

# 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  
Friday  
February 24, 1984

Senate called to Order by the President.  
Prayer by the Reverend William Burnside Miller of the First Universalist Churches of Norway and South Paris.

REVEREND MILLER: Over fifteen hundred years ago the Hindu poet Kalidasa uttered these words: "Look to this day for it is life the very life of life. In its brief course lie all the varieties and realities of our existence: the bliss of growth, the glory of action, the splendor of beauty. For yesterday is but a dream and tomorrow is only a vision, but today well lived makes every yesterday a dream of happiness and every tomorrow a vision of hope. Look well, therefore, to this day."

As the early morning light streams through the windows of this beautiful and hallowed place, a true temple of democracy and representative forum of the people may we give thanks for all the great and good opportunities resident in this day.

O'God, once again, we have been granted this special privilege and responsibility of being tested by our fellow human beings and the experiences of life itself. We pray that we might not be found wanting as we attempt to do the right as we are given to understand it.

On this day we ask Thy special blessing, O'Lord, on all the members of this Senate of the great State of Maine may their deliberations be ennobled by a genuine concern for the good of all citizens. May they truly know that all Thy children must live together as brothers and sisters who care about one another. When one of us hungers we all hunger, when one of us is weary we are all fatigued. We are our brothers and sisters keeper, our neighbors comprised by our larger selves.

May the people of this exalted Body find joy in discharging the sacred and solemn trust placed in their hands. May they be blessed with wisdom, compassion, courage and strength.

On this day, O'God, we pray that Thou might continue to bless and prosper the Senate of the State of Maine and all of the citizens it serves. Amen.

Reading of the Journal of Yesterday.

Off Record Remarks

PAPERS FROM THE HOUSE  
Non-concurrent Matter

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

(In Senate February 13, 1984 PASSED TO BE ENGROSSED.)

Comes from the House, RECOMMENDED TO THE COMMITTEE ON JUDICIARY IN NON-CONCURRENCE.

The Senate RECEDED and CONCURRED with the House.

House Papers

Bill "An Act to Provide Funds for an Increase in the Aid to Families with Dependent Children's Standard of Need" H. P. 1593 L. D. 2103

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 Relating to Medicaid Reimbursement Rates for Ambulance Services" (Emergency) H. P. 1594 L. D. 2104

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 to Amend the Charter of the Kingfield Water Company to Increase the Number of Trustees from 3 to 5" (Emergency) H. P. 1595 L. D. 2105

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

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

COMMUNICATIONS

The Following Communication: (S. P. 796)

STATE OF MAINE  
Senate Chamber  
President's Office

February 22, 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 and ORDERED PLACED ON FILE.

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

Will all those Senators in favor of the Confirmation of Daniel P. Barrett of Portland to the Commission on Governmental Ethics and Election Practices, please rise and remain standing in their places to be counted.

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

25 Senators having voted in the affirmative and No Senators having voted in the negative, and 25 being more than two-thirds of the Senators present it was the vote of the Senate that the nomination of Daniel P. Barrett, be Confirmed.

Sent down for concurrence.

The Following Communication:

DEPARTMENT OF HUMAN SERVICES

February 9, 1984

TO: Members of the 111th Maine Legislature and Interested Citizens  
FROM: Michael R. Petit, Commissioner, Department of Human Services.

It is with great pleasure the Department of Human Services presents the enclosed report to the members of the 111th Legislature.

This report, on Maine's Welfare Employment, Education and Training Program is required by 22 MRSA Sub-Section 3778. This law authorizes the Department of Human Services to carry out a Work Incentive Demonstration Program, pursuant to the U.S. Social Security Act, Title VI-C Section 445, and consistent with the requirements and intent of Maine's Job Opportunities Act of 1981.

If you would like additional information about the WEET Program, or additional copies of the enclosed brochure, please contact Sarah Shed, Acting Director, Division of Welfare Employment at 289-2636.

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

COMMITTEE REPORTS

House

Ought Not To Pass

The following OUGHT NOT TO PASS reports shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint

Rules:

Bill "An Act to Require Commercial Establishments Operating Microwave Ovens to Provide Notice to the Public" H. P. 1492 L. D. 1967

Bill "An Act to Require Motorcycle Drivers to be Insured for Hospital Costs" H. P. 1506 L. D. 1981

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 Clarify the Reciprocity Provisions of Maine's Interstate Banking Act" (Emergency) H. P. 1472 L. D. 1933

Bill "An Act to Regulate the Practice of Therapeutic Massage" H. P. 1526 L. D. 2013

Bill "An Act to Prohibit the Use of Paravanes in the Coastal Waters of Maine by any vessel that is under Propulsion" H. P. 1522 L. D. 2004

Ought to Pass As Amended

The Committee on LOCAL AND COUNTY GOVERNMENT on Bill "An Act to Enable the City of Portland to Charge Reasonable Interest on Delinquent Sewer Accounts" H. P. 1532 L. D. 2009

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-472).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-472).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-472) was READ and ADOPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-472) was READ and ADOPTED, in concurrence.

The Bill as Amended TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass in New Draft under New Title

The Committee on STATE GOVERNMENT on 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

Reported the same Ought to Pass in New Draft under New Title Resolve, to Authorize the Public Advocate to Intervene in Workers' Compensation Proceedings Before the Superintendent of Insurance (Emergency) H. P. 1601 L. D. 2106

Comes from the House with the Report READ and ACCEPTED and the Resolve, in NEW DRAFT under NEW TITLE, PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

The Resolve, in NEW DRAFT under NEW TITLE, READ ONCE.

THE PRESIDENT: Is it the pleasure of the Senate that this Bill be given its Second Reading at this Time?

It is a vote.

Under suspension of the rules the Bill READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended, in concurrence.

THE PRESIDENT: Is it the pleasure of the Senate, that this Resolve be sent forthwith to the Engrossing Department?

The Chair recognizes the Senator from Penobscot, Senator Pray.

SENATOR PRAY: Mr. President a parliamentary inquiry as to whether or not this Resolve is ready to be sent to the other Body?

THE PRESIDENT: The Chair would state that the Resolve is presently in the Engrossing form as to whether or not the Resolve has been pre-engrossed I am not sure. If it has been it

would go forthwith to the other Body.

Sent forthwith to the Engrossing Department.

**Senate  
Ought to Pass**

Senator NAJARIAN for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Appropriate Funds to the Maine State Commission on the Arts and the Humanities for the Maine Touring Artists Program" (Emergency) S. P. 703 L. D. 1941

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

Senator NAJARIAN for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Resolve, Providing Funds for Portrait of Honorable Lewis O. Barrows S. P. 705 L. D. 1952

Reported that the same Ought to Pass

Which Report was READ and ACCEPTED.

The Resolve READ ONCE.

The Resolve TOMORROW ASSIGNED FOR SECOND READING.

Senator TRAFTON for the Committee on JUDICIARY on Bill "An Act to Amend Certain District Court Divisions and Districts" S. P. 653 L. D. 1844

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

**Ought to Pass as Amended**

Senator NAJARIAN for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Appropriate to the Maine State Commission on the Arts and the Humanities Fund for the Management of the Percent for Art Act" (Emergency) S. P. 692 L. D. 1924

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-291).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-291) was READ and ADOPTED.

The Bill as Amended TOMORROW ASSIGNED FOR SECOND READING.

Senator SEWALL for the Committee on LABOR on Bill "An Act to Amend Certain Sections of the Law Related to the Department of Labor" S. P. 731 L. D. 2017

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-292).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-292) was READ and ADOPTED.

The Bill as Amended TOMORROW ASSIGNED FOR SECOND READING.

**Off Record Remarks**

**ENACTORS**

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

AN ACT to Clarify the Law Concerning Certain Appeals from Planning Board Decisions S. P. 663 L. D. 1853

AN ACT Relating to Conferring of Degrees by the Yacht Design Institute Schools S. P. 706 L. D. 1953 (C "A" S-288)

AN ACT to Enable Communities to Establish Town Forest Reserve Accounts H. P. 1435 L. D. 1880 (C "A" H-469)

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

AN ACT Concerning Income Derived from Public Reserved Lots H. P. 1517 L. D. 1998

On motion by Senator NAJARIAN of Cumberland placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

**Emergency**

AN ACT to Fund and Implement Certain Collective Bargaining Agreements and to Fund and Implement Benefits for Certain State Employees Excluded from Collective Bargaining H. P. 1554 L. D. 2033

This being an emergency measure and having receiving the affirmative vote of 28 Members of the Senate, with No Senators having voted in 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 Relating to Conferring Degrees by Thomas College H. P. 1393 L. D. 1816

This being an emergency measure and having received the affirmative vote of 29 Members of the Senate, with No Senators having voted in 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 Remove the Retirement Age Restriction for Trustees of the University of Maine H. P. 1538 L. D. 2023

**Senate At Ease**

The Senate called to order by the President.

This being an emergency measure and having received the affirmative vote of 29 Members of the Senate, with No Senators having voted in negative was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

**ORDERS OF THE DAY**

The President laid before the Senate:

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

Tabled—February 23, 1984 by Senator PRAY of Penobscot

Pending—Reference

(Reference to the Committee on STATE GOVERNMENT suggested)

On motion by Senator Pray of Penobscot referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED.

Sent down for concurrence.

The President laid before the Senate:

Bill "An Act to Amend Certain Rules of the Emergency Medical Services" S. P. 709 L. D. 1955 (C "A" S-290)

Tabled—February 23, 1984 by Senator CARPENTER of Aroostook

Pending—Acceptance of Ought To Pass as Amended Report of the Committee

(In Senate February 23, 1984 Committee Report READ)

On motion by Senator Pray of Penobscot, RETABLED for 1 Legislative Day, pending Acceptance of Committee Report.

**Senate at Ease**

The Senate called to order by the President.

**Off Record Remarks.**

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

On motion by Senator PRAY of Penobscot Adjourned until 10 o'clock Monday, February 27, 1984