

# 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**

**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  
 In Senate Chamber  
 Monday  
 February 13, 1984

Senate called to Order by the President Pro Tempore Senator Pray.

Prayer by the Reverend Robert E. Canfield of the Free Methodist Church of Gardiner.

REVEREND CANFIELD: Let us Pray, Father, we read in Your Word that no man is sufficient of himself and all responsibilities that fall in our hand, we are conscious of the need of Divine Guidance, and then as we would operate as a group and as a unit, responsibility increases and the need is much more to call upon You.

We pray, Father, that You will be with each one and as we operate as a group in the meditations and the things that we agree and disagree upon, may all of it be done according to Your guidance in our lives.

May no item be too small, that we would feel that we do not need Your help and those things that have greater import, give strength and guidance and direction, for we ask in the name of our Lord Christ. Amen.

Reading of the Journal of Wednesday, February 8, 1984.

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

**Pursuant to the Statutes**

The Committee on AUDIT AND PROGRAM REVIEW, pursuant to the Revised Statutes, Title 3, Chapter 23 ask leave to submit its findings and to report that the accompanying Bill "An Act Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Laws," be referred to the Committee on AUDIT AND PROGRAM REVIEW for Public Hearing and Printed Pursuant to Joint Rule 18.

Which was READ and ACCEPTED.

The accompanying Bill referred to the Committee on AUDIT AND PROGRAM REVIEW pursuant to Joint Rule 18.

Sent down forthwith for concurrence.

**PAPERS FROM THE HOUSE  
 House Papers**

Bill, "An Act to Require Mortgagees to Pay Interest on Escrow Accounts" H. P. 1558 L. D. 2060

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 to Define Eligibility for School Purposes and to Determine Financial Responsibility for the Education of State Agency Clients" (Emergency) H. P. 1559 L. D. 2061

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

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

Sent down for concurrence.

Bill, "An Act to Provide for Licensure of Birthing Centers" H. P. 1560 L. D. 2062

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 Concerning Tax Exempt Status of Property owned by the Farmington Village

Corporation" H. P. 1561 L. D. 2063

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

On motion by Senator PEARSON of Penobscot referred to the Committee on TAXATION and ORDERED PRINTED, in non-concurrence. Sent down for concurrence.

Bill, "An Act to Amend the Charter of the Van Buren Light and Power District" (Emergency) H. P. 1562 L. D. 2064

Bill, "An Act to Amend the Charter of the Van Buren Water District" (Emergency) H. P. 1563 L. D. 2065

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

Which were referred to the Committee on PUBLIC UTILITIES and ORDERED PRINTED, in concurrence.

**COMMUNICATIONS**

The Following Communication:  
**COMMITTEE ON TRANSPORTATION**

February 9, 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 Transportation has had under consideration the nomination of Dana Connors of Presque Isle as the Commissioner of Transportation.

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	10
NAYS:		0
ABSENT:		0

Thirteen 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 Dana Connors of Presque Isle, as the Commissioner of Transportation be confirmed.

Sincerely,  
 S/ SENATOR PETER DANTON  
 Senate Chair  
 S/ REP. GEORGE CARROLL  
 House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT PRO-TEM: The Joint Standing Committee on TRANSPORTATION has recommended that the nomination of Dana Connors be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on PUBLIC UTILITIES 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 PRO-TEM: The Chair recognizes the Senator from Kennebec, Senator KANY.

SENATOR KANY: Thank you Mr. President and Members of the Senate. I intend to vote in favor of this confirmation, but I just wanted to publicly state that I would hope the new Commissioner would be willing to address a couple of very, very important issues, to the State of Maine, and one is the issue of hazardous bridges, which in my opinion, exists and has

not been looked into thoroughly yet.

The second problem, which I believe must be addressed, is the future of our railroad system.

THE PRESIDENT PRO-TEM: The Chair recognizes the Senator from Aroostook, Senator McBREAIRTY.

SENATOR McBREAIRTY: Mr. President and Honorable Members of the Senate. Dana Connors, as many of you all know, has presently been acting as City Manager of Presque Isle. He come from my Senate District and I think he is an excellent choice for our Commissioner of Transportation, and I commend the Governor highly for this appointment.

THE PRESIDENT PRO-TEM: Is the Senate ready for the question?

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

**ROLL CALL**

YEAS—None.

NAYS—Bustin, Charette, Clark, Danton, Diamond, Dow, Dutremble, Emerson, Erwin, Gill, Hayes, Hichens, Kany, McBreairty, Minkowsky, Pearson, Perkins, Pray, Redmond, Sewall, Shute, Teague, Trafton, Twitchell, Usher, Wood.

ABSENT—Baldacci, Brown, Carpenter, Collins, Najarian, Violette, The President—Gerard P. Conley.

No Senators having voted in the affirmative and 26 Senators having voted in the negative, with 7 Senators being absent, and None being less than two-thirds of the membership present, it was the vote of the Senate that the Committee's recommendation be Accepted.

The nomination of Dana Connors was Confirmed.

The Secretary has so informed the Speaker of the House.

The Following Communication: (S. P. 765)  
**COMMITTEE ON PUBLIC UTILITIES**

February 10, 1984

The Honorable John E. Baldacci  
 The Honorable Harry L. Vose  
 Chairmen, Committee on Public Utilities  
 111th Legislature  
 Augusta, Maine 04333  
 Dear Chairs:

Pleased be advised that Governor Joseph E. Brennan has nominated David H. Moscovitz of Whitefield for appointment as a Commissioner of the Public Utilities Commission.

Pursuant to Title 35 M.R.S.A. Section 1, this nomination will require review by the Joint Standing Committee on Public Utilities 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 PUBLIC UTILITIES.  
 Sent down for concurrence.

The Following Communication:  
**INDIAN TOWNSHIP TRIBAL GOVERNMENT**  
 February 8, 1984

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

This is to inform you that Wayne Newell, Tribal Representative from the Passamaquoddy Tribe to the Legislature, was designated as the officer to certify the Tribe's approval (or disapproval) of legislation of the State of Maine affecting Indians, to the Secretary of State, of the State of Maine when required to do so by the provisions of the U.S. Code, Title 25, section 1725(e).

Pursuant to the above I am pleased to inform you that the Joint Council of the Passamaquoddy Tribe gave its approval on January 23, 1984 to enact to extend the time the Passamaquoddy Tribe can purchase trust territory as provided in section 6205, sub-section A of the

Maine Implementary Act.

Sincerely,  
S/ DENNIS TOMAH  
Tribal Clerk

Which was READ and ORDERED PLACED ON FILE.

Sent down for concurrence.

#### SENATE PAPERS

Bill, "An Act to Provide for Tuberculin Testing of Cattle to Insure Out-of-state Markets for Maine" S. P. 766

Presented by Senator BUSTIN of Kennebec.

Cosponsors: Senator ERWIN of Oxford, Representative HALL of Sangerville, Representative McGOWAN of Pittsfield.

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

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

Sent down for concurrence.

Bill, "An Act to Amend the Maine Consumer Credit Code" S. P. 762 L. D. 2070

Presented by Senator CLARK of Cumberland.

Cosponsors: Representative RACINE of Biddeford, Representative H. MARTIN of Van Buren.

Submitted by the Department of Business, Occupational and Professional Regulation pursuant to Joint Rule 24.

Which was referred to the Committee on BUSINESS LEGISLATION and ORDERED PRINTED.

Sent down for concurrence.

Bill, "An Act Relating to Signs for Farm Market Sales" S. P. 768

Presented by Senator ERWIN of Oxford.

Cosponsors: Senator TWITCHELL of Oxford, Representative VOSE of Eastport, Representative SHERBURNE of Dexter.

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

Committee on BUSINESS LEGISLATION suggested.

On motion by Senator PEARSON of Penobscot, TABLED for 1 Legislative Day, pending REFERENCE.

#### PURSUANT TO STATUTES

Senator TRAFTON for the LOCAL LAND USE VIOLATION COMMISSION, pursuant to Public Law 1983, Chapter 458, Section 19 ask leave to submit its findings and report that the accompanying Bill, "An Act Relating to Enforcement of Land Use Laws" (S. P. 761) (L. D. 2069) be referred to the Committee on JUDICIARY for public hearing and Printed pursuant to Joint Rule 18.

Which Report was READ and ACCEPTED.

On motion by Senator PEARSON of Penobscot referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED pursuant to Joint Rule 18.

Sent down for concurrence.

Bill, "An Act to Limit the Authority of the Public Utilities Commission to Award Compensation to Intervenor" S. P. 763 L. D. 2071

Presented by Senator BALDACCI of Penobscot.

Cosponsors: Representative VOSE of Eastport, Representative WEYMOUTH of West Gardiner, Representative RIDLEY of Shapleigh.

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.

Bill, "An Act to Authorize the Sale of Certain State-owned Land" S. P. 767

Presented by Senator BUSTIN of Kennebec.

Cosponsors: Representative PARADIS of Augusta, Representative HICKEY of Augusta.

Submitted by the Department of Finance and Administration pursuant to Joint Rule 24.

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

Sent down for concurrence.

#### Senate At Ease

The Senate called to order by the President Pro-Tem.

Bill, "An Act to Avoid Lapsing Certain State Appropriated Public Transportation Funds" (Emergency) S. P. 764 L. D. 2072

Presented by Senator DANTON of York.

Cosponsors: Representative CARROLL of Limerick, Representative NADEAU of Lewiston, Representative CALLAHAN of Mechanic Falls.

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

Committee on TRANSPORTATION suggested.

On motion by Senator DANTON of York referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

Sent down for concurrence.

#### COMMITTEE REPORTS

##### House

##### Leave to Withdraw

The following LEAVE TO WITHDRAW reports shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Bill, "An Act to Establish the Maritime Territory of the State of Maine and to Amend the Law Relating to the Taxation of Watercraft" (Emergency) H. P. 1470 L. D. 1922

Bill, "An Act to Create a Watercraft User Fee" (Emergency) H. P. 1523 L. D. 2005

##### Ought to Pass - As Amended

The Committee on HEALTH AND INSTITUTIONAL SERVICES on Bill, "An Act to Amend the Statute Governing the Licensing of Child Placing Agencies" H. P. 1449 L. D. 1901

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-466).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-466).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-466) was READ and ADOPTED, in concurrence.

The Bill as Amended TOMORROW ASSIGNED FOR SECOND READING.

The Committee on HEALTH AND INSTITUTIONAL SERVICES on Bill, "An Act Relating to Public Guardianship and Disclosure of Information" H. P. 1466 L. D. 1918

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-465).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-465).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-465) was READ and ADOPTED, in concurrence.

The Bill as Amended TOMORROW ASSIGNED FOR SECOND READING.

The Committee on LABOR on Bill, "An Act to Prevent Unfair Charges for Submitting Applications for Work" (Emergency) H. P. 1469 L. D. 1921

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-464).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO

BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-464).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-464) was READ and ADOPTED, in concurrence.

The Bill as Amended TOMORROW ASSIGNED FOR SECOND READING.

#### Senate Ought to Pass

Senator TWITCHELL for the Committee on LOCAL AND COUNTY GOVERNMENT on Bill, "An Act to Clarify the Law Concerning Certain Appeals from Planning Board Decisions" S. P. 663 L. D. 1853

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

#### SECOND READERS

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

##### House

Bill, "An Act to Allow Coordination of Services to Preschool Handicapped Children Below the Age of 3 Years" H. P. 1464 L. D. 1916

Bill, "An Act to Reenact a Provision for Protective Orders in Crimes Between Family Members" (Emergency) H. P. 1396 L. D. 1819

Bill, "An Act to Amend the Probate Code to Provide for Temporary Guardianships Under Certain Emergency Conditions" H. P. 1430 L. D. 1875

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

##### Senate

Bill, "An Act to Replace References to Regional Presiding Justice with Chief Justice of the Superior Court" S. P. 660 L. D. 1850

Bill, "An Act to Amend the Composition of the Judicial Council" S. P. 656 L. D. 1857

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

Sent down for concurrence.

#### Senate — As Amended

Bill, "An Act Concerning Public Utility Commission Approval of Temporary Rate Changes" S. P. 671 L. D. 1855 (C. "A" S-286)

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

Sent down for concurrence.

#### ORDERS OF THE DAY

The President Pro-Tem laid before the Senate:

Bill, "An Act to Amend the Liquor Laws to Permit the Sale of Beer and Wine at Outdoor Stadiums" S. P. 752 L. D. 2055

Tabled—February 7, 1984, by Senator PRAY of Penobscot.

Pending—PASSAGE TO BE ENGROSSED.

(In Senate February 6, 1984 READ A SECOND TIME.)

On motion by Senator PEARSON of Penobscot RETABLED for 1 Legislative Day.

#### (Off Record Remarks)

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