

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 14, 1983
Senate called to order by the President.

Prayer by Reverend Father Paul Cote of Newman Center at Colby College and Thomas College.

REVEREND FATHER COTE: Let us pray! Lord, our God, it is Your will that all men and women should live in peace and security. We beseech You to bless and protect these Senators and all public servants to whom Your people of this State have entrusted the care of their common good.

Through Your blessing, may peace and security be maintained; through Your guidance, may these Legislators enact just laws; and through Your grace, may they have a special regard for the poor and those who cannot protect themselves.

In all Lord, may Your will be done. Amen.

Reading of the Journal of Thursday, February 10, 1983.

**Paper From The House
Non-concurrent Matter**

Communication from the Department of Conservation regarding Budget Estimate for Planned 1983 Budworm Project. (S. P. 231)

In the Senate, February 10, 1983 Read and referred to the Committee on Energy and Natural Resources.

Comes from the House, Read and referred to the Committee on Appropriations and Financial Affairs in non-concurrence.

The PRESIDENT: Is it the pleasure of the Senate to Recede and Concur with the House? It is a vote.

Communications

The Following Communication:

**State of Maine
Office of The Governor
Augusta, Maine
04333**

February 10, 1983

Honorable Gerard P. Conley
President
Maine State Senate
State House
Augusta, Maine 04333
Dear President Conley:

In keeping with the provisions of Article V, Part I, Section 9 of the Maine Constitution, which requires that the Governor,

"...from time to time give the Legislature information of the condition of the State, and recommend to their consideration such measures, as he may judge expedient",

I request the opportunity to deliver a State of the State message on Tuesday, February 22, 1983, at 7:00 p.m.

I realize that the evening hour I am suggesting is something of a departure from tradition. However, I would like to give more Maine citizens the opportunity to hear this State of the State message than would be possible at an earlier hour.

I shall await your response to my request.

Sincerely,
S/JOSEPH E. BRENNAN
Governor

Which was Read and Ordered Placed on File.

The Following Communication:

**State of Maine
Department of Human Services
Augusta, Maine 04333**

February 8, 1983

Honorable Gerald P. Conley
Senate President
Maine State Legislature
State House
Augusta, ME 04333

Dear Jerry Conley:

Pursuant to the requirements of Chapter 415 of the Public Laws of the 109th Maine Legislature, the Department of Human Services' DES Program has forwarded a copy of their annual report to Senator Beverly Bustin and Representative Merle Nelson, Chairpersons of the Health and Institutional Services Committee. A copy is enclosed for your information.

Should you have any questions, please contact Karen Truemper in the Bureau of Health at 289-3201.

Thank You.

Sincerely yours,
S/MICHAEL R. PETIT
Commissioner

Which was Read and with accompanying Report Ordered Placed On File.

Senate Papers

BILL, "An Act to Allow the Department of Environmental Protection to Recover Indirect Costs from all Dedicated Funds in the Same Manner as Indirect Costs are Recovered from Department of Environmental Protection Federal Funds." (Submitted by the Department of Environmental Protection pursuant to Joint Rule 24.) (S. P. 243) (Presented by Senator PEARSON of Penobscot) (Cosponsors: Representative DEXTER of Kingfield, Representative MICHAUD of E. Millinocket and Representative HALL of Sangerville.)

Which was referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Sent down for concurrence.

BILL, "An Act Relating to Motor Vehicle Inspections." (S. P. 244) (Presented by Senator NAJARIAN of Cumberland.)

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

Sent down for concurrence.

(Off Record Remarks)

**Committee Reports
House**

Leave to Withdraw

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

BILL, "An Act to Establish a Fixed, Uniform Hunting Season for Game Birds." (H. P. 56) (L. D. 62)

Divided Report

The Majority of the Committee on Labor on BILL, "An Act to Permit Certain Small Businesses to Exempt Themselves from the Workers' Compensation Law." (H. P. 68) (L. D. 74)

Reported that the same Ought Not to Pass.

Signed:

Senators:

DUTREMBLE of York
SEWALL of Lincoln
HAYES of Penobscot

Representatives:

TAMMARO of Baileyville
SWAZEY of Bucksport
BEAULIEU of Portland
TUTTLE of Sanford
GAUVREAU of Lewiston

The Minority of the same Committee on the same subject matter Reported that the same Ought to Pass in New Draft (H. P. 512) (L. D. 600) under same title.

Signed:

Representatives:

NORTON of Biddeford
LEWIS of Auburn
BONNEY of Falmouth
WILLEY of Hampden
ZIRNKILTON of Mount Desert

Come from the House with Bill and Accompanying Papers.

Indefinitely Postponed.

Which Reports were Read and the Majority Ought Not To Pass Report of the Committee Accepted.

Divided Report

The Majority of the Committee on Labor on BILL, "An Act to Repeal the Severance Pay Provision of Maine's Labor Laws." (H. P. 99) (L. D. 106)

Reported that the same Ought Not to Pass.

Signed:

Senators:

DUTREMBLE of York
HAYES of Penobscot

Representatives:

TAMMARO of Baileyville
NORTON of Biddeford
BEAULIEU of Portland
TUTTLE of Sanford
GAUVREAU of Lewiston

The Minority of the same Committee on the same subject matter Reported that the same Ought to Pass in New Draft (H. P. 511) (L. D. 599) under same title.

Signed:

Senator:

SEWALL of Lincoln

Representatives:

ZIRNKILTON of Mount Desert
BONNEY of Falmouth
SWAZEY of Bucksport
WILLEY of Hampden
LEWIS of Auburn

Come from the House, Majority Report Read and Accepted.

Which Reports were Read and the Majority Ought Not To Pass Report of the Committee Accepted, in concurrence.

Senate

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

BILL, "An Act to Defray the Costs of Law Enforcement and Corrections Officer Training." (S. P. 64) (L. D. 170)

Ought to Pass in New Draft

Senator TRAFTON for the Committee on Judiciary on BILL, "An Act to Allow the District Court to Grant Restitution in Cases of Unfair Trade Practices." (S. P. 54) (L. D. 146) reported that the same Ought to Pass in New Draft under same title. (S. P. 241) (L. D. 664)

Which Report was Read and Accepted, and The Bill in New Draft Read Once and Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on State Government on

RESOLUTION Proposing an Amendment to the Constitution of Maine to Extend the Tenure for Sheriffs from Two years to Four years. (S. P. 111) (L. D. 263)

Reported that the same Ought to Pass.

Signed:

Senators:

BALDACCI of Penobscot
HICHENS of York
VIOLETTE of Aroostook

Representatives:

SALSBURY of Bar Harbor
SPROUL of Augusta
COOPER of Windham
LaPLANTE of Sabattus
PARADIS of Augusta
KETOVER of Portland
HOLLOWAY of Edgecomb

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

Signed:

Representatives:

LEBOWTIZ of Bangor
GWADOSKY of Fairfield

DILLENBACK of Cumberland

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

Divided Report

The Majority of the Committee on State Government on

RESOLUTION Proposing an Amendment to the Constitution of Maine to Provide that Senators shall Serve Four-Year Terms Commencing in 1986. (S. P. 62) (L. D. 168)

Reported that the same Ought Not to Pass.

Signed:

Representatives:

SPROUL of Augusta
LaPLANTE of Sabbathus
LeBOWITZ of Bangor
GWADOSKY of Fairfield
DILLENBACK of Cumberland
KETOVER of Portland
HOLLOWAY of Edgecomb

The Minority of the same Committee on the same subject matter Reported that the same Ought to Pass in New Draft under New Title, RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for Staggered Four-Year Terms for Senators. (S. P. 242) (L. D. 731)

Signed:

Senators:

BALDACCI of Penobscot
HICHENS of York
VIOLETTE of Aroostook

Representatives:

COOPER of Windham
PARADIS of Augusta
SALSBURY of Bar Harbor

Which Reports were Read.

On motion by Senator Dow of Kennebec, the Minority Ought To Pass, in New Draft under New Title, Report of the Committee Accepted. The Resolve in New Draft under New Title Read Once and Tomorrow Assigned for Second Reading.

Second Readers**House**

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

BILL, "An Act to Establish a Sign on the Maine Turnpike to Guide Visitors to Norway, South Paris and the Oxford Hills Region." (H. P. 75) (L. D. 80)

BILL, "An Act Regarding the Recording of Instruments in the Day Book of the Registry of Deeds." (H. P. 500) (L. D. 566)

RESOLVE, Providing for the Expenditure of Public Service Tax Receipts Credited to Edmunds Township. (H. P. 501) (L. D. 567)

BILL, "An Act to Amend Temporarily the Benefit Financing Provisions of the Employment Security Law." (Emergency) (H. P. 338) (L. D. 397)

BILL, "An Act to Amend the Employment Security Law as Required by the Tax Equity and Fiscal Responsibility Act of 1982." (Emergency) (H. P. 438) (L. D. 531)

BILL, "An Act Relating to Furnishing or Allowing Consumption of Liquor by Certain Persons." (H. P. 454) (L. D. 551)

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

House — As Amended

BILL, "An Act to Establish a Boundary Line Between the Towns of Burnham, Unity and Unity Township." (H. P. 15) (L. D. 11)

BILL, "An Act Concerning Fees and Costs Under the Dog Control Laws." (H. P. 112) (L. D. 119)

Which were Read a Second Time and Passed to be Engrossed, as amended, in concurrence.

Senate

BILL, "An Act Relating to a Fund for Ferry

Replacement at Frye Island." (S. P. 57) (L. D. 164)

BILL, "An Act to Clarify the Authority of Municipal Officers to Charge Interest on Delinquent Sewer Accounts." (S. P. 95) (L. D. 226)

Which were 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:

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)

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

Orders of the Day

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

BILL, "An Act Relating to Powers of the Board of Trustees of the Maine Maritime Academy and to Authorize Conferral of the Master of Science Degree in Maritime Management." (H. P. 541)

Tabled — February 10, 1983 by Senator CARPENTER of Aroostook

Pending — Reference

(In House referred to the Committee on Education)

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator CARPENTER: Mr. President, I move this Bill be referred to the Committee, Joint Standing Committee on Appropriations And Financial Affairs.

Mr. PRESIDENT, I request permission to withdraw that motion and move that it be referred to the Joint Standing Committee on Education.

The PRESIDENT: Senator Carpenter of Aroostook, now requests Leave of the Senate to Withdraw his Motion to the Committee on Education, in concurrence.

Is it the pleasure of the Senate to Grant this Leave?

It is a vote.

On motion by Senator Carpenter of Aroostook, referred to the Committee on Education and Ordered Printed, in concurrence.

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

BILL, "An Act Relating to the Identification and the Hazards of Exposure to Toxic and Hazardous Substances." (H. P. 549)

Tabled — February 10, 1983 by Senator CARPENTER of Aroostook

Pending — Reference

(In House referred to the Committee on Health and Institutional Services)

On motion by Senator Carpenter of Aroostook referred to the Committee on Energy and Natural Resources and Ordered Printed in non-concurrence.

Sent down for concurrence.

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

BILL, "An Act to Change the Definition of Full-time Officers in the Mandatory Officer Training Law." (H. P. 559)

Tabled — February 10, 1983 by Senator CARPENTER of Aroostook

Pending — Reference

(In House referred to the Committee on Legal Affairs.)

On motion by Senator Carpenter of Aroostook referred to the Committee on State Government and Ordered Printed in non-concurrence.

Sent down for concurrence.

The President laid before the Senate, the

fourth Tabled and specially assigned matter.

HOUSE REPORT—from the Committee on Public Utilities — BILL, "An Act to Clarify the Time during which a Utility is Restricted from Filing a Rate Case under the Public Utility Law." (H. P. 183) (L. D. 202) Ought to Pass as Amended by Committee Amendment "A" (H-9)

Tabled — February 10, 1983 by Senator PRAY of Penobscot

Pending — Acceptance of the Committee Report.

(In the House — Ought to Pass Report Read and Accepted and the Bill Passed to be Engrossed as Amended.)

On motion by Senator Carpenter of Aroostook, Retabled for 1 Legislative Day.

(Off Record Remarks)

On motion by Senator PRAY of Penobscot, Adjourned until 9 o'clock tomorrow morning.