

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Twelfth

Legislature

OF THE

STATE OF MAINE

VOLUME I

SECOND REGULAR SESSION

January 8 - April 2, 1986

STATE OF MAINE
ONE HUNDRED AND TWELFTH LEGISLATURE
SECOND REGULAR SESSION
JOURNAL OF THE SENATE

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act Relating to Staff Retention in Community-based Residential Facilities for Persons with Mental Retardation"

S.P. 757 L.D. 1921

In Senate Chamber
Friday
January 31, 1986

In Senate January 22, 1986, referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED.

Comes from the House, referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Senate called to Order by the President Pro Tem.

House Papers

Prayer by the Reverend John E. Fickett of the First Baptist Church in Pittsfield.

Bill "An Act to Provide for a Clean-up Program Concerning Natural Die-off of Fish in the Coastal Waters of the State"

H.P. 1383 L.D. 1952

REVEREND FICKETT: Almighty God we know that You are presiding over Your creation. You are holy, You are good, You are perfect. We have been so well reminded this week through that tragic space affair that we are so imperfect and we need Your help and we need help in wisdom and in goodness and in our imperfection. We call upon You to give us that help. Thank You that You have provided for us our minds, our emotions, our wills, the tools with which we can serve one another and serve Thee. We thank You for these dedicated persons who have come to serve their State and this high position in this body, the Senate. We pray that You will be with each one, guide them, bless them, help them in all their deliberations. We know that they are concerned with the law of this State and providing for the welfare of the people. We pray God that You will help them in this. Thy Holy word has told us that You have given us the law and You have also given us Your grace and Your truth. Help us to live in that light, in that wisdom, in Thy goodness. Help us to strive for Thy perfection. We ask these things in Thy name and to Thy glory. Amen.

Comes from the House, referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

On motion by Senator PEARSON of Penobscot, referred to the Committee on MARINE RESOURCES and ORDERED PRINTED in NON-CONCURRENCE.

Sent down for concurrence.

Bill "An Act to Require Employers to Notify Employees of the Termination of Group Insurance"

H.P. 1384 L.D. 1953

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

Reading of the Journal of Yesterday.

Senator DUTREMBLE of York moved that the Bill be referred to the Committee on LABOR in NON-CONCURRENCE.

On motion by Senator PEARSON of Penobscot, Tabled until Later in Today's Session, pending motion of Senator DUTREMBLE of York to refer to Committee on LABOR.

Bill "An Act to Revise the Energy Building Standards Act"

H.P. 1385 L.D. 1954

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 Exclude Out-of-state Revenue Sources from the Hospital Cost Containment Law"

H.P. 1386 L.D. 1955

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 Permit Assessment of a Reimbursement Fee against Jail Prisoners to Help Defray the Costs of Incarceration"

H.P. 1381 L.D. 1949

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 Concerning Surety Bonds Required of Motor Vehicle Dealers to Guarantee Title and Mileage of Vehicles Sold"

H.P. 1380 L.D. 1948

Committee on BUSINESS AND COMMERCE suggested and ORDERED PRINTED.

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:

STATE OF MAINE
OFFICE OF THE PRESIDENT
AUGUSTA, MAINE 04333

January 30, 1986

Hon. Joy J. O'Brien
Secretary of the Senate
State House Station #3
Augusta, ME 04333

Dear Madam Secretary:

Pursuant to my authority under M.R.S.A. 34, Section 525A, I have appointed Senator Jean Chalmers to a three year term on the Maine Correctional Advisory Committee.

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

Sincerely,

S/Charles P. Pray
President of the Senate

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

DEPARTMENT OF FINANCE AND ADMINISTRATION
STATE CLAIMS BOARD
STATE HOUSE STATION 49
AUGUSTA, MAINE 04333

January 28, 1986

The Honorable Charles P. Pray
President of the Senate
Senate Post Office
State House Station 3
Augusta, Maine 04333

RE: Report of Small Claim to Legislature

Dear Senator Pray:

Herewith is Report of Small Claims which were received in this office during 1985 and which is being submitted to you for your information and records in accordance with Title 5 M.R.S.A., Section 1510-A, Subsection 8.

A similar report is also being submitted to the Honorable John L. Martin, Speaker of the House, and if you or your staff should have any questions in connection with this report, please communicate with this office.

Yours very truly,

S/Ronald M. Roy
Chief Counsel

Which was READ and with Accompanying Papers ORDERED PLACED ON FILE.

The Following Communication:

COMMITTEE ON AGING, RETIREMENT AND VETERANS
ONE HUNDRED AND TWELFTH LEGISLATURE

January 17, 1986

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 112th Maine Legislature, the Joint Standing Committee on Aging, Retirement & Veterans has had under consideration the nomination of Jon A. Lund of Hallowell, as a member of the Board of Trustees for the Maine State Retirement System.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS: Senators 3
Representatives 9

NAYS: 0

ABSENT: 1 Rep. Harper of Lincoln

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Jon A. Lund of Hallowell, as a Member of the Board of Trustees for the Maine State Retirement System be confirmed.

Sincerely,

S/Thomas H. Andrews
Senate Chair

S/Daniel B. Hickey
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT PRO TEM: The Joint Standing Committee on AGING, RETIREMENT AND VETERANS has recommended that the nomination of Jon A. Lund of Hallowell be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on AGING, RETIREMENT AND VETERANS be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, section 151 and with Joint Rule 38 of the 112th Legislature the vote will be taken by the yeas and nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators, None

NAYS: Senators, ANDREWS, BERUBE, BLACK, BUSTIN, CARPENTER, CHALMERS, DOW, DUTREMBLE, ERWIN, GILL, HICHENS, KANY, KERRY, MATTHEWS, MAYBURY, MCBREAIRTY, NAJARIAN, PEARSON, PERKINS, SEWALL, SHUTE, STOVER, TUTTLE, TWITCHELL, WEBSTER
THE PRESIDENT PRO TEM - PAUL E. VIOLETTE

ABSENT: Senators, BALDACCI, BROWN, CLARK, DIAMOND, EMERSON, GAUVREAU, PRAY, TRAFTON, USHER

No Senators having voted in the affirmative and 26 Senators having voted in the negative, with 9 Senators being absent and None being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and nomination of Jon A. Lund was CONFIRMED.

The Secretary has so informed the Speaker of the House.

SENATE PAPERS

Bill "An Act to Encourage the Rehabilitation of Members Receiving Disability Benefits under the Maine State Retirement System"

S.P. 779 L.D. 1960

Presented by Senator GAUVREAU of Androscoggin
Cosponsored by: Representative HICKEY of Augusta, Senator ANDREWS of Cumberland, Representative DELLERT of Gardiner
Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26

Which was referred to the Committee on AGING, RETIREMENT AND VETERANS and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Clarify the Procedure for Appeals of Decisions of the Public Utilities Commission"

S.P. 778 L.D. 1959

Presented by Senator ANDREWS of Cumberland
Cosponsored by: Representative RICHARD of Madison, Representative CLARK of Millinocket, Representative VOSE of Eastport
Submitted by the Public Utilities Commission pursuant to Joint Rule 24

Which was referred to the Committee on UTILITIES and ORDERED PRINTED.

Sent down for concurrence.

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

Senator TUTTLE: Mr President and members of the Senate. In reference to Joint Order SLS 417, Senator Hichens and Senator Perkins and myself put the Resolution in and a number of us served with Senator Lovell from Sanford, in the Legislature. I knew Ralph all my life and I think that the best thing I can say about Ralph is that one of the reasons why I got involved in Government, in the first place was because of Ralph's influence in my life. We will deeply miss him. I know we send our condolences out to the family. Even though we are from different parties and sometimes we did not always agree on the issue, I personally will miss Ralph greatly and it will be a tremendous loss to the State of Maine. I would like to read the Memoriam On the Record. It says, "In Memoriam, whereas the Legislature has learned with deep regret, of the death of Senator Ralph M. Lovell, of Sanford, who served as State Representative in the 107th Legislature and State Senator in the 100th, 101st, 108th, and 109th Maine Legislature. Be it resolved that we the Members of the Senate and the House of Representatives, pause in a moment of understanding and prayer to inscribe this token of sympathy and condolence for all who share this great loss and respectfully request that when the Legislature adjourns this day that we do so in lasting tribute to Ralph M. Lovell."

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

Senator PERKINS: Mr. President Ladies and Gentlemen of the Senate. I rise to second the words of the good Senator of York, and to say that as a colleague, as a former pharmacist and as a very active community member of York County, Senator Ralph Lovell will be missed greatly. For those of us who knew him, and those in York County, much of the economic development which York County today enjoys is through the credit of Senator Ralph Lovell whose foresight, planning, and community involvement, had a great deal to do with this development. So I would ask today that when we adjourn, we adjourn in the memory of Senator Ralph Lovell.

COMMITTEE REPORTS

House

Change of Reference

The Committee on JUDICIARY on Bill "An Act Relating to Penobscot Nation Game Wardens"
H.P. 1194 L.D. 1691

Reported that the same be REFERRED to the Committee on LEGAL AFFAIRS.

Comes from the House with the Report READ and ACCEPTED and the Bill REFERRED to the Committee on LEGAL AFFAIRS

Which Report was READ and ACCEPTED, in concurrence.

The Bill REFERRED to the Committee on LEGAL AFFAIRS, in concurrence.

Ought to Pass

The Committee on BUSINESS AND COMMERCE on Bill "An Act to Authorize the Superintendent of Insurance to Promulgate Rules Relating to Coordination of Group Health Insurance Benefits"

H.P. 1225 L.D. 1732

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 As Amended

The Committee on STATE GOVERNMENT on Bill "An Act to Amend the Maine Community Services Act"
H.P. 1234 L.D. 1743

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-491).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-491).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-491) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

ORDERS OF THE DAY

On motion by Senator PEARSON of Penobscot, the Senate Removed from the Tabled and Later Today assigned matter:

Bill "An Act to Require Employers to Notify Employees of the Termination of Group Insurance"
H.P. 1384 L.D. 1953

Tabled - January 31, 1986, by Senator PEARSON of Penobscot.

Pending - Motion of Senator DUTREMBLE of York, to refer to the Committee on LABOR

(In House January 30, 1986, referred to the Committee on BUSINESS AND COMMERCE and ORDERED PRINTED.)

On motion by Senator DUTREMBLE of York, referred to the Committee on LABOR and ORDERED PRINTED in NON-CONCURRENCE.

Sent down for concurrence.

SECOND READERS

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

Senate

Bill "An Act to Allow Administrative Agencies to Continue to Adopt Emergency Rules Where Necessary"
S.P. 675 L.D. 1748

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

Sent down for concurrence.

Senator PEARSON of Penobscot, was granted unanimous consent to address the Senate On the Record.

Senator PEARSON: Mr. President and Men and Women of the Senate. Yesterday evening in Lincoln, a very large crowd appeared from that area, and some people from outside that area, to talk about the High Level Nuclear dump site. In attendance at that meeting was Dr. Mark Loziel who is a geologist who works for the State of Maine, graduate of M.I.T. with a PHD. degree, who we are very fortunate to have working for the State Government. Dr. Richard Berringer, who is a Chairman for the Governor's Blue Ribbon Task Force on High Level Nuclear Waste and Senator Judy Kany who is the Chairman of the Advisory Committee on Nuclear Waste.

I would like to tell you, Members of the Senate, that I have never seen anyone become as knowledgeable and perform as well and do as good as job as Senator Judy Kany has done and did last night as well as for the last several months on this particular subject. Every question that was posed she knew the answer to, or at least was the most knowledgeable person there, at the meeting. The people in the Lincoln area, and myself especially, and Representative Clark, each one publicly remarked how we all appreciated her presence and her hard work. A lot of people don't realize, I don't think, what she has given up. If I am looking for Senator Kany on the weekend she is in her office, she is working eleven hour days, seven days a week, trying to be prepared as this State possible can be. This has not just been a recent occurrence, although I am sure that I was oblivious to it before, I now know many things that I didn't know before about the ground work she has laid.

Almost every one of the protection plans that have been designed by the people that control Maine's public lots have been affected by her advice so that we could be in a position of being able to defend ourselves when the Federal people came. She has been diligent in working with the Indians and getting them up to speed and encouraging them. It is just many things. I think that Senator Judy Kany has performed probably the most outstanding job that I have seen a Maine Senator perform since I have been in office.

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

Senator HICHENS: Mr. President Members of the Senate. As a follow up on the words of the good Senator, Senator Pearson, I would like to add these words:

TO SENATOR KANY

With Regrets we have learned of the resignation from the prestigious State Government Committee of Senator Kany -- its chairman for years. And our only reaction is "Oh, what a pity." And though at all times we did not agree her knowledge respected by most of us here,

Her determination was something to see. Of her reasons for leaving - no argument given For we're all concerned about Nuclear Waste and in her position on this commission, we all advise her to act in great haste in solving the issues with which she'll be confronted on the Governor's Cabinet Level Task Force She'll need all the time that can be afforded And will come up with all the right answers, of course. So though we regret this announced resignation, we wish for our Judy - good luck in every way, and when with this waste problem we have resolution, maybe back to State Government she'll find her way.

Senate As Amended

Bill "AN Act to Clarify Equipment and Vehicle Use Policy"

S.P. 650 L.D. 1675
(C "A" S-372)

Which was READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended.

Sent down for concurrence.

ENACTORS

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

Emergency

An Act to Clarify the Referendum Provision to Revise and Modernize the Charter of the York Sewer District

H.P. 1176 L.D. 1671
(C "A" H-490)

On motion by Senator PEARSON of Penobscot, Tabled until Later in Today's Session, pending ENACTMENT.

Off Record Remarks

ORDERS OF THE DAY

On motion by Senator PEARSON of Penobscot, the Senate remove from the Tabled and Later Today assigned matter:

An Act to Clarify the Referendum Provision to Revise and Modernize the Charter of the York Sewer District

H.P. 1176 L.D. 1671
(C "A" H-490)

Tabled - January 31, 1986, by Senator PEARSON of Penobscot.

Pending - PASSAGE TO BE ENACTED

(In House January 30, 1986, PASSED TO BE ENACTED.)

(In Senate January 27, 1986, PASSED TO BE ENGROSSED, as Amended, in concurrence.)

This being an Emergency Measure and having received the affirmative vote of 26 Members of the Senate, with No Senators having voted in negative, and 26 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 Pro Tem was presented by the Secretary to the Governor for his approval.

Senate at Ease

Senate called to Order by the President Pro Tem

Emergency

An Act to Bring Title 29 into Agreement with the Regional Fuel Tax Agreement Laws
S.P. 665 L.D. 1707

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with No Senators having voted in negative, and 28 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.

On motion by Senator PEARSON of Penobscot, RECESSED until sound of bell.

After Recess

Senate called to Order by the President Pro Tem

Out of order and under suspension of the Rules, the Senate considered the following:

PAPERS FROM THE HOUSE

Study Report

Committee on UTILITIES

Report of the Committee on UTILITIES to which was referred by the Legislative Council the Study Relative to Local Telephone Service have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Prohibit Local Measured Service Prior to December 31, 1986" (Emergency)

H.P. 1387 L.D. 1956

Be referred to the Joint Standing Committee on UTILITIES for Public Hearing and ordered printed pursuant to Joint Rule 19.

Comes from the House with the Report READ and ACCEPTED, and the Bill referred to the Committee on UTILITIES and ORDERED PRINTED.

Which Report was READ and ACCEPTED, in concurrence.

The Bill referred to the Committee on UTILITIES and ORDERED PRINTED, in concurrence.

Out of order and under suspension of the Rules, the Senate considered the following:

PAPERS FROM THE HOUSE

Study Report

Committee on UTILITIES

Report of the Committee on UTILITIES to which was referred by the Legislative Council the Study Relative to Local Telephone Service have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act Concerning Local Telephone Service Rate Structure"

H.P. 1388 L.D. 1957

Be referred to the Joint Standing Committee on UTILITIES for Public Hearing and ordered printed pursuant to Joint Rule 19.

Comes from the House with the Report READ and ACCEPTED, and the Bill referred to the Committee on UTILITIES and ORDERED PRINTED.

Which Report was READ and ACCEPTED, in concurrence.

The Bill referred to the Committee on UTILITIES and ORDERED PRINTED, in concurrence.

I just wanted to mention this to the Body and again I am very, very pleased, and very, very honored, and I would ask MPAC to spend every penny you can to defeat me. Use it in the race against the Senator from Senate district 13, so I can save everybody else.

On motion by Senator PEARSON of Penobscot, ADJOURNED in memory of Ralph M. Lovell until 10 o'clock, Monday, February 3, 1986.

Out of order and under suspension of the Rules, the Senate considered the following:

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Place the State Lottery Commission and the Director of State Lotteries within the Department of Finance and Administration"
H.P. 1389 L.D. 1958

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.

Off Record Remarks

Senator MATTHEWS of Kennebec, was granted unanimous consent to address the Senate On the Record.

Senator MATTHEWS: Mr. President members of the Senate. I know the hour is late on Friday, I just want to take a moment to let the Body know that I received word yesterday that my candidacy, and I would announce today that I am running for the Maine Senate again, that I received the very high honor of the National Conservative Political Action Committee of being targeted for defeat with another distinguished Member of this Body. I consider that to be an honor and I guess I consider that to be the proof that I must have been working very, very hard in my four years in this Maine Legislature. I am looking at an article in the Maine Times that talks about some of the issues that were the litmus test of this organization and the funny thing is I was two for four so they have a very interesting criteria for making their decision.