

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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(FIRST CONFIRMATION SESSION – SECOND REGULAR SESSION)

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STATE OF MAINE
One Hundred and Eleventh Legislature
Second Regular Session
JOURNAL OF THE SENATE

Augusta, Maine
January 19, 1984

Senate called to order by the President.

Prayer by the Reverend Clayton A. Alward of the Full Gospel Assembly of North Monmouth.

REVEREND ALWARD: Shall we pray? Our Gracious Father, we thank You this morning again for this great opportunity to be with these leaders of our State.

Lord, we ask You this morning in great need, Lord today, that You will lead these people, give them wisdom, give them knowledge. Let Your presence be sensed about, Lord, these Chambers today in every decision that is made and in the future days also. We grateful, Lord, this morning for this privilege, again, for being here and we thank You for it from the depths of our hearts. Praying in Jesus's wonderful Name. Amen and Amen.

Reading of the Journal of Tuesday, January 17, 1984.

(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. 707)

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Tuesday, January 24, 1984 at 10:00 a.m. in the morning.

Which was Read and Passed.

Sent down forthwith for concurrence.

(Off Record Remarks)

Submitted Pursuant to the Statutes

BILL, "An Act to Provide for Reapportionment of County Commissioner Districts." (H. P. 1487) (L. D. 1950).

Submitted pursuant to the Revised Statutes, Title, 30, Section 105-V, subsection 1.

Comes from the House Under Suspension of the Rules, Read Twice and Passed To Be Engrossed without reference to a Committee.

Under Suspension of the Rules the Bill Read Twice and Passed To Be Engrossed without reference to a Committee in concurrence.

Sent forthwith to the Engrossing Department.

(Off Record Remarks)

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

BILL, "An Act Concerning the Rate of Return on Investment Factor Under the Railroad Excise Tax." (H. P. 1288) (L. D. 1708).

In Senate June 23, 1983, Passed to be Enacted.

Recalled from the Governor's Desk pursuant to Joint Order (H. P. 1417).

Comes from the House Passed to be Engrossed as Amended by House Amendment "A" (H-449) in Non-Concurrence.

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

It is a vote.

Non-Concurrent Matter

BILL, "An Act to Amend the Military Laws of the State of Maine." (H. P. 1337) (L. D. 1777)

In Senate June 23, 1983, Passed to be Enacted.

Recalled from the Governor's Desk pursuant to Joint Order (H. P. 1417)

Comes from the House Passed to be Engrossed as Amended by House Amendment "B" (H-430) as Amended by House Amendment "A" (H-450) thereto in Non-Concurrence.

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

It is a vote.

Non-concurrent Matter

BILL, "An Act to Remove the Bureau of Alcoholic Beverages from Under the Department of Finance and Administration." (S. P. 539) (L. D. 1574).

Recalled from the Governor's Desk pursuant to Joint Order (H. P. 1417).

In Senate January 12, 1984, Bill and accompanying Papers Indefinitely Postponed.

Comes from the House Recommended to the Committee on State Government in Non-concurrence.

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

It is a vote.

House Papers

Resolve, to Authorize State Funding of the Penobscot Nation Museum. (H. P. 1479) (L. D. 1942).

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

Which was referred to the Committee on Appropriation and Financial Affairs and Ordered Printed, in concurrence.

BILL, "An Act to Eliminate the Requirement for a Separate Application for Lands within the Settlement Corridor to be Entered into the Spruce-Fir Forest Protection District." (H. P. 1480) (L. D. 1943)

Comes from the House referred to the Committee on Energy and Natural Resources and Ordered Printed.

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

BILL, "An Act to Assure Greater Independence to the Certificate of Need Advisory Committee and for Other Purposes." (H. P. 1481) (L. D. 1944).

BILL, "An Act to Revise the Maine Certificate of Need Act for Hospitals." (H. P. 1482) (L. D. 1945).

Come from the House referred to the Committee on Health and Institutional Services and Ordered Printed.

Which were referred to the Committee on Health and Institutional Services and Ordered Printed, in concurrence.

BILL, "An Act to Amend the Minimum Wage in Construction Laws." (H. P. 1483) (L. D. 1946).

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.

BILL, "An Act to Change the Name of Coho Salmon to Pacific Salmon." (H. P. 1484) (L. D. 1947).

BILL, "An Act to Authorize a Study of the Subject of a Lobster Trap Limit Off the Coast of Maine." (H. P. 1485) (L. D. 1948).

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

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

BILL, "An Act Establishing Penalties for Violations of the Disconnection and Deposit Regulations of the Public Utilities Commission." (H. P. 1486) (L. D. 1949).

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.

Study Report

Committee on Audit and Program Review

Report of the Committee on Audit and Program Review to which was referred the Study

Relative to the Separation of Powers Related to Legislative Members on Boards and Commissions have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill, "An Act to Provide Policy and Guidelines for Creation and Operation of Boards and Commissions." (H. P. 1476) (L. D. 1931) be referred to the Committee on Audit and Program Review for public hearing and printed pursuant to Joint Rule 18.

Comes from the House with the Report Read and Accepted, and the Bill referred to the Committee on Audit and Program Review.

Which Report was Read and Accepted, in concurrence.

The Bill referred to the Committee on Audit and Program Review, in concurrence.

Senate at Ease

The Senate called to Order by the President.

Communications

The Following Communication: (S. P. 718)
January 16, 1984

The Honorable Gerard P. Conley

President of the Senate

State House Station #3

Augusta, Maine 04333

Dear Senator Conley:

I am pleased to submit to the Legislature the following Alcoholism Prevention, Education, Treatment and Research Fund Reports:

- 1: Plan for Fiscal Year 1985
- 2: Progress Report: July 1 — December 31, 1983
- 3: Final Report — Fiscal Year 1983

These reports are submitted in accordance with the requirements of P. L. 1983, c.464, "An Act to Provide for the Development of a Centralized, Coordinated Planning and Evaluation Process for the State Alcohol and Drug Abuse Activities." Copies have been forwarded to the Speaker of the House and the Joint Select Committee on Alcoholism Services.

Sincerely,
S/MICHAEL R. PETIT
Chairman
Alcohol and Drug
Abuse Planning
Committee

Which was Read and with accompanying papers Ordered Placed on File.

Sent down for concurrence.

**The Following Communication:
Department of Finance and Administration
State Claims Board
State House Station 49**

The Honorable Gerard P. Conley

President of the Senate

Senate Post Office

State House

Augusta, Maine 04333

Re: Report of Small Claims to Legislature

Dear Senator Conley:

Herewith is Report of Small Claims which were received in this office during 1983 and which is being submitted to you for your information and records in accordance with Title 5 M.R.S.A., Section 1510-A, Subsection 8.

A similar report is also being submitted to The Honorable John L. Martin, Speaker of the House, and if you or your staff should have any questions in connection with this report, please communicate with this office.

Yours very truly,
S/RONALD M. ROY

Chief Counsel

Which was Read and with accompanying papers Ordered Placed on File.

The Following Communication: (H. P. 1488)

**State of Maine
Department of State
Augusta, Maine 04333**

January 16, 1984

The Honorable John L. Martin

Speaker of the House of Representatives
of the One Hundred and
Eleventh Legislature
Second Regular Session

Dear Mr. Speaker:

In accordance with the provisions of Title 30, Section 253, of the Revised Statutes, as amended in 1981, I have the honor to transmit herewith the budget estimates of expenses of the sixteen counties within the State for the year 1984.

Respectfully,
S/RODNEY S. QUINN
Secretary of State

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

Which was Read and referred to the Committee on Local and County Government, in concurrence.

Senate Papers

Resolve, "Providing Funding for Transitional Residential Programs for Adolescent Girls at Risk." (Emergency) (S. P. 710) (L. D. 1956). (Presented by Senator NAJARIAN of Cumberland.) (Cosponsors: Representatives KETOVER of Portland, E. MITCHELL of Vassalboro, Senator GILL of Cumberland.) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26.)

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

Sent down for concurrence.

BILL, "An Act to Revise Provisions of the Medical Eye Care Program." (S. P. 711) (L. D. 1957). (Presented by Senator GILL of Cumberland.) (Cosponsors: Senators TWITCHELL of Oxford, NAJARIAN of Cumberland, Representative KELLEHER of Bangor.) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26.)

Committee on Appropriations and Financial Affairs suggested.

On motion by Senator Pray of Penobscot, referred to the Committee on Health and Institutional Services, and Ordered Printed.

Sent down for concurrence.

(Off Record Remarks)

BILL, "An Act Concerning the Counting of Absentee Ballots in Towns with Voting Machines." (S. P. 708) (L. D. 1954). (Presented by Senator WOOD of York.) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26.)

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

Sent down for concurrence.

BILL, "An Act to Clarify Certain Provisions in the Recodification of the General Assistance Law." (S. P. 717) (L. D. 1963). (Presented by Senator CARPENTER of Aroostook.) (Cosponsors: Representative NELSON of Portland, Senator GILL of Cumberland.) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26.)

BILL, "An Act to Assure Active Treatment of Mentally Retarded People in Intermediate Care Facilities and Skilled Nursing Care Facilities" (Emergency) (S. P. 712) (L. D. 1958). (Presented by Senator GILL of Cumberland.) (Cosponsor: Senator BUSTIN of Kennebec.)

BILL, "An Act to Amend Certain Rules of the Emergency Medical Services." (S. P. 709) (L. D. 1955). (Presented by Senator DIAMOND of Cumberland.) (Cosponsors: Representatives GREENLAW of Standish, CARROLL of Gray.) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26.)

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

Sent down for concurrence.

BILL, "An Act Relating to Sentencing and Prison Overcrowding." (S. P. 713) (L. D. 1959). (Presented by Senator CONLEY of Cumberland.) (Cosponsors: Representatives KELLEHER of Bangor, JOSEPH of Waterville, SOULE of Westport.)

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

Sent down for concurrence.

BILL, "An Act to Amend the Law Relating to Wine Franchises." (S. P. 714) (L. D. 1960). (Presented by Senator PRAY of Penobscot.) (Cosponsors: Senator BALDACCI of Penobscot, Representative ZIRNKILTON of Mount Desert.) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26.)

Committee on Legal Affairs suggested.

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

BILL, "An Act Concerning Terms of Office of Certain County Commissioners Whose Districts are Affected by Reapportionment." (S. P. 715) (L. D. 1961). (Presented by Senator PRAY of Penobscot.) (Cosponsors: Representatives KELLEHER of Bangor, HALL of Sangerville, LOCKE of Sebec.) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26.)

Which was referred to the Committee on Local and County Government and Ordered Printed.

Sent down for concurrence.

BILL, "An Act Relating to the Placement of Poles by Utilities." (S. P. 716) (L. D. 1962). (Presented by Senator VIOLETTE of Aroostook.) (Cosponsors: Representative SOULE of Westbrook, ROBINSON of Auburn.) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26.)

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

Sent down for concurrence.

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

Senate Papers

BILL, "An Act to Reduce Minimum Fees and Provide for Implementation of the Chemical Substance Identification Law." (Emergency) (S. P. 719). (Presented by Senator KANY of Kennebec.) (Cosponsor: Representative HALL of Sangerville.) (Submitted by the Department of Labor pursuant to Joint Rule 24.)

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

Sent down for concurrence.

(Off Record Remarks)

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

Senator Pearson of Penobscot addressed the Senate relative to (SLS 328).

Senator PEARSON: Mr. President, with respect to (SLS 328) the Town of Benedicta on their 150th anniversary since it's founding, I would like to say a few words about it, I don't normally do this.

Benedicta is a special little place in Southern Aroostook County. It is a town really very rich in history. A hundred and fifty years ago, Bishop Fenwick of the Diocese of Portland, I would assume, or of Boston, bought half a township in Southern Aroostook County which eventually became known and was incorporated under the title of Benedicta because they were Benedictine priests. The original intention for Benedicta was to have Holy Cross University founded there. They changed their minds however, and it was established somewhere else, but in the mean-

time, a group of Irish families moved into Benedicta and their ancestors have been there ever since. The town is composed mostly today of Rushs, Qualeys, McAvoy's, Duffys, Cummings and some Gantniers and that is just about the whole town.

It is really a very unique and very beautiful little town and this summer I would like to invite everyone of you to their anniversary celebration which is around July 2 and 3rd and 4th. This summer the Pope will be visiting North America. He will be in Moncton, New Brunswick, and Montreal, Quebec and it is the hope of the people of Benedicta that he will stop in Benedicta on the way as he goes from Moncton to Montreal. We have extended an invitation to His Holiness to do that and it is our hope that he will but even if he doesn't, we would like to have you come.

Committee Reports

Senate

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 Revise the Classification System for Maine Waters." (S. P. 402) (L. D. 1250).

Orders of the Day

(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, January 24, 1984 at 10 o'clock in the morning.