

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**LEGISLATIVE RECORD**

OF THE

***One Hundred and Eleventh  
Legislature***

OF THE

**STATE OF MAINE**

**Volume I**

**FIRST REGULAR SESSION**

**December 1, 1982 to May 13, 1983**

**HOUSE**

Friday, March 25, 1983

The House met according to adjournment and was called to order by the Speaker.

Prayer by the Reverend David Glusker of the Green Street Methodist Church, Augusta.

The journal of yesterday was read and approved.

**Papers from the Senate**

The following Communication:

The Senate of Maine  
Augusta

March 24, 1983

The Honorable John L. Martin  
Speaker of the Maine House  
111th Maine Legislature  
State House Station 2  
Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Judiciary, the reappointment of John W. Benoit of Farmington as District Court Judge for District 12.

Sincerely,

S/JOY J. O'BRIEN

Secretary of the Senate

The Communication was read and ordered placed on file.

The following Communication:

The Senate of Maine  
Augusta

March 24, 1983

The Honorable John L. Martin  
Speaker of the Maine House  
111th Maine Legislature  
State House, Station 2  
Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Judiciary, the nomination of Bonnie D. Post of Owl's Head as a Member of the Maine Indian Tribal-State Commission.

Sincerely,

S/JOY J. O'BRIEN

Secretary of the Senate

The Communication was read and ordered placed on file.

Bill "An Act to Establish a Commission to Review and Evaluate Higher Educational Needs, Services and Institutions" (S. P. 417) (L. D. 1267)

Came from the Senate referred to the Committee on Education and ordered printed.

(Committee on Reference of Bills had suggested reference to the Committee on Appropriations and Financial Affairs)

In the House, was referred to the Committee on Education in concurrence.

**Reports of Committees****Unanimous Leave to Withdraw**

Report of the Committee on State Government reporting "Leave to Withdraw" on Bill "An Act to Provide that the Director of the Maine State Housing Authority shall be a Non-voting Commissioner of the State Authority" (S. P. 22) (L. D. 23)

Was placed in the Legislative Files without further action pursuant to Joint Rule 15 in concurrence.

**Non-Concurrent Matter**

Bill "An Act to Provide Authority to the Department of Labor to Receive and Expend Federal Funds Pursuant to the Federal Job Training Partnership Act" (Emergency) (H. P. 958) (L. D. 1239) which was referred to the Committee on Labor in the House on March 17, 1983.

Came from the Senate referred to the Joint

Select Committee on Job Training in non-concurrence.

In the House: On motion of Mrs. Beaulieu of Portland, the House voted to recede and concur.

**Non-Concurrent Matter**

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Permit Moneys Dedicated to the Highway Fund to be Used to Provide Operational Subsidies for Various Forms of Surface Passenger Transit" (H. P. 968) (L. D. 1248) which was referred to the Committee on Transportation in the House on March 17, 1983.

Came from the Senate referred to the Committee on Taxation in non-concurrence.

In the House: The House voted to recede and concur.

**Non-Concurrent Matter**

Bill "An Act to Require Discount Liquor Prices Throughout the State" (H. P. 271) (L. D. 331) (H. "A" H-69 to S. "A" S-20) which was passed to be Enacted in the House on March 23, 1983.

Came from the Senate with the Bill and Accompanying Papers Indefinitely Postponed in non-concurrence.

In the House: The House voted to recede and concur.

**Petitions, Bills and Resolves****Requiring Reference**

The following Bills and Resolves were received and, upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

**Aging, Retirement and Veterans**

Bill "An Act to Assure Public Awareness of Nuclear Civil Protection Plans for Maine" (H. P. 1006) (Presented by Representative Andrews of Portland) (Cosponsors: Representatives Ainsworth of Yarmouth, Foster of Ellsworth and Senator Gill of Cumberland)

(Ordered Printed)

Sent up for concurrence.

**Agriculture**

Bill "An Act Concerning the Use of Sludge for Agricultural Purposes" (H. P. 1007) (Presented by Representative McHenry of Madawaska) (Cosponsor: Representative Michael of Auburn)

(Ordered Printed)

Sent up for concurrence.

**Later Today Assigned**

Bill "An Act to Appropriate Sohio Oil Company Overcharge Funds to the Energy Resources Development Fund" (H. P. 1010) (Presented by Representative Hall of Sangerville) (Cosponsors: Representatives Lisnik of Presque Isle, Dexter of Kingfield and Senator Brown of Washington) (Submitted by the Office of Energy and Natural Resources pursuant to Joint Rule 24)

Committee on Energy and Natural Resources was suggested.

On motion of Mr. Kelleher of Bangor, tabled pending reference and later today assigned.

**Energy and Natural Resources**

Bill "An Act to Clarify the Decision-making Process within the Department of Environmental Protection" (H. P. 1009) (Presented by Representative Hall of Sangerville) (Cosponsors: Senator Brown of Washington, Representative Michaud of East Millinocket and Jacques of Waterville) (Submitted by the Department of Environmental Protection pursuant to Joint Rule 24)

RESOLVE, Authorizing the Exchange of Certain Public Lands (H. P. 1008) (Presented by Speaker Martin of Eagle Lake) (Cosponsors: Senator McBreairty of Aroostook and Representative Anderson of Stockholm) (Submitted by the Department of Conservation

pursuant to Joint Rule 24)  
(Ordered Printed)  
Sent up for concurrence.

**Fisheries and Wildlife**

Bill "An Act to Permit Hunting of Wild Birds on Sunday with Bird Dogs" (H. P. 1011) (Presented by Representative Jackson of Harrison)  
(Ordered Printed)  
Sent up for concurrence.

**Health and Institutional Services**

Bill "An Act Concerning Criteria for Determining Need for Welfare" (H. P. 1012) (Presented by Representative Livesay of Brunswick) (Cosponsors: Representatives Brown of Bethel, McGowan of Pittsfield and Senator Perkins of Hancock)  
(Ordered Printed)  
Sent up for concurrence.

**Labor**

Bill "An Act to Increase the Minimum Wage" (H. P. 1013) (Presented by Representative McHenry of Madawaska) (Cosponsor: Senator Violette of Aroostook)  
(Ordered Printed)  
Sent up for concurrence.

**Legal Affairs**

Bill "An Act to Amend the Law Relating to Games of Chance" (H. P. 1014) (Presented by Representative Swazey of Bucksport) (Cosponsors: Senator Charette of Androscoggin, Representatives Perry of Mexico and Stover of West Bath) (Submitted by the Department of Public Safety pursuant to Joint Rule 24)  
(Ordered Printed)  
Sent up for concurrence.

**Public Utilities**

Bill "An Act to Create an Incentive-Penalty Rate Base Adjustment" (H. P. 1015) (Presented by Speaker Martin of Eagle Lake) (Cosponsors: Senator Baldacci of Penobscot, Representatives Matthews of Winslow, McGowan of Pittsfield) (Submitted by the Public Utilities Commission pursuant to Joint Rule 24)  
(Ordered Printed)  
Sent up for concurrence.

**State Government**

RESOLVE, Authorizing the Governor to Convey an Interest in Land and Buildings on the Bangor Mental Health Institute Campus (H. P. 1016) (Presented by Representative Smith of Island Falls) (Cosponsors: Representatives Murray of Bangor, Diamond of Bangor and Kelleher of Bangor)  
(Ordered Printed)  
Sent up for concurrence.

**House Reports of Committees  
Unanimous Leave to Withdraw**

Representative Carrier from the Committee on Judiciary on Bill "An Act to Amend the Right to Know Law to Include Briefing Sessions Held by Private Enterprise" (H. P. 323) (L. D. 382) reporting "Leave to Withdraw"

Was placed in the Legislative Files without further action pursuant to Joint Rule 15 and sent up for concurrence.

**Ought to Pass in New Draft/New Title**

Representative Smith from the Committee on Agriculture on Bill "An Act to Establish Mandatory Minimum Fines on Agricultural or Forestry Products Theft" (H. P. 531) (L. D. 684) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Establish Mandatory Minimum Fines for Unauthorized Taking of Agricultural or Forestry Products" (H. P. 1017) (L. D. 1314)

Report was read and accepted, the New Draft given its first reading and assigned for second reading Monday, March 28.

**Consent Calendar**

**First Day**

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the First Day:

(H. P. 476) (L. D. 573) Bill "Act to Include Water and Sewer Districts in the Local Government Energy Conservation Program"—Committee on Energy and Natural Resources reporting "Ought to Pass"

(H. P. 766) (L. D. 996) Bill "An Act to Clarify the Definition of Child or Children and to Delete Restrictions on Death Benefits to Spouses in the Retirement System Statutes"—Committee on Aging, Retirement and Veterans reporting "Ought to Pass"

(H. P. 170) (L. D. 200) Bill "An Act Limiting Positions of Trust for Prisoners in Jails to those Prisoners Sentenced or Transferred to that Particular Jail"—Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-87)

No objections being noted, the above items were ordered to appear on the Consent Calendar of March 28, under the listing of Second Day.

**Consent Calendar  
Second Day**

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the Second Day:

(H. P. 215) (L. D. 258) Bill "An Act to Provide for Establishment of Employee Cooperative Corporations" (C. "A" H-82)

(H. P. 911) (L. D. 1161) Bill "An Act to Provide for Voluntary Inspection of Trailers and Semitrailers under the Motor Vehicle Laws" (Emergency)

(H. P. 12) (L. D. 8) Bill "An Act to Expedite the Handling of Changes in Voter Registration" (C. "A" H-83)

(H. P. 543) (L. D. 695) Bill "An Act to Permit Young Children to Accompany their Parents into the Voting Booth" (C. "A" H-84)

No objections having been noted at the end of the Second Legislative Day, the House Papers were passed to be engrossed or passed to be engrossed as amended and sent up for concurrence.

**Passed to Be Engrossed**

Bill "An Act to Remove Reference to Clerical Assistants under the Court Laws" (S. P. 419) (L. D. 1268)

Bill "An Act to Make Allocations from the Alcoholism Prevention, Education, Treatment and Research Fund for the Fiscal Year Ending June 30, 1983" (Emergency) (H. P. 513) (L. D. 638)

Bill "An Act to Deny Certain State Funds to Any Person Who Refuses to Register under the United States Military Selective Services Act" (H. P. 652) (L. D. 820)

Were reported by the Committee on Bills in the Second Reading, read the second time, the Senate Paper was passed to be engrossed in concurrence and the House Papers were passed to be engrossed and sent up for concurrence.

**Tabled and Assigned**

Bill "An Act Relating to Motor Fuel Taxes" (H. P. 130) (L. D. 138)

Was reported by the Committee on Bills in the Second Reading and read the second time.

On motion of Mr. Macomber of South Portland, tabled pending passage to be engrossed and assigned for Monday, March 28.

**Amended Bill**

Bill "An Act to Remove the Superintendent of the Governor Baxter School for the Deaf from Classified Service and Clarify the Law Relating to State Educational Personnel" (Emergency) (H. P. 769) (L. D. 999) (H. "A" H-85 to C. "A" H-78)

Was reported by the Committee on Bills in the Second Reading, read the second time, the

House Paper was passed to be engrossed as amended and sent up for concurrence.

The following paper appearing on Supplement No. 2 was taken up out of order by unanimous consent:

**Consent Calendar  
First Day**

In accordance with House Rule 49, the following item appeared on the Consent Calendar for the First Day:

(S. P. 399) (L. D. 1212) RESOLVE, Authorizing the Atlantic Sea Run Commission to Convey Salmon Smolt to Ocean Products, Inc. (Emergency)—Committee on Marine Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-37)

There being no objections, under suspension of the rules the above item was given Consent Calendar Second Day notification and passed to be engrossed as amended in concurrence.

By unanimous consent, ordered sent forthwith to Engrossing.

**Passed to Be Enacted**

An Act Concerning Persons who Assist in Mitigating the Effects of Discharge of Hazardous Materials (S. P. 126) (L. D. 313)

An Act to Enable Administrative Court Judges to Sit in Superior Court (S. P. 149) (L. D. 440)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

**Tabled and Assigned**

An Act to Clarify the Definition of Chiropractic (S. P. 164) (L. D. 519) (C. "A" S-25)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

On motion of Mr. Murray of Bangor, tabled pending passage to be enacted and assigned for Monday, March 28.

An Act Concerning Appeals by the State in Criminal Cases (S. P. 236) (L. D. 678)

An Act to Require the Department of Labor to Make Available to all Claimants for Unemployment Insurance the Complete Set of All Department of Labor Rules and Policies Governing the Determination of Eligibility and Payment of Benefits (S. P. 387) (L. D. 1170) (S. "A" S-27)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

**Tabled and Assigned**

An Act to License the Harvest of Seaweeds (S. P. 388) (L. D. 1171)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

Mr. Scarpino of St. George requested a roll call vote.

On motion of Mr. Diamond of Bangor, tabled pending passage to be enacted and assigned for Monday, March 28.

An Act to Revise the Laws Pertaining to Prejudgment Attachment, Execution of Judgments, Disclosure of Assets and Exemptions (H. P. 267) (L. D. 327)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

**Tabled and Assigned**

An Act to Prohibit the Commercial Sale of Chain Saws and Skidders not Equipped with Spark Arresters" (H. P. 379) (L. D. 462)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

On motion of Mr. Racine of Biddeford, tabled pending passage to be enacted and assigned for Monday, March 28.

An Act to Clarify Municipal Regulation of Motor Vehicles on Ice-Covered Bodies of Water (H. P. 915) (L. D. 1168) (H. "A" H-68)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

**Orders of the Day**

The Chair laid before the House the first tabled and today assigned matter:

Senate Report—"Ought to Pass" in New Draft (S. P. 416) (L. D. 1263)—Committee on Education on Bill "An Act to Amend the Statute Relative to the Appointment of the Commissioner of Educational and Cultural Services" (S. P. 220) (L. D. 657)

Tabled—March 24, 1983 by Representative Mitchell of Vassalboro.

Pending—Acceptance of Committee Report. Thereupon, the Report was accepted in concurrence, the New Draft read once and assigned for second reading the next legislative day.

The Chair laid before the House the second tabled and today assigned matter:

Bill "An Act Relating to the Licensing of Dental Radiographers" (H. P. 996) (Committee on Health and Institutional Services suggested)

Tabled—March 24, 1983 by Representative Brannigan of Portland.

Pending—Reference. Thereupon, the Bill was referred to the Committee on Health and Institutional Services, ordered printed and sent up for concurrence.

The Chair laid before the House the third tabled and today assigned matter:

Senate Report—"Ought to Pass" as amended by Committee Amendment "A" (S-34)—Committee on Business Legislation on Bill "An Act to Amend the Maine Consumer Credit Code" (S. P. 219) (L. D. 656)

Tabled—March 24, 1983 by Representative Brannigan of Portland

Pending—Acceptance of Committee Report. On motion of Mr. Murray of Bangor, retabled pending acceptance of the Committee Report in concurrence and specially assigned for Tuesday, March 29.

The Chair laid before the House the fourth tabled and today assigned matter:

RESOLVE, Authorizing Larry R. Coffren of Strong to bring Civil Action against the State of Maine (H. P. 735) (L. D. 944)

Tabled—March 24, 1983 by Representative Handy of Lewiston

Pending—Passage to be Engrossed. Mr. Dexter of Kingfield offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-89) was read by the Clerk and adopted.

The resolve was passed to be engrossed as amended and sent up for concurrence.

The Chair laid before the House the fifth tabled and today assigned matter:

Bill "An Act Relating to Attorneys Searching and Certifying Title to Real Estate" (H. P. 969) (L. D. 1225)

Tabled—March 24, 1983 by Representative Racine of Biddeford.

Pending—Passage to be Engrossed. On motion of Mr. Racine of Biddeford, retabled pending passage to be engrossed and specially assigned for Monday, March 28.

The Chair laid before the House the sixth tabled and today assigned matter:

Bill "An Act to Authorize Coverage of Medical Supplies Under the Low Cost Drugs for the Elderly Program" (H. P. 997) (Committee on Health and Institutional Services suggested)

Tabled—March 24, 1983 by Representative Carter of Winslow.

Pending—Motion of the same gentleman to refer to the Committee on Appropriations and Financial Affairs.

Thereupon, the Bill was referred to the Committee on Appropriations and Financial Affairs, ordered printed and sent up for concurrence.

The following paper appearing on Supplement No. 1 was taken up out of order by unanimous consent:

Bill "An Act to Reform the Worker's Compensation System" (Emergency) (H. P. 1019) (Presented by Speaker Martin of Eagle Lake) (Cosponsors: Senator Pray of Penobscot, Representatives Joseph of Waterville and Michael of Auburn)

The Bill was referred to the Committee on Labor, ordered printed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The following paper appearing on Supplement No. 4 was taken up out of order by unanimous consent:

Bill "An Act to Apportion the Maine Senate, House of Representatives and Congressional Districts." (H. P. 1020) (Presented by Representative Kelleher of Bangor) (Cosponsors: Senators Sewall of Lincoln, Collins of Knox and Representative Mitchell of Vassalboro) (Submitted by the Apportionment Commission pursuant to the Constitution of the State of Maine, Article IV, Part Third, as amended (Section 1-A) and M.R.S.A. 21, s 1571-A)

The Bill was ordered printed and sent up for concurrence.

By unanimous consent, ordered sent forthwith.

The Chair laid before the House the following matter:

Bill "An Act to Appropriate Sohio Oil Company Overcharge Funds to the Energy Resources Development Fund" (H. P. 1010) which was tabled and later today assigned pending reference. (Committee on Energy and Natural Resources was suggested)

On motion of Mr. Carter of Winslow, the Bill was referred to the Committee on Appropriations and Financial Affairs, ordered printed and sent up for concurrence.

The following paper appearing on Supplement No. 3 was taken up out of order by unanimous consent:

**Passed to Be Enacted  
Emergency Measure**

RESOLVE, Authorizing the Atlantic Sea Run Salmon Commission to Convey Salmon Smolt to Ocean Products, Inc. (S. P. 399) (L. D. 1212) (C. "A" S-37)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 123 voted in favor of same and one against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith.

**(Off Record Remarks)**

On motion of Mr. Drinkwater of Belfast,  
Adjourned until Monday, March 28, at nine o'clock in the morning.