
 (S. P. 36)

Which was Read and referred to the Committee on Judiciary.  
 Sent down for concurrence.

The Following Communication:  
 State of Maine  
 Office of The Governor  
 Augusta, Maine 04333

December 27, 1982

The Honorable Senate and House of Representatives of the 111th Legislature:

Enclosed please find two bonds for Samuel D. Shapiro, Treasurer of the State of Maine, as required by Article V, Part 4, Section 2 of the Maine Constitution. These bonds have been examined by me and are in the requisite amount of \$500,000.

Yours very truly,  
 S/JOSEPH E. BRENNAN  
 Governor  
 (S. P. 37)

Which was Read and Ordered Placed On File, and the Accompanying papers Ordered Placed On File with State Auditor.  
 Sent down for concurrence.

The Following Communication:  
 Bureau of Taxation  
 State of Maine  
 State Office Building,  
 Augusta, Maine 04333

December 13, 1982

The Honorable Gerard P. Conley  
 President of the Senate  
 Maine State Senate  
 State House Station #3  
 Augusta, Maine 04333  
 Dear President Conley:

The accompanying report of State-owned real estate is submitted in accordance with the provisions of Title 36, M.R.S.A. §1283.

This report includes ten properties or interests acquired through liens maturing since the last Regular Session of the Legislature. A description of each property is provided and recommendations for disposition are included.

The report shows the entire amount of outstanding tax, interest and costs that have accrued on each property. The outstanding tax is determined by calculating the total tax that is due with regard to the particular property as though it remained taxable after the State's lien matured.

Respectfully submitted,  
 S/R. L. HALPERIN  
 State Tax Assessor

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

The Following Communication:  
 State of Maine  
 Department of  
 Educational and Cultural Services

December 1, 1982

TO: Members of the 111th Legislature  
Bureau of the Budget  
FROM: Harold Reynolds, Jr., Commissioner  
SUBJECT: Actual Education Costs for Base Year 1981-82

Pursuant to the provisions of 20 MRSA 4744, I forward herewith notification of the "actual education costs" as defined in subsection 1 of 20 MRSA 4743 for the base year 1981-82.

A. Elementary operating costs	
	\$202,411,082
B. Secondary operating costs	120,722,500
C. Special education costs for programs operated by administrative units	19,104,764
D. Special education tuition and board, excluding medical costs	7,483,288
(1) Tuition and board for pupils placed by administrative units	\$5,865,495
(2) Tuition and board for State Wards and direct State placements	1,250,678
(3) Adjustments under section 4749, subsection 6	367,115
E. Vocational education costs	11,269,992
F. Transportation costs	
(1) Operating costs	28,350,586
(2) Purchase of buses	4,000,000
G. Debt service costs	
(1) Principal and Interest	26,712,307
(2) Insured Value Factor	484,663
(3) Leases	545,352
Other Major Capital Costs	2,793,265
H. Cost of unusual enrollment adjustments	\$211,049
I. Cost of geographic isolation adjustments	330,311
J. Cost of adjustments for small administrative units	63,401
K. Cost of reimbursement for private school transportation	219,035
M. Audit adjustments	66,437
N. Optional local appropriations with state participation	
(1) Local Share	19,036,328
(2) State Share	7,644,179
O. Optional local funds without state participation	30,040,307
P. Cost of state expenditures for teacher retirement benefits	46,710,645

The above figures include all adjustments in expenditure reports through December 1, 1982 and include state and local monies only except that Federal P. L. 874 funds are included.

NOTE: The sum of items A to G represent the total expenditures for the base year while items H to P are duplicative.

Which was Read and Ordered Placed on File.

The Following Communication:

**State of Maine  
Senate Chamber  
Augusta, Maine 04333**

January 5, 1983

In compliance with the Senate Order of December 1, 1982 the Committee appointed by the President to examine the returns of votes for Senators for the political years 1983 and 1984, has attended to its duty and asks leave to report that the returns of votes cast, as submitted by the Secretary of State to the President of the Senate, meets with the approval of the Committee.

S/PETER W. DANTON, Chairman  
Senatorial Vote Committee

Which was Read and Ordered Placed on File.

The Following Communication:

**State of Maine  
House of Representatives  
Speakers' Office  
Augusta, Maine 04333**

December 2, 1982

Hon. Gerard P. Conley  
President of the Senate  
State House Station 3  
Augusta, Maine 04333

Dear President Conley:

Pursuant to the Constitution of Maine, Article IV, Part Third, as amended (Section 1-A), I am appointing the following members of the Majority Party in the House of Representatives to the Commission on Reapportionment:

Rep. Edward Kelleher of Bangor  
Rep. Gregory Nadeau of Lewiston  
Rep. Patrick McGowan of Pittsfield

Sincerely,  
S/JOHN L. MARTIN  
Speaker of the House  
(S. P. 39)

Which was Read and Ordered Placed on File.  
Sent down for concurrence.

#### Senate Papers

Senator ERWIN of Oxford (Cosponsors: Representative CALLAHAN of Mechanic Falls, Representative MICHAEL of Auburn and Senator HICHENS of York) presented,

BILL, "An Act to Create a Revolving Fund for Publications of the Department of Agriculture, Food and Rural Resources." (S. P. 26) (L. D. 27)

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

Which was referred to the Committee on Agriculture and Ordered Printed.  
Sent down for concurrence.

Senator CHARETTE of Androscoggin (Cosponsors: Representative POULIOT of Lewiston, Representative TELOW of Lewiston and Senator BUSTIN of Kennebec) presented,

BILL, "An Act to Amend the Social Worker Registration Act with Respect to Employment by Nursing Homes and to Foster Coordination with State and Federal Regulations Governing Required Social Services in Nursing Homes." (S. P. 24) (L. D. 25)

Which was referred to the Committee on Business Legislation and Ordered Printed.  
Sent down for concurrence.

Senator MINKOWSKY of Androscoggin (Cosponsors: Representative JALBERT of Lewiston, Representative KETOVER of Portland and Senator GILL of Cumberland) presented,

BILL, "An Act Relating to Business, Travel or Recreation on Sunday." (S. P. 29) (L. D. 84)

Which was referred to the Committee on Business Legislation and Ordered Printed.  
Sent down for concurrence.

Senator PRAY of Penobscot presented,

BILL, "An Act to Remove the Statutory Requirement for Payment of Fees by Baxter State Park to the Maine Forest Service for the Forest Fire Protection." (S. P. 27) (L. D. 28)

Reference to the Committee on Energy and Natural Resources, suggested.

On Motion by Senator Wood of York, Tabled until later in Today's Session, pending Reference.

Senator VIOLETTE of Aroostook (Cosponsor: Representative McHENRY of Madawaska) presented,

BILL, "An Act to Reduce the Amount Municipalities Outside the Maine Forestry District must pay for Controlling and Extinguishing Forest Fires." (S. P. 30) (L. D. 85)

Reference to the Committee on Energy and Natural Resources, suggested.

On Motion by Senator Wood of York, Tabled until later in Today's session, pending Reference.

Senator CHARETTE of Androscoggin (Cosponsors: Senator BALDACCI of Penobscot, Representative SWAZEY of Bucksport and Representative HANDY of Lewiston) presented,

BILL, "An Act Pertaining to Local Public Hearings on Liquor License Applications." (S. P. 32) (L. D. 87)

Which was referred to the Committee on

Legal Affairs and Ordered Printed.

Sent down for concurrence.

The same Senator, (Cosponsors: Senator VIOLETTE of Aroostook, Senator DUTREMBLE of York and Representative MARTIN of Van Buren) presented,

BILL, "An Act Relating to the Annual Observance of Saint Jean Baptiste." (S. P. 21) (L. D. 22).

Which was referred to the Committee on Legal Affairs and Ordered Printed.  
Sent down for concurrence.

Senator VIOLETTE of Aroostook (Cosponsor: Representative MARTIN of Van Buren) presented,

BILL, "An Act to Provide that the Director of the Maine State Housing Authority shall be a Nonvoting Commissioner of the State Authority." (S. P. 22) (L. D. 23)

Which was referred to the Committee on State Government and Ordered Printed.  
Sent down for concurrence.

Senator CLARK of Cumberland (Cosponsors: Representative MITCHELL of Vassalboro, Representative MURPHY of Kennebec and Senator CONLEY of Cumberland) presented,

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide Equality of Rights under the Law. (Governor's Bill) (S. P. 28) (L. D. 59)

Which was referred to the Committee on State Government and Ordered Printed.  
Sent down for concurrence.

Senator MINKOWSKY of Androscoggin (Cosponsor: Representative CAHILL of Woolwich) presented,

BILL, "An Act to Amend the Tree Growth Tax Law." (S. P. 20) (L. D. 21)

Which was referred to the Committee on Taxation and Ordered Printed.  
Sent down for concurrence.

Senator HICHENS of York (Cosponsor Representative McPHERSON of Eliot) presented,

BILL, "An Act to Permit a Trade-in Credit Under the Sales Tax Statutes for Utility Tractors." (S. P. 25) (L. D. 26)

Which was referred to the Committee on Taxation and Ordered Printed.  
Sent down for concurrence.

Senator TWITCHELL of Oxford presented,  
BILL, "An Act to Exempt Historical Societies and Museums from State Sales Tax." (S. P. 33) (L. D. 88)

Which was referred to the Committee on Taxation and Ordered Printed.  
Sent down for concurrence.

Senator McBREAIRTY of Aroostook (Cosponsors: Representative KELLEHER of Bangor, Representative MATTHEWS of Caribou and Representative ANDERSON of Stockholm) presented,

BILL, "An Act to Remove the Retroactive Provisions of the Income Tax Indexing Law." (Emergency). (S. P. 34) (L. D. 96)

Which was referred to the Committee on Taxation and Ordered Printed.  
Sent down for concurrence.

Senator BALDACCI of Penobscot presented,  
BILL, "An Act Concerning Annual Automobile Inspections." (S. P. 19) (L. D. 20)

Which was referred to the Committee on Transportation and Ordered Printed.  
Sent down for concurrence.

Senator KANY of Kennebec (Cosponsors: Senator BALDACCI of Penobscot, Representative CARROLL of Limerick and Representative MCGOWAN of Pittsfield) presented,

BILL, "An Act to Require Annual Automobile Inspections." (S. P. 23) (L. D. 24)

Which was referred to the Committee on Transportation and Ordered Printed.  
Sent down for concurrence.

Senator DANTON of York presented,  
BILL, "An Act to Require the Secretary of State to Give Notification when the Renewal of Motor Vehicle Registrations are Due." (S. P. 31) (L. D. 86)

Which was referred to the Committee on Transportation and Ordered Printed.  
Sent down for concurrence.

#### **(Senate At Ease)**

The Senate called to order by the President.

On motion by Senator PRAY of Penobscot, Recessed until the Sound of the Bell.

#### **Recess**

#### **After Recess**

The Senate called to Order by the President.

#### **Orders of the Day**

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

BILL, "An Act to Remove the Statutory Requirement for Payment of Fees by Baxter State Park to the Maine Forest Service for the Forest Fire Protection." (S. P. 27) (L. D. 28)

Committee on Energy and Natural Resources suggested.

Tabled Earlier in the Day by Senator WOOD of York.

Pending Reference.

On Motion by Senator PRAY of Penobscot, referred to the Committee on Taxation and Ordered Printed.

Sent down for concurrence.

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

BILL, "An Act to Reduce the Amount Municipalities Outside the Maine Forestry District must pay for Controlling and Extinguishing Forest Fires." (S. P. 30) (L. D. 85)

Committee on Energy and Natural Resources suggested.

Tabled Earlier in the Day by Senator WOOD of York

Pending Reference.

On Motion by Senator PRAY of Penobscot, referred to the Committee on Taxation and Ordered Printed.

Sent down for concurrence.

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

#### **House Papers**

BILL, "An Act to Appropriate Funds to the Legislative Apportionment Commission." (H. P. 86) (L. D. 95) (Emergency)

Reference to the Committee on Appropriations and Financial Affairs suggested.

Comes from the House, Read Twice and under suspension of the rules, Passed to be Engrossed without reference to committee, and Ordered Printed.

The PRESIDENT: Is it the pleasure of the Senate that Under Suspension of the Rules, L. D. 95 be given its First Reading at this time without Reference to Committee?

It is a vote.

Under Suspension of the Rules, the Bill Read Twice, and Passed to be Engrossed without Reference to Committee, and Ordered Printed, in concurrence.

Sent forthwith to the Engrossing Department.

BILL, "An Act Making Additional Authorizations and Allocations Relating to Low Income Home Energy Assistance Federal Block Grants for the Expenditures of State Government for

the Fiscal Year Ending June 30, 1983." (H. P. 97) (L. D. 97) (Emergency)

Reference to the Committee on Appropriations and Financial Affairs suggested.

Comes from the House, Read Twice and under suspension of the rules, Passed to be Engrossed without reference to committee, and Ordered Printed.

The PRESIDENT: Is it the pleasure of the Senate that Under Suspension of the Rules, L.D. 97 be given its First Reading at this time without Reference to Committee?

It is a vote.

Under Suspension of the Rules, the Bill Read Twice, and Passed to be Engrossed, without Reference to Committee, and Ordered Printed, in concurrence.

Sent forthwith to the Engrossing Department.

On motion by Senator Carpenter of Aroostook, Adjourned until 10 o'clock tomorrow morning.