

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 23, 1984

Senate called to Order by the President.

Prayer by the Reverend Canon Charles E. Karsten, Jr., of the Christ Episcopal Church of Gardiner.

REVEREND CANON KARSTEN: In a moment of silence let us offer this great State of ours into the nearer presence of God, and ask Him or Her to bless it, and especially to remember all who are at home now and keep us in His tender mercy and love.

Almighty God, who has given us this good land for our heritage, we humbly beseech Thee that we may always prove ourselves a people mindful of Thy favor and glad to do Thy will. Save us from violence, discord and confusion, from pride and arrogance, and from every evil way. Defend our liberties and fashion into one united people the multitudes brought hither out of many kindred and tongues. We beseech You to guide and bless this Senate, that we may enact such laws as shall please Thee, to the Glory of Your name and the welfare of Your people and help us in the midst of our struggles for justice and truth to confront one another without hatred or bitterness and to work together with mutual forbearance and respect.

In this we ask in God's name. Amen.

Reading of the Journal of Tuesday, February 21, 1984.

Senator Hichens of York was granted unanimous consent to address the Senate, Off the Record.

Off Record Remarks

Papers From the House House Papers

Bill "An Act to Amend the Statutes Relating to Handicapping Conditions Under the Human Services Law" H. P. 1589 L. D. 2099

Committee on HEALTH AND INSTITUTIONAL SERVICES suggested.

Comes from the House referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

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

Bill "An Act to Improve the Functioning of the Neutral Processes in Maine's Labor Relations Laws" H. P. 1590 L. D. 2100

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

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

Bill "An Act to Exempt Nonprofit Emergency Feeding Organizations from the Sales Tax" H. P. 1591 L. D. 2101

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.

Study Report

Committee on ELECTION LAWS

Report of the Committee on ELECTION LAWS to which was referred by the Legislative Council the Study Relative to Recodification of the State Election Laws, Title 21, and Consideration of Needed Substantive Reforms have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Provide Voter Information on Ballot Questions" (H. P. 1588)

(L. D. 2095) be referred to the Joint Standing Committee on ELECTION LAWS for Public Hearing and printed pursuant to Joint Rule 19.

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

Which Report was READ and ACCEPTED, in concurrence.

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

Communications

The Following Communication: (S. P. 793)

THE SENATE OF MAINE

Augusta, Maine

February 22, 1984

Senator Gerard P. Conley

President, Maine Senate

State House

Augusta, Maine 04333

Dear Senator Conley:

In accordance with 1 MRSA Section 1002, sub-section 1-B, I have the honor of presenting to the Maine Senate the name of Lauretta Rush of Millinocket for nomination to the Commission on Governmental Ethics and Election Practices.

Sincerely,

S/CHARLES P. PRAY

Senate Majority Leader

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: Is it now the pleasure of the Senate to confirm this nomination? In accordance with M.R.S.A. 1, Chapter 25, Sub-section 1002 this nomination requires the affirmative vote of two-thirds of the membership present and voting.

Will all those Senators in favor of this confirmation, please rise and stand in their places until counted?

Will all those Senators opposed, please rise and stand in their places to be counted?

28 Senators having voted in the affirmative and No Senators having voted in the negative, and 28 being more than two-thirds of the Senators present it was the vote of the Senate that the nomination of Lauretta Rush be Confirmed.

Sent down for concurrence.

The Following Communication: (S. P. 794)

111th Legislature

February 22, 1984

The Honorable Paul E. Violette

The Honorable Dan A. Gwadodsky

Chairpersons, Committee on Judiciary

111th Legislature

Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated J. Gregory Freeman of Presque Isle to the Natural Resources Financing and Marketing Committee.

Pursuant to Title 10 MRSA Section 985, this nomination will require review by the Joint Standing Committee on State Government 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 STATE GOVERNMENT.

Sent down for concurrence.

Senate Papers

Bill "An Act Making Additional Allocations for the Expenditures of State Government in Response to an increase in the United States Department of Energy's Grant Award for the Program of Weatherization Assistance for Low-income Persons for Fiscal Year Ending June 30, 1984" (Emergency) S. P. 792

Presented by Senator WOOD of York.

Cosponsors: Representative MASTERTON of Cape Elizabeth, Representative ROLDE of York, Representative LISNIK of Presque Isle.

Bill "An Act to Update, Revise, Expand and Publish Williamson's Bibliography of Maine" S. P. 781

Presented by Senator WOOD of York.

Cosponsored by Representative LIVESAY of Brunswick.

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

Resolve, "to Fund a History of the Town of Weston" S. P. 782

Presented by Senator CARPENTER of Aroostook.

Cosponsored by Representative MOHOLLAND of Princeton.

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

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

Sent down for concurrence.

Bill "An Act Relative to Group Legal Insurance" S. P. 784

Presented by Senator SEWALL of Lincoln.

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

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

Sent down for concurrence.

Bill "An Act to Strengthen the Audit and Program Review Processes" S. P. 783

Presented by Senator DIAMOND of Cumberland.

Cosponsored by Senator PRAY of Penobscot, Representative ROLDE of York.

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

Which was referred to the Committee on AUDIT AND PROGRAM REVIEW and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Provide for Filling Vacancies in the Office of Presidential Electors Nominated by Petition" S. P. 785

Presented by Senator PEARSON of Penobscot.

Cosponsors: Representative NADEAU of Lewiston, Representative ROBERTS of Buxton, Representative CAHILL of Woolwich.

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

Which was referred to the Committee on ELECTION LAWS and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act Concerning Maine Farm Wineries" S. P. 787

Presented by Senator PERKINS of Hancock.

Cosponsors: Senator BROWN of Washington, Representative SWAZEY of Bucksport, Senator CHARETTE of Androscoggin.

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 Requiring Proof of Financial Responsibility for Persons Who Have Been Convicted Under the Drunk Driving Laws" S. P. 786

Presented by Senator DIAMOND of Cumberland.

Cosponsored by Senator PEARSON of Penobscot, Senator TWITCHELL of Oxford.

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

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

Sent down for concurrence.

Off Record Remarks

Bill "An Act to Authorize Washington County to Raise \$1,400,000 for Renovations and Additions to the Washington County Jail" S. P. 788

Presented by Senator BROWN of Washington
Cosponsors: Representative VOSE of Eastport, Representative RANDALL of East Machias, Representative MOHOLLAND of Princeton.

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

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

Sent down for concurrence.

Bill "An Act Pertaining to the Disposition of Surplus Real Estate" S. P. 789.

Presented by Senator VIOLETTE of Aroostook.

Cosponsor: Representative GWADOSKY of Fairfield.

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

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

Sent down for concurrence.

Bill "An Act to Encourage the Use of Wood as a Source of Energy in State-owned Buildings" (Emergency) S. P. 790

Presented by Senator PEARSON of Penobscot.

Cosponsors: Representative COOPER of Windham, Representative MAYO of Thomaston, Representative J. MITCHELL of Freeport.

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

Committee on STATE GOVERNMENT suggested.

On motion by Senator Pray of Penobscot Tabled for 1 Legislative Day, pending REFERENCE.

Bill "An Act to Authorize a Bond Issue in the Amount of \$3,000,000 for the Improvement and Reconstruction of Town Bridges and Their Approaches Located on State Aid Roads" S. P. 791

Presented by Senator KANY of Kennebec.

Cosponsors: Senator TWICHELL of Oxford, Representative E. MITCHELL of Vassalboro, Representative DAGGETT of Manchester.

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

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

Sent down for concurrence.

Off Record Remarks

Senator REDMOND of Somerset was granted unanimous consent to address the Senate relative to: SLS 355 A Joint Order recognizing C. Charles Lumbert of Moose River.

SENATOR REDMOND: Members of the Senate, it's an honor and a pleasure for me to sponsor this order for C. Charles Lumbert. He is the recipient of the "Safety Man of the Year Award" for operating the safest mill in all the membership of the Northern Woods Logging Association, (their headquarters are located in Jackman).

Now, his name is placed in nomination for the Safety Award in the Northeast which is made each year by the Northeastern Logging Association who's headquarters are located in Old Forge, New York.

It's worth it to mention that Charlie Lumbert has moved the shut down saw mill from the distance of 30 miles in the woods and he moved it into this community of Moose River and has modernized it. It is consistently producing some lumber from our Spruce forests in the

area and is providing several jobs. I think in times where the workers' comp is in so much trouble and I think that where the lumber business and saw mill business has a reputation of being one of the highest in accidents, I think that it's quite an honor to present this award.

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 Amend the Law Regarding Immunization of Dogs Against Rabies as a Prerequisite to Licensing." H. P. 1418 L. D. 1863

Senate

Ought to Pass As Amended

Senator CARPENTER for the Committee on HEALTH AND INSTITUTIONAL SERVICES on Bill "An Act to Amend Certain Rules of the Emergency Medical Services" S. P. 709 L. D. 1955

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-290)

Which Report was READ.

On motion by Senator Carpenter of Aroostook, TABLED for 1 Legislative Day, pending Acceptance of the Committee Report.

SECOND READERS

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

House

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

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

Bill "An Act to Authorize the Public Utilities Commission to Return to Firm Customers the Profits from Sales of Gas to Interruptible Users" (Emergency) H. P. 1578 L. D. 2088

Which were 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:

AN ACT Concerning Public Utility Commission Approval of Temporary Rate Changes S. P. 671 L. D. 1855 (C "A" S-286)

AN ACT to Amend the Composition of the Judicial Council S. P. 656 L. D. 1857

AN ACT to Clarify the Fair Apportionment of the Cost of Canceled Generating Facilities H. P. 1408 L. D. 1830

AN ACT to Amend the Statutes Governing the Licensing of Children's Homes H. P. 1557 L. D. 2056

Which were PASSED TO BE ENACTED and having been signed by the President, were 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:

COMMITTEE REPORTS

House

Ought to Pass

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS ON Bill "An Act to Fund and Implement Certain Collective Bargaining Agreements and to Fund and Implement Benefits for Certain State Employees Excluded from Collective Bargaining" (Emergency) H. P. 1554 L. D. 2033

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 PRESIDENT: Is it the pleasure of the Senate that under suspension of the rules, that the Bill be given its Second Reading at this time without reference to Committee?

It is a vote.

Under Suspension of the rules, the Bill READ A SECOND TIME.

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

SENATOR PEARSON: Mr. President, I wonder if somebody could be kind enough to tell me which bargaining group this is and the percentage of the raise that isn't in the Bill?

THE PRESIDENT: The Chair recognizes the Senator from Washington, Senator Brown.

SENATOR BROWN: In reference to the good Senator from Penobscot, Senator Pearson's question, that's the Council 74, the American Federation of State, County, and Municipal Employees for the International Services Bargaining Unit.

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

SENATOR PEARSON: Mr. President, I would like to know what percentage raise this is reflected over the previous amount of money that they have received?

THE PRESIDENT: The Senator from Penobscot, Senator Pearson, has posed a question through the Chair to any member of the Senate who may respond if they so desire.

The Chair recognizes the Senator from Washington, Senator Brown.

SENATOR BROWN: Mr. President, again in reference to the good Senator's question, this represents three and one-half percent increase over the previous.

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

SENATOR PEARSON: Mr. President, Members of the Senate, there is a method to my madness and that is to tell the Senate the percentage raised because in the Fisheries and Wildlife Department's projected budget increase for wage settlements for the next year, they have projected a five and one-half percent increase. I have all along thought that that was too high, said it reflected too conservative a view on the part of that Department and that, indeed, it might mean that they have more money than they are saying that they do have, given the fact that most settlements are not that high.

Which was PASSED TO BE ENGROSSED, in concurrence.

Sent forthwith to the Engrossing Department.

Off Record Remarks

Senate at Ease

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

Joint Order

The Following Joint Order (H. P. 1600) ORDERED, the Senate concurring, that the Joint Select Committee on Commercial Whitewater Rafting, established pursuant to 1983, S. P. 505, be reestablished pursuant to Joint Rule 16

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

Senator Collins of Knox was granted un-

animous consent to address the Senate, Off the Record.

Senate At Ease

The Senate called to order by the President.

On motion by Senator Carpenter of Aroostook, Adjourned until 8:30 o'clock tomorrow morning.
