

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
 In Senate Chamber
 Thursday
 February 2, 1984

Senate called to Order by the President.
 Prayer by the Reverend John Mallin of the Grace Presbyterian Church of Augusta.
 REVEREND MALLIN: Hear the word of God as it is written in the first letter of the Apostle Peter, the second chapter, verses 13 and 14:
 "Submit yourselves for the Lords' sake to every authority instituted among men, whether to the King, as the Supreme Authority, or to governors who are sent by Him to punish those who do wrong and to commend those who do right."

Let us Pray. Most gracious God, we know that we live in a world broken and torn by sin and we know that if you did not put some restraint on sinners and the effects of sin, we would all destroy ourselves and that we would do quickly, for we are, everyone of us, sinners and deserving of the full measure of Your wrath. Yet in Your mercy You have restrained sin and sinners. By Your gracious hand You have kept sin from running rampant. You have provided the means whereby we may live peaceful and quiet lives, that those who seek to serve You may do so in Godliness and Holyness.
 I thank You that You have not only established a way of salvation from sin by the sending of Your son, the Lord Jesus Christ, but that You also have established lawful governments to keep order in the land. I thank You for these men and women, each one of whom is Your servant to do good, sent by You to punish those who do wrong and commend those who do right. Grant to each one, I pray, a proper sense of their duty as Your servant that they may exercise their duty in righteousness, in justice and in fear of God.

Grant them the perception to know what they ought and ought not to do, in order that in all things they might bring honor and glory to You and to the name of the Lord, Jesus Christ. Grant them wisdom from Above and direct and prosper all their consultations to the advancement of Your glory, the good of Your church, the safety, honor and welfare of the people, that all things may be so ordered and settled by their labor upon the best and surest foundations, that peace and happiness, truth and justice, virtue and piety may be established.

I pray for the health of each one here. Protect and preserve them and move men to render them the honor which is due them. These things and whatever else is necessary which You know better than we, I pray in the name of the authority which is above all earthly powers, even Jesus Christ. Amen.
 Reading of the Journal of Yesterday.

(Off Record Remarks)

PAPERS FROM THE HOUSE
House Papers
Study Report
Committee on PUBLIC UTILITIES

Report of the Committee on PUBLIC UTILITIES to which was referred by the Legislative Council the Study Relative to Telecommunications in Maine have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Establish a Telecommunications Policy for the State of Maine" (H. P. 1540) (L. D. 2025) 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 accompanying Bill referred to the Committee on PUBLIC UTILITIES and ORDERED PRINTED pursuant to Joint Rule 18.

Which Report was READ AND ACCEPTED in concurrence.
 The Bill referred to the Committee on PUBLIC UTILITIES and ORDERED PRINTED pursuant to Joint Rule 18 in concurrence.

COMMUNICATIONS

The Following Communication:
 STATE OF MAINE
 DEPARTMENT OF EDUCATIONAL AND CULTURAL SERVICES
 Augusta, 04333

January 31, 1984

TO: Joy O'Brien, Secretary of the Senate
 Edwin Pert, Clerk of the House
 G. William Boker, Bureau of the Budget

FROM: Robert Boose, Commissioner
 RE: Recommendation for 1984-1985 Funding Levels for Adult Education
 Pursuant to the provisions of Title 20, M.R.S.A., Chapter 315, Section 8606, I am required to certify annually prior to February 1 to the Legislature and to the Bureau of the Budget a recommendation for the funding level for the various program categories in Adult Education.

Please see the recommendation below:
 EDUCATION: ADULT EDUCATION 1984-1985
 All Other (Including Category \$2,258,772*
 6300—Grants to Cities and Towns)

(This includes programs of High School Completion, Adult Literacy, General Adult Ed, Adult Handicapped, Adult Voc Ed, and Administration)
 *For FY 85 the current budget allocation is 1.95 million which leaves a \$308,772 shortfall. Estimates over the past 4 years have run 5% over actual expenses. Therefore, when the \$2,258,772 figure is reduced by 5%, the actual estimated additional need is \$195,833.40. This would meet the State's obligation for Adult Education Subsidy.

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

FOREST FIRE ADVISORY COUNCIL
 Honorable Gerard P. Conley
 President of the Senate
 State House
 Augusta, Maine 04333
 Dear President Conley:

As required by Chapter 556 of the Public Laws of 1983, I hereby submit to the Legislature the Report of the Forest Fire Advisory Council.

At their meeting on January 17, 1984, the Council voted unanimously in support of the findings, recommendations and legislation contained in this report.

Sincerely,
 S/ EARLE D. BESSEY, III
 Chairman
 Forest Fire Advisory Council

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

SENATE PAPERS

Bill, "An Act Making Appropriations and Allocations for the Expenditures of State Government and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1984, and June 30, 1985" (Emergency) S. P. 738

Presented by Senator NAJARIAN of Cumberland.
 Cosponsored by Representative CARTER of Winslow.

Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS suggested.

Which was referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS

and ORDERED PRINTED.
 Sent down for concurrence.

Bill, "An Act Concerning Examinations for Licensed Practical Nurses" S. P. 739
 Presented by Senator PRAY of Penobscot.
 Approved for introduction by the Legislative Council pursuant to Joint Rule 26.

Bill, "An Act to Define Primary Excess Insurer Pursuant to Self-insurance under the Maine Workers' Compensation Act" S. P. 740
 Presented by Senator DUTREMBLE of York.
 Cosponsored by Representative TUTTLE of Sanford, Representative BRANNIGAN of Portland, Representative TELOW of Lewiston.
 Submitted by the Department of Business Regulation pursuant to Joint Rule 24.

Which were referred to the Committee on BUSINESS LEGISLATION and ORDERED PRINTED.
 Sent down for concurrence.

Bill, "An Act to Clarify the Authority of the Representative of the State Registrar of Vital Statistics" S. P. 744

Presented by Senator BUSTIN of Kennebec.
 Cosponsored by Representative RICHARD of Madison, Representative PINES of Limestone, Senator GILL of Cumberland.

Submitted by the Department of Human Services pursuant to Joint Rule 24.
 Which was referred to the Committee on HEALTH AND INSTITUTIONAL SERVICES and ORDERED PRINTED.
 Sent down for concurrence.

Bill, "An Act to Increase the Dollar Limitation for Cases which may be Brought in Small Claims Court" S. P. 741

Presented by Senator BALDACCI of Penobscot.
 Cosponsored by Representative J. DIAMOND of Bangor, Representative JOYCE of Portland, Representative MURRAY of Bangor.
 Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

Which was referred to the Committee on JUDICIARY and ORDERED PRINTED.
 Sent down for concurrence.

Bill, "An Act to Provide for Repayment of Interest Charges Incurred on Federal Advances to the Unemployment Compensation Fund" S. P. 742

Presented by Senator DUTREMBLE of York.
 Cosponsored by Representative GAUVREAU of Lewiston, Senator BROWN of Washington, Representative BONNEY of Falmouth.

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 Provide Additional Agency Stores at Seasonal Locations" (Emergency) S. P. 743

Presented by Senator DANTON of York.
 Cosponsored by Senator PRAY of Penobscot.
 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 Qualify Veterans who served in the Armed Services of Another Nation for Veterans' Tax Exemptions when They have Received Certificates of Eligibility from the United States Government" S. P. 746

Presented by Senator GILL of Cumberland.
 Cosponsored by Senator BUSTIN of Kennebec, Senator ERWIN of Oxford.

Approved for introduction by the Legislative Council pursuant to Joint Rule 26.
 Bill, "An Act to Provide for Equal Treatment of Special Fuel Used for Heating Purposes" S. P.

747

Presented by Senator WOOD of York.
Cosponsored by Senator CARPENTER of Aroostook.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

Which were referred to the Committee on TAXATION and ORDERED PRINTED.
Sent down for concurrence.

Study Report

Committee on PUBLIC UTILITIES

Senator BALDACCI for the Committee on PUBLIC UTILITIES to which was referred by the Legislative Council the Study Relative to Telecommunications in Maine have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill, "An Act Regarding Franchising and Regulation of Cable Television Systems." (S. P. 745), be referred to the Joint Standing Committee on PUBLIC UTILITIES for public hearing and printed pursuant to Joint Rule 19.

Which Report was READ and ACCEPTED.

The accompanying Bill referred to the Committee on PUBLIC UTILITIES and ORDERED PRINTED pursuant to Joint Rule 19.

Sent down for concurrence.

COMMITTEE REPORTS

House

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 Allowing Revenues from Interruptible Gas Sales to be Credited to the Cost of Gas" H. P. 1453 L. D. 1905

Ought to Pass

The Committee on BUSINESS LEGISLATION on Bill, "An Act Revising the Maine Bank Holding Company Act" (Emergency) (H. P. 1500) (L. D. 1974) reports that the same Ought to Pass.

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED as AMENDED by House Amendment "C" (H-461).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

House Amendment "C" (H-461) was READ and ADOPTED.

The Bill as Amended TOMORROW ASSIGNED FOR SECOND READING.

The Committee on PUBLIC UTILITIES on Bill, "An Act to Clarify the Suspension Powers of the Public Utilities Commission Over Affiliated Interest Contracts" (H. P. 1451) (L. D. 1903) reports 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.

Ought to Pass — As Amended

The Committee on BUSINESS LEGISLATION on Bill, "An Act to Clarify Executive and Judicial Authority Regarding the Dissolution of Delinquent Insurers" (H. P. 1445) (L. D. 1897) reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-457).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-457).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-457) was READ and ADOPTED, in concurrence.

The Bill as Amended TOMORROW ASSIGNED FOR SECOND READING.

Senate

Ought to Pass — As Amended

Senator DANTON for the Committee on LEGAL AFFAIRS on Bill, "An Act Relating to Record-keeping Requirements for Retail Licenses Concerning Beer and Soft Drinks" (S. P. 680) (L. D. 1858) reports that the same OUGHT TO PASS as AMENDED by Committee Amendment "A" (S-283).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-283) was READ and ADOPTED.

The Bill as Amended TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass in New Draft under New Title

Senator CLARK for the Committee on BUSINESS LEGISLATION on Bill, "An Act to Streamline Procedures for Financial Institution Branch Changes and to Clarify What Constitutes an On-premise Satellite Facility" (S. P. 649) (L. D. 1839) reports the same Ought to Pass in New Draft under New Title Bill, "An Act to Streamline Procedures for Financial Institution Branch Changes and to Clarify What Constitutes an On-premise Facility" (S. P. 737) (L. D. 2027).

Which Report was READ and ACCEPTED.

The Bill in NEW DRAFT READ ONCE.

The Bill in NEW DRAFT TOMORROW ASSIGNED FOR SECOND READING.

On motion by Senator PRAY of Penobscot the Senate voted to consider the following:

Recalled from Engrossing

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

In Senate January 31, 1984 PASSED TO BE ENGROSSED as Amended by House Amendment "B" (H-456) in concurrence.

Recalled from Engrossing pursuant to Joint Order (S. P. 736).

On motion by Senator PRAY of Penobscot the Senate voted to suspend its Rules.

On motion by Senator PRAY of Penobscot the Senate voted to Reconsider its action whereby L. D. 1950 was Passed to be Engrossed.

THE PRESIDENT: The Senator has the floor.
SENATOR PRAY: Thank you, Mr. President. Mr. President I now offer Senate Amendment "A" and move its Adoption.

THE PRESIDENT: The Senator from Penobscot, Senator Pray offers Senate Amendment "A" and moves its Adoption.

Senate Amendment "A" (S-282) was READ.

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

SENATOR PRAY: Thank you Mr. President. Mr. President and Ladies and Gentlemen of the Senate. This is the amendment that adds the emergency preamble to the Reapportionment Act as I had explained yesterday when we had the order to recall the Bill. This now will allow the county commissioner districts, when this Bill is passed, to be consistent through the primary and the November Elections.

Senate Amendment "A" (S-282) was ADOPTED.

Which was PASSED TO BE ENGROSSED as Amended

Sent down for concurrence.

SECOND READERS

House

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

Bill "An Act to Amend the Statutes Governing the Licensing and Approval of Adult and Child Care Programs" H. P. 1425 L. D. 1870

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

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 Establish a Maine Historic Register" H. P. 1543 L. D. 2029

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

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

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

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

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.

OFF RECORD REMARKS

Senator Wood of York was granted unanimous consent to address the Senate On the Record.

SENATOR WOOD: Mr. President, and Members of the Senate. I would just call the Senators attention to this issue of State Legislatures. There is an interesting and informative article on the Unitary Tax method that was much debated last year. I would point out that during that debate last year, there was talk about the case before the Supreme Court, the U. S. Supreme Court, contain a corporation case. The Supreme Court, in its wisdom, decided that it was perfectly all-right for State Legislatures to collect that kind of tax under that method. In fact two days after the Supreme Court gave its ruling, the State of Florida enacted a similar tax to Maine, they did it in two days. (The rumor going around was that there were a lot of business lobbyists stranded all over the country trying to get to get to Florida as fast as they could.)

I would also point out that in Maine, although I cannot tell you the amount, I don't know the amount, but in the first return that the Department did under the Unitary Method, there was sizable, extremely sizable refund to that business and as I argued last year, it was simply a question of fairness and I think that company probably likes our method very well.

On motion by Senator ERWIN of Oxford Adjourned until 9 o'clock tomorrow morning in memory of Representative Emile J. Fraser.