

# 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

March 5, 1985

Senate called to order by the President.

Prayer by the Honorable Walter W. Hichens of York.

SENATOR HICHENS: May we pray! Our Heavenly Father, we bow before Thee on this first day of a new week of a sessions; thanking Thee for Thy care over us during this past weekend; thanking Thee for safe traveling mercies as we've come in from our homes from various parts of the State for this session. We pray, Lord, for those who are still traveling, for those who are out on the highways clearing the roads for others to travel; wilt Thou protect them and bless them in every way.

We pray, Lord: Thou wilt be with us this day and throughout this week in our deliberations, Thou wilt help us to seek Thy will in making these decisions which are so important to the people of our State.

Bless our Governor, bless our President and bless all those in authority, for we ask in Thy Name. Amen.

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

(Off Record Remarks)

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act Establishing Educational Scholarships for Children of Firefighters and Police Officers who Die in the Performance of Their Duty" (H.P. 478) (L.D. 681)

Committee on **EDUCATION** suggested and **ORDERED PRINTED**.

In House February 27, 1985, referred to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and **ORDERED PRINTED**.

In Senate February 28, 1985, referred to the Committee on **EDUCATION** and **ORDERED PRINTED**, in **NON-CONCURRENCE**.

Comes from the House, that Body having **ADHERED**.

The Senate **ADHERED**.

House Papers

Bill "An Act to Extend the Sunset Provisions of the Potato Price Stabilization Law" (H.P. 551) (L.D. 823)

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 Concerning Access to Medical Care for Persons without Adequate Health Insurance" (H.P. 552) (L.D. 824)

Resolve Appropriating Funds for the Chester Dental Clinic" (H.P. 553) (L.D. 825)

Resolve, Reimbursing Counties which Provide Space to Superior Courts" (H.P. 554) (L.D. 826)

Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Department of Inland Fisheries and Wildlife Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1986, and June 30, 1987" (Emergency) (H.P. 632) (L.D. 900)

Come from the House referred to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and **ORDERED PRINTED**.

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

Bill "An Act to Allow Licensed Dentists to

Participate in any Prepaid Dental Group" (H.P. 555) (L.D. 827)

Bill "An Act Concerning Maine's Lemon Act" (H.P. 556) (L.D. 828)

Bill "An Act Permitting Retention of Loss in Excess of Loss Fund by Group Self-insurers" (H.P. 557) (L.D. 829)

Bill "An Act Regulating Places Where Massages are Given and their Employees" (H.P. 559) (L.D. 831)

Bill "An Act to Require Final Usage Labeling for all Surimi Products" (H.P. 633) (L.D. 901)

Come 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 to Clarify the Rights of Tenants in Mobile Home Parks" (H.P. 534) (L.D. 909)

Committee on **LEGAL AFFAIRS** suggested. 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 Create a Technological, Business and Industrial Development Council for the University of Maine" (H.P. 561) (L.D. 832)

Bill "An Act to Establish the Maine Protection of Pupil Rights Act" (H.P. 562) (L.D. 833)

Bill "An Act to Extend the National School Breakfast Program Availability to Maine School Children" (H.P. 563) (L.D. 834)

Bill "An Act Concerning Education Programs for Gifted and Talented Children" (H.P. 564) (L.D. 835)

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 Permit Mediation of Water Level Disputes" (H.P. 565) (L.D. 836)

Bill "An Act to Establish Minimum Energy Efficiency Standards for Major Appliances Sold in Maine" (H.P. 566) (L.D. 837)

Bill "An Act to Protect Freshwater Wet Lands" (H.P. 567) (L.D. 838)

Bill "An Act to Authorize the Board of Environmental Protection to Promulgate Experimental Regulations for Certain Nontoxic Solid Waste" (H.P. 568) (L.D. 839)

Bill "An Act to Establish Mandatory Energy Efficiency Building Performance Standards for the State" (H.P. 569) (L.D. 840)

Come from the House referred to the Committee on **ENERGY AND NATURAL RESOURCES** and **ORDERED PRINTED**, Which were referred to the Committee on **ENERGY AND NATURAL RESOURCES** and **ORDERED PRINTED** in concurrence.

Bill "An Act Concerning Hunting with Bow and Arrow on Privately Owned Property" (H.P. 570) (L.D. 841)

Bill "An Act to Increase Penalties for Certain Hunting Violations Involving Big Game Animals" (H.P. 571) (L.D. 842)

Bill "An Act to Increase the Penalties for Stocking Fish in Inland Waters Without a Permit" (H.P. 573) (L.D. 844)

Bill "An Act Relating to Coyote Control" (H.P. 634) (L.D. 902)

Bill "An Act to Make Additional Allocations to the Department of Inland Fisheries and Wildlife for the Fiscal Year Ending June 30, 1985" (Emergency) (H.P. 635) (L.D. 903)

Come 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 Require Prior Consent of a Patient before a Medical Consultant can Provide a Billable Service" (H.P. 574) (L.D. 845)

Bill "An Act to Provide that Electric Service is not a Basic Necessity Under the General Assistance Laws After the Winter Period" (H.P. 575) (L.D. 846)

Bill "An Act to Amend the Municipal General Assistance Law" (H.P. 576) (L.D. 847)

Bill "An Act to Implement Recommendations of the Maine Health Care Finance Commission's Hospital Advisory Committee" (H.P. 577) (L.D. 848)

Bill "An Act to Revise the Maine Certificate of Need Act for Hospitals" (H.P. 578) (L.D. 849)

Bill "An Act Concerning Work Requirements under the General Assistance Program" (H.P. 579) (L.D. 850)

Bill "An Act to Ban Smoking in Certain Public Access Structures" (H.P. 581) (L.D. 851)

Bill "An Act to Authorize an Elderly Housing Project at Pineland Center" (H.P. 582) (L.D. 852)

Bill "An Act to Reduce Paperwork and Make Benefits More Reflective of Need in the Aid to Families with Dependent Children Program" (H.P. 580) (L.D. 911)

Come 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 Concerning Funeral and Burial Expenses of Municipal General Assistance Recipients" (H.P. 560) (L.D. 910)

Committee on **BUSINESS AND COMMERCE** suggested.

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 Establish Guidelines for Investigation of Health Care Facilities by State Agencies" (H.P. 583) (L.D. 853)

Committee on **JUDICIARY** suggested.

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 Amend the Disclosure of Licensing Records Regarding Adult and Child Care Programs to Clarify Procedures Relating to Vital Statistic Records and Clarify Officials Authorized to Act as Public Guardians or Conservators under the Probate Code" (H.P. 584) (L.D. 854)

Bill "An Act Amending the Maine Juvenile Code to Provide for Diagnostic Evaluation for Bind-over purposes" (H.P. 585) (L.D. 855)

Bill "An Act Concerning Reduction of Damages for Persons not Wearing Safety Belts or Helmets" (H.P. 586) (L.D. 856)

Bill "An Act to Amend the Definition of Juvenile Crime in the Maine Juvenile Code" (H.P. 587) (L.D. 857)

Bill "An Act to Clarify Sentences Permissible for a Crime Committed by a Parolee" (H.P. 588) (L.D. 858)

Bill "An Act Concerning Visitation Rights in Divorce and Custody Proceedings" (H.P. 589) (L.D. 859)

Bill "An Act to Prevent Criminals from Profiting as an Indirect Result of their Crime" (H.P. 590) (L.D. 860)

Bill "An Act to Reinstate the Death Penalty"

(H.P. 591) (L.D. 861)

Resolution, Proposing an Amendment to the Constitution of Maine to Provide for an Express Statement of the Right to Bail and Authorizing the Denial of Bail in Certain Cases (H.P. 637) (L.D. 905)

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 Relocate the Supreme Judicial Court and Related Functions to the State Capitol at Augusta" (H.P. 485) (L.D. 688)

Committee on **JUDICIARY** suggested and **ORDERED PRINTED**.

Come from the House, Bill and accompanying papers **INDEFINITELY POSTPONED**.

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

Bill "An Act Relating to Unemployment Compensation Claimants with both Seasonal and Nonseasonal Earnings" (H.P. 592) (L.D. 862)

Bill "An Act to Clarify the Status of Newspaper Carriers under the Unemployment Compensation Act" (H.P. 593) (L.D. 863)

Bill "An Act to Assist Workers' Displaced from Employment by Imports" (H.P. 594) (L.D. 864)

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 Exempt Houses of Worship from Inspection Fees for Elevators" (H.P. 595) (L.D. 865)

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

On motion by Senator **VIOLETTE** of Aroostook referred to the Committee on **BUSINESS AND COMMERCE** and **ORDERED PRINTED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Bill "An Act to Repeal the Nonnegotiability of Educational Policies" (H.P. 595) (L.D. 866)

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

On motion by Senator **VIOLETTE** of Aroostook Tabled until Later in Today's Session, pending **REFERENCE**.

Bill "An Act to Provide a Uniform Waiting Period Prior to the Purchase of a Handgun" (H.P. 597) (L.D. 867)

Bill "An Act to Clarify and Standardize Enrollment Status on Voting Lists" (H.P. 598) (L.D. 868)

Bill "An Act to Require the Implementation of Toxicity Standards of Flammability for Commonly Used Building and Construction Materials" (H.P. 599) (L.D. 869)

Bill "An Act Relating to Absentee Ballots" (H.P. 600) (L.D. 870)

Bill "An Act to Require a Life Safety Sprinkler System in Certain Residential Occupancies" (H.P. 601) (L.D. 871)

(See Action Later Today)

Bill "An Act to Include Municipal Clerks and their Office Staff among those Eligible for Absentee Ballots" (H.P. 602) (L.D. 872)

Bill "An Act to Prohibit Marriage Between Certain Blood Relatives" (H.P. 603) (L.D. 873)

Come 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 Amend the Motor Vehicle Laws with Reference to Operating Under the

Influence to Decriminalize Proceedings under the Traffic Infraction Laws" (Emergency) (H.P. 636) (L.D. 904)

Committee on **JUDICIARY** suggested.

Come 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 the Boundaries between the Town of Lisbon and the City of Lewiston and between the Town of Lisbon and the Town of Sabattus" (H.P. 604) (L.D. 874)

Bill "An Act to Allow County Officers Who Came Into Office During the Year to be Paid Lesser Salaries than Stipulated by Law" (H.P. 605) (L.D. 875)

Resolve, Authorizing the Town of Fort Kent to Convey its Interest in Certain Public Lands in Fort Kent, Aroostook County" (H.P. 606) (L.D. 876)

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

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

Bill "An Act to Clarify Certain Errors and Inconsistencies in Marine Resources Laws" (Emergency) (H.P. 607) (L.D. 877)

Come 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 Concerning Striped Bass" (H.P. 572) (L.D. 843)

Committee on **FISHERIES AND WILDLIFE** suggested.

Come 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 Regarding the Executive Director of the Maine Health and Higher Education Facilities Authority" (H.P. 608) (L.D. 878)

Bill "An Act to Establish the Least-cost Principle" (H.P. 609) (L.D. 879)

Bill "An Act to Regulate the Disposal of State Property" (H.P. 610) (L.D. 880)

Bill "An Act to Adjust the Boundaries between House District 103 and House District 55" (H.P. 611) (L.D. 881)

Bill "An Act to Abolish the Office of Energy Resources" (H.P. 612) (L.D. 882)

Bill "An Act Concerning the Wording of Referendum Questions" (H.P. 638) (L.D. 906)

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

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

Bill "An Act to Provide for Biennial Conferences on Small Business" (H.P. 558) (L.D. 830)

Committee on **BUSINESS AND COMMERCE** suggested.

Come 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.

**JOINT RESOLUTION MAKING APPLICATION TO CONGRESS CALLING A CONVENTION TO PROPOSE AN AMENDMENT TO THE FEDERAL CONSTITUTION TO REQUIRE A**

**BALANCED FEDERAL BUDGET** (H.P. 520) (L.D. 740)

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested.

Come 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 Amend the Forest Fire Suppression Tax to Allow Persons Affected by Tax Liens One Year to Pay those Taxes" (H.P. 613) (L.D. 883)

Bill "An Act Relating to the Sales of Extended Cable Television Services" (Emergency) (H.P. 614) (L.D. 884)

Bill "An Act to Adjust the Excise Tax on Watercraft" (H.P. 615) (L.D. 885)

Bill "An Act to Provide for a Sales Tax on the Advertising of Alcoholic Beverages" (H.P. 639) (L.D. 907)

Bill "An Act Concerning Information Provided Prior to the Payment of Excise Taxes on Motor Vehicles" (H.P. 640) (L.D. 908)

Come 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.

Resolution, Proposing an Amendment to the Constitution of Maine to Authorize the Expenditure of Highway Fund Money for Public Transportation that is Dependent upon Highways and Bridges for Operation (H.P. 627) (L.D. 913)

Committee on **TRANSPORTATION** suggested.

Come 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 Increase the Minimum Amount of Road Assistance Under the Local Road Assistance Program" (H.P. 616) (L.D. 886)

Bill "An Act to Establish Special Motor Vehicle License Plates for Firefighters" (H.P. 617) (L.D. 887)

Bill "An Act Concerning the Placement of Railroad Lights" (H.P. 618) (L.D. 888)

Bill "An Act Concerning Passengers Riding in Open-body Trucks" (H.P. 619) (L.D. 889)

Bill "An Act to Clarify the Maine Highway Transportation Reform Act" (H.P. 620) (L.D. 890)

Bill "An Act Concerning Flashing Lights on Church Buses" (H.P. 621) (L.D. 891)

Bill "An Act to Provide for the Funding of Public Transportation" (H.P. 622) (L.D. 912)

Bill "An Act to Require Rear Window Defoggers or Defrosters on Automobiles" (H.P. 623) (L.D. 892)

Bill "An Act to Reduce the Incidence of Motor Vehicle Accidents among Maine's Young Drivers" (H.P. 624) (L.D. 893)

Bill "An Act to Prohibit Use of Motor Vehicle Mirrors that Distort the Actual Image" (H.P. 625) (L.D. 894)

Bill "An Act Concerning Private School Activity Buses" (H.P. 626) (L.D. 895)

Come 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 to Exempt Certain Nonutilities from the requirements of the Utility Reorganization Law" (H.P. 628) (L.D. 896)

Come from the House referred to the Com-

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

#### Joint Resolutions

The Following Joint Resolution: (H.P. 641)  
**JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ADOPT LEGISLATION PROVIDING EQUAL BENEFITS TO RETIREES UNDER THE SOCIAL SECURITY ACT**

We, your Memorialists, the House of Representatives and the Senate of the State of Maine in the One Hundred and Twelfth Legislature, now assembled, most respectfully present and petition your Honorable Body, as follows:

WHEREAS, at the present time under the Social Security Act individuals who became eligible for benefits in or after 1979 received reduced benefit levels compared to individuals who became eligible prior to 1979 resulting from changes made in 1977 in the benefit computation formula; and

WHEREAS, this disparity in benefit levels has been referred to as the "notch" and has resulted in reduced benefits having been awarded to approximately 1.3 million persons; and

WHEREAS, any remedy for narrowing the gap in benefits is complicated because the "notch" has been in use since 1979; and

WHEREAS, legislation will be introduced in the United States House of Representatives by Congressman Roybal, of Florida, who is the Chairman of the Aging Committee of the House of Representatives, in an effort to eliminate the "notch," and

WHEREAS, it is appropriate that the Legislature of the State of Maine take a stand in support of this legislation to protect the rights of the citizens of our State; now, therefore, be it

RESOLVED, That WE, your Memorialists, respectfully recommend and urge the Congress of the United States to use every possible means at its command to pass legislation which will eliminate the disparity in benefits levels awarded under the Social Security Act with respect to benefits awarded prior to 1979 and in and after 1979 so as to provide equitable benefits for all retirees; and be it further

RESOLVED: That duly authenticated copies of this Memorial be transmitted to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives and to each Member of the Senate and House of Representatives in the Congress of the United States from this State.

Comes from the House **READ** and **ADOPTED**.

Which was **READ** and **ADOPTED**, in concurrence.

The Following Joint Resolution: (H.P. 642)  
**JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO FORMULATE A RESPONSIVE POLICY TO THE NEEDS OF THE ETHIOPIAN PEOPLE**

WE, your Memorialists, the House of Representatives and Senate of the State of Maine in the One Hundred and Twelfth Legislature, now assembled, most respectfully present and petitions your Honorable Body as follows:

WHEREAS, the severity of the famine afflicting Ethiopia and other parts of Africa requires and is receiving international attention; and

WHEREAS, the United States is committed to providing extensive and continuing humanitarian aid to Ehtiopia in order to save the lives of large numbers of famine victims and to stem the dire consequences of prolonged famine; and

WHEREAS, the multiplicity of factors con-

tributing to the severity of the famine must be identified and understood if policies for dealing effectively with the disaster are to be developed; and

WHEREAS, drought is but one of many factors contributing to the famine, and

WHEREAS, the current government of Ethiopia, a Marxist-Leninist military dictatorship supported ideologically and militarily by the Soviet Union, has adopted policies and practices which have proven destructive to the land and the people of Ethiopia in its attempt to impose an ideology and insure its own absolute control over the country; and

WHEREAS, these policies and practices of the current Ethipian regime are significant factors contributing to the severity of the present famine; and

WHEREAS, neither the United States nor the Ethiopian people benefit from United States aid which strengthens the Soviet-supported military regimes's hold on Ethiopia, and

WHEREAS, the Unites States, while providing extensive aid to Ethipoia, has not openly addressed the political situation there; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully recommend and urge the Congress of the United States to use every possible means at its command to address the question of United States policy towards Ethiopia and to formulate a policy which, while continuing to respond to the need for aid to famine-stricken areas, acknowledges and evaluates the political conditions which exist in Ethiopia; and be it further

RESOLVED: That a duly authenticated copy of this Memorial be immediately submitted by the Secretary of State to the Honorable Ronald W. Reagan, President of the United States, to the President of the Senate and Speaker of the House of Representatives of the Congress of the United States and to each Member of the Senate and House of Representatives in the Congress of the United States from this State.

Comes from the House **READ** and **ADOPTED**.

Which was **READ** and **ADOPTED**, in concurrence.

#### COMMUNICATION

The Following Communication:

**STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL  
PROTECTION  
STATE HOUSE, STATION 17  
AUGUSTA, ME 04333**

March 1, 1985

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

Enclosed please find a copy of the Department's "Comprehensive Regulatory Plan for Underground Oil Storage." The Department prepared this in response to last year's legislation (P.L. 1983, ch. 785). We would greatly appreciate your review and comments.

Our proposed program provides for permitting of new and replacement tanks, registration of existing tanks, siting standards, installation requirements, operations monitoring provisions, and abandonment standards. In addition, we have proposed specific mechanisms for enforcement and the evaluation of variance applications.

As a law maker, we would appreciate your consideration on a number of legislative items we feel are needed to address the problem of ground water contamination. First and foremost, we feel the problem cannot be addressed unless regulator authority is extended to the same 23,000 tanks already in the ground. Second, since a considerable level of expertise is required for installing state-of-the-art underground storage facilities, a licensing program for tank installers is appropriate.

Third, we feel that unless DEP enforcement staff can issue summons to District Court, the sheer numbers of case to be handled would overload both the Attorney General's Office and the Superior Court System. Finally, our initial estimates reveal an additional \$221,000 would be needed for additional staff in order to begin effective administration of the proposed program to regulate underground oil storage.

Since 1979, the Department has responded to over 200 separate incidents regarding petroleum contamination of public and private supplies. We fear many more instances of contamination have occurred but are yet undetected. Our best estimates indicated a population of 23,000 tanks in the state, many of which are over 20 years old, and dangerously close to leaking.

The Department hopes you will give this proposed program your serious consideration and your support. Thank you very much.

Sincerely,  
S/ HENRY E. WARREN  
Commissioner  
Maine Department of  
Environmental Protection

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

#### SENATE PAPERS

Bill "An Act to Increase the Length of the Bear Hunting Season" (H.P. 341) (L.D. 927) (Presented by Senator **MATTHEWS** of Kennebec) (Cosponsored by: Representative **WALKER** of Norway, Senator **USHER** of Cumberland, Representative **CONNERS** of Franklin) (Submitted by the Department of Inland Fisheries and Wildlife pursuant to Joint Rule 24)

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

Sent down for concurrence.

Bill "An Act to Change Election Dates" (S.P. 339) (L.D. 925) (Presented by Senator **DANTON** of York.

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

Bill "An Act to Allow Municipalities to Fix their Speed Limits Upon Notification to the Department of Transportation and the State Police" (S.P. 340) (L.D. 926) (Presented by Senator **USHER** of Cumberland) (Cosponsored by: Representative O'Gara of Westbrook, Representative **RUHLIN** of Brewer)

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

Sent down for concurrence.

#### COMMITTEE REPORTS

##### House

##### Leave to Withdraw

The following **Leave to Withdraw** report shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Bill "An Act Concerning the Minimum Wage for Minors" (H.P. 395) (L.D. 544)

##### Change of Reference

The Committee on **HUMAN RESOURCES** on Bill "An Act Concerning Child Protective Services" (H.P. 173) (L.D. 207)

Reported that the same be **REFERRED** to the Committee on **EDUCATION**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the committee on **EDUCATION**.

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

The Bill **REFERRED** to the Committee on **EDUCATION**, in concurrence.

(See Action Later Today)

**Ought to Pass**

The Committee on **LOCAL AND COUNTY GOVERNMENT** on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Penobscot County for the Year 1985 (Emergency) (H.P. 549) (L.D. 761)

Reported that the same **Ought to Pass** pursuant to Joint Order (H.P. 56)

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**.

The Committee on **STATE GOVERNMENT** on Bill "An Act to Create a Seamen's Memorial Day" (H.P. 137) (L.D. 162)

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**.

The Committee on **STATE GOVERNMENT** on Bill "An Act to Designate 'Pertica quadrifaria' the Official Fossil of the State of Maine" (H.P. 222) (L.D. 256)

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**.

The Committee on **TRANSPORTATION** on Bill "An Act to Make Administrative Changes in Truck Weight Tolerances" (H.P. 224) (L.D. 258)

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 **LEGAL AFFAIRS** on Bill "An Act Concerning the Possession of Fireworks" (H.P. 28) (L.D. 29)

Reported the same **Ought to Pass in New Draft under New Title** Bill "An Act Clarifying the Laws Relating to Fireworks" (H.P. 543) (L.D. 755)

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 Deputize National Marine Fisheries Service Officers and United States Coast Guard Personnel as Department of Marine Resources Marine Patrol Officers and Define Possession" (H.P. 221) (L.D. 255)

Reported the same **Ought to Pass in New Draft under New Title** Bill "An Act to Deputize National Marine Fisheries Service Officers, United States Coast Guard Personnel and Law Enforcement Personnel of other

States as Department of Marine Resources Marine Patrol Officers and to Define Possession" (H.P. 631) (L.D. 775)

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill, **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 **STATE GOVERNMENT** on Bill "An Act Prohibiting State Agencies from Purchasing Real Property" (Emergency) (H.P. 3) (L.D. 4)

Reported the same **Ought to Pass in New Draft under New Title** Bill "An Act to Restrict certain Agencies with Respect to Purchases of Real Property" (H.P. 630) (L.D. 774)

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill, **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**.

On motion by Senator **VIOLETTE** of Aroostook, Tabled Unassigned, pending **ASSIGNMENT FOR SECOND READING**.

#### SECOND READERS

The Committee on **Bills in the Second Reading** reported the following:

##### House

Bill "An Act to Provide Standards for a Waiver of Set-back Requirements under the Transportation Law" (H.P. 226) (L.D. 260)

Bill "An Act to Clarify Provisions Relating to Contributions by Participating Local Districts and to Provide for Collection of Delinquent Contributions" (H.P. 98) (L.D. 123)

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Oxford County for the Year 1985 (Emergency) (H.P. 544) (L.D. 756)

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Hancock County for the Year 1985 (Emergency) (H.P. 545) (L.D. 757)

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Sagadahoc County for the Year 1985 (Emergency) (H.P. 546) (L.D. 758)

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Somerset County for the Year 1985 (Emergency) (H.P. 547) (L.D. 759)

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Washington County for the Year 1985 (Emergency) (H.P. 548) (L.D. 760)

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Piscataquis County for the Year 1985 (Emergency) (H.P. 550) (L.D. 762)

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

##### House As Amended

Bill "An Act to Permit a Vehicle to be Registered for the Gross Weight allowed by a Permit under the Motor Vehicle Laws;" (H.P. 66) (L.D. 84) (C "A" H-5; H "A" H-6)

Bill "An Act to Eliminate Volume Determined Delivery Prices of Milk" (Emergency) (H.P. 320) (L.D. 431) (H"A" H-7)

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

##### Senate

Bill "An Act to Clarify the Enforcement of Private Septage Disposal Sites" (S.P. 16) (L.D.

9)

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

Bill "An Act Relating to Radiation User Fees Under the Human Services Law" (S.P. 86) (L.D. 267)

Which were **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:

##### Emergency

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

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

Senator **PEARSON:** Mr. President, I would like to pose a question to whomever may care to answer it. If students living on a Federal or State property are to be counted as residents of a district, and I take that as being a school administrative district, but not as residents of a municipality. How would that affect a municipality that is not within a district, not within a school union?

**THE PRESIDENT:** The Senator from Penobscot, Senator Pearson has posed a question through the Chair which any Senator may answer if they care to.

On motion by Senator **BROWN** of Washington, Tabled until later in today's session, pending **ENACTMENT**.

#### ORDERS OF THE DAY

The President laid before the Senate:

Bill, "An Act to Repeal the Nonnegotiability of Educational Policies." (H.P. 596) (L.D. 866)

Tabled—March 5, 1985, by Senator **VIOLETTE** of Aroostook

Pending—**REFERENCE**

(In House March 1, 1985, referred to the Committee on **LABOR** and **ORDERED PRINTED**.)

On motion by Senator **VIOLETTE** of Aroostook, referred to the Committee on **LABOR** and **ORDERED PRINTED**, in concurrence.

On motion by Senator **VIOLETTE** of Aroostook the Senate **RECONSIDERED** its action of earlier in today's session whereby it referred to the Committee on **LEGAL AFFAIRS** and **ORDERED PRINTED**.

Bill, "An Act to Require a Life Safety Sprinkler System in Certain Residential Occupancies." (H.P. 601) (L.D. 871)

(In House, March 1, 1985, referred to the Committee on **LEGAL AFFAIRS** and **ORDERED PRINTED**.)

On motion by Senator **VIOLETTE** of Aroostook referred to the Committee on **BUSINESS AND COMMERCE** and **ORDERED PRINTED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Senate at Ease

The Senate called to order by the President.

On motion by Senator **VIOLETTE** of Aroostook the Senate **RECONSIDERED** its action of earlier in today's session whereby it Accepted the Change of Reference Report from the Committee on **HUMAN RESOURCES** and referred the accompanying Bill to the Committee on **EDUCATION**:

Bill, "An Act Concerning Child Protective Services." (H.P. 173) (L.D. 207)

(In House March 1, 1985, Committee Report **READ** and **ACCEPTED** and the accompanying Bill referred to the Committee on **EDUCATION**.)

On motion by Senator **VIOLETTE** of

Aroostook referred to the Committee on JUDICIARY, in NON-CONCURRENCE..

Sent down for concurrence.

On motion by Senator BROWN of Washington the Senate removed from the Table and later today assigned matter:

**Emergency**

An Act to Count all Students Living on Federal or State property as Residents of the District but not Residents of a Municipality. (H.P. 102) (L.D. 127)

Tabled—March 5, 1985, by Senator BROWN of Washington

Pending—**ENACTMENT**

(In House March 1, 1985, **PASSED TO BE ENACTED**)

**THE PRESIDENT:** The Chair recognizes the Senator from Washington, Senator Brown.

Senator BROWN: Thank you, Mr. President. Ladies and Gentlemen of the Senate, a question was posed a moment ago by the good Senator from Penobscot, Senator Pearson, relative to this item, L.D. 127, which is an Emergency Enactor today.

What this particular bill does is to take one particular section of the State, an area which happens to be in Washington County, and takes and divides the responsibility of students that live on either a Federal or State facility and spreads the cost of those among the entire district, rather than put the cost on one municipality alone. For Example, if you had a SAD or a CSD which had, for example, three towns within that SAD, instead of putting all the responsibility, for example, of maybe ten (10) high school students on one municipality, it divides it among the entire SAD or CSD.

It is my understanding that there is only one area of the State that this was involving. This had the complete support of the Department of Education. It requires no money; it simply redistributes those among the entire SAD, those Federal or State nontax-paying students.

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

Senator PEARSON: Mr. President and Men and Women of the Senate, I thank the Senator from Washington, Senator Brown for the explanation. I find it completely acceptable. He has answered my question.

I would just like to say that for a long, long time now, every time there is an education bill that comes up and they talk about school districts in terms of SAD's, CDS's or Unions, I always find myself not fitting in any of those slots with regard to the city that I live in, because Old Town is not in a SAD, CSD or Union, and the Bills don't always spell out what happens to us because we fall between the cracks.

This being an emergency measure and having received the affirmative vote of 33 Members of the Senate, with No Senators having voted in the negative, and 33 being more than two-thirds of the entire elected membership of the Senate was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Senator TRAFTON of Androscoggin was granted unanimous consent to address the Senate On the Record.

Senator TRAFTON: Thank you, Mr. President. Mr. President, did we create a monster, or have we failed to provide the Legislative Direction to the Executive Branch, or am I simply an over-sensitive Senator from Androscoggin County?

I can not answer any of those questions, but I will be posing these questions directly to the Governor, the Committee on Human Resources and the Health Care Finance Commission.

The reason that these questions arise is an event that occurred over the weekend which I would like to describe to you, but before I describe that situation, I would like to make

a bit of a disclosure. I am about to speak about an issue regarding hospitals. I have a member of my immediate family who is employed by a hospital in my community. I am also a member of the Board of Cooperators for the other local hospital in my community, so I have some personal interest in our local hospitals, but I still feel that I must raise this issue.

This weekend in the Saturday Lewiston Daily Sun, there was an article quoting the Executive Director of the Health Care Finance Commission as to his reactions about some recent rate changes in the Lewiston hospitals. I think that it is fair to state that both Lewiston hospitals: St. Mary's General Hospital and Central Maine Medical Center have within the last six months reduced their general patient rates by 10%. Now to me that is a wonderful event, two wonderful events, because both hospitals did this independently.

What concerns me, however, is that the Executive Director of the Health Care Finance Commission was very upset by the way the hospitals reduced their rates. In fact he was quoted in this particular article as being "quite frosted" and those are his words as to the way that these reductions were made. Why was he "quite frosted?" Well, it appears that in the press releases issued independently and some weeks apart by the two hospitals, neither hospital specifically said that the reason for these rate reductions were the acts of the recommendation of the Health Care Finance Commission. Well, in fact we know from the Legislation that was passed in the past legislative session that the Health Care Finance Commission Law, which regulates hospitals, does not set rates for hospitals. It simply sets a budget for the hospitals and a revenue cap for the hospitals, allowing the hospitals to establish their own rates for patients. So, in fact the hospitals, in looking at their overall budgets, determined that it was in their best interest and in the best interest of their community to reduce rates; consequently, they did reduce rates, but the Health Care Finance Commission through its Executive Director was very upset at this.

It seems to me that the Executive Director of the Health Care Finance Commission has certainly overstepped his bounds. he is particularly insensitive to the marketing efforts of the hospitals, not simply in Lewiston/Auburn area but a statewide. Increased competition which was to be encouraged by the recent legislation is important towards providing a cost efficient health care system for the State of Maine. The negative remarks by the Executive Director certainly affects the public image of the hospitals and the marketing efforts of those hospitals.

So I am concerned that the Executive Director of the Health Care Finance Commission has abused his authority, and perhaps he is not speaking for the Health Care Finance Commission, but I intend to find out, because I think that these types of derogatory remarks against hospitals, any institutions in my community and statewide are simply unnecessary. So I will be posing these questions to the Health Care Finance Commission, the Governor, and our own Joint Standing Committee on Human Resources to determine whether or not the Executive Director has in fact, overstepped his bounds. Thank you.

Senator HICHENS of York was granted unanimous consent to address the Senate On the Record.

Senator HICHENS: Thank you, Mr. President.

They say that when one reached the age of 49, they're passing from old age of youth up along the line to the youth of old age, so we greet one here today who stands upon that threshold — and I am here to say that he could fool all of us here — cause he doesn't look at bit over 39 for sure — he seems so trim and fit.

He travels back and forth each day and is for travel paid — but he's expressed his views aloud — compared with those who've stayed here in Augusta overnight — he feels that they get more toward expenses that does he — but in debate before, his views have always seemed to fall upon deaf ears and he's had to accept these policies — unpleasant though they be.

As conscientious as they come, he serves among us here determined to do all he can and make it very clear just where he stands on issues he confronts from time to time.

Since he has been recipient of greetings put to rhyme in past legislative sessions, it's hard to add much more to what's been said in years gone by here on the Senate floor.

Just to add that he's no longer on Legal Affairs but now just serves Transportation and Marine Resources downstairs.

So with these thoughts in mind — without trumpet sound or flute join with me in birthday wishes for Senator Mel Shute.

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

(Off Record Remarks)

On motion by Senator USHER of Cumberland, **ADJOURNED** until 10 o'clock tomorrow morning.