

# 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 24, 1983  
Senate called to order by the President.

Prayer by Rabbi Raymond Krinsky of the Beth Israel Synagogue of Waterville.

RABBI KRINSKY: Almighty God, we pray that this day's session of the Senate enjoys careful deliberation and successful accomplishment, as these lawmakers secure the best interest of our State.

May the challenges of difficult times for the people of Maine, and the great expectations of its citizens, be confronted with the imagination of self-confident leadership, and of the resolved of determined stewardship, even while recognizing that compromising action is often a necessary concomitant of principal purpose.

Give these Senators patience and compassion, strength and courage, perception and vision, to pursue justice and equity for our community. Amen.

Reading of the Journal of yesterday.

(Off Record Remarks)

#### Papers from the House House Papers

Bill, "An Act to Prohibit Prepayment Penalties in any Form of Personal Mortgage" (H. P. 664)

Reference to the Committee on Business Legislation suggested.

Comes from the House, Indefinitely Postponed.

On motion by Senator Clark of Cumberland Indefinitely Postponed, in concurrence.

#### Joint Order

The following Joint Order: (H. P. 663)

WHEREAS, the Congress of the United States enacted Public Law 97-300, the Job Training Partnership Act, granting to state legislatures historic new responsibilities and opportunities for guiding federal employment and training programs; and

WHEREAS, states have responsibilities for the overall management, quality control, goal setting, coordination, designation of service delivery areas for training and labor exchange functions, substate resource allocation, program and fiscal accountability and capacity building for the system at the state and substate levels; and

WHEREAS, that Act provides the State with leverage to nurture viable public and private partnerships at the state and local levels to accomplish the economic revitalization and investment in human capital needed to solve many of the state's economic and social problems; and

WHEREAS, new relationships between state agencies responsible for human resource and economic development are required; and

WHEREAS, the Act acknowledges the authority of the Legislature to enact implementing legislation for programs funded under the Act; and

WHEREAS, the Legislature will have an important policy role in providing the matching requirements for the State to qualify to receive funds for employment and training assistance for dislocated workers; now, therefore, be it

ORDERED, the Senate concurring, that a Joint Select Committee on Job Training be established consisting of one member of the Joint Standing Committee on Appropriation and Financial Affairs; one member of the Joint Standing Committee on Education; one member of the Joint Standing Committee on Labor; and 6 other members, 4 of whom shall be appointed from the House of Representatives by the Speaker of the House, and 2 of whom shall

be appointed from the Senate by the President of the Senate; and be it further

ORDERED, that the Joint Select Committee on Job Training provide oversight to the implementation of the United States Job Training Partnership Act, review the plan submitted by the Governor, and report out any legislation appropriate to the plan and the purposes of the Act; and be it further

ORDERED, that the committee afford an appropriate opportunity to members of the public to comment on the plan and make recommendations regarding allocations from the funds; and be it further

ORDERED, that this Joint Select Committee on Job Training shall dissolve at the close of the 111th Legislature, except as it may be continued by vote of the Legislature.

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

#### Communication

The Following Communication:

State of Maine  
House of Representatives  
Augusta 04333

February 23, 1983

Honorable Joy J. O'Brien  
Secretary of the Senate  
111th Legislature  
Augusta, Maine 04333

Dear Madam Secretary:

The House voted today to Adhere to its action whereby it Indefinitely Postponed Bill "An Act Providing for an Additional District Court Judge within the Judicial Division of Southern Androscoggin County" (H. P. 437) (L. D. 530)

Sincerely,  
/S/ EDWIN H. PERT  
Clerk of the House

Which was Read and Ordered Placed On File.

#### Senate Papers

BILL, "An Act to Promote Work-side High Blood Pressure Programs for Maine Workers." (S. P. 284) (Presented by Senator BROWN of Washington) (Cosponsors: Senator PERKINS of Hancock, Representative MELENDY of Rockland, and Representative ARMSTRONG of Wilton)

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

BILL, "An Act Relating to Guidelines for Certain Police Powers." (S. P. 285) (Presented by Senator TRAFTON of Androscoggin) (Cosponsor: Representative JOSEPH of Waterville)

BILL, "An Act Concerning Hospital Immunity and the Administration of Blood Tests to Juveniles for Operating under the Influence." (S. P. 286) (Presented by Senator TRAFTON of Androscoggin)

BILL, "An Act Concerning Separate Trials Arising from the Same Criminal Episode and Concerning Probation and Suspended Prison Sentences." (S. P. 287) (Presented by Senator TRAFTON of Androscoggin)

BILL, "An Act Concerning the Penalties for Vehicular Manslaughter and for Negotiating a Worthless Instrument." (S. P. 288) (Presented by Senator TRAFTON of Androscoggin)

BILL, "An Act Concerning Records of Arrests of Criminal Offenders." (S. P. 289) (Presented by Senator TRAFTON of Androscoggin)

BILL, "An Act Concerning the Operating after Suspension Law, the Habitual Offender Law and Admission of Identity by the Defendant." (S. P. 290) (Presented by Senator TRAFTON of Androscoggin)

BILL, "An Act Relating to Leases of Dwelling Units in a Multi-unit Residential Building where More than a Month's Rent is Required in Advance." (S. P. 291) (Presented by Senator HAYES of Penobscot) (Cosponsor: Representative BOST of Orono)

Which were referred to the Committee on

Judiciary and Ordered Printed.  
Sent down for concurrence.

BILL, "An Act to Clarify the Tax Status of Time-Sharing Condominiums." (S. P. 292) (Presented by Senator TWITCHELL of Oxford) (Cosponsor: Senator PERKINS of Hancock)

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

#### Committee Reports

##### House

#### Ought to Pass as Amended

The Committee on Public Utilities on BILL, "An Act Amending the Charter of the Aroostook Prestile Treatment District and the Charter of the Presque Isle Sewer District to Authorize the Withdrawal of Municipalities from the Aroostook Prestile Treatment District." (H. P. 129 (L. D. 137) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-15)

Comes from the House, the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-15) as Amended by House Amendment "A" (H-19) thereto.

Which Report was Read.

(Senate at Ease)

The Senate called to Order by the President.

On motion by Senator Baldacci of Penobscot, Tabled until later in today's session, pending Acceptance of the Committee Report.

#### Ought to Pass in New Draft

The Committee on Business Legislation on BILL, "An Act to Increase the Tax on Fire Insurance Premiums." (H. P. 117) (L. D. 102) reports that the same Ought to Pass in New Draft under same title (H. P. 661) (L. D. 821)

Comes from the House, 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.

#### Senate

#### Change of Reference

Senator DOW for the Committee on Aging, Retirement and Veterans on BILL, "An Act to Eliminate Needless Employment of an Actuary to Determine Equivalency under Judicial Retirement." (S. P. 132) (L. D. 425) Reported that the same be referred to the Committee on Judiciary.

Which Report was Read and Accepted and the Bill referred to the Committee on Judiciary.

Sent down for concurrence.

#### Ought to Pass

Senator TWITCHELL for the Committee on Local and County Government on RESOLVE, to Name the Brook and Pond Located on the West Poland Road in Oxford County and on the West Shore of Thompson Lake in Honor of the Perkins Family. (S. P. 171) (L. D. 526) Reported that the same Ought to Pass.

Which Report was Read and Accepted. The Resolve Read Once and Tomorrow Assigned for Second Reading.

Senator TWITCHELL for the Committee on Local and County Government on BILL, "An Act to Provide All Municipalities with the Option to Establish a Local Board of Assessment Review." (S. P. 172) (L. D. 527) Reported that the same Ought to Pass.

Which Report was Read and Accepted. The Bill Read Once and Tomorrow Assigned for Second Reading.

**Ought to Pass—As Amended**

Senator BALDACCI for the Committee on Public Utilities on BILL, "An Act to Expand the Territorial Limits of Van Buren Light and Power District." (S. P. 44) (L. D. 103) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-9).

Which Report was Read and Accepted. The Bill Read Once. Committee Amendment "A" (S-9) was Read and Adopted. The Bill, as Amended, Tomorrow Assigned for Second Reading.

**Ought to Pass in New Draft under New Title**

Senator CHARETTE for the Committee on Legal Affairs on BILL, "An Act Relating to the Term Wholesaler and Taste Testing Activities under the Liquor Law." (S. P. 107) (L. D. 260) Reported that the same Ought to Pass in New Draft under New Title, BILL, "An Act Relating to Wholesaler's and Taste-Testing Activities under the Liquor Laws." (S. P. 283) (L. D. 840)

Which Report was Read and Accepted. The Bill, 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 Amend the Charter of the Hallowell Water District." (H. P. 345) (L. D. 404)

BILL, "An Act to Amend the Charter of the Winthrop Water District." (H. P. 346) (L. D. 405)

BILL, "An Act Concerning Qualifications for Appointment to the Board of Commissioners of the Profession of Pharmacy." (H. P. 653) (L. D. 813)

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

BILL, "An Act to Authorize Licensees Under the Liquor Laws to Serve as a Law Enforcement Officer." (H. P. 339) (L. D. 398)

Which was Read a Second Time.

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

Senator COLLINS: Mr. President, I'd like to pose a question to the Chair in regard to L. D. 398.

Is it the purpose of this Bill to permit policemen, deputy sheriffs, and liquor inspectors to sell liquor?

The PRESIDENT: The Senator from Knox, Senator Collins, poses a question to any member of the Committee who may wish to respond to the question.

The Chair recognizes the Senator from Androscoggin, Senator Charette.

Senator CHARETTE: Women and Men of the Senate, in answer to Senator Collins' question, I suppose the answer would be "yes". During the hearing, there were people who had been deputies and owners of grocery stores which had license to sell beer within the store, and it was pointed out that this individual was an excellent part-time deputy, and this Bill would allow sheriffs to continue hiring them on a part-time basis, so your question would be to the affirmative.

Which was Passed to be Engrossed, in concurrence.

**House—As Amended**

BILL, "An Act to Insure an Employee is Notified of his Rights to Workers' Compensation." (H. P. 332) (L. D. 391)

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

**Enactors**

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

An Act to Establish the Uniform Determination of Death Act. (H. P. 38) (L. D. 43)

An Act Relating to the Limitations on Amounts for School Construction Projects or

Minor Capital Outlay Projects. (H. P. 300) (L. D. 359)

An Act to Amend the Transit District Enabling Act. (H. P. 619) (L. D. 745)

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 Amend the Banking Code Regarding Demand Deposit Powers of Thrift Institutions. (H. P. 294) (L. D. 353)

This being an emergency measure and having received the affirmative vote of 28 members of the Senate, with No Senators having 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 the Tabled and specially assigned matter:

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

Tabled—February 23, 1983 by Senator PRAY of Penobscot

Pending—Reference

(In House referred to the Joint Select Committee on Alcoholism Services)

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

Sent down for concurrence.

The PRESIDENT: The Chair would direct the Senate's attention to:

BILL, "An Act Amending the Charter of the Aroostook Prestile Treatment District and the Charter of the Presque Isle Sewer District to Authorize the Withdrawal of Municipalities from the Aroostook Prestile Treatment District." (H. P. 129) (L. D. 137)

Tabled earlier in today's session, on motion by Senator Baldacci of Penobscot, pending Acceptance of the Committee Report.

The Ought to Pass, as Amended, Report was Accepted, in concurrence. The Bill Read Once. Committee Amendment "A" (H-15) was Read.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Baldacci.

Senator BALDACCI: Mr. President, I have an amendment to the Committee Amendment and move its Adoption.

The PRESIDENT: The Senator from Penobscot, Senator Baldacci, offers Senate Amendment "A" to Committee Amendment "A" and moves its adoption.

Senate Amendment "A" (S-10) to Committee Amendment "A" was Read and Adopted.

Committee Amendment "A" as Amended by Senate Amendment "A" thereto was Adopted.

**Senate at Ease**

Senate called to order by the President.

On motion by Senator Carpenter of Aroostook, the Senate voted to Reconsider its action whereby it Adopted Committee Amendment "A", as amended by Senate Amendment "A" thereto.

House Amendment "A" (H-19) to Committee Amendment "A" was Read and Adopted, in concurrence.

Committee Amendment "A" as amended by House Amendment "A" and Senate Amendment "A" thereto was Adopted, in non-concurrence. The Bill, as amended, Tomorrow Assigned for Second Reading.

**(Off Record Remarks)**

Senator Kany of Kennebec was granted unanimous consent to address the Senate, Off the

Record.

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

Senator Najarian 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 12 noon tomorrow.