

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
March 9, 1984
Senate called to Order by the President.

Prayer by the Reverend Stan LeQuire of the Penney Memorial United Baptist Church of Augusta.

REVEREND LeQUIRE: Let us pray. Our God and Father, we thank You that as scripture teaches us in the past, You have led governments, governments that are both interested in doing Your will and those who do not even know You. So, Father, we come to You this morning with great thankfulness that You will be guiding in ways that will not even be discerned by this Body.

Father, we pray for each Senator here this morning that he or she may so listen and so think and reflect, so that Maine will always be a corner of the United States of America where Your justice and Your peace lives, where righteousness remains for the common man and the common woman.

We thank you, Father God, that You do guide and that You do direct, that You are interested, that You are not a God who lives in the heavens but who will walk among men and women to give them a better life.

These things we pray in faith, in the name of our Lord, Jesus Christ. Amen.

Reading of the Journal of Yesterday.

OFF RECORD REMARKS

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Amend the Law Regarding Premium Discounts for Workers' Compensation Insurance of Small Businesses" H. P. 1519 L. D. 2001

In Senate February 28, 1984, PASSED TO BE ENGROSSED

Comes from the House PASSED TO BE ENGROSSED BY HOUSE AMENDMENT "A" (H-501) IN NON-CONCURRENCE

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

It is a vote.

House Papers

Bill "An Act Relating to the Quality of Milk" H. P. 1654 L. D. 2184

Bill "An Act to Increase the Potato Tax" H. P. 1645 L. D. 2179

Bill "An Act to Provide Funding from the Blueberry Industry Tax to Promote Market Development for the Blueberry Industry" H. P. 1646 L. D. 2180

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

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

Bill "An Act to Increase the Fee for the Alcohol Education Program Conducted by the Department of Human Services" H. P. 1658 L. D. 2188

Comes from the House referred to the Joint Select Committee on ALCOHOLISM SERVICES and ORDERED PRINTED.

Which was referred to the Joint Select Committee on ALCOHOLISM SERVICES and ORDERED PRINTED, in concurrence.

Bill "An Act Relating to Funding of Thomaston Schools for 1984-85" H. P. 1648 L. D. 2182
Committee on EDUCATION suggested.

Comes from the House referred to the Committee on APPROPRIATIONS AND FINAN-

CIAL 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 Local Voting on School Administrative District Budgets" H. P. 1662 L. D. 2195

Bill "An Act to Provide an Educational Clearinghouse on the Causes and Consequences of Nuclear War" H. P. 1647 L. D. 2181

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

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

Bill "An Act to Require Prisoners on Work Release to Pay for the Cost of Their Board in a Correctional Facility" H. P. 1657 L. D. 2187

Bill "An Act to Establish Farm Programs at Correctional Facilities" H. P. 1656 L. D. 2186
Come from the House referred to the Committee on HEALTH AND INSTITUTIONAL SERVICES and ORDERED PRINTED.

Which were referred to the Committee on HEALTH AND INSTITUTIONAL SERVICES and ORDERED PRINTED, in concurrence.

Bill "An Act to Amend the Laws Regarding Bail" H. P. 1655 L. D. 2185

Bill "An Act to Amend Provisions Relating to Violation of Probation or Parole" H. P. 1659 L. D. 2189

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 Amend the Early Payment Provision of the Workers' Compensation Act with Respect to Payments for Impairment and Medicals-only Claims" (Emergency) H. P. 1660 L. D. 2190

Bill "An Act Providing for a Maine Labor Relations Law" H. P. 1663 L. D. 2196

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

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

Bill "An Act to Increase the Minimum Wage" H. P. 1618

Committee on LABOR suggested.

Comes from the House RULED NOT PROPERLY BEFORE THE BODY PURSUANT TO JOINT RULES 29 AND 37

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

SENATOR CARPENTER: Mr. President, I pose a parliamentary inquiry to the Chair as to whether this Bill is properly before the Body pursuant to Joint Rules 29 and 37.

THE PRESIDENT: The Chair would respond in the negative pursuant to Joint Rule 29 and 37.

Bill "An Act Relating to the State Valuation of the Town of Washburn" (Emergency) H. P. 1650 L. D. 2183

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.

Pursuant to the Statutes Advisory Committee on Judicial Employees Collective Bargaining

The Advisory Committee on Judicial Employees Collective Bargaining Pursuant to Public Law, 1983, Chapter 412, Section 2 ask leave to submit its findings and to report that the

accompanying Bill "An Act to Create the Judicial Employees Labor Relations Act" (Emergency) (H. P. 1649) (L. D. 2175) be referred to the Joint Standing Committee on Judiciary 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 LABOR and ORDERED PRINTED pursuant to Joint Rule 18

Which Report was READ and ACCEPTED in concurrence.

The Bill referred to the Committee on LABOR and ORDERED PRINTED pursuant to Joint Rule 18 in concurrence.

Study Report Committee on EDUCATION

Report of the Committee on EDUCATION to which was referred by the Legislative Council the Study Relative to the report by NBHE: "Threat to Excellence" have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Establish Centers of Excellence in the University of Maine System" (H. P. 1652) (L. D. 2177) be referred to the Joint Standing Committee on EDUCATION 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 EDUCATION and ORDERED PRINTED pursuant to Joint Rule 19.

Which Report was READ and ACCEPTED, in concurrence.

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

Study Report Committee on EDUCATION

Report of the Committee on EDUCATION to which was referred by the Legislative Council the Study Relative to the report by NBHE: "Threat to Excellence" have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Provide a Corporate Tax Credit for Donations of Technological Equipment to Educational Institutions" (H. P. 1653) (L. D. 2178) be referred to the Joint Standing Committee on EDUCATION 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 EDUCATION and ORDERED PRINTED pursuant to Joint Rule 19.

Which Report was READ and ACCEPTED, in concurrence.

The Bill referred to the Committee on EDUCATION, and ORDERED PRINTED pursuant to Joint Rule 19, 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 Amend the Political Action Committee Registration and Reporting Law" (H. P. 1651) (L. D. 2176) 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.

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.

OFF RECORD REMARKS

COMMUNICATIONS

The Following Communication: (H. P. 1664)
UNIVERSITY OF MAINE AT ORONO
Bureau of Public Administration
162 College Avenue
Orono, Maine 04469

February 29, 1984

The Honorable John L. Martin
Speaker of the House of Representatives
of the State of Maine
State House Station 2
Augusta, Maine 04333
Dear Speaker Martin:

I am pleased to forward a copy of the Annual Report of the Bureau of Public Administration.

I would be happy to respond to any questions you might have about the Bureau's activities.

Sincerely,
S/KATHRYN H. GODWIN
Director

Comes from the House READ and with accompanying papers ORDERED PLACED ON FILE.

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

The Following Communication: (S. P. 824)
111th Legislature

March 8, 1984

The Honorable Edgar E. Erwin
The Honorable John M. Michael
Chairpersons, Committee on Agriculture
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated Charles E. Moreshead of Augusta for appointment to the Maine Harness Racing Commission.

Pursuant to Title 8 MRSA Section 261, this nomination 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 Amend the Certified Seed Potato Law" S. P. 820 L. D. 2200

Presented by Senator CARPENTER of Aroostook

Cosponsors: Representative THERIAULT of Fort Kent, Representative MAHANY of Easton, Representative ANDERSON of Stockholm
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 Authorize a General Fund Bond Issue in the Amount of \$6,000,000 for the Design, Construction and Furnishing of Court Facilities" S. P. 821 L. D. 2201

Presented by Senator CLARK of Cumberland

Cosponsors: Senator NAJARIAN of Cumberland, Senator TRAFTON of Androscoggin

Which was referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.
Sent down for concurrence.

Bill "An Act Concerning the Tri-state Lotto Compact" S. P. 823 L. D. 2203

Presented by Senator USHER of Cumberland

Cosponsors: Senator VIOLETTE of Aroostook, Representative NADEAU of Lewiston,

Representative JACQUES of Waterville

Submitted by the Department of Lottery pursuant to Joint Rule 24

Which was referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED.
Sent down for concurrence.

Bill "An Act Authorizing the Public Advocate to Intervene in Health Insurance Proceedings before the Superintendent of Insurance and in the Proceedings of the Health Care Finance Commission" S. P. 822 L. D. 2202

Presented by Senator VIOLETTE of Aroostook

Cosponsor: Representative GWADOSKY of Fairfield

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

Which was referred to the Committee on STATE GOVERNMENT 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 Concerning Military Recruitment in Public Schools" H. P. 1463 L. D. 1915

Bill "An Act to Promote Competition in the Electric Power Industry" H. P. 1505 L. D. 1976

Bill "An Act to Establish a Maine Historic Register" H. P. 1543 L. D. 2029

Ought to Pass As Amended

The Committee on LABOR on Bill "An Act to Clarify the Right of Municipalities to Establish a Probationary Period for Employees" H. P. 1550 L. D. 2040

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-500).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-500).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-500) 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 HEALTH AND INSTITUTIONAL SERVICES on Bill "An Act Regarding the Improvement of Immunization Levels Against Specific Preventable Diseases in School Children" H. P. 1424 L. D. 1869

Reported the same Ought to Pass in New Draft under New Title Bill "An Act to Correct Errors and Inconsistencies in the School Immunization Law and other Related Laws" H. P. 1642 L. D. 2172

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

Which Report was READ and ACCEPTED, in concurrence.

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

The Bill, in NEW DRAFT under NEW TITLE, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on MARINE RESOURCES on Bill "An Act to Provide for the Licensing of Commercial Fishing Boats for Purposes of Improving Law Enforcement and to Protect Underwater Electric Cables not Shown on Nautical Charts" H. P. 1414 L. D. 1860

Reported the same Ought to Pass in New

Draft under New Title Bill "An Act to Provide for the Licensing of Commercial Scallop Fishing for Purposes of Improving Law Enforcement and to Protect Underwater Electric Cables not Shown on Nautical Charts" H. P. 1643 L. D. 2173

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

Which Report was READ and ACCEPTED, in concurrence.

The Bill, in NEW DRAFT under NEW TITLE, TOMORROW ASSIGNED FOR SECOND READING.

Senate

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 Repeal and Replace the Regional Refuse Disposal District Enabling Act" (Emergency) S. P. 721 L. D. 1993

Bill "An Act to Authorize the Public Utilities Commission to Institute Performance Standards for Electric Generating Stations" S. P. 749 L. D. 2053

Ought to Pass As Amended

Senator TWITCHELL for the Committee on LOCAL AND COUNTY GOVERNMENT on Bill "An Act to Authorize Washington County to Raise \$1,400,000 for Renovations and Additions to the Washington County Jail" S. P. 788 L. D. 2114

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-305).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-305) was READ and ADOPTED.

The Bill as Amended TOMORROW ASSIGNED FOR SECOND READING.

Senator TWITCHELL for the Committee on LOCAL AND COUNTY GOVERNMENT on Bill "An Act to Amend the Trustee Appointment Process of the Cumberland County Recreation Center to Make it Conform More Closely to New Legislative Redistricting" S. P. 771 L. D. 2092

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-304).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-304) was READ and ADOPTED.

The Bill as Amended TOMORROW ASSIGNED FOR SECOND READING.

OFF RECORD REMARKS

Senator CARPENTER for the Committee on HEALTH AND INSTITUTIONAL SERVICES on Bill "An Act to Clarify the Authority of the Representative of the State Registrar of Vital Statistics" S. P. 744 L. D. 2047

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-301).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-301) was READ and ADOPTED.

The Bill as Amended TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass in New Draft

Senator CHARETTE for the Committee on LEGAL AFFAIRS on Bill "An Act to Amend the Law Relating to Wine Franchises" S. P. 714 L. D. 1960

Reported that the same Ought to Pass in New Draft under same title: S. P. 825 L. D.

2204

Which Report was READ and ACCEPTED.
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

Bill "An Act Relating to the Time of Passamaquoddy Tribe Trust Land Designation" H. P. 1644 L. D. 2163

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

House As Amended

RESOLVE, to Authorize the Conveyance of Certain Property to the Penobscot Nation H. P. 1397 L. D. 1820 (C "A" H-499)

Bill "An Act Relating to Penobscot Nation Trust Land Designation" H. P. 1398 L. D. 1821 (C "A" H-498)

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

Senate

Bill "An Act to Authorize the Sale of Certain State-owned Land" S. P. 767 L. D. 2080

Bill "An Act to Define Primary Excess Insurer Pursuant to Self-insurance under the Maine Workers' Compensation Act" S. P. 740 L. D. 2043

RESOLVE, to Name the Bridge in Hinckley for George Walter Hinckley S. P. 691 L. D. 1923

Bill "An Act Concerning the Speed Limit for School Buses" S. P. 693 L. D. 1925

Bill "An Act to Provide for Certain License Requirements for School Bus Drivers" S. P. 704 L. D. 1951

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

Sent down for concurrence.

Senate As Amended

Bill "An Act to Identify Polychlorinated Biphenyls as Hazardous Waste" S. P. 684 L. D. 1891 (C "A" S-300)

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 the Statutes Relating to the Approval of Correspondence Schools and Trade and Technical Schools H. P. 1564 L. D. 2073

AN ACT to Amend the Cessation of Employment Law H. P. 1450 L. D. 1902 (S "A" S-295 to C "A" H-482)

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 Fund Rape Crisis Centers H. P. 1535 L. D. 2020 (C "A" H-485)

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

Emergency

AN ACT to Amend the Charter of the Van Buren Water District H. P. 1563 L. D. 2065

This being an emergency measure and having received 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 to Amend Certain Sections of the Law Related to the Department of Labor S. P. 731 L. D. 2017 (H "A" H-489 and C "A" S-292)

This being an emergency measure and having received 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 to Appropriate Funds for the Governor's Commission on the Status of Education in Maine H. P. 1518 L. D. 1999 (C "A" H-484)

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

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

Tabled—March 8, 1984 by Senator PRAY of Penobscot

Pending—PASSAGE TO BE ENGROSSED (In Senate March 6, 1984 READ A SECOND TIME)

On motion by Senator CARPENTER of Aroostook, RETABLED for 1 Legislative Day, pending PASSAGE TO BE ENGROSSED

On motion by Senator CARPENTER of Aroostook

ADJOURNED until Monday, March 12, 1984 at 4 o'clock p.m.