

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
February 15, 1983
Senate called to order by the President.

Prayer by the Reverend A. Raymond Smith of St. Barnabas Chapel, Episcopal Church of Augusta.

REVEREND SMITH: O'Lord, our Governor, bless the leaders of this Country, that we may be at peace among ourselves and a blessing to the Nations of the world.

The President, the Members of the Cabinet, the Governors of the States, the House of Representatives, and to these, Your Senators, and to all in positions of authority: grant wisdom, grace and guidance, in the exercise of their duties, and the enactment of just laws.

Grant to all the elected persons, the wisdom and foresight to provide for the needs of all our people, and fulfill our obligations in the community of Nations.

Give peace to Your servants, O'Lord, that there may be peace in the world, peace in our Nation, peace in our homes, peace in our hearts; and we ask this in the Name of the Prince of Peace, Jesus Christ our Lord. Amen.

Reading of the Journal of yesterday.

Papers from the House
Non-concurrent Matter

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

In the Senate, February 10, Passed to be Engrossed as amended by Senate Amendment "A" (S-7).

Comes from the House, Passed to be Engrossed in non-concurrence.

On motion by Senator Charette of Androscoggin, the Senate voted to Recede and Concur with the House.

Non-concurrent Matter

Joint Order Relative to Converting from Eastern Standard Time to Other Time Zones. (S. P. 195)

In the Senate, February 7, Read and Passed. Comes from the House, Indefinitely Postponed, in non-concurrence.

On motion by Senator Pray of Penobscot, the Senate voted to Recede and Concur with the House.

House Paper

BILL, "An Act to Clarify Legislative Intent on Setting Insurance Rates for Workers' Compensation Insurance." (Emergency) (H. P. 598) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Reference to the Committee on Labor suggested.

Comes from the House and under suspension of the rules Read Twice and Passed to be Engrossed without reference to a Committee.

On motion by Senator Dutremble of York referred to the Committee on Business Legislation and Ordered Printed, in non-concurrence.

Sent down for concurrence.

Communications

The Following Communication: (H. P. 193)

State of Maine
111th Legislature

Local and County Government

February 10, 1983

The Honorable Gerard P. Conley

President of the Maine Senate

111th Legislature

The Honorable John L. Martin

Speaker of the Maine House

111th Legislature

Dear President Conley and Speaker Martin:

We are pleased to inform you that all county

delegations to the 111th Legislature have organized with choices of chairpersons.

County delegation chairpersons are as follows:

ANDROSCOGGIN Sen. Richard R. Charette
AROOSTOOK Senator Paul Elmer Violette
CUMBERLAND Rep. Harlan Baker
FRANKLIN Rep. Edward L. Dexter
HANCOCK Senator Thomas R. Perkins
KENNEBEC Rep. Patrick E. Paradis
KNOX Rep. James H. Mayo
LINCOLN Senator Charlotte Z. Sewall
OXFORD Reprs. Phyllis R. Erwin
and Rep. Laurence L. Kiesman

PENOBSCOT Rep. Edward C. Kelleher
PISCATAQUIS Senator Charles P. Pray
SAGADAHOOC Rep. Mary E. Small
SOMERSET Rep. Donald M. Hall
WALDO Rep. Lloyd G. Drinkwater
WASHINGTON Senator Larry M. Brown
YORK Rep. George A. Carroll

Sincerely,
/S/R. DONALD TWITCHELL
Senate Chairman

/S/EDWARD A. MCHENRY
House Chairman

Comes from the House, Read and Ordered Placed on File.

Which was Read and Ordered Placed On File in concurrence.

The Following Communication: (H. P. 589)

State of Maine
Department of Conservation
State House Station 22
Augusta, Maine 04333

February 10, 1983

Honorable John L. Martin

Speaker of the House

111th Maine Legislature

State House Station #2

Augusta, Maine 04330

Dear Representative Martin:

I am enclosing a copy of the 1983 Forest Insect Managers Report as required by Title 12, Chapter 803, Subchapter IV-A, MRSA.

Should you have any questions about this report, I would be pleased to respond.

Sincerely,

/S/ THOMAS A. RUMPF
Forest Insect Manager

Comes from the House Read and Referred to the Committee on Appropriations and Financial Affairs.

Which was Read and referred to the Committee on Appropriations and Financial Affairs in concurrence.

The Following Communication: (H. P. 590)

State of Maine
House of Representatives
Augusta, 04333

February 10, 1983

John L. Martin

Speaker of the House

111th Legislature

Gerard P. Conley

President of the Senate

111th Legislature

Dear Mr. Speaker and Mr. President:

On February 10, 1983, one Bill was received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 14, the bill was referred to the Joint Standing Committee on Public Utilities on February 10, 1983.

Public Utilities

Bill "An Act to Amend the Charter of the Eagle Lake Water District to Provide for the Election of Trustees" (Emergency) (H. P. 588) (L. D. 669) (Presented by Speaker MARTIN of Eagle Lake)

Sincerely,

/S/ EDWIN H. PERT
Clerk of the House

/S/ JOY J. O'BRIEN
Secretary of the Senate

Comes from the House, Read and Ordered

Placed On File in concurrence.

Which was Read and Ordered Placed on File in concurrence.

Senate Papers

BILL, "An Act Relating to a Public Service Cadet Corps." (S. P. 245) (Presented by Senator COLLINS of Knox.)

Which was referred to the Committee on Aging, Retirement and Veterans and Ordered Printed.

Sent down for concurrence.

BILL, "An Act to Make Allocations from the Department of Inland Fisheries and Wildlife for the Fiscal Years Ending June 30, 1984, and June 30, 1985." (Submitted by the Department of Finance and Administration pursuant to Joint Rule 24.) (Emergency) (S. P. 246) (Presented by Senator USHER of Cumberland) (Cosponsors: Representative MacEACHERN of Lincoln, Senator DOW of Kennebec and Representative ERWIN of Rumford.)

Reference to the Committee on Appropriations and Financial Affairs suggested.

On motion by Senator Carpenter of Aroostook referred to the Committee on Fisheries and Wildlife and Ordered Printed.

Sent down for concurrence.

BILL, "An Act to Require Campaign Contributions to be Reported in the Lobbyist Disclosure Law." (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

(Presented by Senator KANY of Kennebec) (Cosponsors: Representative HALL of Sangerville, Representative DIAMOND of Bangor and Senator BALDACCI of Penobscot.)

Which was referred to the Committee on State Government and Ordered Printed.

Sent down for concurrence.

BILL, "An Act to Amend the State Income Tax Credit for the Installation of Renewable Energy Systems." (Submitted by the Department of Energy Resources pursuant to Joint Rule 24.) (S. P. 248) (Presented by Senator PEARSON of Penobscot.) (Cosponsors: Representative MICHAEL of Auburn, Representative ANDREWS of Portland and Representative McGOWAN of Pittsfield.)

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

Sent down for concurrence.

Committee Reports

House Papers

Ought Not to Pass

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 Regarding the Recording of Divorce Decrees in the Registry of Deeds." (H. P. 123) (L. D. 131)

BILL, "An Act Concerning Forfeitures of Property Under the Drug Laws." (H. P. 152) (L. D. 160)

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 Concerning the Publication of the Names of Juveniles in Connection with Arrests and Court Appearances." (H. P. 141) (L. D. 149)

BILL, "An Act to Allow the Use of Purse Seines in Washington County." (H. P. 181) (L. D. 210)

BILL, "An Act to Make the Photographic Drivers' License Optional Rather than Mandatory." (H. P. 210) (L. D. 254)

BILL, "An Act Concerning Drivers' Tests for the Elderly." (H. P. 216) (L. D. 259)

BILL, "An Act to Increase the Salaries of the Trustees of the Mapleton Sewer Districts." (H. P. 255) (L. D. 305)

BILL, "An Act to Move the Date of Finalization of the Municipal School Budget from June 30th to September 30th of each year." (H. P. 302) (L. D. 361)

BILL, "An Act to Make the Definition of a Municipal Public Employee Consistent with the Definition of a State Employee for Purposes of Collective Bargaining." (H. P. 337) (L. D. 396)

Change of Reference

The Committee on Public Utilities on BILL, "An Act to Require Reflectors or Reflectorized Material on Railroad Cars Owned or Leased by Maine Railroads." (H. P. 423) (L. D. 506) Reported that the same be referred to the Committee on Transportation.

Comes from the House with the Report Read and Accepted and the bill Referred to the Committee on Transportation.

Which Report was Read and Accepted in concurrence, and the bill referred to the Committee on Transportation in concurrence.

Ought to Pass

The Committee on Business Legislation on BILL, "An Act to Provide for Identification on Dentures." (H. P. 377) (L. D. 460) Reported that the same Ought to Pass.

Comes from the House, the Report Read and Accepted and 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.

Ought to Pass in New Draft

The Committee on Appropriations and Financial Affairs on BILL, "An Act Providing for an Additional District Court Judge Within the Judicial Division of Southern Androscoggin County." (Emergency) (H. P. 26) (L. D. 31) Reported that the same Ought to Pass in New Draft under same title. (H. P. 437) (L. D. 530)

Comes from the House with the Bill and Accompanying Papers Indefinitely Postponed.

Which Report was Read.

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

Divided Report

The Majority of the Committee on Legal Affairs on BILL, "An Act to Permit Bowling Alleys to Sell Spirituous, Vinous and Malt Liquor." (H. P. 178) (L. D. 207)

Reported that the same Ought to Pass.

Signed:

Senators:

CHARETTE of Androscoggin

DANTON of York

SHUTE of Waldo

Representatives:

DUDLEY of Enfield

McSWEENEY of Old Orchard Beach

COX of Brewer

PERRY of Mexico

STUDLEY of Berwick

HANDY of Lewiston

COTE of Auburn

DILLENBACK of Cumberland

SWAZEY of Bucksport

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

Signed:

Representative:

STOVER of West Bath

Comes from the House with Majority Report Read and Accepted and the Bill failing of Passage to be Engrossed.

Which Reports were Read.

On motion by Senator Charette of Androscoggin, the Majority Ought to Pass Report of the Committee Accepted, in concurrence. The Bill Read Once and Tomorrow Assigned for Second Reading.

Second Readers

Senate

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

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)

BILL, "An Act to Allow the District Court to Grant Restitution in Cases of Unfair Trade Practices." (S. P. 241) (L. D. 664)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for Staggered Four-year Terms for Senators. (S. P. 242) (L. D. 731)

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

Sent down for concurrence.

Orders of the Day

The President laid before the Senate the 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. 212) Ought to Pass as Amended by Committee Amendment "A" (H-9) Tabled—February 14, 1983 by Senator CARPENTER of Aroostook

Pending—Acceptance of 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 PRAY of Penobscot, the Ought to Pass Report was Accepted, in concurrence. The Bill Read Once. Committee Amendment "A" (H-9) was Read and Adopted, in concurrence. The Bill, as amended, Tomorrow Assigned for Second Reading.

(Off Record Remarks)

Senator Usher of Cumberland was granted unanimous consent to address the Senate, Off the Record.

Senator Hichens of York was granted unanimous consent to address the Senate, Off the Record.

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

Senate at Ease

The Senate called to Order by the President.

Senator Diamond of Cumberland was granted unanimous consent to address the Senate, Off the Record.

Senator Carpenter of Aroostook was granted unanimous consent to address the Senate, Off the Record.

On motion by Senator Carpenter of Aroostook, Adjourned until 9 o'clock tomorrow morning.