

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
Wednesday
April 17, 1985
Senate called to Order by the President.

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

REVEREND CANFIELD: Let us bow our heads in prayer. Father we do praise and honor You this day, because we can thank You for the many times that you have intervened in each one of our lives, meeting our needs day by day. Help us to fight against temptation of complacency through self-trust and in the business transacted this day may there be the seeking of Your will. Guide and direct we pray, for we ask in the name of Your Son, Jesus. Amen.

Reading of the Journal of Yesterday.

(Off Record Remarks)

Senator CARPENTER of Aroostook was granted unanimous consent to address the Senate, Off the Record.

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Strengthen the Law Relating to Purchase of Foodstuffs from Maine Concerns" (H.P. 920) (L.D. 1325)

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 Authorize a General Fund Bond Issue in the Amount of \$6,700,000 for State Facilities Improvements" (H.P. 922) (L.D. 1326)

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 Concerning Funding for School Construction Projects by Certain Private Secondary Schools" (H.P. 915) (L.D. 1308)

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

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

Bill "An Act to Improve the Administration of General Assistance" (H.P. 916) (L.D. 1309)

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 Relating to a Grievance Procedure Concerning Discrimination of the Basis of Handicap" (Emergency) (H.P. 925) (L.D. 1327)

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 Promote Occupational Health and Safety" (H.P. 926) (L.D. 1328)

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 Concerning Salaries for Cooperative Extension Service Staff" (H.P. 917) (L.D. 1323)

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 to Improve the Functioning of the Maine Milk Commission" (H.P. 918) (L.D. 1324)

Bill "An Act Concerning Governmental Oversight" (H.P. 908) (L.D. 1322)

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 Amend the Inflation Incrementing Provision in the Tax Laws" (H.P. 919) (L.D. 1310)

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.

COMMUNICATIONS

The Following Communication: S.P. 488
112th MAINE LEGISLATURE

April 16, 1985

Senator Dennis Dutremble
Representative Edith Beaulieu
Chairpersons

Committee on Labor
112th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated Marvin W. Ewing of South Windham for appointment to the Maine Unemployment Insurance Commission.

Pursuant to Title 26 MRSA Section 1081, this nomination will require review by the Joint Standing Committee on Labor 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 LABOR.

Sent down for concurrence.

The Following Communication:

DEPARTMENT OF ENERGY
CHICAGO OPERATIONS OFFICE
CRYSTALLINE REPOSITORY PROJECT
OFFICE (CPO)

9800 SOUTH CASS AVENUE
ARGONNE, ILLINOIS 60439

April 10, 1985

Honorable Charles P. Pray

President of the Senate
State House

Augusta, Maine 04333

Dear President Pray:

SUBJECT: CRYSTALLINE REPOSITORY
PROJECT (CPO) REGION-TO-
AREA SCREENING
METHODOLOGY

As you may know, your state is under consideration in the regional phase of the Crystalline Repository Project for a possible site for the nation's second high-level radioactive waste repository. Under separate cover, we are sending you a copy of the final Region-To-Area Screening Methodology issued by DOE today. This methodology has been developed over the

last 20 months in a consultation and cooperative process that has included three workshops with state-appointed representatives and comments received on the draft document. Enclosed is a copy of the DOE press release announcing issuance of this document, as well as the fact sheet being used for response to inquiries, I have also included a general information packet for your use.

The Crystalline Repository Project is part of DOE's Civilian Radioactive Waste Management Program, mandated by the Nuclear Waste Policy Act of 1982. This legislation requires the Department of Energy to site, construct, and operate a geologic repository for disposal of nuclear waste. Three sites have been tentatively recommended for further investigation as the future site of a first repository. They are Yucca Mountain in Nevada, Deaf Smith County in Texas, and the Hanford site in Washington. The CRP is part of a second repository program.

Currently, the CRP is in the regional phase. The regional phase consists of a literature survey of geological and environmental data available in existing literature for over 230 rock bodies in seventeen states (three regions). Later this year, a screening process will be conducted by which the Region-To-Area Screening Methodology will be applied to the data collected narrowing the number of areas to be studied in the next phase to 15 to 20. This screening process will be documented in a report called the Area Recommendation Report which will be issued in draft later this year. We expect to enter the next phase, the Area Phase, in mid 1986.

If you have any questions on the CRP, or need any further information, please feel free to contact Mr. Hunter Weiler on (312) 972-2957. Sincerely,

S/ SALLY A. MANN, Manager

Crystalline Repository Project Office

Was READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication:

STATE OF MAINE
EXECUTIVE DEPARTMENT
DIVISION OF COMMUNITY SERVICES
STATE HOUSE STATION 73
AUGUSTA, MAINE 04333

April 16, 1985

Joy J. O'Brien

Secretary of the Senate

State House Station 3

Augusta, Maine 04333

Dear Joy:

I am pleased to submit to the 112th Legislature the Second Community Action Annual Report. The report summarizes the work of Maine's twelve Community Action Agencies during the Period from October 1, 1983 through September 30, 1984.

If you need additional copies, please contact this office.

Sincerely,

S/ NANCY A. BOOTHBAY

Director

Was READ and with accompanying papers ORDERED PLACED ON FILE.

(Off Record Remarks)

COMMITTEE REPORTS

House

Ought Not To Pass

The following Ought Not to Pass reports shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Bill "An Act Regulating the Return of Consumer Goods" (H.P. 804) (L.D. 1150)

Bill "An Act Concerning Assessment of Fees on Persons Depositing Checks Drawn on Insufficient Funds" (H.P. 805) (L.D. 1151)

Bill "An Act Concerning Demand Deposit Accounts" (H.P. 818) (L.D. 1159)

Bill "An Act to Amend Cable Television Franchise Procedures" (Emergency) (H.P. 381) (L.D. 522)

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 Provide for Living Wills" (H.P. 174) (L.D. 208)

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

Bill "An Act Relating to Itemized Phone Bills" (H.P. 517) (L.D. 722)

Ought to Pass

The Committee on **LOCAL AND COUNTY GOVERNMENT** on Bill "An Act Confirming and Ratifying the Transfer of Real Estate by the Ogunquit Beach District to the Ogunquit Village Corporation and Confirming the Right of the Town of Ogunquit to Permit the Use of a Portion thereof for Parking" (H.P. 342) (L.D. 459)

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

The Committee on **LEGAL AFFAIRS** on Bill "An Act to Provide a License to Florists for Sale of Wine and Champagne in Connection with Floral Business" (H.P. 397) (L.D. 546)

Reported that the same **Ought to Pass in New Draft** under same title (H.P. 912) (L.D. 1303)

Comes from the House, the Report **READ and ACCEPTED** and the Bill in **NEW DRAFT PASSED TO BE ENGROSSED**

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

The Bill in **NEW DRAFT READ ONCE**

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

Senate

Leave to Withdraw

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

Bill "An Act to Amend the Statutes with Respect to the Judicial Department" (S.P. 239) (L.D. 633)

Bill "An Act Prohibiting Discrimination Against Medicaid Eligible Persons Who Apply for Admission to Nursing Homes" (S.P. 179) (L.D. 497)

SECOND READERS

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

House

Resolve, to Authorize State Funding of the Penobscot Nation Museum (H.P. 911) (L.D. 1302)

Bill "An Act Relating to Septic Systems Permits" (H.P. 910) (L.D. 1299)

Bill "An Act to Make Allocations from the Maine Nuclear Emergency Planning Fund for the Fiscal Years Ending June 30, 1986, and June 30, 1987" (Emergency) (H.P. 741) (L.D. 1051)

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

House As Amended

Bill "An Act to Provide Funding for Mapping

of Streams in Jurisdiction of the Maine Land Use Regulation Commission" (H.P. 253) (L.D. 307) (C "A" H-70)

Bill "An Act to Amend the Maine Consumer Credit Code" (H.P. 154) (L.D. 188) (C "A" H-69)

Bill "An Act to Authorize the Sale of Frozen Lobster Tails" (H.P. 231) (L.D. 272) (C "A" H-68)

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

ENACTORS

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

An Act to Amend the Laws Relating to Admission to the Bar (S.P. 220) (L.D. 579) (C "A" S-40)

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

Senate At Ease

The Senate called to Order by the President.

Senator **VIOLETTE** of Aroostook was granted unanimous consent to address the Senate Off the Record.

On motion by Senator **PERKINS** of Hancock, **RECESSED** until 10:40 a.m.

After Recess

The Senate called to Order by the President.

Out of Order and under Suspension of the Rules the Senate considered the following:

COMMITTEE REPORTS

House

Ought to Pass in New Draft under New Title

The Committee on **STATE GOVERNMENT** on Bill "An Act to Reduce the Length of the First Legislative Session from 100 Days to 90 Days and Set a Calendar Deadline of June 15th and Reduce the Length of the 2nd Legislative Session from 50 Days to 40 Days and Set a Calendar Deadline of April 15th" (Emergency) (H.P. 319) (L.D. 408)

Reported the same **Ought to Pass in New Draft under New Title** Bill "An Act to Establish Fixed Dates for the Adjournment of the First and Second Regular Sessions of the Legislature" (Emergency) (H.P. 928) (L.D. 1333)

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**.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Hichens.

Senator **HICHENS:** Thank you, Mr. President. This Bill in the original draft and in the new draft was discussed in the State Government Committee of which I am a Member. I expressed the opinion that I would not sign the Bill, Ought to Pass, but I have to admit that I succumbed to pressure this morning, because they wanted to get the Bill out so that it could be acted upon.

Even though I signed the unanimous Ought to Pass Report, I will be voting against the Bill, when the Roll Call I ask for is taken.

Abraham Lincoln is quoted as saying: "You can fool all of the people some of the time, you can fool some of the people all of the time, but you can't fool all of the people all of the time."

I feel that passage of this Bill is trying to fool the people of the State of Maine. To date we have had thirteen hundred and seven bills printed: one hundred and twenty-seven have been withdrawn, fifty-five have received Ought Not to Pass reports and one hundred and twenty have been signed into law. In other words three hundred and two have been acted upon in sixty-six legislative days, leaving one thousand and five bills to be acted upon in thirty-four days or by June 15th if we pass this Bill today.

Some very important legislation will need to

be sacrificed to satisfy the whim of politicians. I think that it would be very irresponsible today to sent the word out to the people of the State of Maine that we intend to take action on all of these bills by the 15th of June so that we can adjourn.

I can hear the voices of our constituents all over the State saying, "What fools these politicians be." When the vote is taken I ask for a Roll Call.

THE PRESIDENT: A Roll Call has been requested. Under the Constitution in order for the Chair to order a Roll Call it required the affirmative vote of at least one-fifth of the members present and voting.

Will all those Senators in favor of ordering a Roll Call please rise and remain standing until counted.

Obviously more than one-fifth having arisen a Roll Call is ordered.

(Off Record Remarks)

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Kany.

Senator **KANY:** Mr. President and Senators, I heard the good Senator from York, Senator Hichens mention that he had been pressured about this Bill, this morning. I want you to know that really there is no hex on the State Government Committee. You may know that Representative Hichborn and Representative Nadeau look as if their arms have really been twisted and our Committee Clerk, by the way, is out because a file fell on her last Friday. No one on the State Government Committee that I know of, at least I am aware of in any way attempted to pressure Senator Hichens. I would like to make that absolutely clear.

I do hope that you do vote for the legislation. It was unanimous other than that, I had understood that Senator Hichens was planning on abstaining, so I didn't realize exactly what the case was. I do hope that you do vote for this legislation.

We feel that it is our responsibility on our Committee and particularly after having been presented with legislation having to do with length of time and the number of days the Legislature is in session, we believe that we have the responsibility to address the Legislative process, and what is appropriate and what is not appropriate.

Of course, as you are well aware the Constitution statutorily allows us to limit the days that we are in session, and the Constitution says: "The Legislature shall enact appropriate statutory limits on the length of the First Regular Session and the Second Regular Session. The Bill before us would move away from having a set number of days and the present statute states which is 100 days for the first of the two years and 50 days the second.

We instead would be moving towards a June 15 deadline, the first of the two years and April 15th deadline the second of the two years. Still intact in the statutes would be the provision for the extension of the five legislative days by a two-thirds vote.

The intent of the Committee and of the various sponsors on the two bills was to provide a more efficient system. One that worked well for us. I think most convincing to most Members of the Committee was the fact that there are many people in the Legislature who attempt to get summer employment or who wish to make other plans and really would like to be able to know more definitely approximately when they could expect to adjourn.

We certainly can do a great deal to improve our system. I know in the years that I have been here, eleven years, I have seen a great deal of improvement in the way the Legislature conducts its business.

I think that this is a positive measure and I hope that you do go along with the Bill. May I ask, Mr. President, if you would state the motion before us present and on which we have

been asked to vote.

THE PRESIDENT: The pending question is **ACCEPTANCE of the OUGHT TO PASS IN NEW DRAFT Report of the Committee.**

(Off Record Remarks)

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

Senator **VIOLETTE:** Mr. President and Ladies and Gentlemen of the Senate, I would hope this morning that we would in fact accept the unanimous, minus one abstention committee report, give this Bill its first reading this morning and then allow those who have, as I understand, proposed amendments to this matter the opportunity to place those amendments before the Senate during tomorrow morning's Session.

I would hope we would in fact accept the Ought to Pass Committee Report.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Gauvreau.

Senator **GAUVREAU:** Thank you, Mr. President, and Men and Women of the Maine Senate, I share some of the concerns which were expressed by Senator Hichens this morning, but I think that it might be a bit unwise for us to impose a legislative straitjacket of June 15th due to the fact that it is now April 17th, and many people relied upon the current practice of 100 days and in planning their activities during the session.

I do think that there is a great deal of merit in this legislation and I intend to support it this morning on First Reading. I will be offering an amendment at Second Reader which would strip the emergency to the statute. That would of course mean the Bill would take affect as of the Second Legislative Session. I think that in the interim time that we can deal with concerns expressed by Appropriations, deal with concerns as far as tardiness, and the Governor getting his package before us. So I would urge you this morning to go along with the majority report and then support me at Second Reader on my amendment.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Hichens.

Senator **HICHENS:** Mr. President and Members of the Senate, I want to make it very clear that I did not get any pressure from the Members of the State Government Committee, it came from other sources.

I have been treated very, very fairly by the gracious Chairwoman of the Committee and the House Chairman, and have been free to make up my own mind, there was no pressure whatsoever.

Under the circumstances with the remarks made by my fellow Senators I am withdrawing my motion for a Roll Call and I will go along with the First Reading so that amendments may be put on.

THE PRESIDENT: The Senator from York, Senator Hichens asks Leave of the Senate to Withdraw is request for a Roll Call.

Is it the pleasure of the Senate to grant this leave?

It is a vote.

The Committee Report was **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.**

ORDERS OF THE DAY

The President laid before the Senate the tabled and Specially Assigned matter:

Bill "An Act to Appropriate Funds for the State Vietnam Veterans Memorial" (S.P. 290) (L.D. 779) (C "A" S-48)

Tabled—April 16, 1985, by Senator **VIOLETTE** of Aroostook

Pending—**PASSAGE TO BE ENGROSSED**

AMENDED BY COMMITTEE AMENDMENT "A" (S-48)

(In Senate, April 16, 1985, **READ A SECOND TIME.**)

On motion by Senator **PEARSON** of Penobscot the Senate **SUSPENDED THE RULES.**

On further motion by the same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (S-48)

THE PRESIDENT: The Senator has the floor. Senator **PEARSON:** Mr. President, I present Senate Amendment "A" to Committee Amendment "A" under filing number S-49 and would speak to my motion.

THE PRESIDENT: The Senator from Penobscot, Senator Pearson presents Senate Amendment "A" to Committee Amendment "A" and moves its Adoption.

Senate Amendment "A" (S-49) to Committee Amendment "A" (S-48) **READ.**

THE PRESIDENT: The Senator has the floor.

Senator **PEARSON:** Mr. President and Men and Women of the Senate, a civics lesson today: A bill presented by Senator Carpenter of Aroostook, calling for a ten thousand dollar appropriation to the Vietnam Veterans Memorial originally had an amendment on it from the Committee which was suppose to say that if an excess of money were to be collected, the excess could go into a scholarship for descendants of Vietnam Veterans from the State of Maine. However when it was printed the amendment said: "decedents." That is one word that could have changed the impact of that law, as a matter of fact only one letter could have changed the whole impact of that law.

Which, Mr. President and Men and Women of the Senate, means in my estimation the Senate, the legislative body of this State, must be very slow and must be very deliberate in order to catch those kinds of mistakes.

(Off Record Remarks)

Senate Amendment "A" (S-49) to Committee Amendment "A" (S-48) **ADOPTED.**

Committee Amendment "A" (S-48) as Amended by Senate Amendment "A" (S-49), thereto was **ADOTPED.**

Which was **PASSED TO BE ENGROSSED as amended.**

Sent down for concurrence.

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

ADJOURNED until 9 o'clock tomorrow morning.