

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Twelfth  
Legislature***

OF THE

STATE OF MAINE

**Volume I**

**FIRST REGULAR SESSION**

**December 5, 1984 - June 20, 1985**

STATE OF MAINE  
 One Hundred and Twelfth Legislature  
 First Regular Session  
 JOURNAL OF THE SENATE  
 3rd Legislative Day  
 In Senate Chamber  
 Wednesday  
 January 2, 1985  
 Senate called to Order by the President.

Prayer by the Reverend Trueman Bray of the Penny Memorial United Baptist Church of Augusta.

REVEREND BRAY: Let us pray. Almighty and Eternal God, we thank You for this occasion of opening the Senate session for a new year before us. We are deeply grateful for a free society and for freely elected officials. Bless the work of this Body in this new year.

Help them to understand clearly all the issues that come before them. Give them wisdom and discernment in their decisions that they may faithfully discharge the trust placed upon them by the people of the State of Maine. Protect them by Your mercy; keep them in good health; keep them from discouragement and depression; help them to know that they, as well as all of us, labor under the sovereignty of a God who loves us and cares for us.

May justice and mercy and compassion be woven into all of their decisions, as it is woven into all of Your relationship to us. So in an age of despair when annihilation of all that You have made seems not only possible, but often imminent — help them to labor faithfully in the great things and the small.

Let us all hear the exhortation of the Psalmist, "Hope Thou in God. Let us rest in the promise that Thou shall never leave us nor forsake us."

Now to the triune God: Father, Son and Holy Spirit, be all honor, praise and glory on this day and forever more, Amen.

Reading of the Journal of Thursday, December 6, 1984.

**COMMUNICATIONS**

The Following Communication:

**THE SENATE OF MAINE  
 112th LEGISLATURE**

December 31, 1984

Honorable Joy J. O'Brien  
 Secretary of the Senate  
 State House Station 3  
 Augusta, Maine 04333

Dear Madam Secretary:

In compliance with the Senate Order of December 5, 1984, the Committee appointed by the President to examine the returns of votes for Senators for the political years 1985 and 1986, has attended to its duty and asks leave to report that the returns of votes cast, as submitted by the Secretary of State to the President of the Senate, meets with the approval of the Committee.

Sincerely,

S/SEN. PETER W. DANTON  
 Senatorial Vote Committee

Which was **READ** and **ORDERED PLACED ON FILE**.

The Following Communication: S.P. 18

**THE SENATE OF MAINE  
 112th LEGISLATURE**

December 27, 1984

The Honorable Charles P. Pray  
 President of the Senate  
 112th Legislature  
 The Honorable John L. Martin  
 Speaker of the House  
 112th Legislature

Dear Mr. President and Mr. Speaker:

Please be advised that today two bills were received by the Secretary of the Senate.

Pursuant to the provisions of Joint Rule 14, bills were referred to the Joint Standing Committees and ordered printed on December 27,

1984 as follows:

**Energy and Natural Resources:**  
 Bill, "An Act to Clarify the Enforcement of Private and Septage Disposal Sites." (S.P. 16) (L. D. 9). (Presented by Senator KANY of Kennebec.) (Cosponsor: Representative ROLDE of York.)

**Legal Affairs:**  
 Bill "An Act Change Urinating in Public from Public Indecency to a Lesser Crime." (S.P. 17) (L.D. 10.). (Presented by Senator KANY of Kennebec.)

Sincerely,  
 S/Joy J. O'Brien  
 Secretary of the Senate  
 S/Edwin H. Pert  
 Clerk of the House

Which was **READ**.

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

**Senator CARPENTER:** Mr. President, I move that the Senate Reconsider its action whereby it voted to Accept the recommendation of the Secretary of the Senate with reference to Bill, An Act to Change Urinating in Public from Public Indecency to a Lesser Crime. (S.P. 17) (L.D. 10)

**THE PRESIDENT:** The Chair would advise the Senator that the Senate only suspended with reading of the communication. The communication is still present before us.

The Chair understands that the Senator from Aroostook, Senator Carpenter moves that S.P. 17, L.D. 10, which was referred under Joint Rule 14 to the Committee on Legal Affairs, that the Senate Reconsider its action whereby Joint Rule 14 allows the Secretary of the Senate and the Clerk of the House to refer this Bill to Legal Affairs.

Is it now the pleasure of the Senate to Reconsider its action?

It is a vote.

On motion by Senator **CARPENTER** of Aroostook, **REFERRED** to the Committee **JUDICIARY** and **ORDERED PLACED ON FILE**.

Sent down for concurrence.

The Following Communication: S.P. 19  
**MAINE SENTENCING GUIDELINES  
 COMMISSION**

November 30, 1984

The Honorable Charles P. Pray, Chairperson  
 Legislative Council  
 State House  
 Augusta, Maine 04333

Dear Senator Pray:

The Maine Sentencing Guidelines Commission hereby submits its final report to the 111th Legislature. We hope that you will find it useful in establishing advisory guidelines for sentencing. As the report indicates, we believe there is a need for further review and evaluation before any advisory guidelines are established in law. We strongly urge you to continue that process with the establishment of another commission.

If you have any questions regarding this report or desire any further elaboration on the Commission deliberations, findings, recommendations or the conclusion, do not hesitate to contact me. I will be available to discuss these matters further should you so desire.

Respectfully Submitted,  
 S/Dr. Hugh J. Phillips,  
 Chairperson

Which was **READ** and with accompanying papers **ORDERED PLACED ON FILE**.  
 Sent down for concurrence.

The Following Communication:  
**STATE OF MAINE  
 DEPARTMENT OF EDUCATIONAL  
 AND CULTURAL SERVICES  
 AUGUSTA, MAINE 04333**

December 1, 1984

TO: Members of the 112th Legislature  
 Bureau of the Budget

FROM: Robert E. Boose, Commissioner  
 SUBJECT: Actual Education Costs for Base Year 1983-84

Pursuant to the provisions of 20-A MRSA subsection 15604, I forward herewith notification of the "actual education costs" as defined in subsection 1 of 20-A MRSA subsection 15604 for the base year 1983-84.

- A. Operating costs
  - (1) Elementary \$229,392,658
  - (2) Secondary 143,237,797
- B. Special education costs for programs operated by administrative units 27,350,615
- C. Special education tuition and board, excluded medical costs 8,643,345
  - (1) Tuition and board for pupils placed by administrative units 6,446,844
  - (2) Tuition and board for State Wards and Direct State Placements 1,796,501
  - (3) Adjustments under section 15609, subsection 6 400,000
- D. Vocational education costs 11,632,887
- E. Transportation operating costs 32,435,887
- F. Purchase of buses 3,986,475
- G. Debt service costs
  - (1) Principal and Interest 28,839,850
  - (2) Insured Value Factor 568,716
  - (3) Leases 639,014
  - Other major capital costs 2,315,023
- H. Cost of reimbursement for private school services 278,886
- I. Cost of state expenditures for teacher retirement benefits 56,724,541
- J. Early childhood educational programs 127,861

The above figures include all adjustments in expenditure reports through December 1, 1984. These expenditures are from state and local monies only, except that Federal P.L. 874 funds are included.

Which was **READ** and **ORDERED PLACED ON FILE**.

(OFF RECORD REMARKS)

The Following Communication:  
**DEPARTMENT OF ENERGY  
 CRYSTALLINE REPOSITORY  
 PROJECT OFFICE  
 ARGONNE, ILLINOIS 60439**

December 10, 1984

Honorable Charles P. Pray  
 President of the Senate of  
 the State of Maine  
 State House  
 Augusta, Maine 04333

Dear Mr. Pray:

SUBJECT COMMENT: REVISED DRAFT REGIONAL CHARACTERIZATION REPORTS AND RESPONSE DOCUMENT

A copy of the subject documents is being sent for your information under separate cover. The revised draft Regional Characterization Reports describe the environmental and geologic data collected from existing literature that will be used for region-to-area screening of crystalline rocks in an effort to identify possible candidate sites for the nation's second high-level nuclear waste repository.

The revised draft Regional Characterization Reports have been revised to incorporate additional data required by the draft Region-to-Area Screening Methodology, developed in compliance with the DOE Siting Guidelines, as well as comments submitted on the draft RCRs issued in May 1983. In addition, the more than 2000 written comments submitted on the May 1983 draft RCRs are addressed in the Comment Response Document.

Enclosed, for your information, is a copy of the press release announcing issuance of the reports and the fact sheet prepared for re-

sponding to inquiries on the documents.

Comments on the RCRs have been requested from your State, as well as the other 16 states involved in the Crystalline Repository Project, by March 15, 1985. Any questions you may have regarding these documents should be directed to Mr. Hunter Weiler on (312) 972-2957.

Sincerely,  
S/Sally A. Mann  
Crystalline Repository  
Project Office

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

The Following Communication:

**STATE OF MAINE  
WORKERS COMPENSATION  
COMMISSION  
AUGUSTA, MAINE 04333**

December 19, 1984

Honorable Charles P. Pray

MAINE STATE SENATE

State House Station #3

Augusta, Maine 04333

Honorable Joseph E. Brennan

OFFICE OF THE GOVERNOR

State House Station #1

Augusta, Maine 04333

Honorable John L. Martin

HOUSE OF REPRESENTATIVES

State House Station #2

Augusta, Maine 04333

Gentlemen:

Speaker Martin recently requested information concerning 1984 Commission activity and more particularly, the impact of 1983 Legislative reform on Maine's system. Recognizing my own reporting responsibility lodged in 39 MRSA subsection 108, I have taken this opportunity to inform all three governmental leaders on the status of this program.

You will receive a more comprehensive 1984 annual report when the year-end data is received and compiled, approximately 60 days after the close of the calendar year. During 1985, you will receive a quarterly and cumulative update approximately 30 days following the close of each calendar quarter.

If you believe that you need additional information which I can provide, please do not hesitate to advise me.

Respectfully Submitted,  
S/Charles D. Devoe  
Chairman

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

The Following Communication:

December 10, 1984

The Honorable Charles P. Pray

President of the Senate

Maine State Senate

State House Station #3

Augusta, Maine 04333

Dear President Pray:

The accompanying report of State-owned real estate is submitted in accordance with the provisions of Title 36, M.R.S.A. subsection 1283.

This report includes eleven properties or interests acquired through liens maturing since the last Regular Session of the Legislature. A description of each property is provided and recommendations for disposition are included.

The report shows the entire amount of outstanding tax, interest and costs that have accrued on each property. The outstanding tax is determined by calculating the total tax that is due with regard to the particular property as though it remained taxable after the State's lien matured.

Respectfully Submitted,  
S/Anthony J. Neves  
State Tax Assessor

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

The Following Communication:

**DEPARTMENT OF ENERGY  
WASHINGTON, D.C. 20585**

December 14, 1984

Honorable Charles P. Pray

President of the Senate

Maine Senate

State House

Augusta, ME 04333

Dear President Pray:

Enclosed for your information is a copy of the Department of Energy's rule (to be codified at 10 CFR Part 960), **Final General Guidelines for the Recommendation of Sites for the Nuclear Waste Repositories** (siting guidelines). These siting guidelines are required by Section 112 (a) of the Nuclear Waste Policy Act of 1982 (the Act).

The Department issued proposed siting guidelines in the **Federal Register** on February 7, 1983, and initiated an extensive process of public comment and consultation with States, affected Indian tribes, and Federal agencies. This process included opportunity for public comment, a series of public hearings, and meetings with States, affected Indian tribes, and Federal agencies.

Upon consideration of all comments received, the siting guidelines were revised and submitted to the Nuclear Regulatory Commission (NRC) for review and concurrence, as required by the Act. In structuring its concurrence procedure, the NRC published its decision making process in the **Federal Register** on December 15, 1983.

Following two rounds of public comment, three public meetings, and a series of six technical meetings between the Commission and Department staff, the NRC announced its unanimous decision to concur on the siting guidelines. This decision was published in the **Federal Register** on July 10, 1984. The siting guidelines were approved for issuance by the Secretary on November 30, 1984, as a final Departmental rule.

The final siting guidelines were published in the **Federal Register** on December 6, 1984, and, as provided in the Administrative Procedure Act, will become effective 30 days thereafter.

We believe the siting guidelines which have resulted from this extensive process comply with the letter and spirit of the Act. We further believe that these siting guidelines will provide a solid basis for the selection of sites for geologic repositories for the disposal of high-level radioactive waste and spent nuclear fuel.

If you have any questions regarding these final siting guidelines, please contact me.

Sincerely,

S/Ben C. Rusche, Director  
Office of Civilian Radioactive  
Waste Management

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

(OFF RECORD REMARKS)

Senate At Ease

Senate called to order by the President.

**ORDERS OF THE DAY**

The President laid before the Senate the following tabled and specially assigned matter:

Joint Resolution in Memory of the Hon. Robert A. MacEachern of Lincoln SLS 1

TABLED—December 6, 1984, by Senator

**VIOLETTE** of Aroostook

PENDING—**ADOPTION**

(In Senate December 6, 1984, **READ**.)

The Chair recognizes the Senator from Penobscot, Senator Pearson.

**Senator PEARSON:** Mr. President, Men and Women of the Senate. I'm a proud sponsor of this particular Resolution, although I do so in a good deal of sadness. Robert MacEachern was a special person to me and to the people of Lincoln and the District that he represented. I am pleased to tell the Members of this

Senate, many of whom served with him in the House, that the Town of Lincoln has recognized Bob, (as we knew him) in the dedication of a park upon the entrance into Lincoln. It overlooks Mattanawcook Lake; it is a beautiful setting and he would have been very proud of it.

I remember one time Senator McBreairty, myself and Robert MacEachern went down to Bath Iron Works for a dedication of a frigate which was named after a sailor from East Millinocket, who had died during the Battle of Midway. His name was Stephen R. Groves. It was a wonderful occasion that day. Bob and I and Senator McBreairty were seated up on the platform where we could see quite well, and just about everybody from East Millinocket was there. That was Bob's hometown; he was raised there and went to school there, and he knew the boy who had the ship named after him. He remarked to me at that time how wonderful he thought it was that that town had remembered.

I think he would have been very, very pleased to know that Lincoln remembered him too, in the dedication of that park. His wife Barbara, his children, myself, Senator Pray and those others who were closely associated with him will miss him dearly, and I'm sure you will, too.

Which was **ADOPTED**.

Sent down for concurrence.

On motion by Senator **CLARK** of Cumberland,

**ADJOURNED** until 10 o'clock tomorrow morning.