

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 28, 1983
 Senate called to order by the President.

Prayer by Father Armand Bill of St. Bridget's Catholic Church of North Vassalboro.

Father BILL: Let us pray! O'Lord, we know You love us and want us to become the wonderful person You created us to be. Help us to realize that we cannot do anything good without Your help.

O'God, guide us in our deliberations, to better serve the needs of the people, who depend so much on us. Give us the strength to be unselfish and to become good servants to the people as Legislators.

As people struggle through their difficulties: lack of work, family problems, health problems, and others, help us to be good servants in their dire need. We humbly ask this through Christ, our Lord. Amen.

Reading of the Journal of Friday, February 25, 1983.

**Papers From the House
 Non-concurrent Matter**

BILL, "An Act to Enable School Districts to Develop and Administer an Orderly Procedure for Filling Vacancies and Laying off Teachers." (S. P. 270) (L. D. 823)

In the Senate, February 18, 1983 referred to the Committee on Education.

Comes from the House, referred to the Committee on Labor in non-concurrence.

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

Communication

The Following Communication: (S. P. 315)

**State of Maine
 Senate Chamber
 President's Office
 Augusta, Maine 04333**

February 25, 1983

Honorable Paul Violette
 Honorable Dan Gwadosky
 Chairmen
 Joint Standing Committee
 on State Government
 State House
 Augusta, Maine 04333

Dear Chairmen Violette and Gwadosky:

Please be advised that Governor Joseph E. Brennan today nominated David F. Friedman of Weld for appointment as a Commissioner of the Maine State Housing Authority.

Pursuant to Title 30 MRSA Section 4602, this nomination will require review by the Joint Standing Committee on State Government and confirmation by the Senate.

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

Which was Read and Referred to the Committee on State Government.
 Sent down for concurrence.

Senate Papers

BILL, "An Act to Improve the Administration of Agricultural Fairs." (Submitted by the Department of Agriculture, Food and Rural Resources pursuant to Joint Rule 24.) (S. P. 298) (Presented by Senator WOOD of York) (Cosponsors: Representative RIDLEY of Shapleigh, Senator PERKINS of Hancock, and Representative SMITH of Mars Hill)

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

BILL, "An Act to Reinstate the Large Print Book Program at the Maine State Library." (S. P. 296) (Presented by Senator WOOD of York) Which was referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.
 Sent down for concurrence.

BILL, "An Act to Undedicate Funds Received from Public Reserved Lands." (S. P. 297) (Presented by Senator McBREAIRTY of Aroostook) (Cosponsor: Representative VOSE of Eastport)

Reference to the Committee on Appropriations and Financial Affairs suggested.

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

BILL, "An Act Concerning Credit Card Sales of Motor Fuels." (S. P. 299) (Presented by Senator McBREAIRTY of Aroostook) (Cosponsor: Representative VOSE of Eastport)

BILL, "An Act Relating to Finance Charges on Lender Credit Card Sales." (S. P. 300) (Presented by Senator PRAY of Penobscot)

BILL, "An Act to Require Social Workers Employed by Hospitals to be Registered." (S. P. 301) (Presented by Senator DUTREMBLE of York)

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

BILL, "An Act Relating to Authority of the Land Use Regulation Commission over Organized Municipalities." (S. P. 302) (Presented by Senator McBREAIRTY of Aroostook) (Cosponsor: Representative VOSE of Eastport)

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

Sent down for concurrence.

BILL, "An Act to Create a Parry Permit for Deer Hunting." (S. P. 303) (Presented by Senator McBREAIRTY of Aroostook)

BILL, "An Act to Reestablish the Time for Announcing a Shorter Deer Season." (S. P. 304) (Presented by Senator PRAY of Penobscot)

BILL, "An Act to Permit Maine People to Purchase Live Bait from New Hampshire Waters for Use in Maine Waters." (S. P. 305) (Presented by Senator TWITCHELL of Oxford)

Which were referred to the Committee on Fisheries and Wildlife and Ordered Printed.
 Sent down for concurrence.

BILL, "An Act to Improve the Identification of Persons Prescribing Medicines on Hospital Prescription Blanks." (S. P. 307) (Presented by Senator WOOD of York)

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

Sent down for concurrence.

BILL, "An Act to Require Prisoners Capable of Paying to Pay for the Costs of Their Incarceration." (S. P. 306) (Presented by Senator WOOD of York)

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 Prohibit Unsafe Above-ground Electric Utility Wiring." (S. P. 308) (Presented by Senator TWITCHELL of Oxford)

BILL, "An Act to Provide for a Feasibility Study and a Referendum on Public Power in Aroostook County." (S. P. 309) (Presented by Senator CARPENTER of Aroostook) (Cosponsors: Representative MARTIN of Eagle Lake and Senator VIOLETTE of Aroostook)

Which were referred to the Committee on Public Utilities and Ordered Printed.

Sent down for concurrence.

BILL, "An Act Concerning the Guidelines for State Contract Process and Appeal of Decisions." (S. P. 310) (Presented by Senator VIOLETTE of Aroostook) (Cosponsors: Representative HOLLOWAY of Edgecomb, and Representative DILLENBACK of Cumberland)

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

BILL, "An Act Relating to the Financing of Services in the Unorganized Territory." (S. P. 311) (Presented by Senator McBREAIRTY of Aroostook) (Cosponsors: Representative ANDERSON of Stockholm and Representative VOSE of Eastport)

Reference to the Committee on State Government suggested.

On motion by Senator PRAY of Penobscot referred to the Committee on Taxation and Ordered Printed.

Sent down for concurrence.

BILL, "An Act to Delay the Effective Date of the Property Tax Exemption for Naturally Occurring Metallic Minerals." (Emergency) (S. P. 312) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27) (Presented by Senator WOOD of York) (Cosponsor: Representative HIGGINS of Portland)

BILL, "An Act to Adopt the Multistate Tax Compact." (S. P. 313) (Presented by Senator WOOD of York)

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

Sent down for concurrence.

BILL, "An Act Concerning Bus Transportation for School Students." (S. P. 314) (Presented by Senator DUTREMBLE of York) (By Request)

Which was referred to the Committee on Transportation 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 Concerning Unemployment Compensation." (H. P. 410) (L. D. 493)

BILL, "An Act to Provide a State Income Tax Exemption for Federal Pensions." (H. P. 494) (L. D. 591)

Ought to Pass

The Committee on Aging, Retirement and Veterans on BILL, "An Act to Clarify the Application of Ordinary Death Benefits to Participating Local Districts." (H. P. 371) (L. D. 454) 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 Clarify the Law Relating to Employees of Local Districts Who may Withdraw from the Maine State Retirement System." (H. P. 372) (L. D. 455) 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 Local and County Government on BILL, "An Act to Ratify Dedication of Fort Sumner Park in the City of

Portland." (H. P. 274) (L. D. 334) 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 Marine Resources on BILL, "An Act to Prohibit Possession of Lobsters by Scallop Boats." (H. P. 276) (L. D. 336) 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.

Ought to Pass — As Amended

The Committee on Business Legislation on BILL, "An Act Regarding Premium Discounts for Workers' Compensation Insurance of Small Businesses." (H. P. 110) (L. D. 117) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-26).

Comes from the House, the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-26).

Which Report was Read and Accepted, in concurrence. The Bill Read Once. Committee Amendment "A" (H-26) was Read and Adopted, in concurrence. The Bill, as amended, Tomorrow Assigned for Second Reading.

The Committee on Business Legislation on BILL, "An Act to Amend the Banking Code Regarding Minimum Amount Entitled to Interest." (H. P. 155) (L. D. 180) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-25).

Comes from the House, the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-25).

Which Report was Read and Accepted, in concurrence. The Bill Read Once. Committee Amendment "A" (H-25) 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 Relating to Ownership of Stock in Maine Financial Institutions." (H. P. 259) (L. D. 319) Reported that the same Ought to Pass in New Draft under same title (H. P. 682) (L. D. 838)

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.

The Committee on Business Legislation on BILL, "An Act to Amend the Banking Code Regarding Loans to Directors of Financial Institutions." (H. P. 296) (L. D. 355) Reported that the same Ought to Pass in New Draft under same title (H. P. 683) (L. D. 839)

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.

The Committee on Local and County Government on BILL, "An Act to Require Printed or Typewritten names to Accompany Signatures on Documents Filed in the Registry of Deeds." (H. P. 128) (L. D. 136) Reported that the same Ought to Pass in New Draft under same title (H. P. 692) (L. D. 863)

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 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 Mortgage Exemption in the Maine Consumer Credit Code." (S. P. 94) (L. D. 225)

Ought to Pass — As Amended

Senator CHARETTE for the Committee on Business Legislation on BILL, "An Act to Amend the Banking Code Regarding Directors' Meetings and Regarding Service Corporations." (S. P. 105) (L. D. 237) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-11).

Which Report was Read and Accepted. The Bill Read Once. Committee Amendment "A" (S-11) was Read and Adopted. The Bill, as amended, Tomorrow Assigned for Second Reading.

Ought to Pass in New Draft under New Title

Senator VIOLETTE for the Committee on State Government on BILL, "An Act Regarding Training Requirements for Law Enforcement Officers." (S. P. 65) (L. D. 172) Reported that the same Ought to Pass in New Draft under New Title, BILL, "An Act to Require Training for Certain Part-time Law Enforcement Officers." (S. P. 295) (L. D. 881)

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 Relating to Liquor Licenses for Incorporated Civic Organizations." (Emergency) (H. P. 174) (L. D. 204)

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

BILL, "An Act to End Discrimination Against Chiropractic Services under the Workers' Compensation Law." (H. P. 268) (L. D. 328)

Which was Read a Second Time.

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

Senator MINKOWSKY: Mr. President and Members of the Senate, in looking over L. D. 328 "An Act to End Discrimination Against Chiropractic Services under the Workers' Compensation Law." I get very apprehensive when I see the word "Discrimination," and since I did not attend the public hearing relevant to this particular Bill, I was wondering if someone on the Committee might give us an explanation as to: who is discriminating against chiropractors, why they are discriminating against chiropractors, and possibly, cite a specific case? I would be rather interested in finding out about that particular aspect of it.

Also, looking over the Statement of Fact, Mr. President and Members of the Senate, it says, "patients that are discouraged from seeking chiropractic care incur higher health care costs," and since we are faced with higher health care costs, I'm wondering what system the chiropractors use, in the State of Maine, to reduce health care costs versus the M.D.'s?

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, poses a question to any member of the Senate who may wish to respond.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President, Ladies and Gentlemen of the Senate, having had the opportunity for several terms of serving on the

Labor Committee, and dealing with a number of Workmens' Compensation proposals in the past, I rise in that respect to respond to the Senator from Androscoggin.

I think the Statement of Fact basically says, exactly what the Bill is intended to do; it is to expand a particular practice which is licensed in this State, "Chiropractic," to be taken into consideration under the Workmens' Compensation Law. It is my understanding, under the existing statutes, there are some services by a chiropractor which are not, because of the language in the statute, covered under Workmens' Compensation. This would provide the opportunity for an individual who is injured to seek the relief from the injury to whom he may want to go, be it a medical doctor or a chiropractor, and this would allow that opportunity to them. It is my understanding that under the existing statutes, in some instances that choice is limited.

Which was Passed to be Engrossed, in concurrence.

BILL, "An Act to Provide for a Reduced Fee for Lobster Fishing Licenses for Persons 70 years of Age and Older." (H. P. 662) (L. D. 825)

Which was Read a Second Time.

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

Senator PEARSON: In reference to L. D. 825. Mr. President, I noticed that under this particular Bill, it calls, "For a Reduced Fee for Lobster Fishing Licenses for Persons 70 years of Age and Older."

As I was going through the calendar today, I noticed this, and I looked the Bill up and it says, that its a loss of revenue to the General Fund of six thousand dollars, would lower the amount of license fees from thirty-three dollars to thirteen dollars, and that would be the same fee as somebody who is under the age of seventeen.

I just wanted to pass on to you a thought I had, as I saw this. A number of years ago, I think it was six years ago, when I was on the Fisheries and Wildlife Committee, we had a Bill before that Committee sponsored by Representative Mitchell of Vassalboro, and it was really an awfully well intended Bill. What it said, was that paraplegics would not have to pay for fishing licenses any more. We passed it, it went through the House, it went through the Senate and became law. That following summer, I was sitting on a lawn chair on a beach at Coldstream Pond in Enfield, Maine, reading the paper that day, and there was an article in there about a paraplegic who had been in a wheelchair at the end of a dock, fishing, and for some reason, or other, a boat came by, or something, and caused waves and the dock rocked, and he went in the water and drowned.

I was wondering if any thought had been given to the fact that maybe encouraging people who are 70 years of age or older, to go out to pull traps, might be a bad thing to do, instead of a good thing to do?

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

Senator MINKOWSKY: Mr. President and Members of the Senate, I'm very fascinated by the analogy drawn of a 70 year old man versus a paraplegic, by the good Senator from Penobscot. We did give this Bill a very, very serious consideration. I can assure you there are not that many people out there who are age seventy, that are pulling four hundred traps, at the present time, and up to sixteen hundred traps. This was done primarily as a courtesy to our retired lobstermen, who might possibly supplement their income, and as we put them in line as the same as a student of seventeen years of age, in which to pay for that particular cost.

The only thing I questioned in this particular Bill, Mr. President and Members of the Senate

was the six thousand dollar annual loss to the General Fund. From the assessment I think, we rendered before the Committee, there were less than one hundred people who would actually ever go out and do this, and I don't see that great amount of loss as indicated here by six thousand dollars.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator CARPENTER: Mr. President, just to pose a question through the Chair, to the Chairman of the Marine Resource Committee, he mentions "discrimination," in his remarks he made reference to the analogy between paraplegics and 70 year old men. I would question as to whether this Bill, if passed, would apply to just men, or would there be a possibility that somebody of the opposite sex might, also, qualify?

The PRESIDENT: The Senator from Aroostook, Senator Carpenter has posed a question through the Chair to the Chairman of the Joint Standing Committee on Marine Resources who may respond, if he so desires.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President and Members of the Senate, I consider it a great privilege and honor to reply to the good Senator from Aroostook.

I guess from my original question on the Bill pertaining to chiropractors, the explanation was not quite that clear as to how discrimination does materialize, but, insofar as this Bill is concerned, male or female, and I understand there are a few ladies out there that are 70 years of age and did haul lobster traps; this equity and fair-play on our part to recognize people who have worked substantially over their years and contributed to the Maine economy, that they should be entitled, in a non-discriminatory fashion, in which to pull a few extra traps to supplement their income.

There is a great variation between those who are independent and want to do it their own way by working a little extra compared to those who in some either legal profession or some other profession that can find areas of discrimination.

I hope my remarks are not misconstrued on the Chiropractic Bill, but I just want to have it clearly spelled out that I'm opposed to discrimination, and I hope the good Senator from Aroostook does not misconstrue exactly what I meant in a Chiropractic Bill versus the Bill on Marine Resources, giving the privilege to the people 70 years of age, male or female, the privilege of setting maybe twenty-five or thirty-five lobster traps during the summer months, primarily.

Which was Passed to be Engrossed, in concurrence.

House — As Amended

BILL, "An Act to Amend the Corporation Laws and Laws Pertaining to Limited Partnerships." (H. P. 680) (L. D. 834)

BILL, "An Act to Amend Maine's Laws Relating to Credit Unions." (H. P. 261) (L. D. 321)

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

Senate

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)

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

Sent down for concurrence.

(Off Record Remarks)

Orders of the Day

On motion by Senator PRAY of Penobscot, the Senate voted to take from the Table:

BILL, "An Act to Require Prisoners Capable of Paying to Pay for the Costs of Their Incar-

ceration." (S. P. 306)

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

(Reference to the Committee on Health and Institutional Services suggested)

On motion by Senator PRAY of Penobscot referred to the Committee on Judiciary and Ordered Printed.

Sent down for concurrence.

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