

# 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  
Tuesday  
February 21, 1984

Senate called to Order by the President.

Prayer by Monsignor David K. Fitzpatrick of the St. Andrews Catholic Church of Augusta.

MONSIGNOR FITZPATRICK: Let us pray. Almighty God, Father of all mankind, we ask You today to look kindly on this assembled Body and shower all present with Your blessing.

We are gathered here in the spirit of service to all the citizens of our great State. Help us to be mindful of the great trust that is ours, that our actions will guarantee the rights of all our people.

We pray this morning that truth and justice will be the principles that guide us. Always prompt us to see clearly the needs of those around us and motivate us to find solutions to them, putting aside all pettiness and self-interest.

We ask God's special blessings so that all that transpires here may shine forth as evidence that we share Your gift of wisdom in guaranteeing that law exists for the benefit and the protection of all the members of our community. Amen.

Reading of the Journal of Friday, February 17, 1984.

Off Record Remarks

PAPERS FROM THE HOUSE  
Pursuant to the Statutes

Forest Fire Control Advisory Council

The Forest Fire Control Advisory Council pursuant to Public Law 1983, chapter 556, section 22 ask leave to submit its findings and to report that the accompanying Bill "An Act to Amend the Forest Fire Control Laws and Change the Method of Funding Forest Fire Control Services" (Emergency) (H. P. 1581) (L. D. 2093) be referred to the Joint Standing Committee on TAXATION 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 TAXATION and ORDERED PRINTED.

Which Report was READ and ACCEPTED in concurrence.

The Bill referred to the Committee on TAXATION and ORDERED PRINTED in concurrence.

COMMUNICATIONS

The Following Communication: (H. P. 1585)

STATE OF MAINE  
House of Representatives  
Speaker's Office  
Augusta, Maine 04333

February 13, 1984

Hon. Edwin H. Pert  
Clerk of the House  
State House Station 2  
Augusta, Maine 04333

Dear Clerk Pert:

This is to notify you that I have today appointed Richard W. Smith, of Bath, to serve as a member of the Commission on Governmental Ethics and Election Practices pursuant to my authority under Title 1, M.R.S.A., sub-section 1002.

Sincerely,  
S/JOHN L. MARTIN  
Speaker of the House

Comes from the House READ and ORDERED PLACED ON FILE.

Which was READ and ORDERED PLACED ON FILE, in concurrence.

The Following Communication: (H. P. 1584)  
State of Maine

House of Representatives  
MAJORITY OFFICE  
Augusta, Maine 04333

February 13, 1984

Honorable Edwin H. Pert  
Clerk of the House  
State House  
Augusta, Maine 04333

Dear Clerk Pert:

In accordance with 1 M.R.S.A., Section 1002, sub-section 1B, I have the honor of presenting to the House of Representatives the nomination of Jerome B. Goldsmith, 116 Hammond Street, Bangor, Maine, to the Commission on Governmental Ethics and Election Practices.

I feel Mr. Goldsmith will contribute a great deal to this Commission and respectfully ask the House to confirm this nomination.

Sincerely,  
S/ELIZABETH H. MITCHELL  
Majority Floor Leader

Comes from the House READ and ORDERED PLACED ON FILE.

Which was READ and ORDERED PLACED ON FILE, in concurrence.

The Following Communication (H. P. 1570)  
State of Maine

House of Representatives  
HOUSE MINORITY OFFICE  
Augusta, Maine 04333

February 13, 1984

Honorable Edwin H. Pert  
Clerk of the House  
State House  
Augusta, ME 04333

Dear Clerk Pert:

In accordance with 1 MRSA Section 1002, sub-section 1-B, I have the honor of presenting to the House of Representatives the name of Robert Marden of Waterville for renomination to the Commission on Governmental Ethics and Election Practices.

The Commission has had the benefit of Mr. Marden's ability and experience these past two years, and I believe he will continue to serve in an outstanding manner. Therefore, I respectfully request that the House confirm this nomination.

Sincerely,  
S/LINWOOD M. HIGGINS  
Republican Floor Leader

Comes from the House READ and ORDERED PLACED ON FILE.

Which was READ and ORDERED PLACED ON FILE, in concurrence.

The Following Communication (S. P. 777)  
111th Maine Legislature

February 17, 1984

The Honorable Paul E. Violette  
The Honorable Dan A. Gwadodsky  
Chairpersons, Committee on  
State Government  
111th Legislature  
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated Kathleen A. Boland of Hallowell as the Executive Director of the Maine State Housing Authority.

Pursuant to Title 30, MRSA Section 4602, this nomination will require review by the Joint Standing Committee on State Government and confirmation by the Senate.

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 STATE GOVERNMENT.  
Sent down for concurrence.

The Following Communication:  
State of Maine

DEPARTMENT OF TRANSPORTATION

February 16, 1984

The Honorable Gerard P. Conley

President of the Senate  
The Honorable John L. Martin  
Speaker of the House  
State House

Augusta, Maine 04333

Dear President Conley and Speaker Martin:

I am pleased to transmit herewith the **Motor Carrier Compact Report**, prepared by the Maine Department of Transportation in accordance with Public Law 1983, Chapter 480, Section 21. The report outlines the considerable progress to date in the formation of Motor Carrier Tax Compacts, and it discusses Maine's intention to join the Regional Fuel Tax Agreement with the States of New Hampshire, Vermont, and Connecticut. Legislation is being drafted to permit Maine's joining this compact.

The appendices to the report contain the text of the Regional Fuel Tax Agreement, and the changes in the Maine law that are necessary to fully implement the agreement, and also to equalize the treatment between vehicles subject to the agreement and those vehicles that are not.

Additional copies of the report are available upon request.

Very truly yours,  
S/DANIEL WEBSTER, Jr.  
Acting Commissioner

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

The Following Communication (S. P. 780)  
111th Maine Legislature

February 17, 1984

The Honorable Edgar E. Erwin  
The Honorable John M. Michael  
Chairpersons, Committee on Agriculture  
111th Legislature  
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated Sandra K. Brennan of Houlton, Cheryl Kelly of St. Francis, Lawrence J. Keddy of South Windham, and Harold W. Higgins of Belfast as Humane Society representatives; Raynor I. Crosman of Corinna, Jesse Harriman, Jr. of Richmond, Bradford Tait of North Whitefield, and Donald W. Buzzell of Fryeburg as Agriculture representatives; and Russell Pinfold, D.V.M. of Brunswick as the Veterinarian representative of the Animal Welfare Board.

Pursuant to Title 17, MRSA Section 1051, these nominations will require review by the Joint Standing Committee on Agriculture 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 AGRICULTURE.  
Sent down for concurrence.

Senate Papers

Bill "An Act to Ensure Universal Telephone Service for Maine People" S. P. 778 L. D. 2097  
Presented by Senator BALDACCI of Penobscot.

Cosponsors: Representative MOHOLLAND of Princeton, Representative BENOIT of S. Portland, Representative Z. MATTHEWS of Winslow.

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

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

Bill "An Act to Amend the Laws Concerning Commercial Whitewater Rafting" S. P. 779 L. D. 2098

Presented by Senator PEARSON of Penobscot.

Cosponsors: Representative McGOWAN of Pittsfield, Senator USHER of Cumberland, Re-

presentative JACQUES of Waterville.

Which was referred to the Joint Select Committee on WHITEWATER RAFTING 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 Establish the Boundary Between the Town of Burnham in the County of Waldo and the Town of Clinton in the County of Kennebec and Between the Town of Burnham in the County of Waldo and the Town of Pittsfield in the County of Somerset" H. P. 1389 L. D. 1814

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.

##### Ought to Pass in New Draft

The Committee on PUBLIC UTILITIES on Bill "An Act to Authorize the Public Utilities Commission to Return to Firm Customers the Profits from Sales of Gas to Interruptible Users" H. P. 1452 L. D. 1904

Reported that the same OUGHT TO PASS in NEW DRAFT under same title: (Emergency) H. P. 1578 L. D. 2088

Comes from the House, the Report READ and ACCEPTED and the Bill in NEW DRAFT PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

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 LABOR on Bill "An Act to Clarify Return to Work Provisions Under the Workers' Compensation Law" H. P. 1402 L. D. 1824

Reported that the same OUGHT TO PASS. Signed:

Senators: DUTREMBLE of York  
HAYES of Penobscot

Representatives: WILLEY of Hampden  
BONNEY of Falmouth  
ZIRNKITLON of  
Mount Desert  
ROBINSON of Auburn

Comes from the House with the Majority OUGHT TO PASS Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED.

Which Reports were READ.

The Majority OUGHT TO PASS Report was ACCEPTED, in concurrence.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

#### Senate

##### 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:

Resolve, Authorizing the Town of Bingham to Dredge, Restore and Establish a Suitable Water Level for Meadow Brook Within the Town S. P. 772 L. D. 1994

### SECOND READERS

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

#### House

Bill "An Act Concerning Income Derived from Public Reserved Lots" H. P. 1517 L. D. 1998

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

#### Senate

Bill "An Act Concerning Repeal of Commercial Fishing for Atlantic Salmon in the St. Croix River" S. P. 686 L. D. 1893

Bill "An Act Defining Rehabilitation of Existing Building Projects under the Municipal Securities Approval Program" (Emergency) S. P. 776 L. D. 2094

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

Sent down for concurrence.

#### ENACTORS

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

AN ACT to Amend the Statute Governing the Licensing of Child Placing Agencies H. P. 1449 L. D. 1901 (C "A" H-466)

Which was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

#### Emergency

AN ACT Relating to Public Guardianship and Disclosure of Information H. P. 1466 L. D. 1918 (C "A" H-465)

This being an emergency measure and having received the affirmative vote of 29 Members of the Senate, with No Senators 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.

#### Emergency

AN ACT to Prevent Unfair Charges for Submitting Applications for Work H. P. 1469 L. D. 1921 (C "A" H-464)

This being an emergency measure and having received the affirmative vote of 29 Members of the Senate, with No Senators 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.

#### Senate at Ease

The Senate called to order by the President.

#### (Off Record Remarks)

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

SENATOR HITCHENS: Thank you Mr. President. It is not usually my custom to honor a birthday when it comes on an off-session day, but this year we have a double exposure and so I felt it very appropriate that I would bring to your attention the birthdays of two of our colleagues which took place on Sunday. Unfortunately, one of those Senators didn't show up this morning, maybe he had wind that I was going to do something like this, but I would like to share this with you.

According to my records we celebrate today the birthdays of two colleagues—who've come along the way to serve their district residents for their first Senate term and have made a good impression as the Senate Rules they learn. One came from some experience from service in the House while the other listened carefully to his Representative spouse and quickly settled down to meet the challenges we face in making firm decisions and keeping things in place. There's quite a difference in their age but both have lots of pep and with their fellow Senators—their easily kept in step. As Chair of the Committee on Audit and Review and member of Transportation—one finds a lot to do. While the other finds with Agriculture—there is much to learn about potatoes, pesticides, dog lovers

he cannot spurn. And he's found out like all of us—there's always something new to keep us on our toes each day—there's always much to do and one gets out of service just about what he puts in. And though it seems a losing game—once in a while you win, so with these words of wisdom please join with me today in wishing these two Senators—the best along life's way. The Senator from Rumford—and the one from Windham too Ed Erwin and Bill Diamond—Happy Birthday—Both of you.

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 Concerning Desecration and Vandalism of Religious and other Institutions" H. P. 1579 L. D. 2090

Bill "An Act Concerning Computer Access H. P. 1580 L. D. 2091

Come from the House referred to the Committee on JUDICIARY and ORDERED PRINTED.

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

Bill "An Act to Require All Drivers Under the Age of 20 Years to Complete an Approved Defensive Driving Course" H. P. 1582 L. D. 2096

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

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

#### Off Record Remarks

On motion by Senator Pray of Penobscot Recused until the sound of the Bell

#### Recess

#### After Recess

The Senate called to order by the President.

#### Off Record Remarks

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

### PAPERS FROM THE HOUSE

#### Non-concurrent Matter

Bill "An Act Relating to Eligibility for Interscholastic Secondary School Athletics" H. P. 1573 L. D. 2083

(In Senate February 15, 1984 PASSED TO BE ENACTED in concurrence)

(Recalled Pursuant to Joint Order H. P. 1587)

Comes from the House, Committed to the Committee on EDUCATION in non-concurrence.

The Senate RECEDED and CONCURRED, with the House.

Senator Redmond of Somerset was granted unanimous consent to address the Senate, On the Record.

SENATOR REDMOND: There will be a Farm Bureau trip tomorrow and they will be visiting a sheep farm in South China and a dinner will be served at the Grange in Augusta here. There will be a car available for people having to return early. They will start from the parking lot at around 10:00.

If they want more information they could contact Eddie Dexter.

#### Off Record Remarks

On motion by Senator Carpenter of Aroostook Adjourned until Thursday, February 23, 1984 at 10 o'clock in the morning.