

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
 May 13, 1983
 Senate called to order by the President.

Prayer by The Honorable Ronald Usher of Cumberland

SENATOR USHER: Lord we thank You for the guidance You have given us throughout this week. Give us Your blessings and help us return home safely this weekend.

As we prepare for the long sessions before us, God, You are our leader we will follow. Amen.

Reading of the Journal of yesterday.

(Off Record Remarks)

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

BILL, "An Act Regulating the Activities of Political Action Committees." (H. P. 306) (L. D. 365)

(In Senate, May 8, 1983 Passed to be Engrossed as Amended by Committee Amendment "A" (H-174) in concurrence.)

(Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A" (H-174) and House Amendment "A" (H-236) in non-concurrence.)

The PRESIDENT: Is it now the pleasure of the Senate to Recede and Concur with the House?

It is a vote.

Communications

The Following Communication:

**State of Maine
 House of Representatives
 Augusta 04333**

May 12, 1983

Honorable Joy J. O'Brien
 Secretary of the Senate
 111th Legislature
 Augusta, Maine 04333
 Dear Madam Secretary:

The House voted today to adhere to its action whereby it accepted the Minority "Ought Not to Pass" Report of the Committee on Election Laws on Bill "An Act to Change the Date of the Primary Election to the First Tuesday in September" (S. P. 103) (L. D. 235)

Sincerely,
 S/ EDWIN H. PERT
 Clerk of the House

Which was Read and Ordered Placed on File.

The Following Communication:

**State of Maine
 House of Representatives
 Augusta 04333**

May 12, 1983

Honorable Joy J. O'Brien
 Secretary of the Senate
 111th Legislature
 Augusta, Maine 04333
 Dear Madam Secretary:

The House voted today to Adhere to its former action whereby it Failed to Engross Bill "An Act to Extend Maine's Returnable Deposit Law" (S. P. 512) (L. D. 1529)

Sincerely,
 S/ EDWIN H. PERT
 Clerk of the House

Which was Read and Ordered Placed on File.

**Committee Reports
 House
 Ought to Pass**

The Committee on Local and County Government on BILL, "An Act to Clarify Method of Payment of Salaries to County Commissioners" (H. P. 1109) (L. D. 1462) 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 Judiciary on BILL, "An Act to Amend the Child and Family Services and Child Protection Act" (H. P. 827) (L. D. 1085) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-232)

Comes from the House with the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-232)

Which Report was Read and Accepted in concurrence, the Bill Read Once. Committee Amendment "A" (H-232) was Read and Adopted, in concurrence. The Bill, as Amended Tomorrow Assigned for Second Reading.

Ought to Pass in New Draft

The Committee on Local and County Government on BILL, "An Act Relating to the Appointment of County Officials" (H. P. 634) (L. D. 785) Reported that the same Ought to Pass in New Draft under same title (H. P. 1200) (L. D. 1594)

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.

Ought to Pass in New Draft Under New Title

The Committee on Judiciary on BILL, "An Act to Permit Birth Certificates to be Amended" (H. P. 396) (L. D. 479) Reported that the same Ought to Pass in New Draft under New Title, BILL, "An Act to Provide a Statement of Birth Parents' Identity for Adoptees" (H. P. 1202) (L. D. 1596)

Comes from the House, the Report Read and Accepted and the New Draft under New Title Passed to be Engrossed.

Which Report was Read and Accepted in concurrence. The Bill in New Draft under New Title Read Once and Tomorrow Assigned for Second Reading.

Divided Report

The Committee on Judiciary on BILL, "An Act Concerning Submerged and Intertidal Lands Owned by the State" (H. P. 952) (L. D. 1233)

Reported that the same Ought Not to Pass.

Signed:

Senators:

TRAFTON of Androscoggin
 VIOLETTE of Aroostook

Representatives:

BENOIT of South Portland
 JOYCE of Portland
 CARRIER of Westbrook
 SOULE of Westbrook
 HOBBS of Saco
 HAYDEN of Durham

The Minority of the same Committee on the same subject matter. Reported that the same Ought to Pass.

Signed:

Senator:

COLLINS of Knox

Representatives:

REEVES of Newport
 DRINKWATER of Belfast
 FOSTER of Ellsworth
 LIVESAY of Brunswick

Comes from the House the Majority Report Read and Accepted.

Which Reports were Read.

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

Senator TRAFTON: Mr. President, I move Passage of the Majority Ought Not to Pass Report.

On motion by Senator Carpenter of Aroostook, Tabled for 1 Legislative Day, pending the motion of the Senator from Androscoggin, Senator Trafton.

Senate

Ought to Pass in New Draft

Senator WOOD for the Committee on Agriculture on BILL, "An Act to Protect the Public from Unsafe Pesticide Use" (S. P. 348) (L. D. 1022) Reported that the same Ought to Pass in New Draft under same title (S. P. 553) (L. D. 1602).

Which Report was Read and Accepted. The Bill, in New Draft Read Once and Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Transportation on BILL, "An Act to Require Annual Automobile Inspections" (S. P. 23) (L. D. 24)

Reported that the same Ought Not to Pass.

Signed:

Senators:

DANTON of York
 DIAMOND of Cumberland
 EMERSON of Penobscot

Representatives:

CAHILL of Woolwich
 MACOMBER of South Portland
 McPHERSON of Eliot
 REEVES of Pittston
 NADEAU of Lewiston

The Minority of the same Committee on the same subject matter. Reported that the same Ought to Pass in New Draft under New Title, BILL, "An Act to Provide for Annual Motor Vehicle Inspections" (S. P. 551) (L. D. 1601)

Signed:

Representatives:

CARROLL of Limerick
 STROUT of Corinth
 CALLAHAN of Mechanic Falls
 MOHOLLAND of Princeton
 THERIAULT of Fort Kent

Which Reports were Read.

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

Senator CARPENTER: I move Acceptance of the Majority Ought Not to Pass Report.

On motion by Senator Pray of Penobscot, Tabled for 1 Legislative Day, pending the motion by the Senator from Aroostook, Senator Carpenter.

Divided Report

The Majority of the Committee on Judiciary on BILL, "An Act to Include the Term "Sexual or Affectional Orientation" in the Maine Human Rights Act" (S. P. 237) (L. D. 679)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-117)

Signed:

Senators:

TRAFTON of Androscoggin
 VIOLETTE of Aroostook
 COLLINS of Knox

Representatives:

SOULE of Westbrook
 HAYDEN of Durham
 HOBBS of Saco
 DRINKWATER of Belfast
 BENOIT of South Portland

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

Signed:

Representatives:

JOYCE of Portland
 LIVESAY of Brunswick
 FOSTER of Ellsworth
 REEVES of Newport
 CARRIER of Westbrook

Which Reports were Read.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Trafton. Senator TRAFTON: Mr. President, I move that the Senate Accept the Majority Ought to Pass Report of the Committee.

On motion by Senator Pray of Penobscot, Tabled until 9:30 Monday, May 16, 1983, pending the motion by the Senator from Androscoggin, Senator Trafton.

Second Readers House

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

BILL, "An Act to Authorize Municipalities to Guarantee Delivery of their Solid Wastes to Specific Waste Facilities" (H. P. 1048) (L. D. 1392)

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

Senate — as Amended

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

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

Enactors

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

An Act to Establish a Workers' Compensation Hearing Exemption for Agricultural and Aquacultural Employers' Liability Insurance Claim Disputes (S. P. 358) (L. D. 1079)

An Act to Require Physicians, Chiropractors and Podiatrists to Post their Policy regarding their Acceptance of Medicare Assignments (S. P. 524) (L. D. 1542)

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

An Act to Amend Certain Provisions of the Laws Defining Sex Offenses (H. P. 864) (L. D. 1113)

An Act to Clarify the Rights of Putative Fathers in Adoption Proceedings (H. P. 866) (L. D. 1114)

An Act Concerning Confidentiality of Information (H. P. 998) (L. D. 1306)

An Act to Make Corrections in the Maine State Housing Authorities Law (H. P. 1053) (L. D. 1397)

An Act Pertaining to Directions from Interstate 95 to the Maritime Provinces (H. P. 1175) (L. D. 1563)

An Act to Amend the Law Governing Traveling Shows (H. P. 1179) (L. D. 1569)

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 Concerning State Assistance to Areas Affected by Non-English Speaking Immigrants and Refugees (S. P. 532) (L. D. 1555)

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

Emergency

An Act to Clarify Certain Provisions of the Marine Resources Laws (H. P. 987) (L. D. 1292)

Emergency

An Act to Clarify the Fuel Charges of Electric Utilities (H. P. 717) (L. D. 908)

Emergency

An Act to Increase the Borrowing Capacity of the Winterport Water District (H. P. 988) (L. D. 1293)

Emergency

An Act to Reestablish the Energy Testing Laboratory of Maine as a Part of the Southern Maine Vocational-Technical Institute (H. P. 1104) (L. D. 1492)

These being emergency measures and having received the affirmative votes of 29 members of the Senate, with No Senators having 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.

Emergency

RESOLVE, Providing for a Study to Determine the Need for a Statewide Task Force on Arson (H. P. 1173) (L. D. 1556)

Comes from the House, Indefinitely Postponed.

On motion by Senator Carpenter of Aroostook, Indefinitely Postponed, in concurrence.

Orders of the Day

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

BILL, "An Act to Create a Statutory Will" (H. P. 1182) (L. D. 1575)

Tabled—May 11, 1983 by Senator CARPENTER of Aroostook

Pending—Passage to be Engrossed (In House May 10, 1983 Passed to be Engrossed)

(In Senate May 10, 1983 the Minority Ought Not to Pass Report Read and Accepted)

On motion by Senator Carpenter of Aroostook, Retabled for 2 Legislative Days.

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

BILL, "An Act to Require Swimming Pools to be Enclosed" (S. P. 511) (L. D. 1528)

Tabled—May 9, 1983 by Senator CARPENTER of Aroostook

Pending—Enactment (In House May 9, 1983 Bill and Accompanying Papers Indefinitely Postponed)

Which was Passed to be Enacted, in non-concurrence and having been signed by the President.

Sent down for concurrence.

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

BILL, "An Act to Amend the Unfair Trade Practices Law" (H. P. 570) (L. D. 718)

Tabled—May 12, 1983 by Senator CHARETTE of Androscoggin

Pending—Further Consideration (In House May 9, 1983 Minority Ought to Pass in New Draft Report (H. P. 1178) (L. D. 1567) Read and Accepted and the New Draft Passed to be Engrossed)

(In Senate May 11, 1983 Bill and Accompanying Papers Indefinitely Postponed in non-concurrence.)

(In House May 12, 1983, that Body Adhered) On motion by Senator Pray of Penobscot Retabled for 1 Legislative Day.

(Off Record Remarks)

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

Papers from the House House Papers

BILL, "An Act to Repeal the Sales Tax on Meals and Lodging and to Establish a Meals and Lodging Tax for the Purpose of Stabilizing the Property Tax" (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27) (H. P. 1188) (L. D. 1584)

BILL, "An Act to Restructure the Personal and Corporate Income Tax System" (H. P. 1189) (L. D. 1585)

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.

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 Relating to the Annual Adjustment under the Workers' Compensation Act" (S. P. 330) (L. D. 975)

BILL, "An Act Relating to Attorney's Fees under the Workers' Compensation Law" (S. P. 204) (L. D. 626)

BILL, "An Act to Provide an Income Tax Credit for Automobile Child Restraint Devices" (S. P. 334) (L. D. 979)

Senator Diamond of Cumberland was granted unanimous consent to address the Senate, On the Record.

Senator DIAMOND: Thank you, Mr. President. Men and Women of the Senate, a few weeks back the Transportation Committee and the Taxation Committee, and the entire Legislature for that matter, passed a Law L. D. 1378 the Highway Allocation Act, and the major thing of that Bill provided a five cent tax increase as we all know, also, in that Bill, which some of us may not have known, was a provision allowing double-bottom tractor-trailers to operate on our interstate and our turnpike. That was the agreement with the Federal Government when we put this Bill together.

A few days after we passed that law, a few days into April, Secretary of Transportation, Elizabeth H. Dole, issued a mandate adding to the list of interstate highway and turnpike several other roads including: U.S. Route 202 from the New Hampshire line to the Gray turnpike exit; U.S. Route #1 from Yarmouth to Freeport; U.S. Route #1 from Brunswick to Fort Kent; U.S. Route #1-A from Stockton Springs to Ellsworth; and U.S. Route 302 Fryeburg to Portland.

The Governor of the State of Maine, Governor Brennan, voiced his objections very articulately and very well, as did the Commissioner of Transportation, they both expressed their shock and dismay at this kind of added beyond agreement kind of a mandate. This entire Legislature issued a Resolution to the Congress asking that they reverse the decision made by the Secretary of Transportation. Every major newspaper in this State wrote editorials against it. The Republican Leadership in the House wrote a very fine letter to the Secretary of Transportation, Elizabeth Dole, asking that she reconsider this action.

As a result of all those complaints and protests, she has redesignated four of those highways: 202 from New Hampshire to Gray; Yarmouth to Freeport; U.S. Route #1 Brunswick to Fort Kent, shortened that to Houlton to Fort Kent; and also, Stockton Springs to Ellsworth. She left, however, Route 302 probably the most vulnerable highway that she had issued to be allowing double-bottom trailer-trucks. Understand that these double-bottom trailer-trucks are twenty-eight and a-half feet for each trailer, plus the linking space, plus the space between the first trailer and the tractor and then the length of the tractor. So, Dan Webster, of the DOT tells me that that is about seventy-five feet long.

Tomorrow morning, I and several concerned people will be walking from Bridgton to Portland, or as long as daylight will allow, to demonstrate to the people who live on that highway, and use that highway that this is very very unsafe. We feel that as soon as people understand this, what has happened, they too will be very, very concerned.

Of that highway, 302, fifty-four point one/six miles from Fryeburg to Portland over six miles have pavement width of less than twenty-four feet, couple that with, if you will, seventy percent of that highway having gravel shoulders and you can see the dilemma when you have to pass a seventy-five foot tractor-trailer.

There are ten high incidents accident locations on 302, already. There are major built up areas in Bridgton where the good Senator Don Twitchell represents, in Naples and in North Windham understand that these double-bottom trucks are allow right now to travel on

this highway.

The Federal Highway Administration, itself, with its Director William Richardson, who met with our Committee, yesterday, on Transportation I might add, agreed with us that yes that is a dangerous highway for double-bottoms. He, also, informed us yesterday that all of those routes that I have mentioned that have been re-designated may be designated again at any moment, at any time by the Secretary of Transportation. So I would alert you, those of you that represent people in towns on those routes to be aware.

Several people have indicated their support, Senator Twitchell will be there tomorrow, and myself, Representative Don Carroll, Representative Gary Cooper, Representative Phil Jackson, and many others, we would like to invite any and/or all of you folks in this honorable Body if you would like to join us if you are concerned about these types of vehicles being on those roads. I thank you for your time. Thank you very much.

On motion by Senator Carpenter of Aroostook, Adjourned until Monday, May 16, 1983 at 9 o'clock in the morning.
