

# 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 23, 1983  
 Senate called to order by the President.

Prayer by Reverend Edgar Jones of the Winthrop Congregational Church of Winthrop.

REVEREND JONES: Let us Pray! Eternal God, You have created the earth and all the people that dwell herein, and You have created us with minds that can reason. Help us to use this gift of reason to do justly, and show kindness, and walk humbly with You.

As people have decided to give to elected Bodies the responsibility for unity, justice, and peace, we ask wisdom with this session of the Maine Senate. Help them to see that their's is a task whose actions have significance beyond their own time and their own lives, and that often the best thing that government can do is help arrange the statutes and laws of the governed, so that the atmosphere of initiative can be created, and that people can help themselves.

Then, O'Lord, help them to see that there are those who cannot do for themselves, because of heredity, circumstance, and conditions over which they have no control. Help all gathered here, through the spirit of wisdom, to know when legislation is helpful, and when it is a hindrance to the development of full human potential, that they may see government as their partner in fulfilling life. Amen.

Reading of the Journal of yesterday.

(Off Record Remarks)

**Papers from the House  
 House Papers**

BILL, "An Act to Provide Equitable Health Care for Alcoholism and Drug Dependency Treatment." (H. P. 623) (L. D. 775)

Comes from the House, referred to the Joint Select Committee on Alcoholism Services and Ordered Printed.

On motion by Senator Pray of Penobscot, Tabled for 1 Legislative Day, pending Reference.

BILL, "An Act Relating to Interstate Banking." (H. P. 624) (L. D. 776).

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 to Provide for Self-Insurance for State Elementary and Secondary School Buildings." (H. P. 625) (L. D. 777)

BILL, "An Act to give Alternates the right to Vote on a School Board." (H. P. 626) (L. D. 778).

Come 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 to Require Review of Road Construction." (H. P. 627) (L. D. 779).

BILL, "An Act to Amend the Municipal Planning and Zoning Law." (H. P. 628) (L. D. 780). (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

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

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

BILL, "An Act Concerning Statute of Limita-

tions Under the Medical Malpractices Law." (H. P. 629) (L. D. 781).

BILL, "An Act Relating to Victims' Bill of Rights." (H. P. 630) (L. D. 782).

Come from the House, referred to the Committee on Judiciary and Ordered Printed.

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

BILL, "An Act Relating to Attorney's Fees Under the Workers' Compensation Law." (H. P. 631) (L. D. 783).

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

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

BILL, "An Act to Clarify and Establish the Boundary Line Between the Town of Bowdoinham and the Town of Bowdoin." (H. P. 633) (L. D. 784).

BILL, "An Act Relating to the Appointment of County Officials." (H. P. 634) (L. D. 785).

BILL, "An Act to Provide a Referendum to Abolish County Government and Authorize Reassignment of its Functions and Duties to Appropriate State and Municipal Departments and Agencies." (H. P. 635) (L. D. 786).

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

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

BILL, "An Act to Regulate Striped Bass Fishing." (H. P. 636) (L. D. 787).

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

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

Resolution, Proposing an Amendment to the Constitution of Maine Reducing the Size of the House of Representatives to 99 Members. (H. P. 637) (L. D. 788).

BILL, "An Act to Establish Apprenticeship Opportunities in State Government for Recipients of the Aid to Families with Dependent Children Program." (H. P. 638) (L. D. 789)

Come from the House, referred to the Committee on State Government and Ordered Printed.

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

BILL, "An Act to Equalize the Tax Burden of Dental Health Centers." (H. P. 639) (L. D. 790)

BILL, "An Act to Increase the Veteran's Property Tax Exemption by \$1,000." (H. P. 640) (L. D. 791).

BILL, "An Act to Provide Private Property Tax Relief by Replacing it with Local Income Taxes." (H. P. 641) (L. D. 792).

Come 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.

(Off Record Remarks)

BILL, "An Act Concerning Bicycle Regulations." (H. P. 642) (L. D. 793).

BILL, "An Act to Change the Annual Renewal Date to the Birth Month of the Vehicle Owner." (H. P. 643) (L. D. 794).

Come from the House, referred to the Committee on Transportation and Ordered Printed.

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

**Study Report - Transitional Committee**

The Transitional Committee which was established to assist the Department of Corrections to prepare legislation to reflect the powers, responsibilities and organization pursuant to Public Laws of 1981, Chapter 493, sub-section 5, ask leave to submit its findings and to report that the accompanying Bill, An Act to Recodify the Statutes Relating to Corrections and Mental Health and Mental Retardation. (H. P. 583) (L. D. 832) be referred to the Joint Standing Committee on Health and Institutional Services for public hearing and printed pursuant to Joint Rule 18.

Comes from the House, with the Report Read and Accepted and the Bill Referred to the Committee on Health and Institutional Services.

Which Report was Read and Accepted in concurrence and the Bill referred to the Committee on Health and Institutional Services in concurrence.

**Communication**

The following Communication:

**State of Maine  
 Department of Transportation  
 Transportation Building  
 Augusta, Maine**

February 22, 1983

Governor Joseph E. Brennan  
 Members of the 111th Legislature

Transmitted herewith is a copy of Maine's Transportation Investment Program for Fiscal Years 1984 and 1985.

This Program is submitted in support of request for funding the areas of Federally supported Highways and Bridges, Collector Roads, Highway Maintenance Resurfacing, Air Transportation, Rail Transportation and Marine Transportation. This document describes the intended use of the funding requested.

The Highway and Bridge section of this Program requires \$31.6 Million in state funds to match available federal highway funds. Of that amount, \$10 Million would be taken from current revenues and the remaining \$21.6 million would be included in a proposed Highway Bond Issue. The proposed bond issue would include an additional \$3 Million to match \$3 Million in local funds for an accelerated Town Way Bridge Program. The total proposed highway and bridge bond issue therefore, is \$24.6 Million.

The \$10.0 Million and \$11.6 Million requested for Collector Road Capital Improvements and Maintenance Resurfacing respectively are totally state funded programs.

The \$1.0 Million requested for Air Transportation projects would generate an estimated \$13.2 Million in federal matching funds and an additional \$800,000 in local matching monies, providing sufficient funding for a total program in excess of \$15 Million.

The \$1.2 Million in state funding requested for the Rail Investment Program would be used in part to match an estimated \$400,000 in available federal funds and an estimated \$1.8 Million in matching funds from communities and private industry. This would allow for a total rail program of \$3.4 Million.

The \$10.8 Million in state funding requested for Marine Transportation programs would provide necessary improvements in several areas and could potentially generate matching monies from federal economic development programs and/or private industry.

In summary, this program generates \$145.6 million Federal dollars towards a total investment program of \$224.0 million.

In examining this Program, we trust you will find it to represent a realistic and balanced effort to maintain and improve transportation service within Maine in a manner in keeping with today's economic climate.

Very truly yours,  
 S/GEORGE N. CAMPBELL, JR.  
 Commissioner of Transportation

Which was Read and with accompanying

papers Ordered Placed on File.

#### Senate Papers

BILL, "An Act to Extend Consumers Freedom of Choice Regarding Insured Mental Health Services." (S. P. 278) (Presented by Senator CLARK of Cumberland.)

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

BILL, "An Act to Revise the Structure of the Board of Environmental Protection." (S. P. 280) (Presented by Senator Kany of Kennebec.) (Cosponsors: Representative ROLDE of York and Representative MITCHELL of Freeport.)

Which was referred to the Committee on Energy and Natural Resources and Ordered Printed.  
Sent down for concurrence.

BILL, "An Act Relating to the Principles of Reimbursement for Intermediate Care Facilities for the Mentally Retarded." (Emergency) (S. P. 279) (Presented by Senator GILL of Cumberland.) (Cosponsors: Senator DANTON of York, Representative ROLDE of York, and Representative HIGGINS of Scarborough.)

Which was referred to the Committee on Health and Institutional Services and Ordered Printed.  
Sent down for concurrence.

BILL, "An Act to Clarify, Simplify and Improve Certain Sections of the Labor Laws of Maine." (S. P. 281) (Submitted by the Department of Labor pursuant to Joint Rule 24.) (Presented by Senator DUTREMBLE of York.) (Cosponsors: Representative FOSTER of Ellsworth, Representative BEAULIEU of Portland, and Senator HAYES of Penobscot.)

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

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Permit Municipalities to Exempt Watercraft from Property Taxation. (S. P. 282) (Presented by Senator KANY of Kennebec.) (Cosponsors: Representative MICHAUD of East Millinocket, Representative CONARY of Oakland, and Representative JACQUES of Waterville.)

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

Senator Pray of Penobscot was granted unanimous consent to address the Senate, On the Record.

Senator PRAY: Thank you very much, Mr. President. Mr. President, Ladies and Gentlemen of the Senate, earlier today when some of the pages were being introduced, I had the distinct honor of sitting here and listening to the Chair give a fine introduction and recognition for my son, celebrating his birthday today. The month of February is a month in which we celebrate a number of birthdays of a number of famous people, who have helped shape the destiny of this Country and in turn this State.

Well, today, we in this Chamber have the opportunity to celebrate the birthday of somebody who plays an important role in setting the destiny of the State of Maine, and that is the Secretary of this Senate, Joy O'Brien, who celebrates her birthday today.  
(Applause, the members rising.)

#### Committee Reports

##### House

##### 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 to Prohibit the Use of Headphones while Operating a Vehicle on a Public Way." (H. P. 189) (L. D. 231)

BILL, "An Act to Prohibit the Wearing of Head Phones or Ear Phones while Operating a Motor Vehicle." (H. P. 213) (L. D. 257)

##### 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 Provide Directional Signs on the Maine Turnpike, including the Location of Bowdoin College." (H. P. 435) (L. D. 517)

BILL, "An Act to Establish November 15th as the Closing Date of Partridge Season." (H. P. 149) (L. D. 157)

BILL, "An Act to Provide that the Partridge Hunting Season must close by November 15th each Year." (H. P. 201) (L. D. 245)

BILL, "An Act to Provide for Broader Participation in Moose Hunting." (H. P. 319) (L. D. 378)

BILL, "An Act to Change the Law Regarding Hunting of Moose by Nonresidents." (H. P. 200) (L. D. 244)

BILL, "An Act Concerning Eligibility to Hunt Moose." (H. P. 318) (L. D. 377)

BILL, "An Act Concerning Renewal of Driver's Licenses for Persons 75 Years of Age or Older." (H. P. 145) (L. D. 153)

BILL, "An Act to Require Headlights on Vehicles to be Used at Certain Times." (H. P. 231) (L. D. 279)

##### Ought to Pass

The Committee on Public Utilities on BILL, "An Act to Amend the Charter of the Hallowell Water District." (H. P. 345) (L. D. 404) Reported that the same Ought to Pass.

Comes from the House with 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 Public Utilities on BILL, "An Act to Amend the Charter of the Winthrop Water District." (H. P. 346) (L. D. 405) Reported that the same Ought to Pass.

Comes from the House with 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 Legal Affairs on BILL, "An Act to Authorize Licensees Under the Liquor Laws to Serve as a Law Enforcement Officer." (H. P. 339) (L. D. 398) Reported that the same Ought to Pass.

Comes from the House with 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.

##### Ought to Pass as Amended

The Committee on Labor on BILL, "An Act to Insure an Employee is Notified of his Rights to Workers' Compensation." (H. P. 332) (L. D. 391) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-14)

Comes from the House with the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-14)

Which Report was Read and Accepted in concurrence. The Bill Read Once Committee Amendment "A" (H-14), was Read and Adopted in concurrence. The Bill, as amended, Tomorrow Assigned for Second Reading

##### Ought to Pass in New Draft

The Committee on Business Legislation on BILL, "An Act Concerning Qualifications for Appointment to the Board of Commissioners of the Profession of Pharmacy." (H. P. 111) (L. D. 118) reports that the same Ought to Pass in New Draft under same title (H. P. 653) (L. D. 813)

Comes from the House with the Report Read and Accepted and the New Draft Passed to be Engrossed.

Which Report was Read and Accepted in concurrence. 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 Limit Maine Senators to not More than Five Consecutive Two-Year Terms, and to Limit Maine Representatives to not More than Five Consecutive Two-Year Terms (H. P. 352) (L. D. 410)

Reported that the same Ought Not to Pass.

Signed:

Senators:

VIOLETTE of Aroostook  
BALDACCI of Penobscot  
HICHENS of York

Representatives:

GWADOSKY of Fairfield  
LEBOWITZ of Bangor  
COOPER of Windam  
KETOVER of Portland  
LaPLANTE of Sabattus  
PARADIS of Augusta

The Minority of the Same Committee on the same subject matter Reported that the same Ought to Pass.

Signed:

Representatives:

SPOUL of Augusta  
DILLENBACK of Cumberland  
SALSBURY of Bar Harbor  
HOLLOWAY of Edgecomb

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

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

##### Second Readers House

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

BILL, "An Act for the Repeal of Obsolete Provisions of the Retirement Allowance Adjustment Fund." (H. P. 287) (L. D. 346)

BILL, "An Act to Amend the Provision Relating to the Notification of Participating Districts about Changes in Statutes." (H. P. 289) (L. D. 348)

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

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

##### Senate

BILL, "An Act Relating to the Practice of Veterinary Medicine" (S. P. 273) (L. D. 815)

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

Sent down for concurrence.

##### Enactors

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

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

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

##### Constitutional Amendment

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)

Comes from the House, Failing of Final Passage.

On motion by Senator Najarian of Cumberland, placed on the Special Appropriations Table, pending Passage to be Enacted.

(Off Record Remarks)

Senator Minkowsky of Androscoggin was granted unanimous consent to address the Senate, Off the Record.

(Off Record Remarks)

#### **Orders of The Day**

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

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

Tabled—February 22, 1983 by Senator PRAY of Penobscot.

Pending—Reference.

Which was referred to the Committee on Health and Institutional Services and Ordered Printed.

Sent down for concurrence.

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

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

Tabled—February 22, 1983 by Senator PRAY of Penobscot.

Pending—Reference.

Which was referred to the Committee on Health and Institutional Services and Ordered Printed.

Sent down for concurrence.

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