

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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STATE OF MAINE
One Hundred and Eleventh Legislature
Second Regular Session
JOURNAL OF THE SENATE
In Senate Chamber
Tuesday
March 6, 1984
Senate called to Order by the President.

Prayer by Father Angelo LeVasseur of St. Andre's Roman Catholic Church of Biddeford.
FATHER LeVASSEUR: Let us pray. As we gather here let us remember that we are in the presence of a power that is beyond any of our control here on earth. Let us pray that our decisions will be made in accordance with the laws of the universe which this power, this God, controls. We pray this through Christ our Lord. Amen.

Reading of the Journal of Yesterday.

Off Record Remarks

PAPERS FROM THE HOUSE
Non-concurrent Matter

Bill "An Act Relating to Signs for Farm Market Sales" S. P. 768 L. D. 2082.

Committee on BUSINESS LEGISLATION suggested.

In Senate February 14, 1984 referred to the Committee on AGRICULTURE and ORDERED PRINTED.

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

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Erwin.

SENATOR ERWIN: Mr. President, I move that the Senate Recede and Concur and request permission to speak to the motion.

THE PRESIDENT: The Senator from Oxford, Senator Erwin, now moves that the Senate Recede and Concur with the House.

The Senator has the Floor.

SENATOR ERWIN: Mr. President, Ladies and Gentlemen of the Senate, since we last discussed this L. D. I have been doing a good bit of reading, for example, a Study Report on a Bill-board Law done by Business Legislative Committee, and I can truly understand why my very good friend from Cumberland, Senator Clark, wants any legislation of this type to come before her Committee.

I can assure you that this does not mean that I'm giving up the ship, our farm people need this L. D., they want this L. D. and there's a group of us who will be working to give them this L. D. I thank you.

THE PRESIDENT: Is it now the pleasure of the Senate to RECEDE and CONCUR with the House?

It is a vote.

Non-concurrent Matter

Bill "An Act to Increase Mileage Payments to Jurors" H. P. 1434 L. D. 1879

In Senate February 29, 1984 PASSED TO BE ENGROSSED.

Comes from the House, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-493) in NON-CONCURRENCE.

THE PRESIDENT: Is it now the pleasure of the Senate to Recede and Concur with the House?

It is a vote.

Joint Order

Senator PEARSON of Penobscot was granted unanimous consent to address the Senate, relative to HLS 915, an Expression of Legislative Sentiment recognizing: The Southern Aroostook warriors, of Dyer Brook.

SENATOR PEARSON: Mr. President and Men and Women of the Senate. Senator Carpenter of Aroostook and myself represent Southern Aroostook, share the honor of representing the youngsters that attend Southern Aroostook

High School in Dyer Brook, that is made up of about three towns that have formed a high school district, one of which is Island Falls, which I represent.

This is the very first time that that school has ever won anything in basketball. They've gone on to defeat the Western Maine team in the State championship and, needless to say, from all the reports that I've received from that area, they are ecstatic in their happiness for having accomplished this. It means a great deal more for a new school like they are to have achieved their first championship than I'm sure that it does for a school that has had numerous ones. So I'm very pleased, and I'm sure that Senator Carpenter is also, to join them in recognizing that fact.

Senator CARPENTER of Aroostook was granted unanimous consent to address the Senate relative to HLS 924, an Expression of Legislative sentiment recognizing the Houlton High School Shiretowners.

SENATOR CARPENTER: Mr. President, HLS 924, lauds the Houlton High School Girls Basketball Team as the winner of the 1984 Class B Girls Championship. In my heart I know that's true, but there seems to be some disagreement in the Chamber this morning. Some of the people representing Greely High School in Cumberland believe that there was a two point difference and, in fact, it was in favor of Greely. While objectively that may be the case, the Houlton girls are champions in my heart and apparently, it was my heart that drew the Joint Order and not my head, because that was supposed to read the Class B Eastern Maine Championship and so it is with regret that I would have to ask that this Order be Indefinitely Postponed.

Off Record Remarks

SENATE PAPERS

Bill "An Act to Reallocate Unsold Bonds as Previously Authorized by Private and Special Law of 1971, Chapter 140, for the Development and Improvement of State Park Facilities" (Emergency) S. P. 814

Presented by Senator NAJARIAN of Cumberland.

Cosponsored by Representative KELLEHER of Bangor, Representative ROLDE of York.

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

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

Sent down for concurrence.

Bill "An Act to Amend the Investment Provisions and Certain Related Sections of the Maine Insurance Code" S. P. 815

Presented by Senator CLARK of Cumberland.

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 Clarify the Congregate Housing Program for Maine's Elderly" S. P. 816

Presented by Senator CONLEY of Cumberland.

Cosponsored by Senator NAJARIAN of Cumberland, Senator USHER of Cumberland, Senator GILL of Cumberland.

Submitted by the Department of Human Services pursuant to Joint Rule 24.

Which was referred to the Committee on HEALTH AND INSTITUTIONAL SERVICES and ORDERED PRINTED.

Sent down for concurrence.

ORDER

Joint Resolution

On Motion by Senator CLARK of Cumberland, (Cosponsor: Representative AINSWORTH of Yarmouth) the Following Joint Resolution: (S. P. 817)

WHEREAS, American women have historically contributed and continue to contribute to the growth and progress of this Nation in every facet of American life; and

WHEREAS, women have played a unique and indispensable role in American society, from the birth of this Nation on the eastern seaboard, to the most westwood expansion and even to the far reaches of outerspace; and

WHEREAS, the influences and leadership of American women may be felt in virtually every economic, cultural and social sphere of this great nation and are most evident in the fields of education, business, industry, jurisprudence, science, homemaking, medicine, religion, social and political reform; and

WHEREAS, the time has come to recognize and to celebrate the tremendous impact that contributions of American women have made in the development and continuance of our society; now, therefore, be it

RESOLVED: That We, the Members of the House of Representatives and the Senate of the 111th Legislature of the great and sovereign State of Maine, now assembled in Second Regular Session, pause to reflect on the overlooked, undervalued role of American women and pledge on the eve of "Womens' History Week," beginning March 4, 1984, to recognize and observe appropriate changes which will aid women to gain their rightful place in the great body of American history.

Which was READ.

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

SENATOR TRAFTON: Thank you, Mr. President. Mr. President, I'd like to pose a question to the good sponsor, the Senator from Cumberland, or anybody else who would care to answer my question as to paragraph two of the proposed Joint Resolution. I note that the second line of that paragraph talks about the "most westwood expansion" and I'd like to question whether that is a typographical error or whether that is the pronunciation used in the Town of Freeport?

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Clark.

SENATOR CLARK: Thank you, Mr. President. Mr. President, Men and Women of the Chamber, I am pleased to respond to the most sincere and concerned question from that prestigious Senator from Androscoggin, Senator Trafton, who said he was going to ask me this question relative to what is potentially a typographical error.

I would presume, Mr. President, that Madam Secretary of the Senate would verify the proper spelling in the Resolution that was presented to her this morning. We all know that it's "w-a-r-d" instead of "w-o-o-d". We have lots of "w-o-o-d's" in Cumberland County and perhaps more than we find in Androscoggin County.

Tomorrow, Members of the Senate, L. D. 2119, "AN ACT to Recognize National Womens' History Week" is going to be heard before the Joint Standing Committee on Education at 1 p.m., in Room 437. I'm sure that all of the Members of this great Body, which does include cosponsors of this same measure, will be lined up in support of the sentiments embraced in the Joint Resolution this morning. We will be looking forward to your presence, particularly that of the good Senator from Penobscot, Senator Pearson, and the good Senator from Androscoggin, Senator Trafton. Thank you, Mr. President.

THE PRESIDENT: Is it now the pleasure of the Senate that this Joint Resolution be ADOPTED and sent down for concurrence?

On motion by Senator PRAY of Penobscot the Joint Resolution was ADOPTED.

On further motion by the same Senator, sent down forthwith for concurrence.

Off Record Remarks

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 an Income Tax Credit for In-home and Community Support Services Provided by Families" H. P. 1551 L. D. 2041

Bill "An Act Relating to Hazardous Waste Management" H. P. 1106 L. D. 1459

Ought to Pass

The Committee on AGRICULTURE on Resolve, Establishing a Food Policy for Maine (Emergency) H. P. 1541 L. D. 2028

Reported that the same Ought to Pass.

Comes from the House with the Report READ and ACCEPTED and the Resolve PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

The Resolve TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass in New Draft

The Committee on BUSINESS LEGISLATION on Bill "An Act Providing for the Termination of Stale or Abandoned Securities Registrations" (Emergency) H. P. 1420 L. D. 1865

Reported that the same Ought to Pass in New Draft under same title: (Emergency) H. P. 1634 L. D. 2157

Comes from the House with 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.

SECOND READERS

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

House As Amended

Bill "An Act Concerning Local Leeway Under The School Finance Law" H. P. 1565 L. D. 2074 (H "A" H-492)

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

Senate

Bill "An Act to Replace References to Regional Presiding Justice with Chief Justice of the Superior Court" S. P. 812 L. D. 2162.

Which was READ A SECOND TIME.

On motion by Senator PRAY of Penobscot, TABLED for 1 Legislative Day, pending PASSAGE TO BE ENGROSSED.

Senate As Amended

Bill "An Act to Amend the Charter of the Jackman Sewer District to Clarify the Limit on Indebtedness and to Clarify Certain Other Language in the Charter" (Emergency) S. P. 681 L. D. 1859 (C "A" S-298)

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

Sent down for concurrence.

ENACTORS

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

AN ACT to Amend Certain District Court Divisions and Districts S. P. 653 L. D. 1844

AN ACT to Exempt Certain Materials that have no Insurable Value from Insurance Requirements H. P. 1504 L. D. 1980 (C "A" H-480)

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 to Clarify the Power of the Supreme Judicial Court to Issue Rules for Probate Courts H. P. 1468 L. D. 1920

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

SENATOR TRAFTON: Thank you, Mr. President. Mr. President and Members of the Senate, in regards to L. D. 1920 "AN ACT to Clarify the Power of Supreme Judicial Court to Issue Rules for Probate Courts", I'd like to add something to the Legislative Record for a point of clarification. The Joint Standing Committee on Judiciary did study this Bill, held a public hearing on this Bill.

It noted that historically, the courts have always had power to issue and promulgate rules for the Probate Courts. There were, however, within the statutes two conflicting sections, one of which omitted reference to the Probate Courts as to the Supreme Judicial Court's rule-making power. This Bill simply adds the word "probate" in the list of various courts for which the Supreme Judicial Court may promulgate rules. So, that this particular Bill does not attempt to question whether or not the existing rules within the Probate Courts have been promulgated improperly, it is simply a clarification as to two conflicting statutes. Thank you.

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

Resolve

Resolve, Providing Funds for Portrait of Honorable Lewis O. Barrows S. P. 705 L. D. 1952

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

Emergency

AN ACT to Appropriate Funds to the Maine State Commission on the Arts and the Humanities for the Maine Touring Artists Program S. P. 703 L. D. 1941

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

Emergency

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 S. P. 692 L. D. 1924 (C. "A" S-291)

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

Emergency

AN ACT to Amend the Liquor Laws to Permit the Sale of Beer and Wine at Outdoor Stadiums S. P. 752 L. D. 2055 (S. "A" S-287)

Comes from the House failing of Enactment.

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

SENATOR BALDACCI: Mr. President, I'd like to move that the rules be suspended for the purpose of Reconsideration.

THE PRESIDENT: The Senator from Penobscot, Senator Baldacci, now moves that the Rules be Suspended for the purpose of Reconsideration.

The Chair recognizes the Senator from Oxford, Senator Twitchell and asks the Senator for what purpose does he rise?

SENATOR TWITCHELL: I request a Division. THE PRESIDENT: The Chair would point out that it would take two-thirds vote for the suspension of the rules.

Will all those Senators in favor of the Rules being Suspended, please rise and remain standing in their places until counted.

Will all those Senators opposed to the Sus-

pension of the Rules, please rise and remain standing until counted.

19 Senators having voted in the affirmative and 11 Senators having voted in the negative, the motion to Suspend the Rules FAILED.

On motion by Senator PRAY of Penobscot, TABLED 1 Legislative Day, pending ENACTMENT.

Constitutional Amendment

Resolution, Proposing an Amendment to the Constitution of Maine to Limit the Life of Authorized Bonds H. P. 1410 L. D. 1832 (C. "A" H-483)

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

ORDERS OF THE DAY

The President laid before the Senate:

AN ACT Defining Rehabilitation of Existing Building Projects under the Municipal Securities Approval Program (Emergency) S. P. 776 L. D. 2094

Tabled March 5, 1984 by Senator PRAY of Penobscot

Pending—ENACTMENT

(In House February 29, 1984 PASSED TO BE ENACTED.)

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Violette.

SENATOR VIOLETTE: Mr. President and Ladies and Gentlemen of the Senate, I have a few remarks to read into the Record. "The former Maine Guarantee Authority permitted municipalities to issue revenue bonds for a long list of business and commercial purposes, but prohibited their use of retail stores and office buildings. An exception to this prohibition was provided when retail and office space was included in a reconstruction of existing building projects, which was defined as the rehabilitation of any existing building which is at least fifty years old, located in an existing commercial area and where this rehabilitation would be preferable to tearing a building down or permitting it to continue to deteriorate."

Just as in the old M.G.A. statute the Finance Authority of Maine passed last year, contains both the retail and office space prohibition, a definition of reconstruction of existing building project. However, in the operative section of the legislation passed last year authorizing municipalities to issue revenue bonds, reconstruction of existing building projects was not included. In other words, the present law does not have the exception as the M.G.A. statute to the prohibition against the use of the bonds for retail and office space when done in connection with the rehabilitation of buildings at least fifty years old.

Section two of this Bill corrects an inadvertent drafting error and restores to the category of eligible projects a rehabilitation of buildings at least fifty years old.

Sections one, three, and four of this Bill simply make technical corrections in the legislation passed last year. For example, section one of the Bill amends the present same statute by removing reference of the word "authorized" when referring to section 103 of the Internal Revenue Code because section 103 technically does not authorize anything. Rather, it tells when the interest on the bonds will be exempt.

Lastly, the Bill is presented as an emergency because there are projects which were caught in the middle by the oversight in the passage of the same legislation last year. There are at least two projects involving approximately \$2.5 million, for the bonds that have been authorized by the municipality and the work started on the projects, but now the bonds cannot be issued and projects cannot be funded until the statute is corrected. These uncertainties have resulted in layoff of workers. There may be other projects in the same circumstances. In addition there are several other rehabilitation

projects ready to be started but which cannot start until this Bill is past. Thank you very much, Mr. President.

This being an emergency measure and having received the affirmative vote of 32 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.

The President laid before the Senate:

Bill "An Act Concerning Access to Medical Care for Persons Without Adequate Health Insurance." H. P. 1630 L. D. 2170

Tabled—March 5, 1984 by Senator CARPENTER of Aroostook

Pending—REFERENCE

Committee on HEALTH AND INSTITUTIONAL SERVICES suggested.

(In House March 2, 1984 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.

On motion by Senator WOOD of York of the Senate RECONSIDERED its action of March 5, 1984 whereby it referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS.

Bill "An Act to Create a State Funded Jobs Program." H. P. 1631 L. D. 2171

Joint Select Committee on JOB TRAINING suggested.

(In Senate March 5, 1984, referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS, in concurrence.)

On motion by Senator WOOD of York, reconsidered Reference to the Committee on Appropriations and Financial Affairs.

On motion by same Senator referred to the Committee on TAXATION and ORDERED PRINTED, in non-concurrence.

Sent down for concurrence.

Under suspension of the rules the Senate voted to consider the following:

PAPERS FROM THE HOUSE
House Papers

Bill "An Act to Initiate Programs to Improve the Quality of Education in Maine Schools" H. P. 1641 L. D. 2174

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

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

OFF RECORD REMARKS

COMMUNICATIONS

The Following Communication:

COMMITTEE ON STATE GOVERNMENT
March 6, 1984

The Honorable Gerard P. Conley
President of the Senate of Maine
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 State Government has had under consideration the nomination of J. Gregory Freeman of Presque Isle, as a member of the Natural Resources Financing and Marketing Committee.

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	2	
	Representatives		10
NAYS:		0	

ABSENT: Sen. Baldacci of Penobscot
Ten 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 J. Gregory Freeman of Presque Isle, as a member of the Natural Resources Financing and Marketing Committee be confirmed.

Sincerley,
S/PAUL E. VIOLETTE
Senate Chair
S/DAN A. GWADOSKY
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on STATE GOVERNMENT has recommended that the nomination of J. Gregory Freeman of Presque Isle be confirmed.

The pending question before the Senate is shall the recommendation of the Committee on STATE GOVERNMENT 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 Doorkeepers will secure the Chamber.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Violette.

SENATOR VIOLETTE: Mr. President, Ladies and Gentlemen of the Senate, briefly, only because at times I have been overly critical of the Administration for not appointing, making appointments from Aroostook County and I have not been present on the last two votes when the Senate confirmed two appointments to the Judiciary.

I only wish to say I am very pleased with this appointment today. I know my colleagues, Senator McBreaarty, who was at the hearing today and Senator Carpenter, feel as I do as well as many members from the other Body, in saying that we are very pleased with this appointment because it does allow us to have somebody on the Finance Authority of Maine which is indeed a very powerful financial entity in the State and not only in our area of the State to have somebody on the Board. I do wish to commend the Governor for what is in fact an excellent appointment and I'm sure he will be a tremendous asset to the Finance Authority of Maine. Thank you, Mr. President.

THE PRESIDENT: The Secretary will call the roll.

ROLL CALL

YEA—None
NAY—Baldacci, Brown, Bustin, Carpenter, Charette, Clark, Collins, Danton, Diamond, Du Tremble, Emerson, Erwin, Gill, Hayes, Hichens, Kany, McBreaarty, Minkowsky, Najarian, Pearson, Perkins, Pray, Redmond, Sewall, Shute, Teague, Trafton, Twitchell, Usher, Violette, Wood, The President-Gerard P. Conley.

ABSENT—Dow
No Senators having voted in the affirmative and 32 Senators having voted in the negative, with 1 Senator 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 J. Gregory Freeman was CONFIRMED.

The Secretary was directed to inform the Speaker of the House.

(Off Record Remarks)

On motion by Senator CARPENTER of Aroostook

ADJOURNED until Thursday, March 8, 1984, at 10 o'clock in the morning.