

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 25, 1983
Senate called to order by the President.

Prayer by Father Michael Plourde of the St. Hyacinth Catholic Church of Westbrook.

FATHER PLOURDE: Let us pray! O'Lord, God of peace, You have created us and shown us Your love, so that we may share in Your glory.

We bless You and give You thanks because You have sent us Jesus, Your Beloved Son. Through the mystery of His resurrection, You made Him the worker of salvation, the source of peace, the bond of brotherhood.

We give thanks for the desires, efforts, and achievements, stirred up by the spirit of peace in our time, to replace hate by love, mistrust by understanding, indifference by interdependents. Open our minds and hearts to the real demands of love, so that we may become more completely peacemakers.

Remember, Father of mercy, all who struggle, suffer, and die to bring forth a world of closer relationship. May Your kingdom of justice, peace, and love come to people of every race and tongue. May the earth be filled with Your glory.

Almighty and ever-living God, in Who's Hand are the rights and hopes of every people, look graciously on those who govern, that in lasting peace, they may promote social progress and religious freedom, for all the Nations of the earth. And we ask this through Christ, our Lord. Amen.

Reading of the Journal of yesterday.

Papers from the House House Papers

BILL, "An Act to Provide Legislative Participation in the Allocation of Consumer Settlements." (Emergency) (H. P. 647) (L. D. 816)

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

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

(Off Record Remarks)

BILL, "An Act to Provide for Lower Insurance Rates for Drivers Over Age 55 Who Take Defensive Driving Courses." (H. P. 648) (L. D. 817)

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 Compensation for Denial of Educational Opportunity." (H. P. 649) (L. D. 826)

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

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

BILL, "An Act to Amend the Maine Tort Claims Act." (H. P. 655) (L. D. 829)

BILL, "An Act to Make Jury Duty Optional for Persons over 65 Years of Age." (H. P. 656) (L. D. 830)

Comes 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 to Provide Occupational Safe-

guards for Operators of Video Display Terminals." (H. P. 657) (L. D. 831)

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 Permit Fraternal Organizations to have Game Machines on Premises When the Proceeds are Used for Charitable Purposes." (H. P. 651) (L. D. 819)

BILL, "An Act to Increase Penalties on Minors who Present False Identification Cards to Purchase Liquor." (H. P. 650) (L. D. 818)

BILL, "An Act to Deny Certain State Funds to Any Person Who Refuses to Register under the United States Military Selective Services Act." (H. P. 652) (L. D. 820)

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 Relating to Cost of Electric Power Promotions." (H. P. 658) (L. D. 833)

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

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

RESOLVE, Authorizing the State Director of Public Improvements to Convey a Right-of-way Across the Elizabeth Levinson Center in Bangor (H. P. 645) (L. D. 809)

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 Provide a Surtax on the Income Tax in Place of the Property Tax to Pay the Costs of County Government." (H. P. 659) (L. D. 827)

BILL, "An Act to Establish a State Standard for the Taxation of Boats." (H. P. 646) (L. D. 810)

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.

BILL, "An Act Relating to the Mandatory Inspection of Motor Vehicles." (H. P. 660) (L. D. 828)

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

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

Study Report — Committee on Business Legislation

The Committee on Business Legislation to which was referred by the Legislative Council the study relative to the operation of the Maine Real Estate Commission have had the same under consideration, and ask leave to submit its findings and to report that the accompanying Bill, An Act to Improve the Operation of the Maine Real Estate Commission (H. P. 681) (L. D. 837) be referred to this Committee for public hearing and printed pursuant to Joint Rule 18.

Comes from the House, 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.

Communications

The Following Communication

State of Maine
House of Representatives
Speakers' Office
Augusta, Maine 04333

February 24, 1983

The Honorable Vincent L. McKusick
Chief Justice
Supreme Judicial Court
156 Federal Street
Portland, Maine 04101
Dear Mr. Chief Justice:

We are pleased to invite you and as many of the Justices of the Maine Supreme Judicial Court as may be able to attend to a Joint Convention of the 111th Maine Legislature on Thursday, March 3, at 11:00 A.M.

We would be pleased to hear from you at that time any messages you may care to deliver on the State of the Judiciary.

Sincerely,
S/GERARD P. CONLEY
President of the Senate
S/JOHN L. MARTIN
Speaker of the House

Which was Read and Ordered Placed on File.

Senate Papers

BILL, "An Act to Require Manufacturers Selling Warranted Products in Maine to Maintain In-state Repair Facilities." (S. P. 293) (Presented by Senator MINKOWSKY of Androscoggin.) (Cosponsors: Representative MELENDY of Rockland, Senator HAYES of Penobscot and Representative CROWLEY of Stockton Springs.)

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

Sent down for concurrence.

BILL, "An Act to Remove the Bureau of Alcoholic Beverages from Under the Department of Finance and Administration." (S. P. 294) (Presented by Senator DANTON of York) (Cosponsor: Representative PARADIS of Augusta.)

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

Sent down for concurrence.

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 Relating to Appointment of a Chief Deputy in Cumberland County." (H. P. 179) (L. D. 208)

BILL, "An Act Concerning Television Receiving Equipment." (H. P. 378) (L. D. 461)

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 Require Expiration Dates be Placed on Prescription Drug Labels." (H. P. 160) (L. D. 184)

BILL, "An Act to Amend the Prescription Price Poster Laws." (H. P. 297) (L. D. 356)

BILL, "An Act Concerning the Transmission of Rabies by Unvaccinated Dogs." (H. P. 236) (L. D. 283)

BILL, "An Act to Prevent the Improper Tethering of Animals." (H. P. 237) (L. D. 284)

BILL, "An Act Concerning Domestic Animals Running at Large." (H. P. 238) (L. D. 285)

BILL, "An Act Concerning Cruelty to Animals." (H. P. 239) (L. D. 286)

BILL, "An Act to Prohibit the Creation of a Nuisance by Habitually Barking Dogs." (H. P. 240) (L. D. 287)

BILL, "An Act Regarding Official Refusal on Neglect of Duty." (H. P. 241) (L. D. 288)

BILL, "An Act Concerning the Rate of Return on Investment Factor under the Railroad Ex-

cise Tax." (H. P. 74) (L. D. 79)

Ought to Pass — As Amended

The Committee on Business Legislation on BILL, "An Act to Amend Maine's Law Relating to Credit Unions." (H. P. 261) (L. D. 321) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-20)

Comes from the House, the Bill Passed to be Engrossed as Amended by Committee Amendment "A".

Which Report was Read and Accepted, in concurrence. The Bill Read Once. Committee Amendment "A" (H-20) 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 to Amend the Corporation Laws and Laws Pertaining to Limited Partnerships." (H. P. 381) (L. D. 464) Reported that the same Ought to Pass in New Draft under same title (H. P. 680) (L. D. 834)

Comes from the House, the Report Read and Accepted and the New Draft Passed to be Engrossed as amended by House Amendment "A" (H-27)

Which Report was Read and Accepted in concurrence. The Bill, in New Draft, Read Once. Committee Amendment "A" (H-27) Read and Adopted, in concurrence. The Bill, as amended, Tomorrow Assigned for Second Reading.

Ought to Pass in New Draft

The Committee on Marine Resources on BILL, "An Act to Provide for a Reduced Fee for Lobster Fishing Licenses for Persons 70 years of Age and Older." (H. P. 182) (L. D. 211) Reported that the same Ought to Pass in New Draft under same title (H. P. 662) (L. D. 825)

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.

Divided Report

The Majority of the Committee on Labor on BILL, "An Act to End Discrimination Against Chiropractic Services under the Workers' Compensation Law" (H. P. 268) (L. D. 328) Reported that the same Ought to Pass.

Signed:

Senators:

DUTREMBLE of York
HAYES of Penobscot
SEWALL of Lincoln

Representatives:

BEAULIEU of Portland
TUTTLE of Sanford
NORTON of Biddeford
SWAZEY of Bucksport
GAUVREAU of Lewiston
TAMMARO of Baileyville
LEWIS of Auburn
WILEY of Hampden
ZIRNKILTON of Mount Desert

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

Signed:

Representative:

BONNEY of Falmouth

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

Which Reports were Read and the Majority Ought to Pass Report of the Committee was Accepted, in concurrence. The Bill Read Once and Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Legal Affairs on BILL, "An Act Relating to Liquor Li-

censes for Incorporated Civic Organizations." (Emergency) (H. P. 174) (L. D. 204) Reported that the same Ought to Pass.

Signed:

Senator:

CHARETTE of Androscoggin

Representatives:

COX of Brewer
DILLENBACK of Cumberland
STUDLEY of Berwick
HANDY of Lewiston
PERRY of Mexico
COTE of Auburn
SWAZEY of Bucksport

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

Signed:

Senators:

DANTON of York
SHUTE of Waldo

Representatives:

STOVER of West Bath
McSWEENEY of Old Orchard Beach
DUDLEY of Enfield

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

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

Senate

Ought Not to Pass

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 to Amend the Education Statutes Regarding Truancy, Correspondence Schools and Courses in Physiology and Hygiene." (S. P. 140) (L. D. 432)

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 for the Negotiation of Union Security Provisions." (S. P. 189) (L. D. 612)

BILL, "An Act to Preserve Negotiated Contracts Between School Committees and Various Bargaining Agents." (S. P. 213) (L. D. 634)

BILL, "An Act to Permit Towns to Raise Money for Snow Removal from Private Ways and Driveways." (S. P. 129) (L. D. 316)

BILL, "An Act Relating to Exemptions on Property of Institutions and Organizations under the Property Tax Law." (S. P. 69) (L. D. 175)

Ought to Pass

Senator TWITCHELL for the Committee on Local and County Government on RESOLVE, to Authorize the Commissioners of Cumberland County to Reimburse the Town of Standish \$4,620.21 Unexpended Retirement Funds. (S. P. 162) (L. D. 450) Reported that the same Ought to Pass.

Which Report was Read and Accepted. The Resolve 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 Increase the Tax on Fire Insurance Premiums." (Emergency) (H. P. 661) (L. D. 821)

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

House — As Amended

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)

Which was Read a Second Time, and Passed to be Engrossed as Amended by Committee Amendment "A" (H-15) as Amended by Senate Amendment "A" (S-10) and House Amendment "A" (H-19) thereto in non-concurrence.

Sent down for concurrence.

Senate

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)

BILL, "An Act to Provide All Municipalities with the Option to Establish a Local Board of Assessment Review." (S. P. 172) (L. D. 527)

BILL, "An Act Relating to Wholesaler's and Taste-Testing Activities under the Liquor Laws." (S. P. 283) (L. D. 840)

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

Sent down for concurrence.

Senate — As Amended

BILL, "An Act to Expand the Territorial Limits of Van Buren Light and Power District." (S. P. 44) (L. D. 103)

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 to Apply Uniform Penalties for Local School Administrative Units that Employ Uncertified Personnel (H. P. 644) (L. D. 772)

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

An Act to Clarify the Determination of Axles on Motor Farm Trucks (H. P. 620) (L. D. 746)

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

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 Relating to the Fuel Adjustment Clause of Natural Gas Utilities (H. P. 46) (L. D. 51)

This being an emergency measure and having received the affirmative votes of 29 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.

On motion by Senator Carpenter of Aroostook,

Adjourned until Monday, February 28, 1983 at 9 o'clock.