

# 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 4, 1983  
 Senate called to order by the President.

Prayer by Dr. Peter Misner of the Winthrop United Methodist Church and the Wayne Community Church.

DOCTOR MISNER: Let us pray! Almighty God, we pause at the opening of this day's business to acknowledge Your presence, and to seek Your guidance in the work which comes this day before this Senate.

We recognize before you that we have received the gifts of life and the responsibilities of high office, that through them, we may serve the common-good; and yet, we hold these treasures in earthen vessels and need a sense of vision beyond our own and a strength beyond that which our own power, we can bring to bear.

Therefore, we ask Your guidance in the deliberation of the issues before this Body today. Grant that each issue may receive that level of concern and care we would have for the agendas of our personal lives and for those of our closest companions.

You've given to us a great heritage and a setting for our life which is as beautiful as it is diversified. May we so work today that all the tomorrows in the State of Maine may be better for our having walked this way. This we ask through the faith of our fathers. Amen.

Reading of the Journal of yesterday.

**Papers From The House  
 House Papers**

BILL, "An Act to Amend the Composition of the Board of Pesticides Control." (H. P. 709) (L. D. 900)

BILL, "An Act to Extend and Amend the Statute entitled Purchase of Foodstuffs from Maine Concerns." (H. P. 710) (L. D. 901)

BILL, "An Act to Define Cider." (H. P. 711) (L. D. 902)

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

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

BILL, "An Act to Change the Jurisdiction for Regulation of Schools of Barbering and Schools of Hairdressing and Beauty Culture." (H. P. 712) (L. D. 903)

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 Create Boothbay Region Waterfowl Sanctuary." (H. P. 713) (L. D. 904)

Comes 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 to Amend the Probate Fees." (H. P. 714) (L. D. 905)

BILL, "An Act to Amend the Reporting Requirements in Cases of Death Due to Abuse or Neglect." (H. P. 715) (L. D. 906)

BILL, "An Act to Eliminate Reports by District Attorneys to the Attorney General." (H. P. 716) (L. D. 907)

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 Clarify the Fuel Charges of Electric Utilities." (Submitted by the Office of Public Advocate pursuant to Joint Rule 24.) (H. P. 717) (L. D. 908)

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.

BILL, "An Act to Establish a Limitation of 7 Years to Redeem Property taken by a Municipality for Taxes." (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.) (H. P. 718) (L. D. 909)

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

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

**(Senate At Ease)**

The Senate called to Order by the President.

BILL, "An Act Requiring Motorists to Protect Children in Motor Vehicles by Use of Approved Child Safety Seats." (Submitted by the Department of Public Safety pursuant to Joint Rule 24.) (H. P. 719) (L. D. 910)

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.

**Communications**

The Following Communication: (S. P. 353)

**The Senate of Maine  
 Augusta**

March 3, 1983

Honorable Edgar E. Erwin  
 Honorable Luman P. Mahany  
 Chairmen  
 Joint Standing Committee on Agriculture  
 State House  
 Augusta, Maine 04333  
 Dear Chairmen Erwin and Mahany:

Please be advised that Governor Joseph E. Brennan today nominated Frank Lawrence of Yarmouth for reappointment as the Medical Community Representative of the Pesticides Control Board.

Pursuant to Title 22 MRSA Section 1471-B, this nomination will require review by the Joint Standing Committee on Agriculture 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 Agriculture.  
 Sent down for concurrence.

The Following Communication: (S. P. 354)

**The Senate of Maine  
 Augusta**

March 3, 1983

Honorable Edgar E. Erwin  
 Honorable Luman P. Mahany  
 Chairmen  
 Joint Standing Committee on Agriculture  
 State House  
 Augusta, Maine 04333  
 Dear Chairmen Erwin and Mahany:

Please be advised that Governor Joseph E. Brennan today nominated Vaughn Holyoke of Brewer for appointment as the University of Maine at Orono Representative of the Pesticides Control Board.

Pursuant to Title 22 MRSA Section 1471-B, this nomination will require review by the Joint Standing Committee on Agriculture 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 Agriculture.  
 Sent down for concurrence.

The Following Communication: (H. P. 785)

**State of Maine  
 House of Representatives  
 Speaker's Office  
 Augusta, Maine 04333**

March 2, 1983

Hon. Edwin H. Pert  
 Clerk of the House  
 Hon. Joy J. O'Brien  
 Secretary of the Senate  
 State House  
 Augusta, Maine 04333

Dear Clerk Pert and Secretary O'Brien:

This is to notify you that pursuant to Chapter 660 of the Public Laws of 1982, we have today appointed the following members to serve on the Joint Select Committee on Natural Gas.

- Rep. Patrick K. McGowan, Chairman
- Sen. Judy E. Kany
- Rep. Harlan Baker
- Rep. Zachary E. Matthews
- Rep. Harriet B. Lewis
- Rep. Eugene J. Paradis
- Rep. Roger N. Roderick

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

Comes from the House, Read and Ordered Placed on File.

Which was Read and Ordered Placed on File, in concurrence.

**Senate Papers**

BILL, "An Act to Protect the Public from Unsafe Pesticide Use." (S. P. 348) (Presented by Senator BROWN of Washington.) (Cosponsors: Representative MICHAEL of Auburn and Senator WOOD of York.)

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

Sent down for concurrence.

BILL, "An Act to Provide Equitable Mental Health Insurance." (S. P. 349) (Presented by Senator CLARK of Cumberland.) (Cosponsors: Senator GILL of Cumberland and Representative JOSEPH of Waterville.)

Reference to the Committee on Business Legislation suggested.

On motion by Senator Carpenter of Aroostook, Tabled until later in today's session, pending Reference.

BILL, "An Act Relating to the Board of Trustees of the University of Maine." (S. P. 350) (Presented by Senator HAYES of Penobscot.) (Cosponsor: Representative HANDY of Lewiston).

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

Sent down for concurrence.

BILL, "An Act to Allocate Oil Company Overcharge Refunds in the Energy Resources Development Fund." (Submitted by the Office of Energy Resources pursuant to Joint Rule 24.) (S. P. 339) (Presented by Senator PEARSON of Penobscot) (Cosponsors: Representative DEXTER of Kingfield, Representative NADEAU of Lewiston and Representative MCGOWAN of Pittsfield.)

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

Sent down for concurrence.

BILL, "An Act Relating to the Municipal

Recreation Fund Grants." (Submitted by the Department of Conservation pursuant to Joint Rule 24.) (S. P. 340) (Presented by Senator PEARSON of Penobscot) (Cosponsors: Representative JACQUES of Waterville, Representative CLARK of Millinocket and Representative MITCHELL of Freeport.)

Reference to the Committee on Energy and Natural Resources suggested.

On motion by Senator Carpenter of Aroostook, Tabled for 1 Legislative Day, pending Reference.

BILL, "An Act to Establish a Program for Therapeutic Use of Marijuana." (S. P. 351) (Presented by Senator GILL of Cumberland.) (Cosponsors: Senator CARPENTER of Aroostook, Senator DIAMOND of Cumberland and Representative MacBRIDE of Presque Isle.)

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

Sent down for concurrence.

BILL, "An Act to Amend the Laws Relating to Admissible Evidence." (Submitted by the Department of Public Safety pursuant to Joint Rule 24.) (S. P. 341) (Presented by Senator TRAFTON of Androscoggin) (Cosponsors: Representative SOULE of Westport and Senator COLLINS of Knox.)

BILL, "An Act to Establish New Selection Procedures for the Maine Indian Tribal-State Commission Chairmanship." (S. P. 342) (Presented by Senator PEARSON of Penobscot) (Cosponsors: Representative MOHOLLAND of Princeton and Representative VOSE of Eastport.)

BILL, "An Act Relating to the Investment of Funds in Litigation." (Submitted by the Department of Transportation pursuant to Joint Rule 24.) (S. P. 343) (Presented by Senator BALDACCI of Penobscot) (Cosponsors: Representative MACOMBER of South Portland and Representative HAYDEN of Durham.)

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

Sent down for concurrence.

BILL, "An Act to Conduct a Maine Labor Training Study." (S. P. 352) (Presented by Senator HAYES of Penobscot) (Cosponsors: Senator WOOD of York, Senator BALDACCI of Penobscot and Representative LOCKE of Sebec.)

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

Sent down for concurrence.

BILL, "An Act to Ensure Just and Reasonable Rates for Utilities Regulated by the Public Utilities Commission." (Submitted by the Office of Public Advocate pursuant to Joint Rule 24.) (S. P. 347) (Presented by Senator BALDACCI of Penobscot) (Cosponsors: Representative BOST of Orono, Representative BAKER of Portland and Representative VOSE of Eastport.)

BILL, "An Act to Protect all Customers from Unjust Termination of Utility Services." (Submitted by the Office of Public Advocate pursuant to Joint Rule 24.) (S. P. 346) (Presented by Senator BALDACCI of Penobscot.) (Cosponsors: Representative BOST of Orono, Representative VOSE of Eastport and Senator KANY of Kennebec.)

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

Sent down for concurrence.

(Off Record Remarks)

BILL, "An Act to Provide for a Property Tax Exemption for Fraternities." (S. P. 344) (Presented by Senator HAYES of Penobscot.) (Cosponsor: Representative BOTT of Orono.)

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

Sent down for concurrence.

## Committee Reports

### House

#### 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 Concerning Display of the State Flag at Customs Offices within the State." (H. P. 462) (L. D. 564)

#### Divided Report

The Majority of the Committee on Judiciary on BILL, "An Act to Make Possession of Marijuana a Criminal Offense." (H. P. 140) (L. D. 148)

Reported that the same Ought Not to Pass. Signed:

#### Senators:

TRAFTON of Androscoggin  
VIOLETTE of Aroostook  
COLLINS of Knox

#### Representatives:

BENOIT of South Portland  
FOSTER of Ellsworth  
HAYDEN of Durham  
REEVES of Newport  
HOBBINS of Saco  
SOULE of Westport  
LIVESAY of Brunswick

The Minority of the same Committee on the same subject matter Reported that the same Ought to Pass, As Amended by Committee Amendment "A" (H-34).

#### Signed:

#### Representatives:

DRINKWATER of Belfast  
CARRIER of Westbrook  
JOYCE of Portland

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

Which Reports were Read.

On motion by Senator Trafton of Androscoggin, the Majority Ought Not to Pass Report was Accepted, in concurrence.

## Senate

### Change of Reference

Senator CHARETTE for the Committee on Legal Affairs on BILL, "An Act to Provide for the Use of Major Credit Cards at Selected State Liquor Stores." (S. P. 160) (L. D. 448)

Reported that the same be referred to the Committee on Business Legislation.

Which Report was Read and Accepted and the bill referred to the Committee on Business Legislation.

Sent down for concurrence.

### Ought to Pass — As Amended

Senator SHUTE for the Committee on Legal Affairs on BILL, "An Act Relating to Fines for Committing a Fraudulent Act under the Liquor Laws." (S. P. 161) (L. D. 449) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-13).

Which Report was Read and Accepted. The Bill Read Once. Committee Amendment "A" (S-13) was Read and Adopted. The Bill, as amended, Tomorrow Assigned for Second Reading.

Senator DANTON for the Committee on Transportation on BILL, "An Act to Establish a Sign on the Maine Turnpike for Bates College." (S. P. 108) (L. D. 261) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-14.)

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

### Ought to Pass in New Draft

Senator TRAFTON for the Committee on Judiciary on BILL, "An Act to Include Interdictors for the Hearing Impaired Within the Evidentiary Communications Privilege." (S. P.

60) (L. D. 171) Reported that the same Ought to Pass in New Draft under same title. (S. P. 338) (L. D. 966)

Which Report was Read and Accepted. The Bill, in New Draft, 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 Maine Consumer Credit Code Regarding Refinancing Demand Loans Secured by Securities." (H. P. 166) (L. D. 197)

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

### House — As Amended

BILL, "An Act to Correct Certain Errors in the Maine Condominium Act." (Emergency) (H. P. 251) (L. D. 301)

BILL, "An Act to Provide a Statewide Office of School Volunteer Programs." (H. P. 386) (L. D. 469)

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

BILL, "An Act to Revise the Mexico Water District Charter." (H. P. 422) (L. D. 505)

Which was Read a Second Time.

On motion by Senator Carpenter of Aroostook, Recommended to the Committee on Public Utilities, in non-concurrence.

Sent down for concurrence.

## Enactors

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

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)

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

An Act to Amend Maine's Law Relating to Credit Unions. (H. P. 261) (L. D. 321)

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

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)

On motion by Senator Najarian of Cumberland, placed on the Special Appropriations Table, pending Enactment.

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

Comes from the House, the Bill and Accompanying Papers Recommended to the Committee on Legal Affairs.

The PRESIDENT: Is it the pleasure of the Senate that L. D. 398 be Passed to be Enacted.

The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: I request a Roll Call.

On motion by Senator Charette of Androscoggin, the Bill and accompanying papers Recommended to the Committee on Legal Affairs, in concurrence.

## Emergency

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

This being an emergency measure and having received the affirmative votes of 22 members of the Senate, with 6 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.

Out of Order and Under Suspension of the Rules, the Senate voted to consider the following:

**Senate Paper**

BILL, "An Act to Permit the Public Utilities Commission to Authorize a Management Audit of a Public Utility." (Submitted by the Office of Public Advocate pursuant to Joint Rule 24.) (S. P. 345) (Presented by Senator KANY of Kennebec) (Cosponsors: Senator CARPENTER of Aroostook, Representative KELLEHER of Bangor and Representative MCGOWAN of Pittsfield)

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

Sent down for concurrence.

**Committee Report**

**Senate**

**Leave to Withdraw**

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

BILL, "An Act to Prohibit Public Utilities from Including Uncompleted Construction Work Costs in Their Rates." (S. P. 191) (L. D. 614)

**Orders Of The Day**

On motion by Senator Carpenter of Aroostook, the Senate voted to take from the table:

Bill, An Act to Provide Equitable Mental Health Insurance (S. P. 349), Tabled earlier in today's session on motion by Senator Carpenter of Aroostook, pending Reference.

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

Sent down for concurrence.

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

BILL, "An Act to Clarify Citizen Standing in Environmental Litigation." (H. P. 733) (L. D. 942)

Tabled—March 3, 1983 by Senator PRAY of Penobscot.

Pending—Reference

(Committee on Judiciary suggested.)

(In the House, referred to the Committee on Energy and Natural Resources.)

On motion by Senator Pray of Penobscot, Retabled for 2 Legislative Days.

Senator Usher of Cumberland was granted unanimous consent to address the Senate, Off the Record.

**(Off Record Remarks)**

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

On motion by Senator Pray of Penobscot, Adjourned until Monday, March 7, 1983 at 9 o'clock in the morning.