

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
In Senate Chamber
Tuesday
February 5, 1985
Senate called to Order by the President.

Prayer by the Reverend Victor, Kane, Jr., of the Ogunquit Baptist Church in Ogunquit.

REVEREND KANE: I invite you to pray with me. O Divine source of wisdom and truth a new day of deliberation and decision-making lies before us. As it begins we would pause in our preparation to seek Your help

Your wisdom is greater than our own, Your truth brings to light pretense and sham. If some this day are troubled or anxious about the innerconfidence through Your power.

Take from our souls bitterness and resentment that could blur our best vision, that could cripple our commitment to serve the people of Maine.

Help us to be as ready to hear one another as we are to voice our own opinions. In the heat of debate may we never lose sight of our opponent as a brother or sister whom You love and whom You have called us to love even as ourselves.

Now, O God, grant us renewed courage and fresh enthusiasm to tackle the tasks that await us today. When the work of this day has come to a close, may we be found worth of that high commendation "Well done good and faithful servant."

This we ask through Jesus Christ our Lord, Amen.

Reading of the Journal of Friday, February 1, 1985.

(Off Record Remarks)

PAPERS FROM THE HOUSE House Papers

Bill "An Act to Require the State to Administer and Finance a General Assistance Program for Migrant Workers" (H.P. 292) (L.D. 381)

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 Deferred Payments and Terms and Schedules for Repayment of Loans under the Maine Consumer Credit Code" (H.P. 293) (L.D. 382)

Comes from the House referred to the Committee on **BUSINESS AND COMMERCE** and **ORDERED PRINTED**.

Which was referred to the Committee on **BUSINESS AND COMMERCE** and **ORDERED PRINTED**, in concurrence.

Bill "An Act to Assess the Impact of Agricultural Chemicals and Practices on Ground Water" (H.P. 294) (L.D. 383)

Comes from the House referred to the Committee on **ENERGY AND NATURAL RESOURCES** and **ORDERED PRINTED**.

Which was referred to the Committee on **ENERGY AND NATURAL RESOURCES** and **ORDERED PRINTED**, in concurrence.

Bill "An Act to Exempt from Home Health Licensure Certain Entities that Provide Home Based Nonacute Public Health Nursing and Education Services in Lieu of Similar State Services" (Emergency) (H.P. 295) (L.D. 384)

Bill "An Act to Permit the Department of Corrections to Accept Certain Categories of United States Prisoners" (H.P. 296) (L.D. 385)

Bill "An Act to Include Restitution as a Disciplinary Consequence to Inmate Misconduct at State Correctional Facilities" (H.P. 297)

(L.D. 386)

Comes from the House referred to the Committee on **HUMAN RESOURCES** and **ORDERED PRINTED**.

Which were referred to the Committee on **HUMAN RESOURCES** and **ORDERED PRINTED**, in concurrence.

Bill "An Act to Require Parental Consent in the Case of Minors' Abortions" (H.P. 298) (L.D. 387)

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

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

Bill "An Act to Repeal Requirements that Swimming Pools be Enclosed" (H.P. 299) (L.D. 388)

Comes from the House referred to the Committee on **LEGAL AFFAIRS** and **ORDERED PRINTED**.

Which was referred to the Committee on **LEGAL AFFAIRS** and **ORDERED PRINTED**, in concurrence.

Bill "An Act to Establish a Kennebec County Budget Committee" (H.P. 300) (L.D. 389)

Comes from the House referred to the Committee on **LOCAL AND COUNTY GOVERNMENT** and **ORDERED PRINTED**.

Which was referred to the Committee on **LOCAL AND COUNTY GOVERNMENT** and **ORDERED PRINTED**, in concurrence.

Bill "An Act Concerning the Shellfishing Industry" (H.P. 301) (L.D. 390)

Comes from the House referred to the Committee on **MARINE RESOURCES** and **ORDERED PRINTED**.

Which was referred to the Committee on **MARINE RESOURCES** and **ORDERED PRINTED**, in concurrence.

Bill "An Act to Authorize the Use of Energy Service Companies and 3rd-Party Financing for Conservation Improvements at State Facilities" (H.P. 302) (L.D. 391)

Bill "An Act to Clarify the Maine Administrative Procedure Act" (H.P. 303) (L.D. 392)

Comes from the House referred to the Committee on **STATE GOVERNMENT** and **ORDERED PRINTED**.

Which was referred to the Committee on **STATE GOVERNMENT** and **ORDERED PRINTED**, in concurrence.

Bill "An Act Concerning the Collection of Sales Tax" (H.P. 304) (L.D. 393)

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.

Bill "An Act to Amend the Law Regarding Parking Brake Requirements on Motorcycles and Motor Driven Cycles" (H.P. 305) (L.D. 394)

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

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

COMMUNICATIONS

The Following Communication:
**THE SENATE OF MAINE
OFFICE OF THE PRESIDENT**

February 1, 1985

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

Dear Madam Secretary:

Please be advised that pursuant to my authority under M.R.S.A. 3, Section 27, I have appointed Paul Violette to the Commission on Intergovernmental Relations.

This appointment will expire on December 3, 1986.

If you have any questions about this, please let me know.

Sincerely,
S/ CHARLES P. PRAY
President of the Senate

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

The Following Communication:
**STATE OF MAINE
PUBLIC UTILITIES COMMISSION
242 State Street
State House, Station 18
Augusta, Maine 04333**

February 1, 1985

The Honorable Charles P. Pray
President of the Senate
State House, Station #3
Augusta, Maine 04333
Dear Senator Pray:

In accordance with Title 35 of the Maine Statutes, I am enclosing the Annual Report of the Maine Public Utilities Commission.

Please do not hesitate to call if you have any questions regarding the materials contained in the report.

Sincerely,
S/ PETER A BRADFORD
Chairman

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

The Following Communication:
**STATE OF MAINE
DEPARTMENT OF EDUCATIONAL
AND CULTURAL SERVICES
STATE HOUSE STATION #23
AUGUSTA, MAINE 04333**

January 31, 1985

TO: Joy J. O'Brien,
Secretary of the Senate
Edwin Pert,
Clerk of the House
G. William Buker,
Bureau of the Budget

FROM: Robert E. Bosse, Commissioner
Re: Recommendation for 1985-1986
Funding Levels for Adult Education

Pursuant to the provisions of Title 20-A, M.R.S.A., Chapter 315, Section 8606, I am required to certify annually prior to February 1 to the Legislature and to the Bureau of the Budget a recommendation for the funding level for the various program categories in Adult Education.

Please see the recommendation below.
EDUCATION: ADULT EDUCATION

1985-1986

All Other (Including Category 6300-Grants to Cities and Towns) \$2,425,392* (This includes programs of High School Completion, Adult Literacy, General Adult Ed, Adult Handicapped, Adult Voc Ed, and Administration)

*For FY 86 the current budget allocation is \$2,137,102 which leaves a \$288,290 shortfall.

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

SENATE PAPERS

Bill "An Act to Except Maine Farm Produced Wine from the 15 cents Per Gallon Premium Tax" (S.P. 612) (L.D. 429) (Presented by Senator **BROWN** of Washington) (Cosponsored by: Senator **PERKINS** of Hancock, Representative **VOSE** of Eastport)

The Joint Select Committee on **ALCOHOLISM SERVICES** suggested and **ORDERED PRINTED**.

On motion by Senator **TWITCHELL** of Oxford referred to the Committee on **TAXATION** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act to Appropriate Grant Funds to the Maine State Commission on the Arts and the Humanities to Support Current Established Programs" (S.P. 142) (L.D. 409) (Presented by Senator NAJARIAN of Cumberland) (Cosponsored by: Speaker J. MARTIN of Eagle Lake, Representative FOSTER of Ellsworth)

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

Sent down for concurrence.

Bill "An Act to Encourage Industrial Product Development in the State" (S.P. 143) (L.D. 410) (Presented by Senator KANY of Kennebec) (Cosponsored by: Representative DILLENBACK of Cumberland, Representative GWADOSKY of Fairfield, Senator ANDREWS of Cumberland)

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and **ORDERED PRINTED**.

On motion by Senator VIOLETTE of Aroostook, Tabled for 1 Legislative Day, pending **REFERENCE**.

Bill "An Act Concerning Motor Vehicle Insurance and the Household Exclusion" (S.P. 145) (L.D. 412) (Presented by Senator CHALMERS of Knox) (Cosponsored by: Senator CARPENTER of Aroostook)

Bill "An Act Relating to Collateral and Terms of Consumer Loans under the Maine Consumer Credit Code" (S.P. 146) (L.D. 413) (Presented by Senator BUSTIN of Kennebec)

Bill "An Act to Restrict the Number of Advertising Signs Which May be Displayed by Licensed Retailers" (S.P. 147) (L.D. 414) (Presented by Senator BUSTIN of Kennebec)

Bill "An Act to Amend the Maine Consumer Credit Code" (S.P. 148) (L.D. 415) (Presented by Senator BUSTIN of Kennebec)

Bill "An Act to Provide Credit Unions with the Same Right to make 2nd Mortgage Loans as Exist for Financial Institutions" (S.P. 149) (L.D. 416) (Presented by Senator NAJARIAN of Cumberland) (Cosponsored by: Representative HOGLUND of Portland)

Which were referred to the Committee on **BUSINESS AND COMMERCE** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act to Provide Greater Discretion to the Department of Human Services in Providing Assistance to Nursing Home Residents" (S.P. 150) (L.D. 417) (Presented by Senator TWITCHELL of Oxford) (Cosponsored by: Senator CLARK of Cumberland)

Bill "An Act to Clarify Financial Eligibility Standards for Public Assistance With Respect to Hospitals and Nursing Homes and Promote Equitable and Consistent Enforcement of such Standards" (S.P. 151) (L.D. 418) (Presented by Senator TWITCHELL of Oxford) (Cosponsored by: Senator BERUBE of Androscoggin, Senator BROWN of Washington)

Which were referred to the Committee on **HUMAN RESOURCES** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act to Amend the Habitual Offender Law" (S.P. 152) (L.D. 419) (Presented by Senator PERKINS of Hancock) (Cosponsored by: Senator CARPENTER of Aroostook, Senator BUSTIN of Kennebec, Senator SEWALL of Lincoln)

Bill "An Act to Repeal Sunset Provisions on Certain Amendments to the Law Regarding Mediation in Domestic Relations Cases" (Emergency) (S.P. 144) (L.D. 411) (Presented by Senator CARPENTER of Aroostook) (Cosponsored by: Representative FOSTER of Ellsworth, Senator SEWALL of Lincoln, Representative HAYDEN of Durham)

Bill "An Act Relating to the Legal Blood-alcohol Level under Maine's Operating under the Influence Laws" (S.P. 153) (L.D. 420) (Presented by Senator WEBSTER of Franklin) (Cosponsored by: Senator HICHENS of York, Representative RANDALL of E. Machias, Representative BRAGG of Sidney)

Bill "An Act to Amend Certain Aspects of Post-conviction Review" (S.P. 154) (L.D. 421) (Presented by Senator CARPENTER of Aroostook) (Cosponsored by: Representative KANE of S. Portland)

Which were referred to the Committee on **JUDICIARY** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act to Change the Exemption for Farm Family Corporations from 4 to 8 Employees under the Workers' Compensation Law" (S.P. 155) (L.D. 422) (Presented by Senator BLACK of Cumberland) (Cosponsored by: Representative SHERBURNE of Dexter, Senator ERWIN of Oxford, Representative DAGGETT of Manchester)

Bill "An Act Amending the Municipal Public Employees Labor Relations Act to Provide for Newly Recognized or Certified Bargaining Agent to Bargain Fiscal Matters within 120 Days of Conclusion of Current Fiscal Operating Budget" (S.P. 164) (Presented by Senator BUSTIN of Kennebec) (Cosponsored by: Representative BEAULIEU of Portland, Representative RANDALL of E. Machias, Senator GAUVREAU of Androscoggin)

Bill "An Act Relating to the Admissibility of Certain Statements in Workers' Compensation Cases" (S.P. 165) (Presented by Senator DUTREMBLE of York)

Which were referred to the Committee on **LABOR** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act Concerning the Return of Security Deposits Paid by Tenants" (S.P. 156) (L.D. 423) (Presented by Senator USHER of Cumberland) (Cosponsored by: Senator ANDREWS of Cumberland)

Bill "An Act to Eliminate Maine Criminal Justice Academy Attendance as a Prerequisite for Licensing of Former Law Enforcement Officers as Private Investigators" (S.P. 157) (L.D. 424) (Presented by Senator SEWALL of Lincoln) (Cosponsored by: Senator CHALMERS of Knox, Representative SCARPINO of St. George)

Bill "An Act to Reduce Primary Election Costs" (S.P. 158) (L.D. 425) (Presented by Senator KANY of Kennebec) (Cosponsored by: Representative HANDY of Lewiston, Representative REEVES of Pittston, Senator TUTTLE of York)

Bill "An Act to Provide a Class A Lounge Liquor License" (S.P. 159) (L.D. 426) (Presented by Senator NAJARIAN of Cumberland) (Cosponsored by: Representative HOGLUND of Portland)

Which were referred to the Committee on **LEGAL AFFAIRS** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act to More Clearly Provide for Public Access to the County Budget Process" (S.P. 160) (L.D. 427) (Presented by Senator CHALMERS of Knox)

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

Sent down for concurrence.

Bill "An Act to Grant Certain Political Rights to State Employees" (S.P. 167) (Presented by Senator TUTTLE of York) (Cosponsored by: Senator BUSTIN of Kennebec, Senator PRAY of Penobscot, Representative BEAULIEU of Portland)

Resolve, Regarding a Study of the Personnel Law (S.P. 168) (Presented by Senator KANY of Kennebec) (Cosponsored by: Representative COTE of Auburn, Representative BOUTILIER

of Lewiston, Representative GWADOSKY of Fairfield)

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

Sent down for concurrence.

Bill "An Act to Amend the Code of Fair Practices and Affirmative Action as the Equal Opportunity Standard for State Financed Agencies" (S.P. 166) (Presented by Senator ANDREWS of Cumberland) (Cosponsored by: Representative LISNIK of Presque Isle, Senator BERUBE of Androscoggin) (Submitted by the Human Rights Commission pursuant to Joint Rule 24)

Committee on **STATE GOVERNMENT** suggested.

On motion by Senator VIOLETTE of Aroostook, Tabled for 1 Legislative Day, pending **REFERENCE**.

Bill "An Act to Repeal the Tax Exemption for Income Received as Winnings from the Maine Lottery" (S.P. 161) (L.D. 428) (Presented by Senator HICHENS of York) (Cosponsored by: Senator WEBSTER of Franklin, Representative BRAGG of Sidney, Representative RANDALL of E. Machias)

Bill "An Act to Require Equal Treatment for Taxpayers in the Unorganized Territory" (S.P. 163) (L.D. 430) (Presented by Senator McBREAIRTY of Aroostook) (Cosponsored by Senator BROWN of Washington, Representative C.W. SMITH of Mars Hill, Representative CROUSE of Caribou)

Which were referred to the Committee on **TAXATION** and **ORDERED PRINTED**.

Sent down for concurrence.

(Off Record Remarks)

ORDERS OF THE DAY

The President laid before the Senate the Tabled and specially assigned matter:

Bill "An Act to Amend the Maine Spruce Budworm Management Act" (H.P. 267) (L.D. 337)

Tabled—February 1, 1985, by Senator VIOLETTE of Aroostook

Pending—**REFERENCE**

(In House February 1, 1985, referred to the Committee on **ENERGY AND NATURAL RESOURCES** and **ORDERED PRINTED**.)

(In Senate February 1, 1985, **RECONSIDERED REFERENCE** to the Committee on **ENERGY AND NATURAL RESOURCES**.)

Which was referred to the Committee on **ENERGY AND NATURAL RESOURCES** and **ORDERED PRINTED**, in concurrence.

(Off Record Remarks)

On motion by Senator VIOLETTE of Aroostook,

ADJOURNED until 10 o'clock tomorrow morning.