

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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FOURTH CONFIRMATION SESSION

(FIRST CONFIRMATION SESSION – SECOND REGULAR SESSION)

May 31, 1984

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FIFTH CONFIRMATION SESSION

(SECOND CONFIRMATION SESSION – SECOND REGULAR SESSION)

July 11, 1984

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THIRD SPECIAL SESSION

September 4, 1984 to September 11, 1984

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STATE OF MAINE
One Hundred and Eleventh Legislature
Second Regular Session
JOURNAL OF THE SENATE
Augusta, Maine
Senate Chamber January 22, 1984
Senate called to order by the President.

Prayer by the Reverend Herbert Reid, of the Church of World Brotherhood of Fairfield.
REVEREND REID: Dear God, as we guide, we pray that we may be guided by Thee. Amen.
Reading of the Journal of Thursday, January 19, 1984.

PAPERS FROM THE HOUSE
Non-concurrent Matter

Bill, "An Act to Clarify Authority and Limit Liability Issues in Community Service Work Program." S. P. 694 L. D. 1926.

In Senate January 17, 1984, referred to the Committee on JUDICIARY and ORDERED PRINTED.

Comes from the House referred to the Committee on LABOR and ORDERED PRINTED 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

Bill, "An Act Concerning Supplemental Dividend Reimbursement Distribution" (Emergency) H. P. 1489 L. D. 1964.

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.

Bill, "An Act to Make Additional Allocations from the Public Utilities Commission Regulatory Fund for the Fiscal Year Ending June 30, 1985." H. P. 1503 L. D. 1979.

Committee on PUBLIC UTILITIES suggested.

Comes from the House, referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

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

(OFF RECORD REMARKS)

Bill, "An Act to Amend the Maine Lemon Law to Include Vehicles Such as Tractor Trailers." H. P. 1490 L. D. 1965.

Bill, "An Act Revising the Maine Bank Holding Company Act." H. P. 1500 L. D. 1974.

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.

Bill, "An Act to Exempt Certain Materials that have no Insurable Value from Insurance Requirements." H. P. 1504 L. D. 1980.

Committee on TRANSPORTATION suggested.

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 Concerning the Disclosure of Licensing Records Regarding Adult and Child Care Programs." H. P. 1502 L. D. 1978.

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.

Bill, "An Act to Clarify the Licensing Authority of the Board of Registration in Medicine." H. P. 1491 L. D. 1966.

Comes from the House referred to the Committee on HEALTH AND INSTITUTIONAL SERVICES and ORDERED PRINTED.

On motion by Senator CARPENTER of Aroostook, Tabled for 1 Legislative Day, pending REFERENCE.

Bill, "An Act to Require Commercial Establishments Operating Microwave Ovens to Provide Notice to the Public." H. P. 1492 L. D. 1967.

Comes from the House referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED.

On motion by Senator PRAY of Penobscot referred to the Committee on BUSINESS LEGISLATION and ORDERED PRINTED in non-concurrence.

Sent down for concurrence.

Bill, "An Act to Close Fishing by Means of Drugging in the Long Cove Area in the Town of St. George." H. P. 1493 L. D. 1968.

Bill, "An Act to Give the Department of Marine Resources the Authority to Charge Fees for Lobster Trap Tags." H. P. 1494 L. D. 1969.

Comes 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 Amending the Laws Relating to the Finance Authority of Maine Concerning Eligibility of Small Business for Financing." H. P. 1496 L. D. 1971.

Bill, "An Act to Include the Chief Executive Officer of the Finance Authority of Maine as an Ex Officio Corporator of the Maine Development Foundation." (Emergency) H. P. 1497 L. D. 1972.

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 Exempt Coastal Islands from the Fire Suppression Tax." H. P. 1498 L. D. 1973.

Comes from the House referred to the Committee on TAXATION and ORDERED PRINTED.

Which was referred to the Committee on TAXATION and ORDERED PRINTED, in concurrence.

Study Report

Committee on MARINE RESOURCES

Report of the Committee on MARINE RESOURCES to which was referred by the Legislative Council the study relative to State and Municipal Clam Management have had the same under consideration and ask leave to submit its findings and report that the accompanying Bill, "An Act to Permit Possession of Soft-Shell Clam Stocks 2 Inches or Greater in the Largest Diameter." (H. P. 1501) (L. D. 1975) be referred to the Joint Standing Committee on Marine Resources 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 MARINE RESOURCES.

Which Report was READ and ACCEPTED, in concurrence.

The Bill referred to the Committee on MARINE RESOURCES, in concurrence.

Study Report

Committee on PUBLIC UTILITIES

Report of the Committee on PUBLIC UTILI-

TIES to which was referred by the Legislative Council the study relative to the feasibility of public power have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill, "An Act to Promote Competition in the Electric Power Industry." (H. P. 1505) (L. D. 1976) be referred to the Joint Standing Committee on PUBLIC UTILITIES 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 PUBLIC UTILITIES.

Which Report was READ and ACCEPTED, in concurrence.

The Bill referred to the Committee on PUBLIC UTILITIES, in concurrence.

Joint Resolution

The Following Joint Resolution: (H. P. 1499)

JOINT RESOLUTION
MEMORIALIZING CONGRESS
AND THE PRESIDENT OF
THE UNITED STATES TO
ACT QUICKLY TO EXTEND
THE SUNSET DATE ON THE
PROVISIONS OF FEDERAL LAW
WHICH AUTHORIZE STATES TO
USE TAX-EXEMPT MORTGAGE
REVENUE BONDS TO PROVIDE
MORTGAGE CAPITAL FOR SINGLE
FAMILY HOME BUYERS, THUS
CONTINUING THE AVAILABILITY
OF AFFORDABLE MORTGAGE CAPITAL
CRITICAL TO THE WELL-BEING OF
THE STATE AND NATION

WE, your Memorialists, the Senate and House of Representatives of the State of Maine, in the Second Regular Session of the One Hundred and Eleventh Legislature, now assembled, most respectfully present and petition the Honorable Ronald W. Reagan, the President of the United States, the President of the United States Senate, and the Speaker of the United States House of Representatives, as follows:

WHEREAS, the availability of affordable mortgage capital for the purchase of single family homes is critical to the social, economic and cultural fabric of the State and Nation; and

WHEREAS, the availability of single family mortgage revenue bonds has provided an additional source of mortgage capital in a capital poor state; and

WHEREAS, the availability of tax-exempt mortgage revenue bonds for the provision of single family mortgage capital has been a demonstrable effective tool in the State of Maine since its original use in 1972, providing mortgage financing to over 8,000 Maine families buying homes of their own, along with the attendant economic activities associated with the construction or sale of such homes; and

WHEREAS, the State of Maine has acknowledged its joint responsibility with the Federal Government to address the problem of affordable mortgage capital through the creation of special housing programs, including the Housing Opportunities for Maine Program; and

WHEREAS, it has been our experience in Maine that the benefits of this program outweigh the public cost whenever the increased economic activities resulting from the investments in housing associated with such bonds have been thoroughly examined; now, therefore, be it

RESOLVED: That We, your Memorialists, express our strong support for the extension of the sunset provision in federal laws associated with tax-exempt mortgage revenue bonds for single family housing and respectfully urge the Congress and the Honorable Ronald W. Reagan, President of the United States, to take all actions necessary so as to permit the continued use of this affordable mortgage capital generating tool so necessary for the future well-being of this State and Nation; and be it

further

RESOLVED: That a duly authenticated copy of this resolution be immediately submitted by the Secretary of State to the Honorable Ronald W. Reagan, President of the United States; the President of the Senate and Speaker of the House of Representatives of the United States Congress; and to each member of the Maine congressional delegation.

Comes from the House **READ** and **ADOPTED**.

Which was **READ** and **ADOPTED**, in concurrence.

COMMUNICATIONS

The Following Communication: COMMITTEE ON HEALTH AND INSTITUTIONAL SERVICES

January 19, 1984

The Honorable Gerard P. Conley
President of the Senate
State House
Augusta, Maine 04333
Dear President Conley:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 111th Maine Legislature, the Joint Standing Committee on Health and Institutional Services has had under consideration the nomination of Sandra K. Prescott of Bucks Harbor as Chair of the Maine State Health Coordinating Council.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS:

Senators 2
Representatives 10

NAYS: 0

ABSENT: 1 (Senator Michael E. Carpenter of Aroostook)

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Sandra K. Prescott of Bucks Harbor as Chair of the Maine State Health Coordinating Council be confirmed.

Sincerely,
S/BEVERLY M. BUSTIN
Senate Chair
S/MERLE NELSON
House Chair

Which was **READ** and **ORDERED PLACED ON FILE**.

THE PRESIDENT: The Joint Standing Committee on HEALTH AND INSTITUTIONAL SERVICES has recommended that the nomination of Sandra K. Prescott be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on HEALTH AND INSTITUTIONAL SERVICES be overridden: In accordance with 3 M.R.S.A., Chapter 6, section 151 and with Joint Rule 38 of the 111th Legislature, the vote will be taken by the yeas and nays. A vote of Yes will be in favor of overriding the recommendation of the Committee. A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.
The Secretary will call the Roll.

ROLL CALL

YEAS—None.

NAYS—Baldacci, Brown, Bustin, Carpenter, Charette, Clark, Collins, Danton, Diamond, Dow, Dutremble, Emerson, Erwin, Gill, Hayes, Hichens, Kany, McBreaarty, Minkowsky, Pearson, Perkins, Pray, Redmond, Sewall, Shute, Teague, The President—Gerard P. Conley.

ABSENT—Najarian.

No Senators having voted in the affirmative and 32 Senators having voted in the negative,

with 1 Senator being absent, and None being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be **ACCEPTED**.

The nomination of Sandra K. Prescott is confirmed.

The Secretary has so informed the Speaker of the House.

The Following Communication: BUREAU OF TAXATION STATE OFFICE BUILDING AUGUSTA, MAINE

January 18, 1984

The Honorable Gerard P. Conley
President of the Senate
Augusta, Maine 04333
Dear Senator Conley:

The accompanying report is submitted in compliance with Chapter 561 as enacted by the First Session of the 111th Legislature. The Bureau of Taxation is required to make a report to the Second Session of the 111th Legislature estimating the reimbursement potential to the Unorganized Territory for property tax revenue losses suffered during calendar year 1983 as a result of statutory property tax exemptions or credits enacted after April 1, 1983.

In addition, the report is to include an estimate of the possible Tree Growth reimbursement the Unorganized Territory would receive if it were to be treated as an organized municipality.

Very truly yours,
S/R. L. HALPERIN
State Tax Assessor

Which was **READ** and with accompanying papers **ORDERED PLACED ON FILE**.

The Following Communication: 111th LEGISLATURE STATE HOUSE

January 19, 1984

The Honorable Vincent L. McKusick
Chief Justice
Supreme Judicial Court
156 Federal Street
Portland, Maine 04101
Dear Mr. Chief Justice:

We are pleased to invite you and as many of the Justices of the Maine Supreme Judicial Court as may be able to attend to a Joint Convention of the 111th Maine Legislature on Thursday, January 26, at 11:00 a.m.

We would be pleased to hear from you at that time any message you may care to deliver on the State of the Judiciary.

Sincerely,
S/GERARD P. CONLEY
President of the Senate
S/JOHN L. MARTIN
Speaker of the House

Which was **READ** and **ORDERED PLACED ON FILE**.

The Following Communication: (S. P. 726) 111th MAINE LEGISLATURE STATE HOUSE

January 20, 1984

The Honorable Peter W. Danton
The Honorable George A. Carroll
Chairmen, Transportation Committee
111th Legislature
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated Dana F. Connors of Presque Isle for appointment as the Commissioner of the Maine Department of Transportation.

Pursuant to Title 4 MRSA Section 152, this nomination will require review by the Joint Standing Committee on Transportation 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 **TRANSPORTATION**.
Sent down for concurrence.

The Following Communication: STATE OF MAINE DEPARTMENT OF FINANCE AND ADMINISTRATION BUREAU OF ACCOUNTS AND CONTROL STATE HOUSE, STATION 14 AUGUSTA, MAINE 04333

Governor Joseph E. Brennan,
Members of the Legislature,
and Other Citizens of Maine

In accordance with Title 5, Maine Revised Statutes Annotated, section 1547, the accompanying Financial Report of the State of Maine is submitted for the fiscal year ended June 30, 1983.

The first section of this report consists of the General Purpose Financial Statements for all funds reported in accordance with generally accepted accounting principles. Generally accepted accounting principles for the Governmental Funds uses the modified accrual basis of accounting. Revenues are recognized when they become measurable and available as current assets. Expenditures are generally recognized when the related fund liability is incurred. Exceptions to this general rule include accumulated unpaid vacation and sick leave and principal and interest on general long term debt which is recognized when due.

The second section is reported as it has been in the past, based upon the budgetary and legal requirements. Please refer to Note 7 of the General Notes to the Financial Statements for the Reconciliation of the fund balances between the two sections. Comparative budgetary data and statistical information have also been included in this report to promote a better understanding of the State's finances.

Questions and comments about this report or any phase of state finances are always welcome.

Respectfully submitted,
S/DONALD A. BROWN
State Controller

Which was **READ** and with accompanying papers **ORDERED PLACED ON FILE**.

SENATE PAPERS

Bill, "An Act to Make Allocations from the Health Care Finance Commission Fund for the Fiscal Year Ending June 30, 1984" (Emergency) S. P. 720 L. D. 1992.

Presented by Senator NAJARIAN of Cumberland.

Cosponsored by: Representative GWA-DOSKY of Fairfield, Senator BUSTIN of Kennebec, Senator GILL of Cumberland.

Submitted by the Department of Human Services pursuant to Joint Rule 24.

Which was referred to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill, "An Act to Repeal and Replace the Regional Refuse Disposal District Enabling Act." (Emergency) S. P. 721 L. D. 1993.

Presented by Senator PRAY of Penobscot.

Cosponsored by: Senator PERKINS of Hancock, Representative HALL of Sangerville, Representative KELLEHER of Bangor.

Approved for Introduction by the Legislative Council pursuant to the Joint Rule 26.

Resolve, Authorizing the Town of Bingham to Dredge, Restore and Establish a Suitable Water Level for Meadow Brook Within the Town S. P. 722 L. D. 1994.

Presented by Senator REDMOND of Somerset.

Cosponsored by: Representative ROTONDI of Athens.

Approved for Introduction by the Legislative Council pursuant to Joint Rule 26.

Which were referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED.

Sent down for concurrence.

Bill, "An Act to Ensure Medical Coverage of Residents in Cost Reimbursement Boarding Homes." (Emergency) S. P. 723 L. D. 1995.

Presented by Senator BUSTIN of Kennebec. Cosponsored by Senator BROWN of Washington, Representative NELSON of Portland, Representative CARROLL of Gray.

Approved for Introduction by the Legislative Council pursuant to Joint Rule 26.

Which was referred to the Committee on HEALTH AND INSTITUTIONAL SERVICES and ORDERED PRINTED.

Sent down for concurrence.

Bill, "An Act Amending the Child and Family Services and Child Protection Act" S. P. 724 L. D. 1996.

Presented by Senator BUSTIN of Kennebec. Cosponsored by Representative MELENDY of Rockland, Representative CARROLL of Gray.

Submitted by the Department of Human Services pursuant to Joint Rule 24.

Committee on JUDICIARY suggested.

On motion by Senator CARPENTER of Aroostook referred to the Committee on HEALTH AND INSTITUTIONAL SERVICES and ORDERED PRINTED.

Sent down for concurrence.

Bill, "An Act to Clarify the Definition of Projects Eligible for Revenue Bond Financing under the Finance Authority of Maine Act." (Emergency) S. P. 725 L. D. 1997.

Presented by Senator VIOLETTE of Aroostook.

Cosponsored by Representative MURRAY of Bangor, Representative SPROUL of Augusta, Representative PARADIS of Augusta.

Approved for Introduction by the Legislative Council pursuant to Joint Rule 26.

Which was referred to the Committee on STATE GOVERNMENT and ORDERED PRINTED.

Sent down for concurrence.

COMMITTEE REPORTS

House

Ought to Pass

The Committee on LOCAL AND COUNTY GOVERNMENT on Bill "An Act to Deorganize Blanchard Plantation." (Emergency) H. P. 1403 L. D. 1825.

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.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

The Committee on LOCAL AND COUNTY GOVERNMENT on Bill, "An Act to Clarify when Counties may Charge Municipalities Interest on Delinquent Taxes." H. P. 1404 L. D. 1826.

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.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

SENATE

OUGHT TO PASS—AS AMENDED

Senator CHARETTE for the Committee on BUSINESS LEGISLATION on Bill, "An Act to

Maintain Equality Between Home Improvement Loans and Other Consumer Credit Loans." (Emergency) S. P. 648 L. D. 1838.

Reported that the same Ought to Pass as Amended, by Committee Amendment "A" (S-279).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-279) was READ and ADOPTED.

The Bill as Amended TOMORROW ASSIGNED FOR SECOND READING.

ORDERS OF THE DAY

The President laid before the Senate.

Bill, "An Act to Amend the Law Relating to Wine Franchises." S. P. 714 L. D. 1960.

Tabled—January 19, 1984, by Senator CARPENTER of Aroostook.

Pending—Reference.

On motion by Senator PRAY of Penobscot referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED.

Sent down for concurrence.

Senator COLLINS of Knox was granted unanimous consent to address the Senate Off the Record.

(OFF RECORD REMARKS)

On motion by Senator CARPENTER of Aroostook the Senate voted to remove from the Table:

Bill, "An Act to Make Additional Allocations from the Public Utilities Commission Regulatory Fund for the Fiscal Year Ending June 30, 1985." H. P. 1503 L. D. 1979.

Tabled earlier in today's session on motion by Senator CARPENTER of Aroostook.

Pending—REFERENCE.

Committee on PUBLIC UTILITIES suggested.

On motion by Senator PRAY of Penobscot referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED in non-concurrence.

Sent down for concurrence.

On motion by Senator CARPENTER of Aroostook ADJOURNED until 10 o'clock tomorrow morning.