

# 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  
February 7, 1983  
Senate called to order by the President.

Prayer by Reverend Richard E. Wrentzel, East Auburn Baptist Church of Auburn.

REVEREND WRENTZEL: Let us pray, God, I thank You so much for the privilege that You have given to us, in giving us prayer, so we can come into Your presence through the Person, of the Lord Jesus Christ; and as we pause for a moment at the beginning of this Session, we acknowledge our total dependence upon You, for You have instructed us in Your Word that without You we accomplish absolutely nothing, but with You, we can do all things.

Thank you Lord, for giving us a Nation that still recognizes You in her national life, and may that ever be so, for blessed is the Nation who's God is the Lord.

I pray this morning for each member of this Legislative Body, of our great State. Help them, O'Lord, in this awesome responsibility which is theirs in governing this State, for the decisions which they make in this place affects the lives of every citizen. Grant them wisdom to make the decisions that are right and true, according to Your standards.

I thank You for our leaders, and believe that they are here according to Your divine will, for You ordained government, and You have instructed us to pray for, and obey those in authority over us.

God, we pray that You will direct our leaders in their decisions this day. May they depend upon You. This I pray in the Name of our Lord and Saviour, Jesus Christ. Amen.

Reading of the Journal of Thursday, February 3, 1983.

#### COMMUNICATIONS

The following Communication:

State of Maine  
One Hundred and Eleventh Legislature  
Committee on Public Utilities

February 3, 1983

The Honorable Gerard P. Conley  
President of the Senate of Maine  
State House

Augusta, Maine 04333

Dear President Conley:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 111th Maine Legislature, the Joint Standing Committee on Public Utilities has had under consideration the nomination of Paul Fritzsche as Public Advocate.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS: Senators 3  
Representatives 9

NAYS: Senators  
Representatives

ABSENT: Rep. Thompson of South Portland  
Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Paul Fritzsche as Public Advocate be confirmed.

Sincerely,

S/John Baldacci, Senate Chairman

S/Harry Vose, House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Public Utilities has recommended that the nomination of Paul Fritzsche be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee

on Public Utilities be overridden: In accordance with 3 M.R.S.A., Chapter 6, section 151 and with Joint Rule 38 of the 111th Legislature, the vote will be taken by the yeas and nays. A vote of Yes will be in favor of overriding the recommendation of the Committee. A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

YEA—None

NAY—Baldacci, Brown, Carpenter, Charette, Danton, Diamond, Dow, Emerson, Erwin, Gill, Hayes, Hichens, Kany, McBreairty, Minkowsky, Najarian, Pearson, Perkins, Pray, Sewall, Shute, Teague, Twitchell, Violette, Wood The President, Gerard P. Conley.

ABSENT—Bustin, Clark, Collins, Dutremble, Redmond, Trafton, Usher.

No Senators having voted in the affirmative and 26 Senators in the negative, with 7 Senators being absent, and none being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be accepted. The nomination of Paul Fritzsche is confirmed.

The Secretary was directed to inform the Speaker of the House.

#### Senate Papers

BILL, "An Act to Extend Maine's Returnable Deposit Law." (S. P. 183) (Presented by Senator CLARK of Cumberland) (Cosponsor: Representative MURRAY of Bangor)

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

Sent down for concurrence.

BILL, "An Act to Close the Deer Hunting Season in Wildlife Management Unit #6 for a Period of 3 Years." (S. P. 196) (Presented by Senator BROWN of Washington)

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

Sent down for concurrence.

BILL, "An Act to Revise the University of Maine Arbitration Procedures." (S. P. 187) Presented by Senator HAYES of Penobscot) (Cosponsors: Senator BALDACCIO of Penobscot and Representative MURRAY of Bangor)

BILL, "An Act to Repeal the Nonnegotiability of Educational Policies" (S. P. 188) (Presented by Senator HAYES of Penobscot) (Cosponsor: Representative CONNOLLY of Portland)

BILL, "An Act to Provide for the Negotiation of Union Security Provisions" (S. P. 189) (Presented by Senator HAYES of Penobscot) (Cosponsors: Representative BOST of Orono, Representative BEAULIEU of Portland and Representative MURRAY of Bangor)

BILL, "An Act to Require the Department of Labor to Make Available to All Claimants for Unemployment Insurance, the Complete Set of All Department of Labor Rules and Policies Governing the Determinations of Eligibility and Payment of Benefits." (S. P. 190) (Presented by Senator PRAY of Penobscot) (Cosponsor: Senator CARPENTER of Aroostook)

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

Sent down for concurrence.

BILL, "An Act to Prohibit Public Utilities from Including Uncompleted Construction Work Costs in their Rates." (S. P. 191) (Presented by Senator CARPENTER of Aroostook).

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

Sent down for concurrence.

BILL, "An Act to Establish Municipal Cost Components for Services to be Rendered in Fiscal Year 1983-84." (Emergency). (S. P. 192) (Presented by Senator WOOD of York). (Submitted by the Department of Finance and Ad-

ministration pursuant to Joint Rule 24).

BILL, "An Act to Amend the Farm and Open Space Tax Law Recapture Penalty." (S. P. 193) (Presented by Senator WOOD of York)

BILL, "An Act to Provide Sales Tax Credit on Stolen Vehicles." (S. P. 194) (Presented by Senator CARPENTER of Aroostook) (Cosponsor: Representative SMITH of Island Falls).

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

Sent down for concurrence.

#### Order

On Motion of Senator VIOLETTE of Aroostook, the following Joint Order: (S. P. 195)

WHEREAS, the State of Maine and the eastern part of the United States currently operate on Eastern Standard Time; and

WHEREAS, there appears to be economic and personal benefits to the State to convert to other time zones; and

WHEREAS, those benefits need to be weighed in the light of other factors to determine the wisest course to follow; now, therefore be it

ORDERED, the House concurring, subject to the Legislative Council's review and determinations hereinafter provided, that the Joint Standing Committee on Business Legislation shall study the economic and personal benefits of converting from Eastern Standard Time to other time zones; and be it further

ORDERED, that the committee report its findings and recommendations, together with all necessary implementing legislation in accordance with the Joint Rules, to the Legislative Council for submission in final form at the Second Regular Session of the 111th Legislature; and be it further

ORDERED, that the Legislative Council, before implementing this study and determining an appropriate level of funding, shall first ensure that this directive can be accomplished within the limits of available resources, that it is combined with other initiatives similar in scope to avoid duplication and that its purpose is within the best interest of the State; and be it further

ORDERED, upon passage in concurrence, that a suitable copy of this Order shall be forwarded to members of the committee.

Which was Read and Passed.

Sent down for concurrence.

#### Committee Reports House

The following Ought Not to Pass reports shall be placed in the legislative files without further action pursuant to Rule 15 of the Joint Rules:

BILL, "An Act to Change the Date of the Special Muzzle-loading Hunting Season." (Emergency) (H. P. 57) (L. D. 63)

BILL, "An Act to Amend the Concealed Weapons Law." (H. P. 44) (L. D. 49)

BILL, "An Act Concerning Fire Safety Inspection." (H. P. 14) (L. D. 10)

#### Leave to Withdraw

The following Leave to Withdraw reports shall be placed in the legislative files without further action pursuant to Rule 15 of the Joint Rules:

BILL, "An Act Relating to Carrying a Concealed Weapon While Under the Influence of Intoxicating Liquor or Drugs." (H. P. 33) (L. D. 38)

BILL, "An Act Relating to the Forfeiture of Unoccupied Interment Spaces." (H. P. 45) (L. D. 50)

#### Ought to Pass

The Committee on Marine Resources on BILL, "An Act Concerning Confidentiality of Fisheries Statistics." (H. P. 32) (L. D. 37) 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, The Bill Read Once and Tomorrow Assigned for Second Reading.

#### Divided Report

The Majority of the Committee on Business Legislation on

BILL, "An Act to Remove the Sunset Provision on the Regulation of Business Between Motion Picture Exhibitors and Distributors." (H. P. 164) (L. D. 195)

Reported that the same Ought to Pass

Signed:

Senators:

CLARK of Cumberland  
CHARENTE of Androscoggin

Signed:

Representatives:

MURRAY of Bangor  
STEVENS of Bangor  
CONARY of Oakland  
BRANNIGAN of Portland  
PERKINS of Brooksville  
TELOW of Lewiston  
RACINE of Biddeford  
MacBRIDE of Presque Isle  
MARTIN of Van Buren  
POULIOT of Lewiston

The Minority of the Same Committee on the same subject matter Reported that the same Ought Not to Pass

Signed:

Senator:

SEWALL of Lincoln

Comes from the House, the Majority Report Read and Accepted and the Bill Passed to be Engrossed.

Which Reports were Read, and the Majority Ought to Pass Report of the Committee, Accepted, in concurrence. The Bill Read Once and Tomorrow Assigned for Second Reading.

#### Senate

The following Ought Not to Pass report shall be placed in the legislative files without further action pursuant to Rule 15 of the Joint Rules:

BILL, "An Act Relating to Common Recreational Facilities for the Residents of Frye Island." (S. P. 56) (L. D. 163)

#### Leave to Withdraw

The following Leave to Withdraw reports shall be placed in the legislative files without further action pursuant to Rule 15 of the Joint Rules:

BILL, "An Act Relating to Minimum Payment to Frye Island Municipal Services Corporation." (S. P. 58) (L. D. 165)

BILL, "An Act Relating to the Use of Artificial Lights in Herring Fishing." (S. P. 71) (L. D. 177)

#### Divided Report

The Majority of the Committee on Energy and Natural Resources on

BILL, "An Act Relating to the Regulation of Septage Disposal." (S. P. 50) (L. D. 143)

Reported that the same Ought to Pass

Signed:

Senators:

KANY of Kennebec  
PEARSON of Old Town  
McBREAIRTY of Aroostook

Signed:

Representatives:

HALL of Sangerville  
RIDLEY of Shapleigh  
MICHAUD of East Millinocket  
DEXTER of Kingfield  
JACQUES of Waterville  
MITCHELL of Freeport  
McGOWAN of Pittsfield  
KIESMAN of Fryeburg  
MICHAEL of Auburn

The Minority of the Same Committee on the same subject matter Reported that the same Ought Not to Pass

Signed:

Representatives:

BROWN of Livermore Falls

Which Reports were Read, and the Majority Ought to Pass Report of the Committee, Accepted, The Bill Read Once, and Tomorrow Assigned for Second Reading.

#### Second Readers

##### Senate

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

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)

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

Sent down for concurrence.

#### Orders of the Day

The PRESIDENT: The Chair recognizes the Senator from York, Senator Danton

Senator DANTON: Mr. President, is the Senate in possession of LD 87, Bill, "An Act Pertaining to Local Public Hearings on Liquor License Applications?"

The PRESIDENT: The Chair would answer in the affirmative, LD 87, Bill, "An Act Pertaining to Local Public Hearings on Liquor License Applications," having been held at the request of the Senator.

On motion by Senator Danton of York, the Senate voted to Reconsider its action whereby:

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

On motion by Senator Danton of York, Tabled for 2 Legislative Days, pending Passage to be Engrossed.

On motion by Senator CARPENTER of Aroostook, Adjourned until Wednesday, February 9, 1983 at 9 o'clock in the morning.