

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 7, 1983
Senate called to order by the President.

Prayer by Father Clement Thibodeau of Notre Dame Catholic Church in Waterville.

FATHER THIBODEAU: Heavenly Father of all mankind, we stand in Your presence to do You reverence.

We are aware of Your power and of Your love. We recognize our need to turn to You for strength and for guidance. We humbly ask that you assist us in our sacred responsibilities, as we gather to conduct the affairs of the State of Maine.

We ask that you grant Your blessing to His Excellency, the Governor of this State, and to all the Members of the Executive Branch of Government. May they administer the laws of the State with fairness and with wisdom for the good of all the people.

We ask You to bless the judges in our courts that they be guided in wisdom for justice and equity among the people.

We seek Your love and Your guidance, especially for the Legislative Branch, and particularly for this Senate engaged in the making of laws for the governance of all our citizens.

We are the humble servants of our fellowmen. May their needs and their rights ever be before our minds and in our hearts.

We ask You, Lord, to impart Your blessing to us, so that we may experience that peace which comes from knowing that we are doing Your will for the benefit of Your people. We ask this as we praise Your Name. Amen.

Reading of the Journal of Friday, March 4, 1983.

(Off Record Remarks)

**Papers From the House
House Papers**

BILL, "An Act to Appropriate Money for Revolutionary War Veterans' Grave Markers." (H. P. 721) (L. D. 930)

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.

BILL, "An Act to Provide for the Sale of Life Insurance by Financial Institutions." (H. P. 722) (L. D. 931)

BILL, "An Act to Amend the Maine Traveler Information Services Law." (H. P. 723) (L. D. 932)

BILL, "An Act Concerning Suits Filed by Insurance Companies Against Uninsured Motorists." (H. P. 724) (L. D. 933)

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

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

BILL, "An Act Regarding Collateral Source Payments in Medical Malpractice Cases." (H. P. 725) (L. D. 934)

Comes from the House referred to the Committee on Business Legislation and Ordered Printed.

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

BILL, "An Act to Permit Inhabitants of Unorganized Territories to Vote in School Administrative Districts." (H. P. 726) (L. D. 935)

BILL, "An Act Concerning the Hiring of "Clerks-of-the-works" for School Construction Projects." (H. P. 727) (L. D. 936)

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

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

BILL, "An Act to Make Voting Places more Accessible to the Elderly and Handicapped." (H. P. 728) (L. D. 937)

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

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

BILL, "An Act to Grant Resident Status to Native Sons and Daughters for Purposes of the Fish and Game Laws." (H. P. 729) (L. D. 938)

BILL, "An Act to Permit the Trapping of Coyotes." (H. P. 730) (L. D. 939)

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

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

BILL, "An Act Clarifying the Authority of the District Court's Violations Clerk." (H. P. 731) (L. D. 940)

BILL, "An Act to Amend the Law Governing the Compelling Evidence in Criminal Cases." (H. P. 732) (L. D. 941)

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 Modify the Dispute Resolution Process under the Labor Statutes." (H. P. 734) (L. D. 943)

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.

RESOLVE, Authorizing Larry R. Coffren of Strong to bring Civil Action against the State of Maine. (H. P. 735) (L. D. 944)

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 to Promote Conservation of Lobster Resources." (H. P. 736) (L. D. 945)

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

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

BILL, "An Act to Establish a 30-Mile Evacuation Area around Nuclear Power Plants." (H. P. 737) (L. D. 946)

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 Concerning Processing Fees for Loan Applications Filed With the Maine Guarantee Authority." (H. P. 740) (L. D. 949)

BILL, "An Act to Establish the Least Cost Principle." (H. P. 741) (L. D. 950)

Comes 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 a Dedicated Increase of 2¢ in the State Gasoline Tax." (H. P. 738) (L. D. 947)

BILL, "An Act Concerning Sales Tax on the Rental of Camps and Cottages." (H. P. 739) (L. D. 948)

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.

Senate Papers

BILL, "An Act to Increase Licensing Fees of Agencies within the Department of Business Regulation." (Submitted by the Department of Business Regulation pursuant to Joint Rule 24.) (S. P. 355) (Presented by Senator CHARETTE of Androscoggin.) (Cosponsors: Representative BRANNIGAN of Portland, Representative POULIOT of Lewiston and Representative STEVENS of Bangor.)

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

Sent down for concurrence.

BILL, "An Act Concerning Confidential Records and State Certification of Educational Personnel." (Submitted by the Department of Educational and Cultural Services pursuant to Joint Rule 24.) (Emergency) (S. P. 356) (Presented by Senator CLARK of Cumberland.) (Cosponsors: Representative LOCKE of Sebec, Representative MATTHEWS of Caribou and Representative BROWN of Gorham)

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

Sent down for concurrence.

BILL, "An Act Pertaining to License Revocation Notices Issued by the Commissioner of Inland Fisheries and Wildlife." (Submitted by the Department of Inland Fisheries and Wildlife pursuant to Joint Rule 24.) (S. P. 357) (Presented by Senator USHER of Cumberland) (Cosponsors: Representative MacEACHERN of Lincoln, Representative CLARK of Millinocket and Representative KELLY of Camden.)

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

Sent down for concurrence.

BILL, "An Act to Establish a Workers' Compensation Hearing Exemption for Agricultural Employers' Liability Insurance Claim Disputes." (S. P. 358)

(Presented by Senator DUTREMBLE of York) (Cosponsors: Senator SEWALL of Lincoln and Representative LEWIS of Auburn.)

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

Sent down for concurrence.

BILL, "An Act Concerning Fishways in Dams and Other Artificial Obstructions in Coastal Waters." (S. P. 359) (Presented by Senator MINKOWSKY of Androscoggin) (Cosponsors: Representative CARTER of Winslow, Representative MacEACHERN of Lincoln and Representative JACQUES of Waterville.)

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

Sent down for concurrence.

BILL, "An Act to Change References to the Public Utilities Commission in the Transportation Statutes." (Submitted by the Public Utilities Commission pursuant to Joint Rule 24.) (S. P. 360) (Presented by Senator BALDACCI of Penobscot.) (Cosponsors: Senator DANTON of York, Representative MOHOLLAND of Princeton and Representative VOSE of Easport.)

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

Sent down for concurrence.

Committee Reports**House**

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 Prohibit the Location of a Regional Refuse Disposal Facility in a Municipality Without the Consent of the Municipal Officers." (H. P. 135) (L. D. 141)

Ought to Pass — As Amended

The Committee on Education on Bill, "An Act to Require any State Mandated School Program to Include the Necessary Funds for Implementation." (H. P. 383) (L. D. 466) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-37)

Comes from the House, with the Report Read and Accepted and 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" was Read and Adopted, in concurrence. The Bill, as amended, Tomorrow Assigned for Second Reading.

The Committee on Legal Affairs on Bill, "An Act Concerning Part-Time Licenses under the Liquor Statutes." (H. P. 100) (L. D. 107) Reported that the same Ought to Pass as Amended by Committee Amendment "A". (H-39)

Comes from the House, the Report Read and Accepted and 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" was Read and Adopted, in concurrence. The Bill, as amended, Tomorrow Assigned for Second Reading.

Senate

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 Remove the 10-mile Radius Limit Concerning the Licensing Agency Liquor Stores." (S. P. 238) (L. D. 680)

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 Provide Sales Tax Credit on Stolen Vehicles." (S. P. 194) (L. D. 617)

Ought to Pass — As Amended

Senator DANTON for the Committee on Legal Affairs on Bill, "An Act to Change Price Posting Requirements for Beer and Table Suppliers." (S. P. 223) (L. D. 660) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-15).

Which Report was Read and Accepted. The Bill Read Once. Committee Amendment "A" (S-15) was Read and Adopted. The Bill, as amended, Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Education on BILL, "An Act to Increase Reimbursement for Professional Credits for Teachers." (Emergency) (S. P. 141) (L. D. 433)

Reported that the same Ought to Pass in New Draft, under same title, (S. P. 361) (L. D. 1074)

Signed:

Senators:

HAYES of Penobscot

CLARK of Cumberland

Representatives:

LOCKE of Sebec

BROWN of Gorham

CROUSE of Washburn
RANDALL of East Machias
SOUCY of Kittery
MATTHEWS of Caribou
BOTT of Orono
THOMPSON of South Portland

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

Signed:

Senator:

HICHENS of York

Representatives:

MURPHY of Kennebunk

SMALL of Bath

Which Reports were Read.

On motion by Senator Pray of Penobscot, Tabled for 1 Legislative Day, pending Acceptance of a Committee Report.

Second Readers**Senate**

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

BILL, "An Act to Include Interpreters for the Hearing Impaired Within the Evidentiary Communications Privilege." (S. P. 338) (L. D. 966)

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

Sent down for concurrence.

Senate — As Amended

BILL, "An Act Relating to Fines for Committing a Fraudulent Act under the Liquor Laws." (S. P. 161) (L. D. 449)

Which was Read a Second Time and Passed to be Engrossed as Amended. Sent down for Sent down for concurrence.

BILL, "An Act to Establish a Sign on the Maine Turnpike for Bates College." (S. P. 108) (L. D. 261)

Which was Read a Second Time.

On motion by Senator Danton of York, Tabled for 1 Legislative Day, pending Passage to be Engrossed.

Orders of The Day

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

BILL, "An Act Relating to the Municipal Recreation Fund Grants." (Submitted by the Department of Conservation pursuant to Joint Rule 24.) (S. P. 340)

Tabled—March 4, 1983 by Senator CARPENTER of Aroostook.

Pending—Reference

(Committee on Energy and Natural Resources suggested.)

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

Sent down for concurrence.

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

BILL, "An Act Regarding Collateral Source Payments in Medical Malpractice Cases." (H. P. 725) (L. D. 934)

Tabled earlier in today's session, on motion by Senator Carpenter of Aroostook, pending Reference.

(In House referred to the Committee on Business Legislation and Ordered Printed.)

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

Sent down for concurrence.

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

Communications

The Following Communication: (S. P. 362)

The Senate of Maine

Augusta

March 7, 1983

Honorable Richard Trafton
Honorable Barry Hobbins
Chairmen
Joint Standing Committee on Judiciary
State House

Augusta, Maine 04333

Dear Chairmen Trafton and Hobbins:

Please be advised that on March 4, 1983, Governor Joseph E. Brennan nominated Bonnie Post of Owl's Head for appointment to the Maine Indian Tribal-State Commission.

Pursuant to Title 30 MRSA Section 6212, this nomination will require review by the Joint Standing Committee on the Judiciary 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 Judiciary.

Sent down for concurrence.

The Following Communication: (S. P. 363)

The Senate of Maine

Augusta

March 7, 1983

Honorable Richard Trafton
Honorable Barry Hobbins
Chairmen
Joint Standing Committee on Judiciary
State House

Augusta, Maine 04333

Dear Chairmen Trafton and Hobbins:

Please be advised that on March 4, 1983, Governor Joseph E. Brennan nominated John W. Benoit, Jr. of Farmington for reappointment to the Maine District Court as a Judge for District XII.

Pursuant to Title 4 MRSA Section 157, this nomination will require review by the Joint Standing Committee on the Judiciary 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 Judiciary.

Sent down for concurrence.

Senator Carpenter of Aroostook was granted unanimous consent to address the Senate, Off the Record.

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