

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 26, 1985
Senate called to order by the President.

Prayer by the Reverend Robert E. Canfield of the Free Methodist Church in Gardiner.

REVEREND CANFIELD: Let us pray! Father, we do thank You this morning for the reality of Your presence; and in realizing Your presence we come to ask You, and yet before we ask, we want to praise and thank You for who You are, what You are, and Your interest in us — You do not fail us. You show many times Your omnipotent power in Your ever watchful care over us, and the wisdom that You bestow upon us that we might make right choices.

We pray, Lord, that You will be with us in the gathering of this day. Help us to realize that our purpose of being here is one of calling, and that You have given us a reason to be here — a responsibility. Help us to respond in a proper way by seeking your guidance and walking as You would have us to walk, think as You would have us to think, and to say and to do those things that we should say and do.

Bless us we pray, as we call upon You. We ask it in Christ's Name. Amen.

Reading of the Journal of Thursday, February 21, 1985.

THE PRESIDENT: The Chair at this time is pleased to congratulate and thank the Senator from York, Senator Danton, for presiding over the session last Thursday in the absence of the presiding officer. (applause)

(Off Record Remarks)

PAPERS FROM THE HOUSE House Papers

Bill "An Act to Provide for the Inclusion of State Paid Employee Retirement Contributions as Part of the Earnable Compensation of Confidential Employees" (H.P. 451) (L.D. 653)

Comes from the House referred to the Committee on **AGING, RETIREMENT AND VETERANS AND ORDERED PRINTED.**

Which was referred to the Committee on **AGING, RETIREMENT AND VETERANS AND ORDERED PRINTED,** in concurrence.

Bill "An Act to Create the Commission on Farmland Loss" (H.P. 434) (L.D. 635)

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

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

Bill "An Act to Make Supplemental Appropriations from the General Fund for the Fiscal Years ending June 30, 1986, and June 30, 1987" (Emergency) (H.P. 453) (L.D. 654)

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 to Assure Equitable Compliance with the Fair Credit Reporting Act" (H.P. 436) (L.D. 618)

Bill "An Act to License Social Workers Employed by a Hospital" (H.P. 437) (L.D. 619)

Bill "An Act to Amend the Fair Credit Reporting Act" (H.P. 438) (L.D. 620)

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

Which were referred to the Committee on

BUSINESS AND COMMERCE and ORDERED PRINTED, in concurrence.

Bill "An Act Concerning Uniform Teacher Evaluation Standards" (H.P. 439) (L.D. 621)

Bill "An Act to Amend the School Volunteer Program" (Emergency) (H.P. 454) (L.D. 655)

Comes 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 Related to the Use and Development of the West Branch of the Penobscot River" (Emergency) (H.P. 450) (L.D. 652)

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.

Resolve, Concerning Blackfly Control (H.P. 435) (L.D. 617)

Committee on **AGRICULTURE** suggested.

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 Close Ragged Stream to Caribou Lake to the Taking of Smelts" (H.P. 455) (L.D. 656)

Bill "An Act to Close Moosehead Lake to Ice Fishing Within 300 Feet of Shore" (H.P. 456) (L.D. 657)

Bill "An Act to Appropriate Funds for the Wildlife Management Institute to Conduct a Study of the Department of Inland Fisheries and Wildlife" (H.P. 457) (L.D. 658)

Comes from the House referred to the Committee on **FISHERIES AND WILDLIFE and ORDERED PRINTED.**

Which were referred to the Committee on **FISHERIES AND WILDLIFE and ORDERED PRINTED,** in concurrence.

Bill "An Act to Amend Provisions Governing the Procedures of the Maine Health Care Finance Commission" (H.P. 459) (L.D. 659)

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

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

Bill "An Act to Require Criminal History Record Information 7 Days a Week, 24 Hours a Day" (H.P. 441) (L.D. 623)

Bill "An Act to Establish a Living Will" (H.P. 458) (L.D. 660)

Comes 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 Concerning Payment of Unemployment Benefits to Persons Employed in the United States for only a Brief Period of Time" (H.P. 442) (L.D. 624)

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

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

Bill "An Act to Provide Retailers of Malt and Vinous Beverages with a 7-Working Day Credit Period" (H.P. 443) (L.D. 625)

Bill "An Act to Require Tenants Injured on the Landlord's Premises to Notify the Landlord

Within 30 Days of the Injury" (H.P. 444) (L.D. 626)

Bill "An Act to Limit the Transportation of Fire Arms in Motor Vehicles" (H.P. 460) (L.D. 661)

Bill "An Act to Provide for a Setup Period Prior to Opening of the Polls" (H.P. 461) (L.D. 662)

Bill "An Act to Permit the Secretary of State to Issue Work-restricted Drivers' Licenses to First Time OUI Offenders" (H.P. 462) (L.D. 663)

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

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

Bill "An Act to Suspend the Licenses of Underage Drunken Drivers until They Reach Legal Drinking Age" (H.P. 440) (L.D. 622)

Committee on **JUDICIARY** suggested.

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.

(Off Record Remarks)

Bill "An Act to Protect Lobster Gear" (H.P. 445) (L.D. 627)

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.

Resolution, Proposing an Amendment to the Constitution of Maine to Require that Local Units of Government be Reimbursed for the Costs Incurred in Executing State-mandated Programs (H.P. 446) (L.D. 628)

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 to Clarify Just Value as it Relates to Property Assessment" (H.P. 463) (L.D. 664)

Bill "An Act to Allow a Tax Credit Equal to 30% of the Net Cost of Operating a Child Care Facility to be Used Primarily by the Children of the Taxpayer's Employees" (H.P. 464) (L.D. 665)

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

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

Bill "An Act to Require Eye Protection for Persons Riding Motorcycles" (H.P. 465) (L.D. 666)

Resolve, Concerning the Establishment of a Social Services Transportation Review Committee (H.P. 466) (L.D. 667)

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

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

Bill "An Act Relating to Measured Local Telephone Charges" (Emergency) (H.P. 447) (L.D. 629)

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

Which was referred to the Committee on **UTILITIES and ORDERED PRINTED,** in

concurrence.

COMMUNICATIONS

The Following Communication: H.P. 468
**MAINE LEGISLATIVE TASK FORCE ON
 HEAD INJURY**
32 Winthrop Street
Augusta, ME 04330

February 4, 1985

The Honorable John L. Martin
 Speaker of the Maine House
 State House
 Augusta, Maine 04333

Dear Speaker Martin:

On behalf of the Maine Legislative Task Force on Head Injuries we are pleased to transmit our report to the Legislature. The report was mandated by resolve of the 111th Legislature and was prepared with funding from the Bureau of Rehabilitation, Department of Human Services. Additional support was provided by the Maine State Planning Council on Development Disabilities.

Each year approximately 1500 people with head injuries are discharged from Maine hospitals. Hospital costs alone for this group exceed \$3 million. The report documents steps we can take to significantly reduce the incidence of head injury and to rehabilitate head injured persons.

We would like to acknowledge the many Maine citizens who contributed to the work of the Task Force. They share with us a concern for the rising social and economic costs of head injury.

Sincerely,
 S/ JOAN M. JORDAN
 Co-Chairperson S/ THOMAS H. ANDREWS
 State Senator and
 Co-Chairperson

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. 267
112th MAINE LEGISLATURE
AUGUSTA, MAINE 04333

February 22, 1985

Senator Michael E. Carpenter
 Representative Edward J. Kane
 Chairpersons, Committee on Judiciary
 112th Legislature
 Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated Alexander MacNichol of Cape Elizabeth for appointment as a Judge-at-Large of the District Court.

Pursuant to Title 4, MRSA Section 157, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,
 S/ CHARLES P. PRAY
 President of the Senate
 S/ JOHN L. MARTIN
 Speaker of the House

Which was **READ** and referred to the Committee on **JUDICIARY**.
 Sent down for concurrence.

The Following Communication:
112th LEGISLATURE
**COMMITTEE ON AUDIT AND PROGRAM
 REVIEW**

February 25, 1985

Honorable Charles P. Pray, President
 Maine State Senate
 112th Legislature
 Dear Mr. President:

It is our pleasure to transmit to the legislature the sixth annual report of the Joint Standing Committee on Audit and Program Review. The recommendations contained in this report concern the Departments of Environmental Pro-

tection and Marine Resources and independent agencies such as the Public Utilities Commission, the Maine Development Foundation, the State Development Office, the Office of Energy Resources, the Atlantic Sea Run Salmon Commission, the State Board of Examiners of Psychologists, and other.

In this report, the Committee is making over 130 recommendations to the legislature. Throughout the entire process, our major objectives have been to make government more efficient and less costly while ensuring high levels of service of the citizens of Maine as well as improving legislative oversight of the Executive Branch. This report, by law is submitted officially to the Legislative Council. We welcome all questions, comments and input regarding any part of this report or our review of these agencies.

Sincerely,
 S/ G.WILLIAM DIAMOND S/ NEIL ROLDE
 Senate Chair House Chair
 Which was **READ** and **ORDERED PLACED ON FILE**.

(Off Record Remarks)

Senate at Ease

The Senate called to order by the President.

SENATE PAPERS

Bill "An Act to Require Guides for Hunters who are not United States Citizens" (S.P. 260) (L.D. 639) (Presented by Senator **McBREAIRTY** of Aroostook) (Cosponsored by: Representative **JACQUES** of Waterville, Representative **GREENLAW** of Standish)

Which was referred to the Committee on **FISHERIES AND WILDLIFE** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act Relating to Structures Located in Proposed Ways" (S.P. 265) (L.D. 708) (Presented by Senator **GAUVREAU** of Androscoggin) (Cosponsored by: Representative **POULIOT** of Lewiston, Senator **DANTON** of York)

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

Sent down for concurrence.

Bill "An Act to Require Investigations and Reports on All Accidents Involving Police Cars" (S.P. 266) (L.D. 709) (Presented by Senator **SEWALL** of Lincoln)

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

Sent down for concurrence.

Bill "An Act Creating a Department of Maine's Economic future" (S.P. 262) (L.D. 671) (Presented by Senator **KANY** of Kennebec) (Cosponsored by: Representative **GWADOSKY** of Fairfield, Representative **CROWLEY** of Stockton Springs, Senator **ANDREWS** of Cumberland)

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

Sent down for concurrence.

Bill "An Act Concerning the Maturation of Tax Liens" (S.P. 261) (L.D. 670) (Presented by Senator **DANTON** of York) (Cosponsored by: Representative **McSWEENEY** of Old Orchard Beach)

Bill "An Act to Increase Income Limitations Under the Elderly Householders Tax and Rent Refund Act and to Remove People in Subsidized Housing from the Program" (S.P. 263) (L.D. 672) (Presented by Senator **BALDACCI** of Penobscot) (Cosponsored by: Representative **Duffy** of Bangor)

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

Sent down for concurrence.

ORDER

Joint Resolutions

On motion by Senator **NAJARIAN** of Cumberland, Cosponsors; Senator **ANDREWS** of Cumberland, Senator **USHER** of Cumberland, the following Joint Resolution: (S.P. 264)

**JOINT RESOLUTION IN COMMEMORATION
 OF THE VISIT THE FRENCH NAVAL
 SHIP R.H.M. CENTAURE**

WHEREAS, on April 13, 1778, the French naval frigate, "Le Sensible" arrived in Falmouth Harbor, now Portland, for the purpose of delivering to the colonists the Treaty of Alliance advising the colonists that the Government of France had formally and openly acknowledged American independence and pledged its aid and support; and

WHEREAS, word of France's entry into the war spread from Falmouth, in the district of Maine, through New England to General George Washington and his troops in Pennsylvania; and

WHEREAS, the decision of France to aid American colonists was of particular importance to the eventual attainment of American independence; and

WHEREAS, this historic occasion will be commemorated in February of 1985, by the City of Portland and the State upon the arrival of the French naval ship Centaure on February 27, 1985; and

WHEREAS, the visit of the French naval ship Centaure is an occasion of great significance to Maine and its citizens; now therefore, be it **RESOLVED**: That We, the Members of the 112th Legislature of Maine while duly assembled in regular session do extend our welcome to the officers and crew of the Centaure upon the occasion of their visit to the State and the City of Portland; and be it further

RESOLVED: That a duly authenticated copy of this Resolution of welcome be sent forthwith, on behalf of the Legislature and the people of Maine, to the City of Portland for appropriate transmittal to the commanding officer of the French naval ship Centaure upon the occasion of that vessel's arrival at Portland Harbor.

Which was **READ** and **ADOPTED**.

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 to Repeal the Office of the Commissioner within the Department of Labor which is Funded from Administrative Funds" (H.P. 121) (L.D. 146)

Bill "An Act to Institute the Hunting of Small Game on Sundays" (H.P. 107) (L.D. 132)

Ought to Pass

The Committee on **EDUCATION** Bill "An Act to Count all Students Living on Federal or State Property as Residents of the District but not Residents of a Municipality" (Emergency) (H.P. 102) (L.D. 127)

Reported that the same **Ought to Pass**. Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

Which Report was **READ** and **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

The Bill **TOMORROW ASSIGNED FOR SECOND READING**.

Ought to Pass in New Draft under New Title

The Committee on **STATE GOVERNMENT** on Bill "An Act Concerning Nonpartisan Offices Held by Members of the State Police" (Emergency) (H.P. 31) (L.D. 32)

Reported the same **Ought to Pass in New Draft under New Title** Bill "An Act Pertaining to Law Enforcement Officers and Public Office Holding" (Emergency) (H.P. 467) (L.D. 616)

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.**

Senate

Ought to Pass in New Draft

Senator **BUSTIN** for the Committee on **BUSINESS AND COMMERCE** on Bill "An Act to Clarifying the Term "Authorized Person" Under the Law Relating to Deaths and Burials" (S.P. 22) (L.D. 26)

Reported that the same **Ought to Pass in New Draft** under same title. (S.P. 258) (L.D. 651)

Which Report was **READ** and **ACCEPTED.**

The Bill in **NEW DRAFT READ ONCE.**

The Bill in **NEW DRAFT TOMORROW ASSIGNED FOR SECOND READING.**

Senator **TRAFTON** for the Committee on **LEGAL AFFAIRS** on Bill "An Act to Permit Beano on Sundays after Noon" (S.P. 36) (L.D. 44)

Reported that the same **Ought to Pass in New Draft** under same title. (S.P. 259) (L.D. 669)

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:

Senate

Resolve, Authorizing the Director of Parks and Recreation to Convey by Deed the Interest of the State of Maine in Certain Parcels of Real Property. (S.P. 37) (L.D. 45)

Which was **READ A SECOND TIME** and **PASSED TO BE ENGROSSED.**

Sent down for concurrence.

ENACTORS

The Committee on **Engrossed Bills** reported as truly and strictly engrossed the following:

An Act Relating to the Registration of Soil Amendments (H.P. 15) (L.D. 13)

An Act to Amend the Laws Concerning Fire Prevention and Protection (H.P. 20) (L.D. 18) (C "A" H-4)

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

ORDERS OF THE DAY

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

Bill "An Act to Amend the Law Concerning the Student Incentive Scholarship Program Under the Education Law" (S.P. 68) (L.D. 119)

Tabled—February 21, 1985, by Senator **BROWN** of Washington.

Pending—**PASSAGE TO BE ENGROSSED** (In Senate February 21, 1985, **READ A SECOND TIME.**)

On motion by Senator **VIOLETTE** of Aroostook, the Senate Suspended the Rules.

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby the Bill was **READ A SECOND TIME.**

On further motion by same Senator, the Senate Suspended the Rules.

On further motion by same Senator, the

Senate **RECONSIDERED** its action whereby the Bill was **READ ONCE.**

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby it **ACCEPTED** the **OUGHT TO PASS** Report of the Committee.

On further motion by same Senator, **RECOMMITTED** to the Committee on **EDUCATION.** Sent down for concurrence

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

Bill "An Act to Adopt a State Uniform Fraudulent Transfer Act" (S.P. 244)

Tabled—February 21, 1985, by Senator **TRAFTON** of Androscoggin

Pending—**REFERENCE**

(In Senate February 21, 1985, **RECONSIDERED** reference to the Committee on **BUSINESS AND COMMERCE.**)

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

Senate at Ease

The Senate called to order by the President.

Senator **PERKINS** of Hancock was granted unanimous consent to address the Senate Off the Record.

Senator **TWITCHELL** of Oxford was granted unanimous consent to address the Senate Off the Record.

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

ADJOURNED until 10 o'clock tomorrow morning.