

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 22, 1983
 Senate called to order by the President.

Prayer by Reverend Truman Bray of Penney Memorial of Augusta.

REVEREND BRAY: Let us unite in prayer! O'God, our Father, Thou Who art Eternal and Sovereign and the Giver of every good gift. We thank You today for the gift of this new day, a reminder of Your faithfulness to us in all things. We thank You for this day when we celebrate President Washington's Birthday, and we are reminded of our heritage of freedom, which with all of its flaws, has come to more people than any other human experiment.

Bless the men and women of this Chamber today. We thank You for them. We thank You for their gift of leadership. Bless them as they continue in the grand procession of government by the people. Keep them from any misconception that they are a governing elite, but that their responsibilities are always to those with the least power in our society.

Give them wisdom and understanding of the issues before them this day, and grace and kindness in dealing with one another. Help us in all of our knowledge to know that we are accountable to You, and may the issues of this day be decided with that understanding.

May your grace and mercy rest upon this place and upon these lives. For we ask in the Name of Jesus of Nazareth, Your Son, and our Savior and Lord. Amen.

Reading of the Journal of Friday, February 18, 1983.

(Off Record Remarks)

**Papers from the House
 House Papers**

BILL, "An Act Concerning Loose Wood Measurement." (H.P. 600) (L. D. 748)

Comes from the House, referred to the Committee on Agriculture and Ordered Printed.

Which was referred to the Committee on Agriculture and ordered Printed in concurrence.

BILL, "An Act Making Authorizations and Allocations Relating to Federal Block Grants for the Expenditures of State Government 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) (H. P. 601) (L. D. 749)

BILL, "An Act to Provide Funding for the Police Academy." (H. P. 602) (L. D. 750)

Comes from the House, referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Which were referred to the Committee on Appropriations and Financial Affairs and Ordered Printed in concurrence.

BILL, "An Act to Establish a Competitive State Workers' Compensation Insurance Fund." (H. P. 604) (L. D. 752)

Comes from the House, referred to the Committee on Business Legislation and Ordered Printed.

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

BILL, "An Act Concerning School Transportation Contracts" (Submitted by the Department of Educational and Cultural Services pursuant to Joint Rule 24.) (H. P. 605) (L. D. 753)

BILL, "An Act to Govern the Cost of Trans-

portation for Athletes and other Students Participating in School-sponsored Extracurricular Activities." (Submitted by the Department of Educational and Cultural Services pursuant to Joint Rule 24.) (H. P. 606) (L. D. 754)

BILL, "An Act to Extend the National School Breakfast Program Availability to Maine School Children." (H. P. 607) (L. D. 755)

Comes from the House, referred to the Committee on Education and Ordered Printed.

Which were referred to the Committee on Education and Ordered Printed in concurrence.

BILL, "An Act Concerned with the Thermal Treatment of Hazardous Waste." (H. P. 608) (L. D. 756)

Comes from the House, referred to the Committee on Energy and Natural Resources and Ordered Printed.

Which was referred to the Committee on Energy and Natural Resources and Ordered Printed in concurrence.

BILL, "An Act to Require that the Aid to Families with Dependent Children Program Promote Family Unity." (H. P. 609) (L. D. 757)

BILL, "An Act to Provide Improved Dental Care by Amending the Denturist Law." (H. P. 610) (L. D. 758)

BILL, "An Act to Remove the Sunset Provision for Home Health Care Providers in the Certificate of Need Law." (H. P. 611) (L. D. 759)

Comes from the House, referred to the Committee on Health and Institutional Services and Ordered Printed.

Which were referred to the Committee on Health and Institutional Services and Ordered Printed in concurrence.

BILL, "An Act to Exempt Clustered Single Family Subdivisions from the Maine Condominium Act." (H. P. 603) (L. D. 751)

Reference to the Committee on Business Legislation 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 to Clarify the Spousal Leaving Provision of the Employment Security Law." (H. P. 612) (L. D. 760)

BILL, "An Act to Include Salaries, Pensions and Insurance for Binding Arbitration under the Municipal Public Employees Labor Relations Law." (H. P. 613) (L. D. 761)

Comes from the House, referred to the Committee on Labor and Ordered Printed.

Which were referred to the Committee on Labor and Ordered Printed in concurrence.

BILL, "An Act to Provide a Class A Lounge Liquor License." (Submitted by the Department of Finance and Administration pursuant to Joint Rule 24.) (H. P. 614) (L. D. 762)

Comes from the House, referred to the Committee on Legal Affairs and Ordered Printed.

Which was referred to the Committee on Legal Affairs and Ordered Printed in concurrence.

BILL, "An Act to Prohibit Regional Planning Commissions from Providing any Contractual Services for Municipalities which can be Provided by the Private Sector." (H. P. 615) (L. D. 763)

Comes from the House, referred to the Committee on Local and County Government and Ordered Printed.

Which was referred to the Committee on Local and County Government and Ordered Printed in concurrence.

BILL, "An Act to Require Prenotification of Agenda for Special Sessions of the Legislature."

(H. P. 616) (L. D. 764)

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 Establish Municipal Cost Components for Services to be Rendered in Fiscal Year 1983-84." (Emergency) (H. P. 617) (L. D. 765)

BILL, "An Act to Provide a Sales Tax Credit for Vehicles which are Sold when Another Vehicle is Purchased." (H. P. 599) (L. D. 742)

Comes from the House, referred to the Committee on Taxation and Ordered Printed.

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

Out of Order and Under Suspension of the Rules, On motion by Senator PRAY of Penobscot, the following Order:

ORDERED, that a message be sent to the House of Representatives proposing a Convention of both branches in the Hall of the House of Representatives at 6:30 o'clock for the purpose of extending to His Excellency, Governor JOSEPH E. BRENNAN, an invitation to attend the Convention and make such communication as pleases him.

Which was Read and Passed.

The President appointed, Senator Pray of Penobscot to deliver the message, the Senator then retired to the Hall of the House and subsequently reported that he had performed the duties with which he was charged.

(Off Record Remarks)

At this point a message was received from the House of Representatives, through Representative Mitchell of Vassalboro concurring in the proposition for a Joint Convention to be held in the Hall of House at 6:30 p.m. to extend to his Excellency, Governor JOSEPH E. BRENNAN, Governor of the State of Maine, an invitation to convey such communication as he may be pleased to make.

Communication

The following Communication: (S. P. 277)

State of Maine

Department of Human Services

Augusta, Maine 04333

February 2, 1983

To: Honorable Beverly M. Bustin, Senate Chair
 Committee on Health & Institutional Services
 Honorable Merle Nelson, House Chair
 Committee on Health and Institutional Services

From: Michael R. Petit, Commissioner, Department of Human Services

I am pleased to present this report which was required by the 110th Legislature in 22 MRSA §3479 Section 3. This report covers the 1982 Mandatory Reporting Amendment to the Adult Protective Services Act.

Appropriate staff will be available to meet with you to answer any questions that you may have.

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

Sent down for concurrence.

Senate Papers

BILL, "An Act Relating to Agricultural Contracts." (S. P. 272) (Presented by Senator CARPENTER of Aroostook.) (Cosponsors: Senator VIOLETTE of Aroostook, Representative MARTIN of Eagle Lake and Representative LISNIK of Presque Isle.)

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

Sent down for concurrence.

(Off Record Remarks)

BILL, "An Act to Establish a State Administered Program of General Assistance." (S. P. 274) (Presented by Senator BROWN of Washington.)

Reference to the Committee on Health and Institutional Services suggested.

On motion by Senator Pray of Penobscot, Tabled until later in today's session, pending Reference.

BILL, "An Act to Improve the Administration of the General Assistance Program." (S. P. 275) (Presented by Senator BROWN of Washington.)

Reference to the Committee on Health and Institutional Services suggested.

On motion by Senator Pray of Penobscot, Tabled until later in today's session, pending Reference.

BILL, "An Act to Provide Additional Tax Credits for Businesses Providing New Jobs in Areas of High Unemployment." (S. P. 276) (Presented by Senator PRAY of Penobscot.) (Cosponsors: Representative MITCHELL of Vassalboro, Senator CARPENTER of Aroostook and Representative MARTIN of Eagle Lake.)

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

Sent down for concurrence.

Committee Reports

House

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 to Deduct from Workers' Compensation Benefits any Social Security Retirement Benefits Received by an Injured Employee." (H. P. 334) (L. D. 393)

BILL, "An Act to Permit Games of Chance Distributors to Sell to Certain Unlicensed Organizations." (H. P. 341) (L. D. 400)

BILL, "An Act to Provide a 3-day Waiting Period on the Sale of Handguns." (H. P. 445) (L. D. 538)

BILL, "An Act to Permit Sheriff Deputies to Run for Municipal Office." (H. P. 273) (L. D. 333)

BILL, "An Act to Amend the Maine Sardine Law." (H. P. 227) (L. D. 275)

Resolve, Authorizing Gerald Pelletier to Bring Civil Action Against the State of Maine. (H. P. 417) (L. D. 500)

Change of Reference

The Committee on Legal Affairs on BILL, "An Act Relating to Unreasonable or Unjust Rent in Mobile Home Parks." (H. P. 340) (L. D. 399) Reported that the same be referred to the Committee on Business Legislation.

Comes from the House with the Report Read and Accepted and the bill referred to the Committee on Business Legislation.

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

Ought to Pass

The Committee on Aging, Retirement and Veterans on BILL, "An Act for the Repeal of Obsolete Provisions of the Retirement Allowance Adjustment Fund." (H. P. 287) (L. D. 346) 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. The Bill Read Once and Tomorrow Assigned for Second Reading.

The Committee on Aging, Retirement and Veterans on BILL, "An Act to Amend the Provision Relating to the Notification of Participating Districts about Changes in Statutes." (H. P.

289) (L. D. 348)

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

Which Report was Read and Accepted in concurrence. The bill Read Once and Tomorrow Assigned For Second Reading.

The Committee on Transportation on BILL, "An Act to Eliminate the Requirement that Persons Over 75 Years of Age Take Periodic Driving Tests." (H. P. 19) (L. D. 15)

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

Which Report was Read.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President, I have a couple of questions I'd like to pose to any Member of the Transportation Committee on this Bill.

I am wondering, first of all, whether elderly people who have been denied a license for impairment other than vision, will now be able to have their licenses restored? I am wondering, also, if I understand the general idea in support of this Bill was a matter of age discrimination. I am wondering if that means that its the intention that the Legislature to extend the privilege of driving to people twelve, thirteen, fourteen and fifteen years old? Since they are discriminated against on the basis of age, if you look at it at the other end of the spectrum of life.

In my own community I have seen this law, in my judgment, save a number of lives because sometimes people in their eighties and nineties don't realize how much impaired they are, and I am really quite surprised that this would have an unanimous report.

I'd appreciate any comments from the Committee.

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

Senator DANTON: Mr. President and Members of the Senate, just a brief explanation.

I guess this became a law back in 1978, I was here then, but I will be very truthful with you, I just don't remember it becoming a law, but it's a law that was on the books. At the hearing, we had a number of these bills, some allowing for insurance, some allowing for eye tests sooner or later, at one age or another. So we picked the bill that was perhaps the simplest to do away with that discrimination. All the facts and testimony at that hearing certainly was in favor of those in that age group, because of the percentages of accidents; they had hardly any, compared to thirteen, fourteen, fifteen, or twenty year olds or twenty-five year olds.

Another thing, at the public hearing, that was brought out these elderly people when they are getting ready to go and take their driver's test get extremely nervous; in fact, it bothers them so much that some of them have some pretty bad side effects from it, and most of them, most of them, stop driving on their own anyway when they get to be a certain age.

So, I know that perhaps we shouldn't tamper with laws that work well, but you know this day and age with discrimination being in the forefront, and you have a bunch of elderly citizens that come and tell you they hardly drive a thousand miles a year. The State Police gets up and gives you testimony and statistics that verify exactly what they're saying; it's just difficult to vote against them. So, the Committee reported this Bill out with the unanimous Ought to Pass.

The Ought to Pass Report of the Committee was 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 Concerning Renewal of Driv-

er's Licenses for Persons 75 Years of Age or Older." (S. P. 49) (L. D. 104)

Ought to Pass in New Draft

Senator CLARK for the Committee on Business Legislation on BILL, "An Act Relating to the Practice of Veterinary Medicine." (S. P. 41) (L. D. 99) Reported that the same Ought to Pass in New Draft under same title. (S. P. 273) (L. D. 815)

Which Report was Read and Accepted. The Bill, in New Draft, 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 Clarify the Determination of Axles on Motor Farm Trucks." (H. P. 620) (L. D. 746)

BILL, "An Act to Permit the Use of Illuminated Signs on Motor Trucks, Semitrailers and Truck Tractors." (H. P. 621) (L. D. 747)

BILL, "An Act to Apply Uniform Penalties for Local School Administrative Unit that Employ Uncertified Personnel." (H. P. 644) (L. D. 772)

BILL, "An Act to Insure Prompt Answers to Petitions Filed by Employers and Employees." (H. P. 328) (L. D. 387)

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

House — As Amended

BILL, "An Act Relating to the Fuel Adjustment Clause of Natural Gas Utilities." (H. P. 46) (L. D. 51)

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

Senate

BILL, "An Act to Clarify Provisions of the Maine Banking Act." (S. P. 136) (L. D. 428)

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

Sent down for concurrence.

Senate — As Amended

BILL, "An Act to Clarify the "Hearing Ear" Dog Law." (S. P. 43) (L. D. 101)

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

Sent down for concurrence.

Enactors

The Committee on Engrossed Bills reported as truly and strictly engrossed the following: An Act Concerning the Marking of Wild Birds. (H. P. 156) (L. D. 181)

An Act to Transfer Fayette from the Northern Kennebec to the Southern Kennebec Judicial Division of the District Court. (H. P. 172) (L. D. 202)

An Act to Repeal the Requirement for an Audible Warning when Passing in a Motor Vehicle. (H. P. 212) (L. D. 256)

An Act Relating to the Purchasing and Printing of Forms for State Government. (H. P. 584) (L. D. 665)

An Act Pertaining to Inspection of Fire Trucks. (H. P. 586) (L. D. 667)

An Act Regarding Passengers on Motorcycles. (H. P. 587) (L. D. 668)

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

Emergency

An Act to Establish Directional Signs on the Maine Turnpike, one at Exit 7 for the Southern Maine Vocational-Technical Institute, and another at Exit 4 for the University of New England. (H. P. 585) (L. D. 666)

This being an emergency measure and having received the affirmative votes of 30 members of the Senate, with No Senators hav-

ing voted in the negative, 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, Tabled and specially assigned matter.

BILL, "An Act Providing for an Additional District Court Judge within the Judicial Division of Southern Androscoggin County." (H. P. 437) (L. D. 530)

(In Senate February 17 Passed to be Engrossed in non-concurrence.)

Tabled—February 18 by Senator CARPENTER of Aroostook

Pending—Motion of Senator TRAFTON of Androscoggin to reconsider Passage to be Engrossed.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator TRAFTON: Mr. President, on February 18th, I moved that the Senate Reconsider its action of February 17th, whereby (H. P. 437) (L. D. 530) was Passed to be Engrossed.

I request permission to withdraw that motion.

The PRESIDENT: Senator Trafton of Androscoggin now requests Leave of the Senate to Withdraw his Motion on Reconsideration.

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

It is a vote.

Sent down for concurrence.

(Senate At Ease)

The Senate called to Order by the President.

On motion by Senator Pray of Penobscot, the Senate voted to remove from the Table:

BILL, "An Act to Establish a State Administered Program of General Assistance." (S. P. 274)

Tabled earlier in the day on motion by Senator Pray of Penobscot, pending Reference.

On motion by Senator Pray of Penobscot, Retabled for 1 Legislative Day.

On motion by Senator Pray of Penobscot, the Senate voted to remove from the Table:

BILL, "An Act to Improve the Administration of the General Assistance Program." (S. P. 275)

Tabled earlier in the day on motion by Senator Pray of Penobscot, pending Reference.

On motion by Senator Pray of Penobscot, Retabled for 1 Legislative Day.

On motion by Senator Pray of Penobscot, Recessed until 6:30 this evening.

Recess

After Recess

The Senate called to Order by the President.

At this point the Senate retired to the Hall of the House, where a Joint Convention was formed.

(For proceedings of the Joint Convention, see House Report)

After Joint Convention In Senate

The Senate called to order by the President.

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