

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**LEGISLATIVE RECORD**

OF THE

***One Hundred and Eleventh  
Legislature***

OF THE

**STATE OF MAINE**

**SECOND REGULAR SESSION**

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

**INDEX**

**FOURTH CONFIRMATION SESSION**

**(FIRST CONFIRMATION SESSION – SECOND REGULAR SESSION)**

**May 31, 1984**

**INDEX**

**FIFTH CONFIRMATION SESSION**

**(SECOND CONFIRMATION SESSION – SECOND REGULAR SESSION)**

**July 11, 1984**

**INDEX**

**THIRD SPECIAL SESSION**

**September 4, 1984 to September 11, 1984**

**INDEX**

STATE OF MAINE  
 One Hundred and Eleventh Legislature  
 Second Regular Session  
 JOURNAL OF THE SENATE  
 Augusta, Maine  
 In Senate Chamber,  
 Thursday, January 26, 1984  
 Senate called to Order by the President.

Prayer by Father Valmont R. Gilbert of the St. Augustine's Catholic Church of Augusta.

FATHER GILBERT: Let us pray. God, our Father, we acknowledge that all earthly powers must serve You. Help and assist with your Spirit the members of the Senate to fulfill their responsibilities, worthily and well.

Guided with Your Grace and Inspiration may they please You at all times and may they secure peace, happiness, and justice for the people of our great State of Maine who have placed their trust in them by electing them in their office.

All this we ask through Christ, our Lord. 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 (S. P. 733)

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Tuesday, January 31, 1984 at 10:00 a.m. in the morning.

Which was READ and PASSED.

Sent down forthwith for concurrence.

Out of Order and Under Suspension of the Rules.

On motion of Senator PRAY of Penobscot the following Senate Order:

ORDERED, that a message be sent to the House of Representatives proposing a Convention of both branches in the Hall of the House at 11 o'clock for the purpose of extending to the Honorable Vincent L. McKusick, Chief Justice of the Maine Supreme Judicial Court and The Justices of the Supreme Judicial Court, an invitation to attend the Convention and make such communication as pleases them.

Which was READ and PASSED.

The President appointed Senator PRAY of Penobscot to deliver the message, the Senator then retired to the Hall of the House and subsequently reported that he had performed the duties with which he was charged.

(OFF RECORD REMARKS)

At this point a message was received from the House of Representatives, through Representative MITCHELL of Vassalboro concurring in the proposition for a Joint Convention to be held in the Hall of the House at 11:00 o'clock for the purpose of extending to Chief Justice Vincent McKusick and the members of the Supreme Judicial Court an invitation to attend and to make such communications as pleases them.

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Extend and Amend the Statute entitled Purchase of Foodstuffs from Maine Concerns" H. P. 710 L. D. 901

In Senate June 24, 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 Committee Amendment "A" (H-254) and Senate Amendment "A" (S-231) and House Amendment "B" (H-451) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED with the House.

House Papers

Bill "An Act to Amend the Law Regarding

Premium Discounts for Workers' Compensation Insurance of Small Businesses" H. P. 1519 L. D. 2001

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 Use or Disposition of Fort Gorges in Casco Bay" H. P. 1520 L. D. 2002

Comes from the House referred to the Committee on LOCAL AND COUNTY GOVERNMENT and ORDERED PRINTED.

Which was referred to the Committee on LOCAL AND COUNTY GOVERNMENT and ORDERED PRINTED, in concurrence.

Bill "An Act to Prohibit Night Scallop Dragging within the 3-mile Limit in Washington County" H. P. 1521 L. D. 2003

Bill "An Act to Prohibit the Use of Paravanes in the Coastal Waters by any Vessel that is under Propulsion" H. P. 1522 L. D. 2004

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.

Joint Orders

The following Joint Order: (H. P. 1524)

WHEREAS, the Legislature has enacted "AN ACT Promoting Alcoholism Prevention, Education, Treatment and Research; and

WHEREAS, this Act eliminated the language in previous statutes which said that there should be one office to operate state alcohol abuse services; and

WHEREAS, the Act also established an Alcoholism Prevention, Education, Treatment and Research Fund which in large part derives its funds from the premium on spirits and fortified wines; and

WHEREAS, the Legislature is given the power to make allocations from the fund to any public or private agency or person; and

WHEREAS, the Commissioner of Corrections, the Commissioner of Educational and Cultural Services, the Commissioner of Human Services and the Commissioner of Mental Health and Mental Retardation are directed to prepare and submit a report to the Legislature on alcoholism prevention, education, treatment and research, including their specific recommendations regarding allocations from the fund; and

WHEREAS, the Legislature must afford appropriate opportunity to members of the public to express their concerns or proposals for allocations from the fund; and

WHEREAS, this process has been undertaken; now, therefore, be it

ORDERED, the Senate concurring, that the Joint Select Committee on Alcoholism Services which was reestablished during the First Regular Session of the 111th Legislature shall be continued during the Second Regular Session of the 111th Legislature and that the committee shall consist of the same membership as served on the committee during the First Regular Session; and be it further

ORDERED, that the Joint Select Committee on Alcoholism Services continue to review the plan submitted by the Commissioner of Corrections, the Commissioner of Educational and Cultural Services, the Commissioner of Human Services and the Commissioner of Mental Health and Mental Retardation and report out any legislation appropriate to the plan and the purpose of the Act; and be it further

ORDERED, that the Committee afford an appropriate opportunity to members of the public to comment on the plan and make recommendations regarding allocations from the fund.

Comes from the House, READ and PASSED. Which was READ.

On motion by Senator PRAY of Penobscot, Tabled unassigned, pending PASSAGE.

COMMUNICATIONS

The Following Communication:  
 COMMITTEE ON EDUCATION

January 24, 1984

The Honorable Gerard P. Conley  
 President of the Senate  
 State House

Augusta, Maine 04333

Dear President Conley:

In accordance with 3 MRSA, Chapter 6, Section 151, and with Joint Rule 38 of the 111th Maine Legislature, the Joint Standing Committee on Education has had under consideration the nomination of James S. Bowers of Washington as Student member of the University of Maine Board of Trustees.

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	3
	Representatives	7
NAYS:	Senators	0
	Representatives	1
ABSENT:	Rep. Thompson of South Portland	
	Rep. Small of Bath	

Ten members of the Committee having voted in the affirmative and one in the negative with two being absent, it was the vote of the Committee that the nomination of James S. Bowers of Washington as Student Member of the University of Maine Board of Trustees be confirmed.

Sincerely,  
 S/KENNETH P. HAYES  
 Senate Chair  
 S/STEPHANIE LOCKE  
 House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on Education has recommended that the nomination of James S. Bowers be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on Education 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:	Senators: BROWN, BUSTIN, CHARENTE, CLARK, COLLINS, DANTON, DIAMOND, DOW, DUTREMBLE, EMERSON, ERWIN, GILL, HAYES, HICHENS, KANY, MINKOWSKY, PEARSON, PERKINS, PRAY, SHUTE, TEAGUE, TRAFTON, TWITCHELL, USHER, VIOLETTE, WOOD, THE PRESIDENT — GERARD P. CONLEY.
ABSENT:	Senators: BALDACCI, CARPENTER, McBREAIRTY, NAJARIAN, REDMOND, SEWALL.

No Senators having voted in the affirmative and 27 Senators having voted in the negative, with 6 Senators 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 James S. Bowers is

confirmed.

The Secretary has so informed the Speaker of the House.

Senator Hayes of Penobscot was granted unanimous consent to address the Senate On the Record.

SENATOR HAYES: Mr. President. Members of the Maine Senate. The nomination and confirmation of James S. Bowers brings important closure to a long effort to renew a student perspective on the University of Maine Board of Trustees. You may recall that former Governor Kenneth Curtis appointed a student, Stephen Hughs, as a member of the first board of the newly created system. Steve served with highest distinction and later as a member of the Maine Legislature.

Governor Brennan is to be applauded for his nomination of James Bowers and the Legislature is to be congratulated for finally providing an opportunity to University students to participate in the University governing process.

The Following Communication:

**COMMITTEE ON EDUCATION**

January 24, 1984

The Honorable Gerard P. Conley

President of the Senate

State House

Augusta, Maine 04333

Dear President Conley:

In accordance with 3 MRSA, Chapter 6, Section 151, and with Joint Rule 38 of the 111th Maine Legislature, the Joint Standing Committee on Education has had under consideration the nomination of Joseph G. Hakanson of Westbrook to the University of Maine Board of Trustees.

After public hearing and discussion on the nomination, the Committee Clerk called the roll with the following result:

YEAS:	Senators	2
	Representatives	9
NAYS:	Senators	1
	Representatives	0

ABSENT: Rep. Thompson of South Portland  
Eleven members of the Committee having voted in the affirmative and one in the negative with one being absent, it was the vote of the Committee that the nomination of Joseph G. Hakanson of Westbrook to the University of Maine Board of Trustees be confirmed.

Sincerely,  
S/KENNETH P. HAYES  
Senate Chair  
S/STEPHANIE LOCKE  
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on Education has recommended that the nomination of Joseph G. Hakanson be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on Education 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 PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Hayes.

SENATOR HAYES: Mr. President. Members of the Maine Senate. I wish to clarify my Committee vote against the confirmation of Joseph G. Hakanson.

My opposition to Mr. Hakanson does not lie in the fact that he is a Republican who was appointed by Governor Longley. I believe the Board of Trustees should have a tri-partisan character. Nor does my opposition to Mr. Hakanson lie in the fact that he is a supporter of

Retiring Chancellor McCarthy for \$52,000 plus benefits. This, in my judgment, simply reflected, the collective weakness of the present board.

My opposition of Mr. Hakanson does not lie in the fact that he admittedly doesn't know much about higher education. A lack of knowledge of higher education seems to be a prerequisite for the job.

My opposition to Mr. Hakanson does lie in the fact that the reappointment of Hakanson for seven years perpetuates the geographic distortion of the Board of Trustees, probably by chance rather than by design, the University of Maine Board of Trustees has become unacceptably biased toward the Greater Portland area. Without appearing to be unduly concerned about the vast areas beyond Falmouth, I suggest that the public interest of this State is best served by Trustees reflecting all regions of the State.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Pearson.

SENATOR PEARSON: Mr. President, Men and Women of the Senate. I intend to vote for the nomination of Mr. Hakanson, however, I want the Senate to know that it is becoming of increasingly more concern in the people of Northern Maine, that the Board of Trustees in our opinion, (in most of our opinions) is out of kilter. It is not geographically distributed in a wise manner, in our opinion. We have our own concerns in Northern Maine, and they include the continuation and the prosperity of the campuses in Portland, as well as, in all the other parts of the State. We are concerned, however, that the Board of Trustees which is so far out of kilter is not concerned with us.

So I just would like to say to the Members of the Senate, I am going to vote for this nomination, but it can't go on very much longer before we are going to have to be forced to demonstrate that we won't be able to vote for those people if they continually, one after the other, come from just one section of the State.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Diamond.

SENATOR DIAMOND: Thank you Mr. President. Members of the Senate, I think that what has to be pointed out this morning is that at the hearing, the confirmation hearing for Mr. Hakanson, there were several, and I mean several, people speaking in favor of his renomination. His attributes and his qualifications are clear. He served well for five years, admittedly giving about a day or two days a week of his own time.

I have known him, he is not a constituent of mine, I've known Joe Hakanson since 1969. He is totally devoted to youth and education, and no one pretends that all board trustees are experts in education, that is not the design of that system. But Joe Hakanson has done a fine job and Governor Brennan needs to be commended for making the nomination to us this past week.

Now, the tune of geographic distortion, I would remind the good Senator from Penobscot, Senators from Penobscot, Senator Hayes and Senator Pearson, that not to long ago we had people complaining that the State Board of Education was all one party. And I clearly recall several people saying well it is not the party, of course, it is not the location, it is the individual. That is what we have here, ladies and gentlemen, we have an individual who has served well and I think our cause as a Senate has to be one of finding the best possible people to work and guide this University System. Joe Hakanson is indeed that: a fine individual, devoted, knowledgeable, and contributes a great deal, and whether he comes from Baldwin or T3R4 makes no difference to me nor should it you. I think what the difference has to be is the persons' qualifications, and Joe Hakanson has done a fine job and I commend, again, the Governor for his nomination. Thank you.

THE PRESIDENT: The Chair recognizes the

Senator from Kennebec, Senator Kany.

SENATOR KANY: Mr. President and Members of the Senate. I, too, spoke in favor of Mr. Hakanson's nomination having known him since 1959 when he was my boss at the Canal National Bank. I was working directly under him doing investment analysis for their Trust Department and I can tell you that he is exceptionally bright a non-traditional thinker and brings a great deal of financial expertise to the Board.

THE PRESIDENT: The Chair will restate the question.

A vote of Yes will be in favor of overriding the recommendations of the Committee. A vote of No will be in favor of sustaining the recommendations of the Committee.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

Roll Call

YEAS: Senator, HAYES.

NAYS: Senators, BROWN, BUSTIN, CHARLETTE, CLARK, COLLINS, DANTON, DIAMOND, DOW, DUTREMBLE, EMERSON, ERWIN, GILL, HICHENS, KANY, McBREAIRTY, MINKOWSKY, PEARSON, PERKINS, PRAY, SHUTE, TEAGUE, TRAFTON, TWITCHELL, USHER, VIOLETTE, WOOD, THE PRESIDENT—GERARD P. CONLEY.

ABSENT: Senators, BALDACCI, CARPENTER, NAJARIAN, REDMOND, SEWALL.

1 Senator having voted in the affirmative and 27 Senators having voted in the negative, with 5 Senators being absent, and One 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 Joseph G. Hakanson is confirmed.

The Secretary has so informed the Speaker of the House.

(Off Record Remarks)

**SENATE PAPERS**

Bill "An Act to Increase the Enforcement and Educational Staff of the Maine Land Use Regulation Commission" (Emergency) S. P. 729 L. D. 2011

Presented by Senator DIAMOND of Cumberland.

Cosponsored by Representative ROLDE of York.

Submitted pursuant to the Revised Statutes, Title 3, Chapter 23.

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

Sent down for concurrence.

Bill "An Act Relating to Allowances and Policies for Medical Equipment for Medicaid Recipients" S. P. 730 L. D. 2012

Presented by Senator GILL of Cumberland.  
Cosponsored by Senator DIAMOND of Cumberland, 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 to Amend Certain Sections of the Law Related to the Department of Labor" S. P. 731.

Presented by Senator DUTREMBLE of York.  
Cosponsored by Representative TUTTLE of Sanford, Representative ZIRNKILTON of Mount Desert.

Submitted by the Department of Labor pursuant to Joint Rule 24.

Which was referred to the Committee on LABOR and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Make Necessary Revisions Re-

lating to the Watercraft Excise Tax" (Emergency) S. P. 732.

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 TAXATION and ORDERED PRINTED.

Sent down for concurrence.

### COMMITTEE REPORTS

#### House

##### Ought to Pass

The Committee on BUSINESS LEGISLATION on Bill "An Act Facilitating Maine's Participation in the National Central Registration Depository" (Emergency) H. P. 1446 L. D. 1898 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 TWITCHELL for the Committee on LOCAL AND COUNTY GOVERNMENT on Bill "An Act to Allow Plantations to Determine When to Hold Their Annual Meetings." S. P. 670 L. D. 1854

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-280)

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-280) was READ and ADOPTED.

The Bill as Amended TOMORROW ASSIGNED FOR SECOND READING.

### SECOND READERS

#### House

The Committee on BILLS IN THE SECOND READING reported the following:

Bill "An Act to Update the Validity Clause for Utilities" H. P. 1409 L. D. 1831

Which was READ A SECOND TIME and PASSED TO BE ENGROSSED, in concurrence.

### ENACTORS

The Committee on ENGROSSED BILLS reported as truly and strictly engrossed the following:

#### Emergency

AN ACT Concerning the Rate of Return on Investment Factor Under the Railroad Excise Tax H. P. 1288 L. D. 1708 (H "A" H-449)

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Kany.

SENATOR KANY: Mr. President and Members of the Senate. There are two items I would like to have included in the Record regarding this and unfortunately, for all of you, we do not have the privilege that Congress has of just inserting something into the Record without having it read, so please bear with me, I'll try to be very brief.

First of all, I would like it to be known that all workers at Maine Central Railroad yards and shops in Waterville were notified of this Legislation.

Secondly, I would just like to read a fairly brief letter from John F. Garrity, Vice-Chairman of the Board of Maine Central Railroad Company. "Dear Senator Kany: This letter is intended to confirm my telephone conversations with you on January 6th and 9th regarding the Railroad's installation at Waterville, Maine.

The Railroad has no present intention of closing its Waterville mechanical department facilities or yard. We have a large investment at that location.

The foregoing does not infer that conditions there will never change. We have made

changes there in the past and we will make changes in the future. An illustration in the transfer a month ago of some 30 positions from Bangor to Waterville.

As I related to you, we are continually reviewing our entire operation and when changes are indicated, prudent decisions are made by management recognizing their fiduciary responsibilities.

Yours very truly, John F. Garrity Vice-Chairman of the Board"

I would just like to say, too, that Maine Central Railroad is important to Maine's economy and it is important to all people in the State of Maine, both for jobs and transportation of goods. We certainly value Maine Central Railroad but many people in the Waterville area are deeply concerned about its future as I am sure elsewhere in the State that would, also, be true. I just want to insert all of that into the Record. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Wood.

SENATOR WOOD: Mr. President and Members of the Senate. Just to follow up on what the good Senator has said it should be clear that this legislation has no impact on the closings or the potential closings of any yard. That is a completely separate issue. If you look at the sponsors of the Bill, and I am one of them, another sponsor is from Bangor, he sponsored it over the years, and that yard has suffered some problems and he indicated to me that there is no relationship between that and the Bill and I would not want the general public to be misled in any way.

THE PRESIDENT: Is it the pleasure of the Senate to grant the Senator from Cumberland, Senator Conley the right to Abstain from voting because of the appearance of a Conflict of Interest?

It is a vote.

This being an emergency measure and having received the affirmative vote of 26 Members of the Senate, with No Senators having voted in negative, with 1 Senator being Excused, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

### Orders of the Day

The President laid before the Senate:

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

Tabled—January 25, 1984 by Senator CARPENTER of Aroostook

Pending—REFERENCE.

(In House, January 19, 1984, referred to the Committee on HEALTH AND INSTITUTIONAL SERVICES)

On motion by Senator PRAY of Penobscot, referred to the Committee on HEALTH AND INSTITUTIONAL SERVICES and ORDERED PRINTED in concurrence.

Out of order and under suspension of the rules, the Senate voted to consider the following:

### ENACTORS

The Committee on ENGROSSED BILLS reported as truly and strictly engrossed the following:

#### Emergency

AN ACT to Make Allocations from the Health Care Finance Commission Fund for the Fiscal Year Ending June 30, 1984 S. P. 720 L. D. 1992

This being an emergency measure and having received the affirmative vote of 26 Members of the Senate, with No Senators having voted in negative was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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 Create a Watercraft User Fee" (Emergency) H. P. 1523 L. D. 2005

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

On motion by Senator PRAY of Penobscot RECESSED until 10:55 a.m. this morning.

### RECESS

### AFTER RECESS

The Senate called to order by the President.

At this point the Senate retired to the Hall of the House, where a Joint Convention was formed.

(For proceedings of Joint Convention, see House Report.)

### AFTER JOINT CONVENTION

#### IN SENATE

The Senate called to order by the President.

### OFF RECORD REMARKS

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 31, 1984 at 10 o'clock in the morning.