

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
March 3, 1983
Senate called to order by the President.

Prayer by The Reverend Winthrop E. Jackson, retired from St. Andrews Episcopal Church of Winthrop.

REVEREND JACKSON: Shall we bow our heads in prayer? O'Lord, our Governor, bless the leaders of our land, that we may be a people at peace among ourselves and a blessing to other Nations of the earth.

To Senators and Representatives and those who make our laws in states, cities and towns: give courage, wisdom, and foresight, to provide for the needs of all our people and to fulfill our obligations in the community of states.

Teach our people to rely on Your strength and to accept their responsibilities to their fellow citizens, that they always elect trustworthy leaders and make wise decisions for the well-being of our society.

O'God, the fountain of all wisdom, Who's will is good and gracious and Whose Law is truth, we pray You so to guide and bless our Senators here assembled in this Legislature of the State of Maine, that they may enact such good laws that shall please You to the glory of Your Name, and to the welfare of Your people.

In the Name of God. Amen.

Reading of the Journal of yesterday.

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 at 11 o'clock for the purpose of extending to The Honorable Vincent L. McKusick, Chief Justice of the Maine Supreme Judicial Court and the Justices of the Supreme Judicial Court, an invitation to attend the Convention and make such communication as pleases them.

Which was Read and Passed.

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

Papers From The House Non-concurrent Matter

BILL, "An Act to Amend the Banking Code Regarding Directors' Meetings and Regarding Service Corporations." (S. P. 105) (L. D. 237)

In the Senate, March 1, 1983, Passed to be Engrossed as amended by Committee Amendment "A" (S-11)

Come from the House, the bill and accompanying papers Recommitted to the Committee on Business Legislation in non-concurrence.

The PRESIDENT: Is it the pleasure of the Senate to Recede and Concur with the House? It is a vote.

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.

House Papers

BILL, "An Act to Amend the Fraud Provisions of the Maine State Retirement System Statutes." (H. P. 693) (L. D. 882)

Come from the House, referred to the Committee on Aging, Retirement and Veterans and Ordered Printed.

Which was referred to the Committee on Aging, Retirement and Veterans and Ordered Printed in concurrence.

BILL, "An Act Concerning Solids in Milk." (H. P. 694) (L. D. 883)

Come 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 Appropriating \$150,000 to Operate 6 Regional Emergency Medical Services Councils." (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.) (H. P. 695) (L. D. 884)

BILL, "An Act to Provide State Funding for Literacy Volunteers." (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.) (H. P. 696) (L. D. 885)

BILL, "An Act to Fund a Marketing Study on the Effects of Lowering Liquor Prices Throughout the State." (H. P. 697) (L. D. 886)

Come 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 Clarify Citizen Standing in Environmental Litigation." (H. P. 733) (L. D. 942)

Reference to the Committee on Judiciary suggested.

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

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

BILL, "An Act Concerning the Season for Raccoon Hunting." (H. P. 698) (L. D. 887)

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

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

BILL, "An Act Relating to Prison Visits." (H. P. 699) (L. D. 888)

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

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

BILL, "An Act to Amend the Procedure for Assessing Surveying Costs in Court Cases." (H. P. 700) (L. D. 889)

BILL, "An Act Relating to Bail Commissioners." (H. P. 701) (L. D. 890)

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 Regarding Interest Under the Workers' Compensation Act." (H. P. 702) (L. D. 891)

Come 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.

(Off Record Remarks)

BILL, "An Act Relating to the Storage of Malt Beverages under the Liquor Law." (H. P. 703) (L. D. 892)

Come 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 Concerning the Power of State Commissioners to Terminate Unclassified Employees." (H. P. 704) (L. D. 893)

BILL, "An Act to Provide for Competitive Bidding on Public Improvements." (H. P. 705) (L. D. 894)

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 Provide for an Income Tax Credit for Parents who Pay Private School Tuition." (H. P. 706) (L. D. 895)

BILL, "An Act to Shift Part of the Property Tax Burden to the Sales Tax." (H. P. 707) (L. D. 896)

BILL, "An Act Relating to Municipal Tax Liens for Nonpayment of Taxes." (H. P. 708) (L. D. 897)

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.

Joint Order

The following Joint Order: (H. P. 751)

ORDERED, the Senate concurring, that the Legislative Council be authorized to employ staff to draft legislation implementing the apportionment of the House of Representatives, the Senate and 2 congressional districts and necessary funds shall be allocated from the Legislative Account.

Come from the House Read and Passed.

Which was Read and Passed, in concurrence.

Communication

The Following Communication:

State of Maine
Department of Human Services
Augusta, Maine 04333

March 1, 1983

The Honorable Gerard P. Conley
President

Maine Senate
State House
Augusta, Maine 04333

Dear Senator Conley:

Please find enclosed a copy of the 1st Annual Fee Review prepared by the Department's Bureau of Medical Services staff in compliance with 22 MRSA §3173. The primary objectives of the review were to consider, in consultation with providers and their representative associations, the cost of providing specific services, the effect of various economic factors on the adequacy of existing fee schedules, and the Department's obligation to ensure sufficient provider participation in the Medical Assistance Program.

As indicated in the attached document, copies of the review are also being shared with representative health care provider associations and, upon request, individual providers.

Any questions or concerns you may have regarding this matter, or which might be brought to your attention, may be directed to Donee Wyke, Director, Division of Cost Containment, Bureau of Medical Services, or to me.

Sincerely,
S/FRANCIS G. MCGINTY
Deputy Commissioner

Office of Health & Medical Services
Which was Read and with accompanying papers Ordered Placed On File.

Senate Papers

BILL, "An Act to Establish a Numerical Whole Life Factor to be Placed Voluntarily on Food Items Sold at the Retail Level in Maine." (S. P. 322) (Presented by Senator BROWN of

Washington.) (Cosponsors: Senator WOOD of York, Representative CROUSE of Washburn and Representative MICHAEL of Auburn.)

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

Sent down for concurrence.

BILL, "An Act to Create a Capital Improvement Fund for the Maine Veterans' Memorial Cemetery." (S. P. 337) (Presented by Senator BUSTIN of Kennebec) (Cosponsors: Representative HICKEY of Augusta, Representative MITCHELL of Vassalboro and Representative PARADIS of Augusta.)

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

Sent down for concurrence.

BILL, "An Act to Equalize Health Insurance Benefits for Retired State Employees." (S. P. 323) (Presented by Senator BUSTIN of Kennebec.)

Reference to the Committee on Appropriations and Financial Affairs suggested.

On motion by Senator Carpenter of Aroostook referred to the Committee on Aging, Retirement and Veterans, and Ordered Printed.

Sent down for concurrence.

RESOLVE, Authorizing and Directing the Commissioner of Agriculture, Food and Rural Resources to Promote Regional and International Cooperation in the Development of Agricultural Programs Designed to Encourage Greater Food Production, Marketing and Food Self-sufficiency Among the States of Northern New England and Quebec and the Maritimes. (S. P. 324) (Presented by Senator WOOD of York) (Cosponsors: Representative MICHAEL of Auburn, Representative SHERBURNE of Dexter and Representative LISNIK of Presque Isle.)

Reference to the Committee on Appropriations and Financial Affairs suggested.

On motion by Senator Carpenter of Aroostook referred to the Committee on Agriculture and Ordered Printed.

Sent down for concurrence.

BILL, "An Act to Provide a Time for Citizen Input at University of Maine Board of Trustees' Meetings." (S. P. 325) (Presented by Senator HAYES of Penobscot.) (Cosponsor: Senator BALDACCIO of Penobscot)

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

Sent down for concurrence.

BILL, "An Act to Require Legislative Approval of Regional Radioactive Waste Facilities." (S. P. 327) (Presented by Senator SHUTE of Waldo) (Cosponsors: Senator PERKINS of Hancock, Representative DRINKWATER of Belfast and Representative CROWLEY of Stockton Springs.)

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

Sent down for concurrence.

BILL, "An Act to Change the Definition of Firearm in the Maine Criminal Code." (S. P. 328) (Presented by Senator TRAFTON of Androscoggin)

BILL, "An Act to Create a State Civil Rights Law." (S. P. 329) (Presented by Senator TRAFTON of Androscoggin.) (Cosponsor: Senator HAYES of Penobscot.)

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

Sent down for concurrence.

BILL, "An Act Relating to the Annual Adjustment under the Workers' Compensation Act." (S. P. 330) (Presented by Senator BROWN of Washington) (Cosponsor: Repre-

sentative BROWN of Gorham.)

BILL, "An Act to Preserve Negotiated Contracts Between School Committees and Various Bargaining Agents." (Emergency) (S. P. 331) (Presented by Senator CARPENTER of Aroostook.)

BILL, "An Act Concerning Workers' Compensation for Officers of Corporations." (S. P. 332) (Presented by Senator PERKINS of Hancock) (Cosponsors: Representative SALS-BURY of Bar Harbor, Representative ZIRN-KILTON of Mount Desert and Senator SEWALL of Lincoln.)

BILL, "An Act to Clarify the Administration of the Department of Labor." (S. P. 333) (Submitted by the Department of Labor pursuant to Joint Rule 24.) (Presented by Senator BALDACCIO of Penobscot.) (Cosponsors: Representative NORTON of Biddeford, Representative BEAULIEU of Portland and Representative GAUVREAU of Lewiston.)

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

Sent down for concurrence.

(Off Record Remarks)

BILL, "An Act Concerning Public Easements for Access to Harvested Lands and Cemeteries." (S. P. 326) (Presented by Senator REDMOND of Somerset) (Cosponsor: Senator TWITCHELL of Oxford.)

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

Sent down for concurrence.

BILL, "An Act to Provide an Income Tax Credit for Automobile Child Restraint Devices." (S. P. 334) (Presented by Senator WOOD of York.) (Cosponsors: Representative REEVES of Pittston, Representative MITCHELL of Vassalboro and Senator BROWN of Washington.)

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

Sent down for concurrence.

BILL, "An Act to Authorize the Commissioner of Transportation in Maine to Enter into Interstate Agreements Related to Reciprocal Enforcement of Fuel Use Laws." (S. P. 335) (Presented by Senator DIAMOND of Cumberland.) (Cosponsor: Senator DANTON of York)

BILL, "An Act Concerning Handicapped Parking." (S. P. 336) (Presented by Senator DUTREMBLE of York.) (Cosponsor: Representative ANDREWS of Portland.)

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

Sent down for concurrence.

Committee Reports

House

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 Require Proof of Residency for Voter Registration." (H. P. 147) (L. D. 155)

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 Amend the Consumer Credit Code Regarding the Interest Rate which can be Charged on Mobile Home Loans." (Emergency) (H. P. 458) (L. D. 560)

BILL, "An Act Requiring Prior Notice for Closure of a Demand Deposit Account." (H. P. 539) (L. D. 692)

Ought to Pass

The Committee on Business Legislation on BILL, "An Act to Amend the Maine Consumer Credit Code Regarding Refinancing Demand Loans Secured by Securities." (H. P. 166) (L. D.

197) 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 to Correct Certain Errors in the Maine Condominium Act." (Emergency) (H. P. 251) (L. D. 301) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-31)

Comes from the House, the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A". (H-31)

Which Report was Read and Accepted, in concurrence. The Bill Read Once. Committee Amendment "A" (H-31) was Read and Adopted, in concurrence. The Bill, as Amended, Tomorrow Assigned for Second Reading.

The Committee on Education on BILL, "An Act to Provide a Statewide Office of School Volunteer Programs." (H. P. 386) (L. D. 469) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-33).

Comes from the House, the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A". (H-33)

Which Report was Read and Accepted, in concurrence. The Bill Read Once. Committee Amendment "A" (H-33) was Read and Adopted, in concurrence. The Bill, as Amended, Tomorrow Assigned for Second Reading.

The Committee on Public Utilities on BILL, "An Act to Revise the Mexico Water District Charter." (H. P. 422) (L. D. 505) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-28).

Comes from the House, the Report Read and Accepted and the bill Passed to be Engrossed as amended by Committee Amendment "A" (H-28) and House Amendment "A" (H-35.)

Which Report was Read and Accepted in concurrence. The Bill Read Once. Committee Amendment "A" (H-28) Read and Adopted in concurrence. House Amendment "A" (H-35) Read and Adopted in concurrence. The Bill, as Amended, Tomorrow Assigned for Second Reading.

Senate

Leave to Withdraw

The following Leave to Withdraw report shall be placed in the legislative files without further action pursuant to Rule 15 of the Joint Rules:

BILL, "An Act to Repeal the Nonnegotiability of Certain Educational Policies." (S. P. 157) (L. D. 446)

Second Readers

House

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

BILL, "An Act to Provide for an Orderly Transition Period Following the Election of Constitutional Officers." (Submitted by the Department of Attorney General pursuant to Joint Rule 24.) (H. P. 491) (L. D. 588)

BILL, "An Act to Amend the Special Educational Statutes Providing for the Department's General Supervisory Responsibility for all Educational Programming for Exceptional Students." (Submitted by the Department of Educational and Cultural Services pursuant to Joint Rule 24.) (H. P. 472) (L. D. 571)

BILL, "An Act to Reduce the Mandatory Number of Election Clerks for Each Voting Place." (H. P. 148) (L. D. 156)

RESOLVE, Authorizing the Director of Parks and Recreation to Convey by Deed the interest

of the State of Maine in 3 Certain Parcels of Real Property. (Submitted by the Department of Conservation pursuant to Joint Rule 24.) (H. P. 526) (L. D. 651)

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

House — As Amended

BILL, "An Act to Provide Furloughs from County Jails for 3 Days or More if Reason is Consistent with the Rehabilitation of an Inmate or Prisoner." (H. P. 177) (L. D. 206)

BILL, "An Act to Amend the Banking Code Regarding Directors' Meetings and Regarding Service Corporations." (H. P. 295) (L. D. 354)

Which were 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 Relating to the Practice of Veterinary Medicine. (S. P. 273) (L. D. 815)

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

Emergency

An Act to Increase the Tax on Fire Insurance Premiums. (H. P. 661) (L. D. 821)

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

Senator DANTON: Mr. President and Members of the Senate, this Bill is too well greased for me to try to stop it here today, I'm not going to even attempt to do that. I can't help but get up and just say something about this type of funding for a department.

It just doesn't look right to me that we should have taxes on Fire Insurance Policies that are sold by the industry and then have that department going around investigating fires. You know, with some great interest, I have observed that every fire that is investigated there's always a "suspicious origin" that took and started this fire.

Now, the department should be funded by general monies. It shouldn't be so obvious that it even looks as if there might be a little bit of collusion involved here between the insurance companies and the department. I'm not saying that there is; it just doesn't look right.

I have attempted, in the past, to slow down this type of legislation. I can remember a few years ago in here, there was a Sprinkler Alarm Bill that was introduced, and the Bill was amended down, quite a bit to allow for local fire departments, volunteer fire departments to go around and inspect the motels and the hotels. The Bill was designed to take and provide safety for the people staying in those units. Instead of the department just laying back and allowing the local fire departments to do that, they went around, throughout the State, especially in my County they had subpoenaed fifty-eight hotels and motels into the local court in Biddeford, for not having proper systems, when it was the duty of the local fire departments.

So, today, I am going to vote against this. I just thought that I'd like to get up and put something on the Record, that in the future, the Legislature should look at funding the department.

Personally, I don't even think we need the department. I think the State Police can do a better job, because, whenever they have an investigation they have to call the State Police to investigate.

I'm going to vote against it, and I just thought that for the Record, Mr. President, and Members of the Senate I'd get up and say a few words on this issue.

This being an emergency measure and having received the affirmative votes of 22 members of the Senate, with 4 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, Recessed until the sound of the Bell.

Recess

After Recess

The Senate called to Order by the President.

(Off Record Remarks)

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

(For proceedings of Joint Convention, see House Report)

After Joint Convention In Senate

The Senate called to order by the President.

(Off Record Remarks)

On motion by Senator Carpenter of Aroostook, Adjourned until 12 o'clock noon tomorrow.