

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
April 15, 1983

Senate called to order by the President.

Prayer by Professor Thomas R.W. Longstaff, Chaplain at Colby College in Waterville.

PROFESSOR LONGSTAFF: Let us pray! God of all power, Ruler of the universe, You are worthy of glory and praise. At Your command all things came to be a vast expanse of interstellar space; galaxies, suns, the planets in their courses and this fragile earth our island home.

From the primal elements You brought forth the human race and blessed us with memory, reason and skill. You made us rulers of creation to exercise dominion over the works of Your hands. Grant us, Gracious Lord, wisdom and courage that we may reverently and wisely use our freedom and authority in the maintenance of justice in our communities and among nations.

Guide us in our deliberations and actions that what we do may serve the common good and bring us closer to the realization of those ideals by which You have inspired women and men in every generation. So, also, inspire us. Amen.

Reading of the Journal of yesterday.

(Off Record Remarks)

Out of Order and Under Suspension of the Rules:

On motion by Senator PRAY of Penobscot, the following Joint Order: (S. P. 484)

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Tuesday, April 19, 1983 at 9:00 in the morning. Which was Read and Passed.

Sent down forthwith for concurrence.

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

BILL, "An Act to Expand the Tourism Promotion Program" (Emergency) (S. P. 451) (L. D. 1372)

In the Senate March 29, 1983 referred to the Committee on Appropriations and Financial Affairs.

Comes from the House referred to the Committee on State Government in non-concurrence.

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

House Papers

BILL, "An Act to Provide for State Service Payments to Municipalities in which State-owned Buildings are Located" (H. P. 1085) (L. D. 1442)

Reference to the Committee on State Government suggested.

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 Continued Operation of the Maine Occupational Information Coordinating Committee and Include an Economic Data-based System for Economic Development within the Committee's Designated Responsibilities" (Submitted by the Department of Labor pursuant to Joint Rule 24) (H. P. 1093) (L. D. 1443)

Reference to the Committee on Labor suggested.

Comes 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 Relating to School Boards." (H. P. 1096) (L. D. 1444)

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 Allow Retailers to Sell Prison Made Items" (Submitted by the Department of Corrections pursuant to Joint Rule 24) (Emergency) (H. P. 1097) (L. D. 1445)

Comes 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.

Communication

The following Communication: (S. P. 491)
111th Maine Legislature

April 14, 1983

Honorable Paul Violette
Honorable Dan Gwadlosky
Chairs

Joint Standing Committee on
State Government
State House

Augusta, Maine 04333

Dear Chairs Violette and Gwadlosky:

Please be advised that Governor Joseph E. Brennan is withdrawing the nomination of Joseph D. Mokarzel of Old Orchard Beach for appointment as a member of the Maine Guarantee Authority due to technical reasons.

Pursuant to Title 10 MRSA Section 751, this nomination is currently pending before the Joint Standing Committee on State Government.

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

RESOLVE, to Provide Funds to the Department of Human Services to Study Radon in the Air and Waters of this State (S. P. 489) (Presented by Senator KANY of Kennebec) (Cosponsors: Representative KETOVER of Portland, Senator ERWIN of Oxford and Representative PERRY of Mexico)

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

Sent down for concurrence.

BILL, "An Act Establishing Emergency Mental Health Services" (S. P. 490) (Presented by Senator GILL of Cumberland) (Cosponsor: Representative NELSON of Portland)

Which was referred to the Committee on Health and Institutional Services 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 to Require that Loads of Gravel, Sand, Crushed Stone or Rubbish be Secured to Prevent Spillage" (H. P. 22) (L. D. 18)

BILL, "An Act Concerning the Weight Limits

of Commercial Vehicles" (H. P. 71) (L. D. 77)

BILL, "An Act Requiring Return of Fees to Certain Persons Who Paid for Highway Use Permits" (H. P. 190) (L. D. 232)

BILL, "An Act to Change the Requirements for Motor Vehicle Inspections" (H. P. 211) (L. D. 255)

BILL, "An Act to Permit Wreckers to Use Flashing Red Lights on Limited Access Highways" (H. P. 232) (L. D. 280)

BILL, "An Act to Require the Load on Gravel Trucks to be Covered When Operating on a Public Way" (H. P. 280) (L. D. 340)

BILL, "An Act Relating to Vehicle Sizes and Weights" (H. P. 362) (L. D. 420)

BILL, "An Act Concerning Synchronized Traffic Lights" (H. P. 363) (L. D. 421)

BILL, "An Act Relating to Use of Red and Blue Lights on Certain Motor Vehicles" (H. P. 365) (L. D. 423)

BILL, "An Act to Retain Weight Tolerance for Certain Vehicles" (H. P. 366) (L. D. 424)

BILL, "An Act to Exempt Farm Vehicles from the Requirement of Obtaining a Fuel Use Identification Decal" (H. P. 431) (L. D. 513)

BILL, "An Act to Change the Annual Renewal of Motor Vehicle Registration from a Fixed Date to the Birth Month of the Vehicle Owner" (H. P. 643) (L. D. 794)

BILL, "An Act to Regulate the Use of Child Restraint in Motor Vehicles" (H. P. 764) (L. D. 995)

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 Notification of the Suspension or Revocation of Motor Vehicle Registration or License by Registered or Certified Mail" (H. P. 436) (L. D. 518)

BILL, "An Act Amending the Motor Vehicle Registration Law" (H. P. 565) (L. D. 715)

BILL, "An Act to Provide for a Sign on Interstate 95 South Indicating the Location of Togus" (H. P. 783) (L. D. 1012)

BILL, "An Act to Allow the State Championship Athletic Teams Athletes the Right to Participate in New England Championship Events in Competition" (Emergency) (H. P. 770) (L. D. 1000)

BILL, "An Act Relating to Penalties for Late Filing of Campaign Finance Reports" (H. P. 308) (L. D. 367)

BILL, "An Act to Amend the Law Governing Campaign Reports in Municipal Elections" (H. P. 307) (L. D. 366)

BILL, "An Act Authorizing the Registrar of Voters to Appoint Temporary Deputy Registrars" (H. P. 310) (L. D. 369)

BILL, "An Act to Place Spending Ceilings on Political Candidates" (H. P. 542) (L. D. 694)

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

BILL, "An Act to Clarify Determination of Membership on the Board of Trustees of the Maine State Retirement System" (H. P. 848) (L. D. 1098)

Change of Reference

The Committee on Transportation on BILL, "An Act to Improve Motor Vehicle Laws Regarding Pedestrian Safety" (H. P. 784) (L. D. 1013) Reported that the same be referred to the Committee on Judiciary.

Comes from the House with the Report Read and Accepted and the Bill referred to the Committee on Judiciary.

Which Report was Read and Accepted in concurrence, and the Bill referred to the Committee on Judiciary in concurrence.

Ought to Pass

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

Reported that the same Ought to Pass.

Comes from the House with 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 Judiciary on BILL, "An Act to Establish Vehicular Manslaughter as a Class B Offense under the Criminal Code" (H. P. 905) (L. D. 1184) Reported that the same Ought to Pass.

Comes from the House with 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 Legal Affairs on BILL, "An Act to Amend the Laws Relating to Fees for Private Investigator and Security Guard Licenses" (H. P. 775) (L. D. 1005) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-128).

Comes from the House with the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-128).

Which Report was Read and Accepted in concurrence. The Bill Read Once. Committee Amendment "A" (H-128) 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 Inspection of Hotel Records by Police Officers" (H. P. 927) (L. D. 1206) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-129).

Comes from the House with the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-129)

Which Report was Read and Accepted in concurrence. The Bill Read Once. Committee Amendment "A" (H-129) was Read and Adopted, in concurrence. The Bill as Amended, Tomorrow Assigned for Second Reading.

The Committee on Agriculture on BILL, "An Act to Amend the Laws Relating to Transportation and Cutting of Christmas Trees" (H. P. 851) (L. D. 1101) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-130).

Comes from the House with the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-130)

Which Report was Read and Accepted in concurrence. The Bill Read Once. Committee Amendment "A" (H-130) was Read and Adopted, in concurrence. The Bill, as Amended, Tomorrow Assigned for Second Reading.

Second Readers

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

BILL, "An Act to Authorize the Public Utilities Commission to Hold Joint Hearings with Federal Public Utility Regulatory Bodies" (H. P. 980) (L. D. 1281)

BILL, "An Act to Restrict Reimbursement of Mileage to Boards and Commissions to no more than that received by State Employees" (H. P. 1102) (L. D. 1448)

BILL, "An Act Relating to Justices and Judges of the Supreme Judicial, Superior and District Courts" (H. P. 1088) (L. D. 1415)

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

House — As Amended

BILL, "An Act to Remove the Jurisdiction of the Public Utilities Commission over Certain Dealers of Gas in Liquid Form" (H. P. 981) (L. D. 1282)

BILL, "An Act Relating to the Maine State Lottery Law" (H. P. 151) (L. D. 159)

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 to Improve the Administration of Agricultural Fairs (S. P. 298) (L. D. 912)

An Act to Require Hospitals to Provide Itemized Bills upon Request (S. P. 460) (L. D. 1391)

An Act Relating to the Capitalization and Board of Directors of the Maine Fidelity Life Insurance Company (H. P. 260) (L. D. 320)

An Act to Allow Voter Registration and Party Enrollment on the Same Form (H. P. 309) (L. D. 368)

An Act Relating to the Posting of Performance Bonds for Rezoning (H. P. 311) (L. D. 370)

An Act Relating to Mobile Home Parks (H. P. 571) (L. D. 719)

An Act to Improve the Operation of the Maine Real Estate Commission (H. P. 681) (L. D. 837)

An Act Concerning the Financial Responsibility of the County for Medical Expenses of Prisoners (H. P. 671) (L. D. 854)

An Act to Increase the Compensation Benefits for Employees Formerly Working for a Bankrupt Employer (H. P. 762) (L. D. 993)

An Act Exempting Interstate Domestic Flights from the Bottle Bill (H. P. 817) (L. D. 1057)

An Act to Amend the Requirements and Adjust the Fees for the Licensing, Inspection and Permitting of Fireworks Displays and the Storage and Transportation of Explosives and Flammable Liquids (H. P. 832) (L. D. 1086)

An Act Concerning School Transportation Contracts (H. P. 1062) (L. D. 1385)

An Act to Protect Underwater Electric Cables and to Increase the Penalties for Violations (H. P. 1073) (L. D. 1405)

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 Equitably Share the Cost of Police Training (H. P. 1075) (L. D. 1407)

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

An Act to Amend the Maine Consumer Credit Code (S. P. 219) (L. D. 656)

On motion by Senator Pray of Penobscot, Tabled for 2 Legislative Days, pending Enactment.

RESOLVE, Authorizing Gerald Pelletier to Bring Civil Action Against the State of Maine (S. P. 51) (L. D. 144)

On motion by Senator Pray of Penobscot, placed on the Special Highway Appropriations Table, pending Enactment.

Emergency

An Act Creating the Passamaquoddy Water District (H. P. 348) (L. D. 407)

Emergency

An Act Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Laws (S. P. 459) (L. D. 1390)

Emergency

An Act to Exempt Carriers of Wood Products from Cargo Insurance Requirements (H. P. 63) (L. D. 69)

These being emergency measures and having received the affirmative votes of 22 Members of the Senate, with No Senators hav-

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

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide Equality of Rights under the Law (S. P. 28) (L. D. 59)

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

Senator MINKOWSKY: Mr. President and Members of the Senate, prior to the Enactment of this Constitutional Amendment and since Senator Clark is not present today, there was a question raised by the Maine Right to Life Committee through constituents of mine relevant to a certain question.

After speaking to our presiding officer this morning in behalf of my constituents and the Maine Right to Life Committee, I want to insert into the Legislative Record the question that was raised.

Now originally we went by the testimony that was presented at the public hearing and the question was raised then but they felt that it was of significant value that this question be officially on the Record.

The area relevant to the Attorney General's ruling of February 10, 1983 stated the following: "In the area where the Maine Equal Rights Amendment could have an impact on eliminating invidious or benign discrimination much will depend on the interpretation of the Equal Rights Amendment by the courts. Without a comprehensive legislative history that goes beyond the breadth and depth of this memorandum it can't be predicted what interpretation will be adopted by the courts."

The question was raised for the Record this morning is the following: Is it the intent of the sponsors of LD 59 that the Maine State ERA includes a Right to Abortion or Abortion funding? That is the question.

I had addressed this question with Senator Clark who is not here this morning, and he was going to discuss it on the Record, but I had an opportunity, as I said previously, to discuss it with the President of the Senate and he assures me that the answer is No. Thank you very much Mr. President.

The PRESIDENT: This being a Constitutional Amendment under Section 4, Article 10 of the Maine Constitution it requires for its Final Passage the affirmative vote of two-thirds of those Members present and voting.

Will all those Senators in favor of the Passage of this Resolve, please rise in their places to be counted.

Will all those Senators opposed, please rise and remain standing until counted.

Does the Senator from Somerset wish to be Recorded as voting on this matter?

Senator REDMOND: In the Affirmative.

22 Senators having voted in the affirmative and No Senators having voted in the negative, and 22 being more than the required two-thirds of those present and voting the Resolution was Finally Passed and having been signed by the President was by the Secretary presented to the Secretary of State.

Orders of the Day

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

BILL, "An Act to Limit Payments to Health Care Institutions which Engage Persons to Defeat the Organization of Collective Bargaining Units" (S. P. 485)

Tabled—April 14, 1983 by Senator CARPENTER of Aroostook.

Pending—Reference.

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

On motion by Senator Carpenter of Aroostook, Retabled for 1 Legislative Day.

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

BILL, "An Act to Give the Maine Association of Retirees Proper Representation on the Board of Trustees for the Maine Retirement System" (S. P. 481) (L. D. 1447)

Tabled—April 14, 1983 by Senator CARPENTER of Aroostook.

Pending—Passage to be Engrossed.

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

Senator PRAY: Mr. President, I present Senate Amendment "A" (S-61) and move its adoption and would like to speak to that.

The PRESIDENT: The Senator from Penobscot, Senator Pray offers Senate Amendment "A" and moves its Adoption.

Senate Amendment "A" (S-61) was Read.

The PRESIDENT: The Senator has the floor.

Senator PRAY: Thank you, Mr. President. Mr. President, Ladies and Gentlemen of the Senate, this is a rather simple Amendment and if you have pulled it out of your books to look at it the Statement of Fact, does in fact, state what the Amendment does. It removes criminal language, naming specific organizations, such as the Maine State Employees Association and the Maine Association of Retirees, and in its place it states language that says "Organizations or Associations which represents State Employees or Retired State Employees" and this refers to a section of the law in which individuals submit names to be considered to serve on the Board, on the State Retirement Board. Thank you, Mr. President.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President, recalling the discussion around this question that occurred two years ago, when a similar change in this Retirement Board was attempted.

I would like to inquire whether the Chairman of the Committee on Aging, Veterans and Retirement approves of this Amendment, and whether it has had discussion in the Committee? I note the absence in the Chamber of the Chairman of that Committee and the Minority Member of that Committee. This was a matter of considerable discussion in the past and, I think, merits the attention of those Members, and if it has not had it, and had it in the affirmative matter, I would hope that someone would Table this until those Members returned.

This language, I recognize the desirability of having generic language, but at the same time this kind of language may result in so many different employee organizations becoming involved, that it becomes unwieldy. It may be a good Amendment; I'm really not sure, but at this point I do raise that word of caution because there has been considerable feeling among retiree groups about a proper balance among retiree groups in being represented on the Board. Thank you, Mr. President.

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

Senator PRAY: Mr. President, Ladies and Gentlemen of the Senate, to respond to the first question that the good Senator from Knox, Senator Collins asked.

The Chairman of that Committee has not seen the Amendment, although I did have conversation with him. Due to other Legislative responsibilities he's not here today; thus, it would be my intention eventually to have someone Table this Amendment to give due consideration to those other Members of the Committee and other Legislators who may like to have an opportunity to evaluate this Amendment.

In reference to the naming of specific organizations, and as to whether or not it would be unwieldy and cause any type of complicated problems, the existing language in the statute today, though it names these specific organizations, it also says that any other organizations, likely organized, to represent

either employees or to represent retirees can also submit a list of names for consideration. By listing these organizations to their specific names and then to continue that other type of language, I think, it's just a little bit repetitious, and this Amendment was an attempt to clear up some of that language and to give no one particular organization a special recognition over other organizations.

On motion by Senator Carpenter of Aroostook, Tabled for 1 Legislative Day, pending Adoption of Senate Amendment "A".

The President laid before the Senate the third Tabled and specially assigned matter.

BILL, "An Act to Provide Confidentiality of Library Records" (S. P. 472) (L. D. 1436)

Tabled—April 14, 1983 by Senator CARPENTER of Aroostook.

Pending—Further Consideration.

(In Senate April 11, 1983 Passed to be Engrossed.)

(In House April 13, 1983 Passed to be Engrossed as Amended by House Amendment "A" (H-132) in non-concurrence.)

The Senate voted to Recede and Concur with the House.

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

Communication

The Following Communication:

State of Maine

Administrative Office of the Courts
P.O. Box 4820 Downtown Station
Portland, Maine 04112
207-775-1500

April 18, 1983

Dear Mr. President:

It is my honor and personal pleasure to transmit to you and each of the other Senators of the 111th Legislature a copy of the Seventh Annual Report of the Administrative Office of the courts, pursuant to the provisions of 4 MRSA § 17.10.

Sincerely,

/s/ DANA R. BAGGETT

The Honorable
Gerald P. Conley
President of the Senate
State House
Augusta, Maine 04333

Which was Read and Ordered Placed On File.

Committee Reports

Senate

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 Allow the Department of Environmental Protection to Recover Indirect Costs from all Dedicated Funds in the Same Manner as Indirect Costs are Recovered from Department of Environmental Protection Federal Funds" (S. P. 243) (L. D. 732)

BILL, "An Act to Allocate Oil Company Overcharge Refunds in the Energy Resources Development Fund" (S. P. 339) (L. D. 1014)

BILL, "An Act to Amend the Laws Relating to Admissible Evidence" (S. P. 341) (L. D. 1015)

Ought to Pass

Senator Collins for the Committee on Judiciary on BILL, "An Act to Change the Definition of Firearm in the Maine Criminal Code" (S. P. 328) (L. D. 973) Reported that the same Ought to Pass.

Which Report was Read and Accepted. The Bill Read Once and Tomorrow Assigned for Second Reading.

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

Senate Papers

BILL, "An Act Relating to Forged or Illegal Prescriptions" (Submitted by the Department of Business Regulation pursuant to Joint Rule 24) (S. P. 492) (Presented by Senator PERKINS of Hancock) (Cosponsors: Representative CARROLL of Gray and Representative RICHARD of Madison)

Reference to the Committee on Business Legislation suggested.

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

Sent down for concurrence.

(Off Record Remarks)

The Adjournment Order having been returned from the House, Read and Passed, in concurrence, on motion by Senator Carpenter of Aroostook, Adjourned until Tuesday, April 19, 1983, at 9 o'clock in the morning.