

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
Monday
February 6, 1984

Senate called to Order by the President.

Prayer by The Reverend Timothy Evans of the Church of the Nazarene of Gardiner.

REVEREND EVANS: Shall we pray? O God, we thank You for this day in which you have allowed us to live and to serve you. We thank You for each person here and pray that You would bless each one.

God, you have given us each a particular job in life and each of us is important as we share our particular function with our fellow man. As humans, Father, we sometimes find ourselves not in complete agreement with each other. We find ourselves on the opposite sides of political fences. Father, help us to remember through You we have unity.

We pray for each of our Senators here today, that You would guide them as they make decisions for our great State. O God, it is You who we look to today to help us find the answers to all our questions. Grant Your wisdom upon each of us and we will praise Your name. Amen.

Reading of the Journal of Friday, February 3, 1984.

PAPERS FROM THE HOUSE
Non-concurrent Matter

Bill, "An Act to Provide for a Citizens Environmental Protection Act" S. P. 735 L. D. 2026 (In Senate February 1, 1984, referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED.)

Comes from the House, referred to the Committee on JUDICIARY in NON-CONCURRENCE.

The Senate RECEDED AND CONCURRED with the House.

House Papers

Bill, "An Act to Provide for Testing of Private Water Supplies for Chemical Contaminants where Chemical Contaminants are Suspected by State Agencies" H. P. 1555 L. D. 2054

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.

Pursuant to the Statutes

The Unemployment Compensation Fund Study Commission Pursuant to Private and Special Laws 1983, Chapter 46 ask leave to submit its findings and to report that the accompanying Bill, "An Act Concerning Benefits under the Unemployment Compensation Act" (H. P. 1552) (L. D. 2031) be referred to the Joint Standing Committee on LABOR 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 LABOR and ORDERED PRINTED pursuant to Joint Rule 18.

Which Report was READ and ACCEPTED, in concurrence.

The accompanying Bill referred to the Committee on LABOR and ORDERED PRINTED pursuant to Joint Rule 18 in concurrence.

Study Report

Committee on STATE GOVERNMENT
Report of the Committee on STATE GOVERNMENT to which was referred by the Legislative Council the Study Relative to the Public Advocate have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill, "An Act to

Authorize the Public Advocate to Intervene in Proceedings Pertaining to Health Insurance and Workers' Compensation before the Superintendent of Insurance and in Proceedings of the Health Care Finance Commission" (H. P. 1553) (L. D. 2032) be referred to the Joint Standing Committee on STATE GOVERNMENT for Public Hearing and printed pursuant to Joint Rule 19.

Comes from the House with the Report READ and ACCEPTED, and the accompanying Bill referred to the Committee on STATE GOVERNMENT and ORDERED PRINTED pursuant to Joint Rule 19.

Which Report was READ and ACCEPTED, in concurrence.

The accompanying Bill referred to the Committee on STATE GOVERNMENT and ORDERED PRINTED pursuant to Joint Rule 19 in concurrence.

Study Report

Committee on TRANSPORTATION

Report of the Committee on TRANSPORTATION to which was referred by the Legislative Council the Study Relative to the Comprehensive Review of Long Term Trailer Legislation Policies and the Use of Agents have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill, "An Act Concerning Long-term Trailer Agents under the Motor Vehicle Laws" (H. P. 1542) (L. D. 2030) be referred to the Committee on TRANSPORTATION for public hearing and printed pursuant to Joint Rule 19.

Comes from the House, with the Report READ and ACCEPTED and the accompanying Bill referred to the Committee on TRANSPORTATION and ORDERED PRINTED pursuant to Joint Rule 19.

Which Report was READ and ACCEPTED in concurrence.

The Bill referred to the Committee on TRANSPORTATION and ORDERED PRINTED pursuant to Joint Rule 19 in concurrence.

COMMUNICATIONS

The Following Communication: (S. P. 751)

STATE OF MAINE

Senate Chamber

President's Office

Augusta, Maine 04333

February 3, 1984

The Honorable Joy J. O'Brien

Secretary of the Senate

Augusta, Maine 04333

Dear Secretary O'Brien:

This is to advise you, that pursuant to my authority under M.R.S.A. 1, Section 1002, on January 30, 1984 I appointed Daniel P. Barrett, Esq. as a member of the Commission on Governmental Ethics and Election Practices.

Sincerely,

S/ GERARD P. CONLEY

President of the Senate

Which was READ.

Senate at Ease

Senate called to order by the President.

Which was ORDERED PLACED ON FILE.

Sent down for concurrence.

The Following Communication: (S. P. 753)

111th Legislature

February 3, 1984

The Honorable Dennis Dutremble

The Honorable Edith S. Beaulieu

Chairpersons, Committee on Labor

111th Legislature

Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated William M. Houston of Bangor for appointment as the Second Alternate Public Representative of the Maine Labor Relations Board.

Pursuant to Title 26 M.R.S.A. Section 968, this nomination will require review by the Joint Standing Committee on Labor 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 LABOR.

Sent down for concurrence.

The Following Communication: (S. P. 754)

MAINE STATE RETIREMENT SYSTEM

STATE OFFICE BUILDING

STATE HOUSE, STATION 46

AUGUSTA, MAINE 04333

February 2, 1984

Gerard P. Conley, President

Maine State Senate

Representative John Martin, Speaker

House of Representatives

Dear Senator Conley and Representative Martin:

In accordance with the provisions of 5 M.R.S.A., Section 1128, the Board of Trustees of the Maine State Retirement System hereby notifies you that a 4% increase in retirement benefits paid to retired state employees, teachers and retirees of certain participating local districts, was authorized effective September 1, 1983. This was a cost-of-living increase. The Consumer Price Index (CPI-U), published by the United States Department of Labor, Bureau of Labor Statistics, increased 2.6% in the twelve month period ending June 1983.

The increase in the cost-of-living allowance paid in excess of 2.6% was paid in accordance with Chapter 529, PL 1983.

If Chapter 529, PL 1983, had not passed, the System would have recognized an actuarial gain of \$12.0 million against its unfunded liability. State contributions, which totalled over \$88.5 million in fiscal year 1983, would have been credited \$1.3 million per year for the System's remaining funding period of 16.7 years.

Sincerely,

S/ ROBERTA M. WEIL

Executive Director

Which was READ and ORDERED PLACED ON FILE.

Sent down for concurrence.

SENATE PAPERS

Bill, "An Act to Authorize the Public Utilities Commission to Institute Performance Standards for Electric Generating Stations" S. P. 749 L. D. 2053

Submitted by the Office of the Public Advocate pursuant to Joint Rule 24.

Presented by Senator CARPENTER of Aroostook.

Cosponsored by Representative Hayden of Durham and Representative Andrews of Portland.

Committee on ENERGY AND NATURAL RESOURCES suggested.

On motion by Senator PRAY of Penobscot, referred to the Committee on PUBLIC UTILITIES and ORDERED PRINTED.

Sent down for concurrence.

ORDERS

Joint Resolution

On motion by Senator CONLEY of Cumberland, the following Joint Resolution: (S. P. 750) (Cosponsors: Senator NAJARIAN of Cumberland, Senator USHER of Cumberland)

JOINT RESOLUTION IN COMMEMORATION OF THE VISIT OF THE FRENCH NAVAL SHIP "MALABAR"

Whereas, on April 13, 1778, the French naval frigate "Le Sensible" arrived in Falmouth Harbor, now Portland, for the purpose of delivering to the colonists the Treaty of Alliance, advising the colonists that the government of

France had formally and openly acknowledged American independence and pledged its aid and support; and

Whereas, word of France's entry into the war spread from Falmouth, in the District of Maine, through New England to General George Washington and his troops in Pennsylvania; and

Whereas, the decision of France to aid American colonists was of particular importance to the eventual attainment of American independence; and

Whereas, this historic occasion is an integral facet of the City of Portland's history; and

Whereas, this historic occasion will be commemorated in February 1984, by the City of Portland and the State of Maine, upon the arrival of the French naval ship "MALABAR" on February 17, 1984; and

Whereas, the visit of the French naval ship "MALABAR" is an occasion of great significance to Maine and its citizens; now, therefore, be it

Resolved: That We, the Members of the 111th Legislature, take this opportunity, while assembled in regular session at the State Capitol in Augusta, to extend our welcome to the officers and crew of the "MALABAR," upon the occasion of their visit to the State of Maine and the City of Portland; and be it further

Resolved: That a duly authenticated copy of this Resolution of welcome be sent forthwith, on behalf of the Legislature and the people of Maine, to the City of Portland, for appropriate transmittal to the commanding officer of the French naval ship "MALABAR," upon the occasion of that vessel's arrival at Portland Harbor.

Which was READ and ADOPTED.
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 to Permit the Public Utilities Commission to Adjust for Changes in Capacity Charges in Fuel Cost Adjustment Proceedings" H. P. 1439 L. D. 1884

Ought to Pass

The Committee on EDUCATION on Bill, "An Act to Clarify the Definition of School Construction" (H. P. 1462) (L. D. 1914) 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.

The Committee on EDUCATION on Bill, "An Act to Permit School Administrative Units to Acquire Certain Small Parcels of Land without Following the School Construction Project Approval Process" (H. P. 1447) (L. D. 1899) 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.

The Committee on LEGAL AFFAIRS on Bill, "An Act to Allow One Beano Game to be Played in a 24-Hour Period in a Single Location" (H. P. 1433) (L. D. 1878) 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.

Senate

Ought to Pass in New Draft

Senator ERWIN for the Committee on AGRICULTURE on Bill, "An Act Prohibiting Release of Animals by State Humane Agents for Experimentation or Vivisection Purposes" (S. P. 647) (L. D. 1835) reports that the same Ought to Pass in New Draft under same title (S. P. 748) (L. D. 2052).

Which Report was READ and ACCEPTED.

The Bill in NEW DRAFT READ ONCE.

The Bill in NEW DRAFT TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on LEGAL AFFAIRS on Bill, "An Act to Amend the Liquor Laws to Permit the Sale of Beer and Wine at Outdoor Stadiums" S. P. 662 L. D. 1852

Reported that the same Ought to Pass in New Draft under same Title: S. P. 752 L. D. 2055

Signed:

Senators:

CHARETTE of Androscoggin

SHUTE of Waldo

DANTON of York

Representatives:

HANDY of Lewiston

SWAZEY of Bucksport

MURPHY of Berwick

PERRY of Mexico

DILLENBACK of Cumberland

COTE of Auburn

McSWEENEY of Old Orchard Beach

The Minority of the same Committee on the same subject matter reported that the same Ought Not to Pass.

Signed:

Representatives:

COX of Brewer

STOVER of West Bath

DUDLEY of Enfield

Which Reports were READ.

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

SENATOR HICHENS: Before a motion is made on this, may we have the correct title of the L. D. It says 2005 and that, in our books, is related to Watercraft Taxation, may we have the right number for that, please?

THE SECRETARY: The L. D. number is 2055.

SENATOR HICHENS: 2055, Thank you. I would now make a motion that we Accept the Minority Ought Not to Pass Report.

THE PRESIDENT: The Senator from York, Senator Hichens, now moves that the Senate Accept the Minority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Androscoggin, Senator Charette.

SENATOR CHARETTE: I would ask for a division, please.

THE PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Washington, Senator Brown.

SENATOR BROWN: Thank you, Mr. President. There's a couple of concerns that I have about this particular measure and I think maybe this is the time for us to take a look at them, and in this instance I am afraid I have to agree with the good Senator from York, Senator Hichens.

We have a Governor who has come out very strongly in establishing roadblocks to take drunk drivers off the road. We have an effort this year to increase the drinking age, that's coming forth shortly. It is estimated that we have between 25,000 and 75,000 people die each year as a result of drinking and driving, and it seems pretty inconsistent to me that we would pass a bill this year of all years, this year when we've got such an effort started to try to

reduce the amount of drinking on the highways, and here we are going to pass a measure that is going to allow drinking in a public place and people will be leaving that public place, drinking in some fashion, I can assure you, after having spent the afternoon in the stadium and it just seems to me that it is a little inconsistent, of all times, for this year for us to be passing this measure.

So I would support the good Senator from York this morning in that we do not pass the Ought to Pass Report of this committee, that we defeat it. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Charette.

SENATOR CHARETTE: Women and Men of the Senate. If you went to the redraft of this Bill, 2055, you will see that the Committee has made several changes that does give us a lot of safeguards regarding outdoor stadiums. We are just trying to keep in line with everything else that we've enacted here over the years, and that is allowing the sale of beer and wine: in civic auditoriums, airlines, golf clubs, hotels, indoor ice skating rinks, indoor tennis clubs, performing arts centers, restaurants and vessels, and that's probably the only area left that our laws don't cover. That is perhaps because we've never had an outdoor auditorium such as this one that is being built right now. So what we've done from the original Bill is that we've limited this to commercially operated stadiums only with 5,000 or more seats and I am sure with a stadium of this magnitude there will be enough security personnel to supervise the consumption of liquor.

Another that there will be no sales occurring during secondary or school children events. There will be no liquor sold in the stands, it'll have to have a designated area, and also beer will have to be consumed in cups, there will be no cans or bottles. I think we've really ensured, as I said, safeguards to this Bill and it just adds one other area of already what we have going in the State. We've allowed every place to be able to sell some form of liquor and I think with this kind of support I think that we should allow the same thing, I think the supervision will be there and I'm not sure it is going to add any more problems on our streets and I would hope that you vote against the motion.

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

SENATOR HICHENS: Mr. President, the good Senator from Androscoggin, has stated that the liquor may not be sold in spectator stands but he does not say whether it can be taken back into the stands after they buy it. I have been up to Fenway Park many times and have not seen any beer sold in the stands but I have seen them come back with trays and share it with others and consume it themselves and a great many of them have been in an intoxicated condition before the game was half over. If this case happens down in these outdoor stadiums, how are these people going to leave the stadium sober?

THE PRESIDENT: Is the Senate ready for the question?

Will all those Senators in favor of Accepting the Minority Ought Not to Pass Report of the Committee, please rise in their places to be counted.

Will all those Senators opposed, please rise in their places to be counted.

13 Senators having voted in the affirmative and 15 Senators in the negative, the motion to Accept the Minority Ought Not to Pass Report of the Committee FAILED.

The Majority Ought to Pass Report was ACCEPTED.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

SECOND READERS

House

The Committee on BILLS IN THE SECOND

READING reported the following:

Bill, "An Act to Provide for the Transfer of Radio Common Carrier Franchises" H. P. 1454 L. D. 1906

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

House As Amended

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 (C. "A" H-458)

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

Senate

Bill, "An Act to Revise Provisions of the Medical Eye Care Program" S. P. 711 L. D. 1957

Bill, "An Act Concerning the Possession of Firearms by Felons" S. P. 697 L. D. 1937

Which were READ A SECOND TIME and PASSED TO BE ENGROSSED.

Sent down for concurrence.

Senate As Amended

Bill, "An Act to Grandfather Certain Existing Part-time Law Enforcement Officers from the Requirement to be Trained by the Maine Criminal Justice Academy" S. P. 672 L. D. 1856 (C. "A" S-284)

Which was READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended.

Sent down for concurrence.

Senate at Ease

The Senate called to order by the President.

Senator Brown of Washington was granted unanimous consent to address the Senate Off the Record.

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

**ENACTOR
Emergency**

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

AN ACT Revising the Maine Bank Holding Company Act. H. P. 1500 L. D. 1974

This being an emergency measure and having received the affirmative vote of 27 Members of the Senate, with 1 Senator having voted in the negative was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator PRAY of Penobscot, Adjourned until 10 o'clock tomorrow morning.