

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

The following Joint Order: H.P. 1551

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

In Senate Chamber
Friday
March 14, 1986

WHEREAS, the 112th Legislature, during the First Regular Session, enacted and the Governor approved "AN ACT Relating to the Administration of Vocational Education," Public Law 1985, chapter 497; and

WHEREAS, this Act requires that a proposal be presented to the 112th Legislature at the Second Regular Session that addresses several key issues relating to the administration and operation of the technical institutes; and

WHEREAS, this Act is expected to have a significant impact upon economic development and education in the State; now, therefore, be it

Senate called to Order by the President.

ORDERED, the Senate concurring, that the Joint Select Committee on Vocational-Technical Education be established, consisting of 3 members of the Senate appointed by the President of the Senate from among the members of the Joint Standing Committee on State Government and the Joint Standing Committee on Education and; 10 other members appointed by the Speaker of the House of Representatives, 5 of whom shall be appointed from among the members of the Joint Standing Committee on State Government and 5 other members shall be appointed from among the members of the Joint Standing Committee on Education; and be it further

Prayer by Reverend Walter R. Brown of the Readfield United Methodist Church in Readfield.

ORDERED, that the President of the Senate shall appoint a Senate Chairman of the Joint Select Committee on Vocational-Technical Education and the Speaker of the House of Representatives shall appoint a House Chairman of the Joint Select Committee on Vocational-Technical Education; and be it further

REVEREND BROWN: Let us pray. We gather our Father here this afternoon and answer to Your challenge to be free, as well as, responsible people. What ever we say or do here for ourselves or for others, may it be genuine and just. May it be genuine and just for serving ourselves and others as we are given an elected position or an appointed one. May we also be aware that we are responsible for enhancing the fulfillment of Your creative power through us. Use that power through us to help others. Therefore our Father, we dare to ask You to continue Your divine blessing upon the Senate and those gathered. Guide us through this day and in goodness of Your spirit. Amen.

ORDERED, that all legislation pertaining to Vocational-Technical education during the Second Regular Session of the 112th Legislature be referred to the Joint Select Committee on Vocational-Technical Education, to be acted upon in the same manner as legislative documents and other papers that are referred to joint standing committees of the Legislature; and be it further

Reading of the Journal of Yesterday.

ORDERED, that the Joint Select Committee on Vocational-Technical Education shall dissolve at the close of the 112th Legislature.

Off Record Remarks

Comes from the House READ and PASSED.

Which was READ.

PAPERS FROM THE HOUSE

On motion by Senator PEARSON of Penobscot, Senate Amendment "A" (S-414) READ and ADOPTED.

Joint Order

Which was PASSED, as Amended in NON-CONCURRENCE.

Under suspension of the Rules, ordered sent down forthwith for concurrence.

ORDERS

Joint Order

On motion by Senator KANY of Kennebec the following Joint Order:

S.P. 870

ORDERED, the House concurring, that Bill "An Act to Establish a Presidential Primary in the State of Maine," S.P. 233, L.D. 595, be recalled from the Legislative files to the Senate.

Which was READ.

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending PASSAGE.

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

Sent down for concurrence.

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Revise the Statutes Pertaining to Use and Sale of Live Fish as Bait" S.P. 858 L.D. 2169

In Senate, March 11, 1986, PASSED TO BE ENGROSSED.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-574) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

Bill "An Act to Establish the Maine Vocational-Technical Institute System" (Emergency) S.P. 860 L.D. 2174

In Senate, March 11, 1986, referred to the Committee on EDUCATION and ORDERED PRINTED.

Comes from the House referred to the JOINT SELECT COMMITTEE ON VOCATIONAL-TECHNICAL EDUCATION and ORDERED PRINTED in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

COMMITTEE REPORTS

Senate

Ought to Pass in New Draft under New Title

Senator BROWN for the Committee on EDUCATION on Bill "An Act to Allow Local School Authorities to Establish a Date Certain for High School Graduation up to 7 Academic Days Prior to the Conclusion of the School Year"

S.P. 764 L.D. 1936

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act to Provide for High School Graduation up to 5 Academic Days Prior to the Conclusion of the School Year" (Emergency) S.P. 868 L.D. 2184

Which Report was READ and ACCEPTED.

The Bill in NEW DRAFT under NEW TITLE READ ONCE.

The Bill in NEW DRAFT under NEW TITLE TOMORROW ASSIGNED FOR SECOND READING.

SECOND READERS

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

Senate

Bill "An Act to Protect the Confidentiality of Certain Utility Employee Records" S.P. 784 L.D. 1969

House Papers

Bill "An Act to Correct Eligibility Requirements for Licensure as a Master Electrician" (Emergency) H.P. 1547 L.D. 2186

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 Provide for the Allocation of the State Ceiling on Bonds for Nongovernmental Purposes" (Emergency)
H.P. 1550 L.D. 2189

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 Establish Municipal Cost Components for Services to be Rendered in Fiscal Year 1986-87" (Emergency)
H.P. 1549 L.D. 2188

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.

COMMITTEE REPORTS

House

Ought Not to Pass

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

Bill "An Act to Require Prompt Payment of Medical Bills under the Workers' Compensation Act"
H.P. 1487 L.D. 2099

(Representative BEAULIEU of Portland Abstained.)

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 Maine Certificate of Need Act Relating to Departmental Authority to Define Categories of Health Services Subject to Review"
H.P. 1302 L.D. 1818

Bill "An Act to Prohibit Mandatory Local Measured Service and to Preserve Traditional Flat-rate Telephone Service at as Low a Cost as Possible"
H.P. 1315 L.D. 1831

Bill "An Act to Require that the Department of Human Services, when Reviewing Certificate of Need Applications from Health Facilities Located Near the State Border, Consider the Impact from Hospitals Located Outside the State"
H.P. 1323 L.D. 1858

Bill "An Act to Revise the Certificate of Need Act as it Affects Hospitals, to Simplify the Section 1122 Program and to Require the Establishment of a Methodology for Imposing Reasonable Limitations on Additional Capital and Operating Costs Associated with new Projects"
H.P. 1357 L.D. 1901

Ought to Pass

The Committee on UTILITIES on Bill "An Act to Amend the Charter of the Sewer District of the Town of Kennebunk"
H.P. 1417 L.D. 2001

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.

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 Increase the Cap on the Certificate of Need Development Account for Fiscal Year 1986-87"

S.P. 712 L.D. 1837

Bill "An Act Establishing Equal Revenue Calculations for all Maine Hospitals"

S.P. 812 L.D. 2044

ENACTORS

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

An Act to Amend the Medical Examiner Act and Related Provisions

H.P. 859 L.D. 1218
(S "B" S-405 to C "A"
H-530)

An Act Relating to Financing the Capital Improvement of Local Bridges

S.P. 672 L.D. 1740

An Act Concerning Filing Fees to the Public Utilities Commission

S.P. 729 L.D. 1852

An Act to Establish a Land and Air Search and Rescue Procedure for Missing Aircraft Personnel

H.P. 1362 L.D. 1906
(C "A" H-563)

An Act to Prevent Discrimination Against Retired Maine Residents who have Previously been Members of the Maine State Retirement System

H.P. 1429 L.D. 2020

An Act to Clarify the Law Relating to Authorization for Disinterment or Removal

S.P. 846 L.D. 2138

An Act to Amend the State Subsurface Waste Water Disposal Laws

S.P. 853 L.D. 2153
(S "A" S-401)

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

An Act to Grandfather Current Employees Regarding the Purchase of Military Service Time

H.P. 1528 L.D. 2157

On motion by Senator PEARSON of Penobscot, placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

Emergency

An Act to Correct Some Inconsistencies in the Law Relating to the Financing of Services in the Unorganized Territory

S.P. 713 L.D. 1838
(H "B" H-567 to C "A"
S-385)

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with No Senators having voted in negative, and 29 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.

Emergency

An Act to Decrease Mobile Home Park License Fees

H.P. 1354 L.D. 1898
(C "A" H-559)

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with No Senators having voted in negative, and 30 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.

Emergency

An Act to Make Clarifications in the Laws of
Maine Relating to the Workers' Compensation Act
H.P. 1441 L.D. 2033
(C "A" H-560)

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with No Senators having voted in negative, and 30 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.

Questions and comments about this report or any phase of state finances are always welcome.

Respectfully submitted,
S/Sandra J. Crockett
State Controller

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

Senate at Ease

Senate called to order by the President.

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

COMMUNICATIONS

The Following Communication:

STATE OF MAINE
DEPARTMENT OF FINANCE AND ADMINISTRATION
BUREAU OF ACCOUNTS AND CONTROL
STATE HOUSE STATION 14
AUGUSTA, MAINE 04333

To the President of the Senate and the Speaker of the House of Representatives

In accordance with Title 5, Maine Revised Statutes Annotated, section 1547, the accompanying Financial Report of the State of Maine is submitted for the fiscal year ended June 30, 1985.

The first section of the report consists of the General Purpose Financial Statements for all funds reported in accordance with generally accepted accounting principles. Generally accepted accounting principles for the Governmental Funds uses the modified accrual basis of accounting. Revenues are recognized when they become measurable and available as current assets. Expenditures are generally recognized when the related funds liability is incurred. Exceptions to this general rule include accumulated unpaid vacation and sick leave and principal and interest on general long term debt which is recognized when due.

The second section is reported as it has been in the past, based upon the budgetary and legal requirements. Please refer to Note 7 of the General Notes to the Financial Statements for the reconciliation of the fund balances between the two sections. Comparative budgetary data and statistical information have also been included in this report to promote a better understanding of the State's finances.

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

COMMITTEE REPORTS

Senate

Ought Not to Pass

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

Bill "An Act to Require Closer Review of the Construction of Major Electrical Generating Projects"
S.P. 767 L.D. 1944

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 Review the New England Electric Power Agreement"
S.P. 703 L.D. 1788

Bill "An Act Defining the Rights of Landlords, Tenants and Cable Television Operators"
S.P. 776 L.D. 1950

THE PRESIDENT: The Chair requests for what purpose does this Senator rise?

Senator KANY: Mr. President, I would request that L.D. 1788 be set aside.

THE PRESIDENT: The Chair would inform the Senator that according to the Rules, this is only for notification purposes. Once we dispense with it, if the Senator wishes to request unanimous consent to address a particular issue she may.

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

Senator KANY: Thank you Mr. President, before we accept the Leave to Withdraw Report, on L.D. 1788, "An Act to Review the New England Electric Power Agreement", I would first like to request that the Chairman of the Public Utilities Committee explain to the Senate exactly what the Committee intends to do regarding this very important issue. It has been troubling me since 1979, and I have spoken up each year, concerning our utilities involvement in the New England Power Pool. I asked time and time again, year in and year out, that there be an evaluation of the benefits and the liabilities of membership in the New England Power Pool, by Central Maine Power and Bangor Hydro. Maine Public Service is not a member of the New England Power Pool.

The New England Power Pool agreement really is beyond the jurisdiction, currently, of our Public Utilities Commission. Amendments are made from time to time, to the New England Power Pool, and once again, those amendments have been beyond the jurisdiction of the Public Utility Commission. Last year I offered a Bill which was unanimously turned down, rejected by the Public Utilities Committee, which would have required several things. One was the Public Utility Commission would have to approve of any new energy agreements of significance. It would have to approve of any amendments to a significant agreement such as the New England Power Pool. Any amendment to a joint ownership agreement, such as the joint ownership agreement on Seabrook and, in addition, that Bill also requires that the Public Utility Commission study the benefits and problems associated with membership in the New England Power Pool. As I said, that was unanimously rejected by the Public Utilities Commission.

This year realizing that our rules do not allow us to submit the same legislation, legislation which I thought was ideal. By the way, that was really a Divided Report, I see Senator Andrews in the back of the room, and he did favor that legislation. There were, I believe, two others from the House who favored that, but that was rejected by this Body, by the House, and those Members of the Public Utilities Committee. This year I submitted this legislation, which would ask the public advocate to evaluate membership in the New England Power Pool. I see I offered a Leave To Withdraw, it is my understanding the Committee does, finally, intend to do something and I certainly hope that we can at this moment before accepting this Report, just what it is the Committee intends to do.

I would like to point out that, in my opinion, one of the reasons, or the major reason, why both Central Maine Power and Bangor Hydro purchased additional portions of Seabrook I, and Seabrook II in 1979, after demand for electricity had fallen. After three mile island had occurred, and after Public Service New Hampshire had been ordered by the Public Service Commission of that State, to divest itself of certain ownership. Why our utilities at that point, given no circumstances, purchased more shares in what was obviously, not only a lemon, but an expensive white elephant for the manufacturers of this State. Commercial entities and residents, and not even a good deal for their stockholders. I believe the main reason they did that, was because of their membership in the New England Power Pool and the agreement there that requires sharing in the development of capacity, requires sometimes immense reserve capacity, and requires the sharing in the financial development of such capacity.

I am sorry to take the time on a Friday noon, but in my opinion, this has been a very important issue, ignored by too many people, including the press. They often will write lovely little stories from what their daily little public relation issues and releases from Central Maine Power and I haven't seen a thing on this, and have spoken to them many times. So I am very anxious to hear from the Chairman of the Public Utilities Committee, before we accept the Leave to Withdraw Report.

THE PRESIDENT: The Chair would wish to inform the Senator from Kennebec, Senator Kany, that pursuant to Joint Rule 15, that the unanimous Ought Not To Pass and Leave to Withdraw Report is only placed upon the Calendar for the purpose of notification to the Members and it immediately goes into the files without Legislative action. The Chair would advise the Senator that the usual motion that the presiding officer makes is that the Secretary dispenses with further reading of those items and there is no subsequent action taken by the Legislature.

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

Senator BALDACCI: Thank you Mr. President, Mr. President and Members of the Senate. I was caught a little bit surprised by the Supplement in regards to that particular legislative document. The good Senator is correct in her analysis of the situation, and I agree wholeheartedly with her in regards to the concern about the problem. We did talk with the Public Utilities Commission and the different utilities involved with the New England Power Pool situation. The Senator from Kennebec is exactly correct when she discusses the increase in the reserve requirement and the impact on our Maine utility customers. The Committee decided upon the testimony of the good Senator, the Utilities Commissioner, the Public Advocate and the utilities themselves.

The understanding that they had already begun the review of the process and requested documents from the utilities in regards to that particular situation in that the Chairman of the Commission had addressed the New England Board of Utilities, the Regulators, in forming sort of a corporative, in regards to this particular problem, realizing it being a New England situation and trying to react to what a New England Power Pool does, and the legal problems being involved. They were very concerned about it and I think the good Senator was correct in addressing the issue earlier in the first year of this session. It is a serious problem, but the Utilities Commission lead us to believe, during that testimony and I think that we were going to read on the Record, which I do not have prepared at this time, statement underlining the fact that the Commission plans to undertake it and I was going to read in the contract that was struck between the utilities and the Commission as far as a time schedule, that they would meet and a decision would be forth coming at that time.

I think it is important that the Senate and the good Senator from Kennebec, realize that there, is in fact, a time schedule for the completion of certain stages of that review between the utilities and the Utilities Commission, because I do think it is an important problem and it is something that the Commission should be involved in. It isn't because of loss of interest among the Committee, it is in fact, that there is a procedure established and because of the good Senator's legislation that we made sure that there was a contract between the two with time schedules that would be read into the record, but coming in on a supplement at this time and not having that in front of me. I would if the good Senator from Kennebec would allow me to be able to read that on the Record, once it has been prepared at another time that the Senate does meet and can be noted in the horseblanket.

Senator BROWN of Washington was granted unanimous consent to address the Senate Off the Record.

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

Senator TUTTLE: Mr. President and Members of the Senate. It has come to my attention that there will be a move by the Maine Department of Labor to close the unemployment office in Sanford, in my district. The first time I heard about it was not from the Commissioner, but through the newspapers. I question the closing and whether actual savings will result in closing that office.

Having talked with the Commissioner yesterday, she has told me that there may be additional closings in the Waterville office, the Machias office, the Madawaska office, and possible staff reductions in the Skowhegan and Rumford areas, as well as those in Millinocket. I would think that a move as drastic as this, should have some Legislative oversight prior to that decision. That is why I am bringing this issue to the Members today.

Sanford's unemployment average is high presently, at the State average, because of closings of Computer Vision, Inc. where 500 people lost jobs. Nike Shoes, Inc. where another 300 lost their jobs, as well as Sprague Electric Co., which has laid off 500 people over the last two years and three other shoe factories that have closed over the past year. Because this office serves a wide range of people in my area, because of recent layoffs, the closing of this office at this time, in my opinion, is inappropriate. I would ask that the Commissioner report to the Legislature before such drastic moves are accomplished.

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

Senator GILL of Cumberland was granted unanimous consent to address the Senate Off the Record.

Off Record Remarks

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

Senator BALDACCI: Mr. President and Members of the Senate. Just very briefly and for the Record for the good Senator from Kennebec in regards to the NEEPOOL issue that was brought up earlier, there is a Resolution that is sitting on the Legislative Council Table that would be introduced to replace the L.D. in regards to putting into resolution the Commission's investigation, the time schedules that were supposed to be met, and any action that would be necessary in the public interest, with respect to the Maine Utilities. I apologize to the good Senator from Kennebec, for not having that information here the first time.

On motion by Senator CLARK of Cumberland
ADJOURNED until Monday, March 17, 1986, at 9
o'clock in the morning.