

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Eleventh  
Legislature***

OF THE

**STATE OF MAINE**

**SECOND REGULAR SESSION**

**January 4, 1984 to April 25, 1984**

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STATE OF MAINE  
One Hundred and Eleventh Legislature  
Second Regular Session  
JOURNAL OF THE SENATE  
Augusta, Maine  
Thursday, January 5, 1984  
Senate called to order by the President.

Prayer by Rabbi Raymond Krinsky of the Beth Israel Synagogue of Waterville.

RABBI KRINSKY: Oh Almighty God, we pray Your blessing upon these Senators who begin anew the pursuit of their legislative responsibilities to the people of Maine. May they be filled with the knowledge which assures confidence. May they be endowed with the wisdom which allows for compromise. May they be inspired by the trust which demands conviction.

Give them the insight to manage the problems which summon their expertise. Give them the judgment to discern the value of the causes which importune their interest. Give them the strength to overcome the frustrations of their public calling.

Grant them the enjoyment of a public service deserving of reward, and may all of us benefit from the happy conclusions of their efforts. 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 Joint Order: SP 682

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Tuesday, January 10, 1984 at 10:00 in the morning.

Which was Read and Passed.

Sent down forthwith for concurrence.

Papers from the House  
House Papers

BILL, "An Act to Repeal the Law Requiring Adult Children to Care for Parents According to Ability" (H. P. 1392) (L. D. 1815)

Comes 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.

(Off Record Remarks)

Resolve, Authorizing the Commissioner of Marine Resources to Lease Land and Buildings in West Boothbay Harbor (Emergency) (H. P. 1405) (L. D. 1827)

Referred to the Committee on Marine Resources.

Comes from the House referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

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

BILL, "An Act to Make Necessary Technical Corrections to the Financial Institution Conversion Process" (H. P. 1394) (L. D. 1817)

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 Relating to Conferring Degrees by Thomas College" (Emergency) (H. P. 1393) (L. D. 1816)

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 Relating to Penobscot Nation Trust Land Designation" (H. P. 1398) (L. D. 1821)

Resolve, to Authorize the Conveyance of Certain Property to the Penobscot Nation (H. P. 1397) (L. D. 1820)

BILL, "An Act to Reenact a Provision for Protective Orders in Crimes Between Family Members" (Emergency) (H. P. 1396) (L. D. 1819)

BILL, "An Act to Clarify That Notaries Public who do not Maintain a Seal of Office may Take Acknowledgements" (H. P. 1395) (L. D. 1818)

BILL, "An Act to Amend the Law Concerning Arrest in Other Municipalities by Municipal Law Enforcement Officers" (H. P. 1401) (L. D. 1823)

BILL, "An Act Relating to the Time of Penobscot Nation Trust Land Designation" (H. P. 1399) (L. D. 1822)

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 Establish a Maine Labor Relations Law" (H. P. 1385) (L. D. 1810)

BILL, "An Act to Clarify Return to Work Provisions Under the Workers' Compensation Law" (H. P. 1402) (L. D. 1824)

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

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

BILL, "An Act to Amend the Law Prohibiting the Expenditure of Funds Raised for Food Stamps in Androscoggin County" (Emergency) (H. P. 1384) (L. D. 1809)

BILL, "An Act to Establish the Boundary Between the Town of Burnham in the County of Waldo and the Town of Clinton in the County of Kennebec and Between the Town of Burnham in the County of Waldo and the Town of Pittsfield in the County of Somerset" (H. P. 1389) (L. D. 1814)

BILL, "An Act to Clarify when Counties may Charge Municipalities Interest on Delinquent Taxes" (H. P. 1404) (L. D. 1826)

BILL, "An Act to Deorganize Blanchard Plantation" (Emergency) (H. P. 1403) (L. D. 1825)

Comes from the House referred to the Committee on Local and County Government and Ordered Printed.

Which were referred to the Committee on Local and County Government and Ordered Printed, in concurrence.

BILL, "An Act to Ensure Timely Implementation of Revised Tariffs" (H. P. 1388) (L. D. 1813)

BILL, "An Act to Clarify Utility Financing of Energy Conservation" (H. P. 1406) (L. D. 1828)

BILL, "An Act to Provide for Additional Considerations in Recovery of Costs of Canceled Plants" (H. P. 1407) (L. D. 1829)

BILL, "An Act to Clarify the Fair Apportionment of the Cost of Canceled Generating Facilities" (H. P. 1408) (L. D. 1830)

BILL, "An Act to Update the Validity Clause for Utilities" (H. P. 1409) (L. D. 1831)

Comes from the House referred to the Committee on Public Utilities and Ordered Printed.

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

BILL, "An Act to Ensure Timely Consideration of Requests for Rulemaking" (H. P. 1387) (L. D. 1812)

Referred to the Committee on State Government.

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 con-

rence.

Resolution, Proposing an Amendment to the Constitution of Maine to Limit the Life of Authorized Bonds (H. P. 1410) (L. D. 1832)

BILL, "An Act to Allow the State, Counties and Municipalities to Buy Employee Deferred Compensation Plans from Financial Institutions" (H. P. 1412) (L. D. 1834)

BILL, "An Act to Require the State of Maine to Pay Late Fees on Overdue Payments" (H. P. 1411) (L. D. 1833)

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 Designating Certain Highways as State Highways" (H. P. 1386) (L. D. 1811)

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.

Joint Order

The Following Joint Order: (H. P. 1391)

ORDERED, the Senate concurring, that the Legislative Finance Officer be authorized and directed to pay each member of the Legislature, a \$300 allowance for constituent services as authorized in the Maine Revised Statutes, Title 3, section 2.

Comes from the House, Read and Passed.

Which was Read and Passed, in concurrence.

Joint Resolution

The following Joint Resolution: (H. P. 1390)

Joint Resolution Encouraging the  
Establishment of Day Care Services  
for State Employees

WHEREAS, it is desirable that the State shall establish a day care program for the children of state employees; and

WHEREAS, this issue is currently the subject of bargaining between the State and the unions representing state employees; and

WHEREAS, the Legislature is aware that a committee composed of both management and employee representatives is currently studying the form that any day care program might take; and

WHEREAS, the Legislature wishes to encourage the committee to study this matter and propose one or more specific day care programs as soon as possible; and

WHEREAS, the Legislature intends to consider possible action on the establishment of day care services for state employees should the State and the employees fail to come to agreement within a reasonable time; now, therefore be it

RESOLVED: That, We, the Members of the House of Representatives and the Senate of the 111th Legislature, on behalf of the people of Maine, encourage the development of a program to provide day care services to all or a substantial number of employees of the State of Maine with all due speed; and be it further

RESOLVED: That the Legislature wishes to convey its hope and intent that a day care program for state employees will be operating at least as a pilot program by December 31, 1984; and be it further

RESOLVED: That copies of this resolution be transmitted to the Commissioner of the Department of Personnel, the executive directors of the unions that represent state employees with the intent that those individuals provide copies of this resolution to all members of the committee currently studying the feasibility of providing day care services for state employees.

Comes from the House Read and Adopted.

Which was Read.

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

#### Communications

The Following Communication: (H. P. 1400)  
December 30, 1983

The Honorable John L. Martin  
Speaker of the House  
State House, Station 2  
Augusta, ME 04333

Dear Speaker Martin:

As you are aware, during its last session the Legislature passed legislation (L. D. 1699) that requires the Office of Energy Resources to evaluate the need for and benefits of an excise tax exemption on ethanol fuels. The study must be conducted within the oversight of a steering committee and a report is due on January 15, 1984.

The steering committee has met on four occasions in the last six weeks to receive information and discuss the questions posed in the legislation. We have found that several issues, especially in the areas of marketing and effects on competition, are very complex and require further investigation. The Office of Energy Resources has hired a consultant to assist us in these areas. Therefore, we would like to request a one month extension of the January 15 deadline in order to insure proper consideration of all the issues involved.

I feel certain that the committee will be able to provide the Legislature with a full report and recommendations no later than February 15.

I appreciate your consideration of this request and would be happy to discuss it with you further, if you wish.

Sincerely,  
S/HOWARD W. GLEASON  
Chairman,  
Ethanol Steering Committee

Comes from the House Read and Ordered Placed on File.

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

The Following Communication: (H.P. 1413)

#### Maine Apportionment Commission

The Honorable Edwin H. Pert  
Clerk of the House of Representatives  
State House  
Augusta, Maine 04333

Dear Clerk Pert:

In accordance with 30 M.R.S.A., sub-section 105-V, the Maine Apportionment Commission submits for the consideration of the Legislature the reapportionment plan for the various county commissioner districts.

Enclosed is the reapportionment plan unanimously approved by the Commission and the schedule of terms of office. Maximum deviations of +4.76 and -5.83 were established. Furthermore, two counties will not be reapportioned and only two municipalities had to be divided, that being because their populations were too large for one entire district.

In reviewing the terms of office set forth in the plan the Legislature may wish to consider the effects of the reapportionment upon the commissioner electoral process.

The Commission plan developed the terms of office in accordance with 30 M.R.S.A., Sub-section 105V, part 3. As a result eleven counties will have all three commissioners up for election in 1984 and two counties will lose the staggered term system altogether.

The Commission was presented with a request from the Maine County Commissioners Association to act regarding the terms of office and further requested that the opinion of the Attorney General be sought on the question of the power of the Legislature to cut the four year terms short.

The Commission, however, believes this request is not within their charge and therefore

the Legislature may wish to act regarding this matter.

The Commission will be transmitting the statutory language for the plan within the next few days.

Sincerely yours,  
S/ROGER L. MALLAR  
Chairman

Comes from the House Read and with accompanying report Ordered Placed on File.

Which was Read and with accompanying report Ordered Placed on File in concurrence.

#### Senate Papers

BILL, "An Act Relating to Record-keeping Requirements for Retail Licensees Concerning Beer and Soft Drinks." (S. P. 680) (Presented by Senator CHARETTE of Androscoggin) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

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

Sent down for concurrence.

BILL, "An Act to Amend the Charter of the Jackman Sewer District to Clarify the Limit on Indebtedness and to Clarify Certain Other Language in the Charter." (Emergency) (S. P. 681) (Presented by Senator REDMOND of Somerset) (Cosponsored by Representative ROTONDI of Athens)

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

Sent down for concurrence.

#### Orders of the Day

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

#### Papers from the House Non-Concurrent Matter

Joint Order (S. P. 666) Relative to receiving two daily newspapers.

In Senate, January 4, 1984, Read and Passed. Comes from the House, Indefinitely Postponed, in non-concurrence.

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

#### Orders

On motion of Senator PRAY of Penobscot; ORDERED, that the Secretary of the Senate be directed to furnish each morning to each member of the Senate, a copy of two newspapers published in the State of Maine, chosen by the member during the Second Regular Session of the 111th Legislature.

Which was Read and Passed.

#### (Off Record Remarks)

Out of Order and Under suspension of the rules, the Senate voted to consider the following:

#### Papers from the House Joint Order

The following Joint Order (H. P. 1417) Ordered, the Senate concurring, that the following bills be recalled from the Governor's Desk to the House:

H. P. 710, L. D. 901 Bill, "AN ACT to Extend and Amend the Statute Entitled Purchase of Food-stuffs from Maine Concerns."

H. P. 1288, L. D. 1708 Bill, "AN ACT Concerning the Rate of Return on Investment Factor Under the Railroad Excise Tax."

H. P. 1337, L. D. 1777 Bill, "AN ACT to Amend the Military Laws of the State of Maine."

H. P. 1355, L. D. 1791 Bill, "AN ACT to Revise the Markup Percentage for Maine Produced Products Under the Liquor Law."

H. P. 1279, L. D. 1696 Bill, "AN ACT to Create a Maine Commission on Excellence in Education."

; and be it further ORDERED, that the following bills be recalled from the Governor's Desk to the Senate:

S. P. 537, L. D. 1566 Bill "AN ACT to Establish a Commission to Review and Evaluate the University of Maine System."

S. P. 539, L. D. 1574 Bill, "AN ACT to Remove the Bureau of Alcoholic Beverages from Under the Department of Finance and Administration."

S. P. 570, L. D. 1646 Bill, "AN ACT to Provide Equal Access to Justice."

S. P. 642, L. D. 1805 Bill, "AN ACT Relating to the School Year for School Administrative District Number 57."

Comes from the House Read and Passed. Which was Read and Passed, in concurrence.

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

The Adjournment Order having been returned from the House Read and Passed, in concurrence, on motion by Senator Pray of Penobscot, adjourned until Tuesday, January 10, 1984 at 10 o'clock in the morning.