

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eleventh
Legislature***

OF THE

STATE OF MAINE

SECOND REGULAR SESSION

January 4, 1984 to April 25, 1984

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FOURTH CONFIRMATION SESSION

(FIRST CONFIRMATION SESSION – SECOND REGULAR SESSION)

May 31, 1984

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FIFTH CONFIRMATION SESSION

(SECOND CONFIRMATION SESSION – SECOND REGULAR SESSION)

July 11, 1984

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THIRD SPECIAL SESSION

September 4, 1984 to September 11, 1984

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HOUSE

Wednesday, January 4, 1984

Pursuant to Article IV, Part 3 Section 1 of the Constitution and Laws of the State of Maine, the Representatives to the One Hundred and Eleventh Legislature assembled in the Hall of the House and were called to order by John L. Martin, Speaker of the House.

Prayer by Father Clement Thibodeau, Notre Dame Catholic Church, Waterville.

The members stood at attention during the playing of the National Anthem by the Wiscasset High School Band.

A roll call was taken. 146 members answered to their names and accordingly a quorum was found to be present.

Those who were absent were: Representatives: Allen of Washington, Beaulieu of Portland, Kane of South Portland, Reeves of Newport and Seavey of Kennebunkport.

On motion of Representative Diamond of Bangor, the following Order:

ORDERED, that a Committee of ten be appointed to wait upon his Excellency, Governor Joseph E. Brennan, and inform him that a quorum of the House of Representatives is assembled in the Hall of the House for the consideration of such business as may come before the House.

Was read and passed and the Speaker appointed the following members:

Representatives: NADEAU of Lewiston
ROBERTS of Buxton
MARTIN of Brunswick
PARADIS of Augusta
MICHAUD of East
Millinocket
HANDY of Lewiston
CAHILL of Woolwich
SHERBURNE of Dexter
WENTWORTH of Wells
STEVENSON of Unity

Subsequently, Representative Nadeau reported that the Committee had delivered the message with which they were charged.

On motion of Representative Diamond of Bangor, the following Order:

ORDERED, that a message be conveyed to the Senate that a quorum of the House of Representatives is present for the consideration of such business as may come before the House.

Was read and passed and the Speaker appointed Representative Mitchell of Vassalboro to convey the message.

Subsequently, Representative Mitchell reported that she had delivered the message with which she was charged.

At this point, a message was received from the Senate, borne by Senator Carpenter of that body, announcing a quorum present and that the Senate was ready to transact any business that might properly come before it.

The following papers were taken up out of order by unanimous consent:

**Petitions, Bills and Resolves
Requiring Reference**

The following Bills, Resolves and Resolution were received and referred to the following Committees:

Aging, Retirement and Veterans

Bill "An Act to Repeal the Law Requiring Adult Children to Care for Parents According to Ability" (H. P. 1392) (Presented by Representative Kelleher of Bangor) (Cosponsors: Senator Conley of Cumberland and Representative Joyce of Portland)

(Ordered Printed)
Sent up for concurrence.

Business Legislation

Bill "An Act to Make Necessary Technical

Corrections to the Financial Institution Conversion Process" (H. P. 1394) (Presented by Representative Murray of Bangor) (Cosponsor: Representative Stevens of Bangor) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)
Sent up for concurrence.

Education

Bill "An Act Relating to Conferring Degrees by Thomas College" (Emergency) (H. P. 1393) (Presented by Representative Mitchell of Vassalboro) (Cosponsors: Representative Jacques of Waterville, Senators Kany of Kennebec and Clark of Cumberland) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)
Sent up for concurrence.

Judiciary

Bill "An Act to Clarify That Notaries Public who do not Maintain a Seal of Office may Take Acknowledgements" (H. P. 1395) (Presented by Representative Hobbins of Saco) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Reenact a Provision for Protective Orders in Crimes Between Family Members" (Emergency) (H. P. 1396) (Presented by Representative Mitchell of Vassalboro) (Cosponsors: Representatives Hayden of Durham, Foster of Ellsworth and Senator Clark of Cumberland) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

RESOLVE, to Authorize the Conveyance of Certain Property to the Penobscot Nation. (H. P. 1397) (Presented by Representative Cashman of Old Town) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

Bill "An Act Relating to Penobscot Nation Trust Land Designation" (H. P. 1398) (Presented by Representative Cashman of Old Town) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

Bill "An Act Relating to the Time of Penobscot Nation Trust Land Designation" (H. P. 1399) (Presented by Representative Cashman of Old Town) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Amend the Law Concerning Arrest in Other Municipalities by Municipal Law Enforcement Officers" (H. P. 1401) (Presented by Representative Foster of Ellsworth) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)
Sent up for concurrence.

Labor

Bill "An Act to Establish a Maine Labor Relations Law" (H. P. 1385) (L. D. 1810) (Presented by Representative Beaulieu of Portland) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Clarify Return to Work Provisions Under the Workers' Compensation Law" (H. P. 1402) (Presented by Representative Clark of Millinocket) (Cosponsors: Senator Pray of Penobscot, Representatives Beaulieu of Portland and McHenry of Madawaska) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)
Sent up for concurrence.

Local and County Government

Bill "An Act to Amend the Law Prohibiting the Expenditure of Funds Raised for Food Stamps in Androscoggin County" (Emergency) (H. P. 1384) (L. D. 1809) (Presented by Representative Jalbert of Lewiston) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Clarify when Counties may Charge Municipalities Interest on Delinquent Taxes" (H. P. 1404) (Presented by Representative Cashman of Old Town) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Establish the Boundary Between the Town of Burnham in the County of Waldo and the Town of Clinton in the County of Kennebec and Between the Town of Burnham in the County of Waldo and the Town of Pittsfield in the County of Somerset" (H. P. 1389) (Presented by Representative Stevenson of Unity) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Deorganize Blanchard Plantation" (Emergency) (H. P. 1403) (Presented by Representative Hall of Sangerville) (Cosponsor: Senator Pray of Penobscot) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)
Sent up for concurrence.

Appropriations and Financial Affairs

RESOLVE, Authorizing the Commissioner of Marine Resources to Lease Land and Buildings in West Boothbay Harbor (Emergency) (H. P. 1405) (Presented by Representative Carter of Winslow) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

Committee on Marine Resources was suggested.

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

Public Utilities

Bill "An Act to Ensure Timely Implementation of Revised Tariffs" (H. P. 1388) (L. D. 1813) *(Presented by Representative Vose of Eastport) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Clarify Utility Financing of Energy Conservation" (H. P. 1406) (Presented by Representative Ridley of Shapleigh) (Cosponsors: Representatives Weymouth of West Gardiner, Vose of Eastport and Senator Emerson of Penobscot) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Provide for Additional Considerations in Recovery of Costs of Canceled Plants" (H. P. 1407) (Presented by Representative Ridley of Shapleigh) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Clarify the Fair Apportionment of the Cost of Canceled Generating Facilities" (H. P. 1408) (Presented by Representative Vose of Eastport) (Cosponsors: Representatives Ridley of Shapleigh, Paradis of Old Town and McGowan of Pittsfield) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Update the Validity Clause for Utilities" (H. P. 1409) (Presented by Representative McGowan of Pittsfield) (Cosponsor: Senator Emerson of Penobscot) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)
Sent up for concurrence.

State Government

Bill "An Act to Ensure Timely Consideration of Requests for Rulemaking" (H. P. 1387) (L. D. 1812) (Presented by Representative Vose of Eastport) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26) (Later Reconsidered)

Bill "An Act to Require the State of Maine to Pay Late Fees on Overdue Payments" (H. P. 1411) (Presented by Representative Mitchell of Vassalboro) (Cosponsors: Senators Violette of Aroostook, Dutremble of York and Repre-

sentative Pouliot of Lewiston) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Allow the State, Counties and Municipalities to Buy Employee Deferred Compensation Plans from Financial Institutions" (H. P. 1412) (Presented by Representative Gwadosky of Fairfield) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Limit the Life of Authorized Bonds (H. P. 1410) (Presented by Representative Higgins of Scarborough) (Cosponsors: Representatives Lebowitz of Bangor, Gwadosky of Fairfield and Senator Pray of Penobscot) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26) (Ordered Printed)

Sent up for concurrence.

Transportation

Bill "An Act Designating Certain Highways as State Highways" (H. P. 1386) (L. D. 1811) (Presented by Representative Martin of Eagle Lake) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)

Sent up for concurrence.

Communications

The Following Communication:

**National Transportation Safety Board
Washington, D.C.**

ISSUED: November 30, 1983
SAFETY RECOMMENDATION(S)
H-83-52

Forwarded to:

Honorable Joseph E. Brennan
Governor of Maine
Augusta, Maine 04333
Honorable Gerard P. Conley
President of the Senate
Augusta, Maine 04333
Honorable John L. Martin
Speaker of the House
Augusta, Maine 04333

On September 7, 1983, the National Transportation Safety Board completed a safety study of child motor vehicle passenger protection.¹ For the purpose of the study, the Safety Board conducted 3 regional public hearings and investigated 53 accidents involving infants and small children, restrained and unrestrained, in 19 States. The study highlighted the dangers to unrestrained children in accidents and noncrash incidents, such as sudden stops, and underscored the lifesaving and injury-prevention potential of child safety seats. As a result of the study, the Safety Board concluded that misuse of child safety seats is a significant problem which requires considerably increased emphasis. The study identified several provisions in child passenger protection laws which operate to exclude many infants and small children from the protection of the laws and found that virtually none of the laws is designed to foster the transition of children from safety seat use to safety belt use when child safety seats are outgrown.

The Safety Board investigated the use and crash performance of 34 child safety seats in 32 accidents, including seats of 16 different designs made by 7 different manufacturers. The investigations showed clearly, and in some cases, dramatically, that child safety seats can save lives and prevent or minimize injury to infants and small children in motor vehicle accidents. In 24 accidents investigated, 25 child safety seats provided sufficient protection to prevent or minimize injuries to infants and small children. Six of the safety seats were being used correctly at the time of the accident, including four which demonstrated excellent performance in moderate to severe crashes and two which were involved in non-crash incidents. In 18 accidents, 19 safety seats which were misused still provided suffi-

cient protection to prevent or minimize injury to 19 children—including 9 accidents in which one or more other passengers in the same vehicle were killed or seriously injured. However, the remaining nine safety seats that were misused did not provide sufficient protection.

Although the accidents investigated were not selected to provide a statistically representative sample, the misuse involved in the accidents is generally consistent with the extensive incidence of misuse identified by the Physicians for Automotive Safety in observational surveys of child safety seats in normal everyday use. The widespread incidence of safety seat misuse warrants urgent attention because, as more child passenger protection laws go into effect and safety seat use increases, the number of safety seats misused can also be expected to increase. Fortunately, safety seats are "forgiving" in the sense that, in many accidents, a safety seat will still provide protection against death or injury under some misuse conditions and, in some cases, will provide partial protection although some injury may occur. However, unless effective ways are found to combat the misuse problem, accidents involving needless fatalities and injuries to children riding in safety seats that are misused can be expected to increase.

To combat and reduce the misuse problem, improvements are needed in several areas, including the public education and the safety seat loan components of child passenger safety programs. These programs typically include information on how to use safety seats properly. Nonetheless, in some accidents involving misuse, the user failed to follow the manufacturer's instructions even after exposure to public education on the subject. The Safety Board believes that there is a need to substantially increase emphasis on the misuse problem in public education programs and to include more detailed and specific information about how various kinds of usage errors can degrade safety seat performance in crashes.

On December 7, 1982, based on the preliminary results of its initial investigations, the Safety Board issued Safety Recommendations H-82-59 and -60 to the Governors or Governors-elect of 31 States and the Mayor of the District of Columbia. Safety Recommendation H-82-59 urged the adoption of child passenger protection laws requiring the proper use of child safety seats, and Safety Recommendation H-82-60 urged the adoption of comprehensive, statewide child passenger safety programs. When the recommendations were issued, 19 States had passed child passenger protection laws requiring safety seat use. In the next 7 months, 22 more laws were enacted, bringing the nationwide total as of July 1, 1983, to 41 child passenger protection laws enacted by 40 States and the District of Columbia.² Twenty-seven laws were in effect as of July 1, 1983, and the other 14 laws were scheduled to take effect on various dates between then and July 1, 1984. The Safety Board is pleased by the prompt, responsive action taken by the Legislatures and Governors of 22 of the 32 jurisdictions to which the recommendations were addressed. Based on your action, the first recommendation to you is considered closed. While all, or virtually all, of the States are conducting child passenger safety programs, Safety Recommendation H-82-60 will remain open pending receipt of further information from each jurisdiction as to the extent of these programs.

Based on the final results of the child passenger protection study, the Safety Board has identified a need for further improvements to reduce child passenger deaths and injuries. Currently, the 41 child passenger protection laws that have been enacted vary considerably in their provisions. However, all of the laws contain provisions which exclude many children from the protection of the laws. For ex-

ample, in most States the responsibility for compliance with the law is limited to a child's parent or legal guardian, or to State residents, or the law is applicable only to motor vehicles registered in the State. In Georgia, Michigan, North Carolina, South Carolina, and Tennessee, a child is not required to be protected when being nursed in a moving vehicle, and some of these exemptions extend to when an adult is attending to a child's "personal needs." Furthermore, the laws of Arizona and New Mexico do not permit a law enforcement officer to stop a vehicle solely for the purpose of enforcing the child passenger protection requirements.

Emphasis on the need for special protection for infants and small children may have led to an incorrect perception that safety belts do more harm than good to children in crashes. The medical evidence that is available and limited data on crash injuries to safety-belted children indicate that safety belts prevent ejection and prevent or reduce impact injuries to children from contact with interior vehicle structures. Although some safety belt-induced injuries can occur (and the risk of these appears to be significantly greater for infants), the risk is less than the risk of transporting children unrestrained. Parents and others transporting infants and small children need to be encouraged to at least use safety belts to protect child passengers who otherwise would be transported unrestrained. Safety belt options in laws provide a means of extending child passenger protection requirements to children who are not covered by existing laws as well as to children who cannot use conventional safety seats because of their size or weight.

The intent of child passenger protection laws is positive, rather than punitive. As one witness testified in the public hearings, child passenger protection laws are "education with teeth." Their purpose is to encourage the safe transportation of children, and especially to encourage families to obtain and use child safety seats to protect infants and small children properly. Consequently, most of the laws provide that the fine specified for violations either must or may be waived upon a showing that a child safety seat has been obtained. While the existence of a child passenger protection law in itself serves an educational function, the law must be enforced to be fully effective.

Proper child passenger protection for older children also remains a problem. Motor vehicle accidents are the leading cause of death for children at all ages after the early weeks of life. In 1982 alone, nearly 3,500 children from 5 years old through 17 years old were killed in traffic accidents in the United States. In passenger cars and trucks only, during the last 5 years, nearly 18,500 child passengers from 5 years old through 17 years old were killed in traffic accidents.

Therefore, as a result of its Safety Study of Child Passenger Protection Against Death, Disability, and Disfigurement in Motor Vehicle Accidents, the National Transportation Safety Board recommends that the Governor and legislative leaders of the State of Maine:

Include, as part of a statewide child passenger safety program, public information and education activities specifically aimed at combating misuse of child safety seats. (Class II, Priority Action) (H-83-52)

The National Transportation Safety Board, which has requested that all States and territories work to overcome misuse of child seats, is an independent Federal agency with the statutory responsibility "...to promote transportation safety by conducting independent accident investigations and by formulating safety improvement recommendations" (P. L. 93-633). The Safety Board is vitally interested in any actions taken as a result of our safety recommendations. Therefore, we would appre-

ciate a response from you regarding action taken or contemplated with respect to the recommendation in this letter.

BURNETT, Chairman, GOLDMAN, Vice Chairman, McADAMS, BURSLEY, and ENGEN, Members, concurred in this recommendation. 1/ For more detailed information, see Safety Study—"Child Passenger Protection Against Death, Disability, and Disfigurement, in Motor Vehicle Accidents" (NTSB/SS 83/01).

2/ The Governor of Pennsylvania signed a child passenger law on November 1, 1983, bringing the total to 42 laws.

The Communication was read and ordered placed on file.

The following Communication:

State of Maine
Executive Department
Division of Community Services
State House, Station 73
Augusta, Maine 04333
(207) 289-3771

December 16, 1983

The Honorable John L. Martin
Speaker of the House
Maine House of Representatives
State House
Augusta, Maine 04333
Dear Speaker Martin:

In accordance with Title 22 M.R.S.A. Section 5204 (3) as amended by P. L. 1983 Chapter 482, Section 8, I am submitting to the 111th Legislature a report on Maine's Weatherization Program for the years 1981-1982 and 1982-1983.

I would be happy to answer any questions you may have concerning this report.

Sincerely,
S/JADINE R. O'BRIEN
Director

Was read and ordered placed on file.

The following Communication:

State of Maine
Department of
Educational and Cultural Services
State House Station 23
Augusta, Maine 04333

TO: Members of the 111th Legislature
Bureau of the Budget
FROM: Robert E. Boose, Commissioner
SUBJECT: Actual Education Costs for Base Year 1982-83

Pursuant to the Provisions of 20-A M.R.S.A. § 15504, I forward herewith notification of the "actual education costs" as defined in subsection 1 of 20-A M.R.S.A. § 15504 for the base year 1982-83.

A. Elementary operating costs	\$214,853,300
B. Secondary operating costs	131,815,656
C. Special education costs for programs operated by administrative units	22,809,841
D. Special education tuition and board, excluding medical costs	8,339,486
(1) Tuition and board for pupils placed by administrative units	\$6,508,811
(2) Tuition and board for State wards and direct State placements	1,467,046
(3) Adjustments under section 15509, subsection 6	363,629
E. Vocational education costs	11,734,508
F. Transportation costs	
(1) Operating costs	30,692,086
(2) Purchase of buses	3,963,118
G. Debt service costs	
(1) Principal and Interest	28,636,842
(2) Insured Value Factor	534,276
(3) Leases	603,178
Other Major Capital Costs	1,997,258
H. Cost of unusual enrollment adjustments	352,690

I. Cost of geographic isolation adjustments	294,939
J. Cost of adjustments for small administrative units	79,694
K. Cost of reimbursement for private school transportation	232,533
M. Audit adjustments	(76,174)
N. Optional local appropriations with state participation	
(1) Local share	18,889,928
(2) State share	7,447,084
O. Optional local funds without state participation	30,848,168
P. Cost of state expenditures for teacher retirement benefits	48,443,868

The above figures include all adjustments in expenditure reports through December 1, 1983 and include state and local monies only except that Federal P. L. 874 funds are included.

NOTE: The sum of items A to G represents the total expenditures for the base year while items H to P are duplicative.

Which was Read and Ordered Placed on File.

The following Communication:

State of Maine
Executive Department
Division of Community Services
State House, Station 73
Augusta, Maine 04333

December 21, 1983

The Honorable John L. Martin
Speaker of the House
Maine House of Representatives
State House
Augusta, Maine 04333
Dear Speaker Martin:

In accordance with Title 22 M.R.S.A. Section 5204 (3) as amended by P. L. 1983 Chapter 482, Section 8, I am submitting to the 111th Legislature a report on Maine's Home Energy Assistance Program for the year 1982-83.

I would be happy to answer any questions you may have concerning this report.

Sincerely,
S/JADINE R. O'BRIEN
Director

Was read and ordered placed on file.

The following Communication: (H. P. 1413)
Maine Apportionment Commission

The Honorable Edwin H. Pert
Clerk of the House of Representatives
State House
Augusta, Maine 04333
Dear Clerk Pert:

In accordance with 30 M.R.S.A., sub-section 105-V, the Maine Apportionment Commission submits for the consideration of the Legislature the reapportionment plan for the various county commissioner districts.

Enclosed is the reapportionment plan unanimously approved by the Commission and the schedule of terms of office. Maximum deviations of +4.76 and -5.83 were established. Furthermore, two counties will not be reapportioned and only two municipalities had to be divided, that being because their populations were too large for one entire district.

In reviewing the terms of office set forth in the plan the Legislature may wish to consider the effects of the reapportionment upon the commissioner electoral process.

The Commission plan developed the terms of office in accordance with 30 M.R.S.A., Sub-section 105V, part 3. As a result eleven counties will have all three commissioners up for election in 1984 and two counties will lose the staggered term system altogether.

The Commission was presented with a request from the Maine County Commissioners Association to act regarding the terms of office and further requested that the opinion of the Attorney General be sought on the question of the power of the Legislature to cut the four

year terms short.

The Commission, however, believes this request is not within their charge and therefore the Legislature may wish to act regarding this matter.

The Commission will be transmitting the statutory language for the plan within the next few days.

Sincerely yours,
S/ROGER L. MALLAR
Chairman

Was read and with accompanying report ordered placed on file and sent up for concurrence.

The following Communication:

House of Representatives
State House, Augusta, 04333
289-2866

November 14, 1983

James G. Sappier
Indian Representative
Penobscot Nation
Indian Island Community Building
Old Town, Maine 04468
Edwin H. Pert
Clerk of the House
State House
Augusta, Maine 04333

For your information copies of a letter and legislation, proposed by the Penobscot Nation of the up-coming session of the Legislature is enclosed.

Best Wishes!

Sincerely,
S/JAMES G. SAPIER,
Indian Representative

Was read and ordered placed on file.

Penobscot Indian Nation
Community Building
Indian Island
Old Town Maine 04468
(207) 827-7776

October 27, 1983

Honorable Rodney S. Quinn
Secretary of State
State House Station #101
Dear Mr. Quinn:

This is to inform you that I, D. Lorraine Dana, Tribal Clerk of the Penobscot Indian Nation, was designated as the officer to certify the Nation's approval (or disapproval) of Legislation of the State of Maine affecting Indians, to the Secretary of State of the State of Maine when required to do so by the provisions of the United States Code, Title 25, Section 1725(e).

Pursuant to the above, I wish to inform you that a General Meeting was held October 24, 1982 in the Community Building at Indian Island at which three pieces of legislation were approved for submission to the Second Regular Session of the 111th Legislature, as named below:

1. An Act Relating to Penobscot Nation Trust Land Designation (1).
2. An Act Relating to Penobscot Trust Land Designation (2).
3. Resolve, To Authorize State of Maine Funding of the Penobscot Nation Museum.

Copies of the above are attached.

Sincerely,
S/D. LORRAINE DANA
Tribal Clerk
Penobscot Indian
Nation

Was read and with accompanying papers ordered placed on file.

The following Communication:
Bureau of Taxation
State of Maine
State Office Building
Augusta, Maine 04333

December 13, 1982

The Honorable John L. Martin
Speaker of the House

House of Representatives
State House, Station 2
Augusta, Maine

Dear Speaker Martin:

The accompanying report of State-owned real estate is submitted in accordance with the provisions of Title 36, M.R.S.A. §1283.

This report includes seven properties or interests acquired through liens maturing since the last Regular Session of the Legislature. A description of each property is provided and recommendations for disposition are included.

The report shows the entire amount of outstanding tax, interest and costs that have accrued on each property. The outstanding tax is determined by calculating the total tax that is due with regard to the particular property as though it remained taxable after the State's lien matured.

Respectfully submitted,
S/R. L. HALPERIN
State Tax Assessor

Was read and with accompanying report ordered placed on file.

The following Communication:

Department of Energy
Washington, D. C. 20585

December 20, 1983

The Honorable John L. Martin
Maine House of Representatives
State House
Augusta, ME 04333

Dear Mr. Martin:

The enclosure to this letter is the first volume of the most recent working draft of the Mission Plan that is being prepared to define how the Department of Energy plans to carry out the requirements of the Nuclear Waste Policy Act of 1982 (Public Law 97-425). This draft is being provided to you (and representatives of other Federal agencies, Congress, State governments, Indian tribes, utilities and nuclear industries) for review and comment in advance of the formal draft required by Section 301 (b) of the Act.

The final Mission Plan will consist of two volumes. Volume I will be the plan for conducting the civilian radioactive waste management program, including discussion of the program's policy, strategy, plans, and our intended items specifically required by Section 301 of the Act, to the degree that they are not already covered in Volume I. Only Volume I is available for review at this time. However, since Volume I contains the entire discussion of our program's policy, strategy, and plans, I believe it contains the information that you are most concerned with. Volume II is currently being prepared and will be ready in time for review with the formal draft early next year.

Due to the limited time available before the April 7, 1984 date specified in the Act for submittal for the formal draft Mission Plan, we request that we receive your comments on the draft enclosed with this letter by no later than January 31, 1984. Please submit your comments in writing to Mr. Charles R. Head, Acting Director, Operations Division, Office of Civilian Radioactive Waste Management. If you have any questions, please do not hesitate to call me (202-252-6850) or Mr. Head (202-252-2838).

Sincerely,
S/ROBERT L. MORGAN
Acting Director
Office Of Civilian Radioactive
Waste Management

Enclosure

Was read and with accompanying report ordered placed on file.

The following Communication: (H. P. 1400)

State of Maine
Executive Department
Office of Energy Resources
State House Station 53
Augusta, Maine 04333

(207) 289-3811

December 30, 1983

The Honorable John L. Martin

Speaker of the House

State House, Station 2

Augusta, ME 04333

Dear Speaker Martin:

As you are aware, during its last session the Legislature passed legislation (L. D. 1699) that requires the Office of Energy Resources to evaluate the need for and benefits of an excise tax exemption on ethanol fuels. The study must be conducted within the oversight of a steering committee and a report is due on January 15, 1984.

The steering committee has met on four occasions in the last six weeks to receive information and discuss the questions posed in the legislation. We have found that several issues, especially in the areas of marketing and effects on competition, are very complex and require further investigation. The Office of Energy Resources has hired a consultant to assist us in these areas. Therefore, we would like to request a one month extension of the January 15 deadline in order to insure proper consideration of all the issues involved.

I feel certain that the committee will be able to provide the Legislature with a full report and recommendations no later than February 15.

I appreciate your consideration of this request and would be happy to discuss it with you further, if you wish.

Sincerely,
S/HOWARD W. GLEASON
Chairman,

Ethanol Steering Committee

Was read and ordered placed on file and sent up for concurrence.

The following Communication:

State of Maine
Supreme Judicial Court
Portland, Maine 04112

December 30, 1983

The Honorable Gerard P. Conley

President of the Senate

State House

Augusta, ME 04333

The Honorable John L. Martin

Speaker of the House

State House

Augusta, ME 04333

Dear Mr. President and Mr. Speaker:

On behalf of myself and my colleagues of the Supreme Judicial Court, I am pleased to report back to the Legislature pursuant to section 2 of P.L. 1983, chapter 412, "AN ACT to Authorize the Supreme Judicial Court to Provide for Collective Bargaining for Judicial Department Employees."

At the First Regular Session of the 111th Legislature, chapter 412 was enacted and was approved by the Governor on June 7, 1983, to authorize the Supreme Judicial Court to propose appropriate procedures for defining and implementing the collective bargaining rights of Judicial Department employees. By the same legislation, the Supreme Judicial Court was authorized to appoint an advisory committee, which was to include representation of public sector management and public sector bargaining agents and was to provide for expression of views of Judicial Department employees. The proposed procedures were to be reported back to the Legislature by the start of the Second Regular Session of the 111th Legislature.

Pursuant to chapter 412, the Supreme Judicial Court promptly appointed an Advisory Committee on Judicial Employees Collective Bargaining, consisting of the following five members: Professor James W. Carignan, Lewiston, Dean of Students of Bates College; Donald F. Fontaine, Esq., Portland; George A. Hunter, Augusta, of the Maine Municipal Association; Charles J. O'Leary, Brewer, of the

Maine AFL-CIO; and Gerald E. Rudman, Esq., Bangor. Dean Carignan was designated as Chairman of the Committee and Professor David D. Gregory of the University of Maine School of Law was asked to serve as Reporter to the Advisory Committee.

After several public hearings at various locations within the state and a number of working sessions, the Advisory Committee submitted to the Supreme Judicial Court its recommendations for a system of collective bargaining for judicial employees. In its basic structure, the Committee's proposal envisions parallel action by the Legislature and the Supreme Judicial Court. The Committee recommended that the Court promulgate an administrative order and that the Legislature enact statutory provisions essentially paralleling and supplementing the order.

The members of the Supreme Judicial Court have met twice with the Advisory Committee or its representatives and have carefully reviewed their recommendations. As a result of our consideration of the Committee's recommendations, we are prepared to adopt unanimously the proposed administrative order to be effective contemporaneously with the effective date of the proposed statute, when enacted. In order to preclude possible misinterpretation of our action in accepting the Committee's recommendations, however, we should make two additional observations.

The first concerns the separation of judges from the bargaining process. Pursuant to article VI of the Constitution of Maine and 4 M.R.S.A., §1, the Supreme Judicial Court has general administrative and supervisory authority over the Judicial Department. By statute the Chief Justice of the Supreme Judicial Court serves as the head of the Judicial Department. Nothing contained in the proposed administrative order should be construed to suggest that this Court or the Chief Justice is permitted to abandon those constitutional and statutory responsibilities.

The above observations do not detract from the value of the assistance we have received from the Advisory Committee. We are all much indebted to the Committee members and the Reporter, who are all persons of experience in public employee labor relations, for the dedicated and expeditious discharge of their task.

We transmit to you herewith the Committee's submission to us, which consists of the following:

1. Introduction by the Advisory Committee.
2. Proposed Administrative Order of the Supreme Judicial Court, entitled "Judicial Employee Labor Relations," with Comment by the Advisory Committee.
3. Proposed statute entitled "Judicial Employees Labor Relations Act," with Comments by the Advisory Committee.

We report the Committee's proposals to the Legislature with the recommendation that they be favorably considered at this Second Regular Session.

With all best wishes for the New Year,

Sincerely,
S/VINCENT L. MCKUSICK
Which was Read and Ordered Placed on File.

A message came from the Senate, borne by Senator Carpenter of that body, proposing a Joint Convention to be held in the Hall of the House at 11:00 a.m. for the purpose of extending to his Excellency, Governor Joseph E. Brennan, an invitation to attend the Convention and make such communication as he may be pleased to make.

Representative Mitchell of Vassalboro was charged with and conveyed a message to the Senate announcing that the House concurred in the above proposition for a Joint Convention.

Subsequently, Mrs. Mitchell reported that she had delivered the message with which she was charged.

Orders

On motion of Representative Mitchell of Vassalboro, the following Joint Order: (H. P. 1391)

ORDERED, the Senate concurring, that the Legislative Finance Officer be authorized and directed to pay each member of the Legislature, a \$300 allowance for constituent services as authorized in the Maine Revised Statutes, Title 3, section 2.

Was read and passed and sent up for concurrence.

On motion of Representative Mitchell of Vassalboro, the following Joint Resolution: (H. P. 1390) (Cosponsors: Senator Bustin of Kennebec, Representatives Nelson of Portland and Paradis of Augusta)

Joint Resolution Encouraging The Establishment of Day Care Services For State Employees

WHEREAS, it is desirable that the State shall establish a day care program for the children of state employees; and

WHEREAS, this issue is currently the subject of bargaining between the State and the unions representing state employees; and

WHEREAS, the Legislature is aware that a committee composed of both management and employee representatives is currently studying the form that any day care program might take; and

WHEREAS, the Legislature wishes to encourage the committee to study this matter and propose one or more specific day care programs as soon as possible; and

WHEREAS, the Legislature intends to consider possible action on the establishment of day care services for state employees should the State and the employees fail to come to agreement within a reasonable time; now, therefore be it

RESOLVED: That, We, the Members of the House of Representatives and the Senate of the 111th Legislature, on behalf of the people of Maine, encourage the development of a program to provide day care services to all or a substantial number of employees of the State of Maine with all due speed; and be it further

RESOLVED: That the Legislature wishes to convey its hope and intent that a day care program for state employees will be operating at least as a pilot program by December 31, 1984; and be it further

RESOLVED: That copies of this resolution be transmitted to the Commissioner of the Department of Personnel, the executive directors of the unions that represent state employees with the intent that those individuals provide copies of this resolution to all members of the committee currently studying the feasibility of providing day care services for state employees.

Was read and adopted and sent up for concurrence.

The SPEAKER: The Chair recognizes the gentleman from Eastport, Mr. Vose.

Mr. VOSE: Mr. Speaker, I move we reconsider our action of earlier in the day whereby 3-22, Bill "An Act to Ensure Timely Consideration of Requests for Rulemaking" (H. P. 1387) (L. D. 1812) was referred to the Committee on State Government.

On motion of the same gentleman, tabled pending his motion to reconsider and later today assigned.

By unanimous consent, all matters acted upon requiring Senate concurrence were ordered sent forthwith.

House at Ease

The House was called to order by the Speaker.

The Chair laid before the House the following matter:

Bill "An Act to Ensure Timely Consideration

of Requests for Rulemaking" (H. P. 1387) (L. D. 1812) which was tabled and later today assigned pending the motion of Mr. Vose of Eastport to reconsider whereby the Bill was referred to the Committee on State Government.

Thereupon, the House reconsidered its action whereby the Bill was referred to the Committee on State Government.

Mr. Vose of Eastport moved that the Bill be referred to the Committee on Public Utilities.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker and Members of the House: It really pains me to disagree with my very good friend from Eastport, Mr. Vose, but if this bill doesn't belong in State Government, then no bill should go to State Government. I move that we stay as we were and vote this motion down so we can refer this to State Government.

The SPEAKER: The Chair recognizes the gentleman from Eastport, Mr. Vose.

Mr. VOSE: Mr. Speaker, Ladies and Gentlemen of the House: This bill refers to rulemaking for the Public Utilities Commission; therefore, I see no reason why it shouldn't go to our committee. It hasn't anything to do with rulemaking for any other department in the government.

Thereupon, the Bill was referred to the Committee on Public Utilities, ordered printed and sent up for concurrence.

House at Ease

Called to order by the Speaker.

At this point, the Senate entered the Hall of the House and a Joint Convention was formed.

In Convention

The President of the Senate, the Honorable Gerard Conley, in the Chair.

On motion of Senator Pray of Penobscot, it was

ORDERED, that a Committee be appointed to wait upon the Honorable Joseph E. Brennan, Governor of the State of Maine, inviting him to attend this Convention and make such communication as pleases him.

The Chairman appointed:
Senators:

WOOD of York
BROWN of Washington
PERKINS of Hancock

Representatives:

CARTER of Winslow
JALBERT of Lewiston
KELLEHER of Bangor
CHONKO of Topsham
CONNOLLY of Portland
LISNIK of Presque Isle
SMITH of Mars Hill
MASTERTON of Cape Elizabeth
ARMSTRONG of Wilton
BELL of Paris

Senator Wood subsequently reported that the Committee had attended to the duty assigned to it, and the Governor was pleased to say that he would forthwith attend the Convention.

At this point, Governor Joseph E. Brennan entered the Convention Hall amid prolonged applause, the audience rising.

The Governor then addressed the Convention as follows:

Mr. President, Mr. Speaker, Honorable Members of the 111th Maine Legislature:

I am pleased to welcome you back to the State House for the beginning of the second regular session.

The record of your first session must surely rank among the most productive of any Maine Legislature. And, on a personal note, I must say that as Governor I have found no Legislature easier to work with or more sincerely positive in its desire to act affirmatively on behalf

of the people of our state.

For during the 100 days allotted to you, look at what you have achieved:

You enacted a landmark bill that finally puts some control over the runaway cost of health care.

You stood up for justice by passing a state equal rights amendment.

You gave the state three important new tools for economic growth — the new Finance Authority of Maine, interstate banking, and the state's new Tourism Division.

You took a stand for wise management of our precious river resources.

You made it possible for more of our elderly to continue to live in their own homes.

You promoted highway safety by discouraging teenagers from driving after drinking and by requiring safety seats for small children.

You enacted a fiscally sound highway finance program for our Highway Department.

And yet this list is just the beginning of our achievements of the regular session.

I welcome you back with the hope that the cooperative spirit, the positive outlook, that marked the first 100 days will also be the approach you will bring to the final 50 days.

In the weeks to come, I will send you my legislative and budget messages which outline what I believe to be the unfinished agenda of this Legislature.

We must still address the overcrowding in our correctional facilities.

We have defined some very serious problems among our children, and we must do more to protect them from abuse and neglect.

We must seize this opportunity for creative change to improve educational opportunities for our young.

We must consider improvements in our University System.

We must address the problem of disposing of low-level nuclear waste. And we must finance our efforts to clean up some of the most dangerous hazardous waste sites.

We must strengthen our drunk driving laws to get even tougher with the habitual offender who has refused to change his habits.

We must enact changes in our bail system to keep dangerous defendants off the streets.

And we must continue our efforts to strengthen Maine's economy.

These are among some of the challenges that await you. Most will cost money, and it is money that we just don't have.

Let me give you some idea of the problem.

In recent weeks, the departments and agencies of state have sent requests amounting to \$65 million. These are just requests for new programs and expanded services. In some cases, these requests do nothing more than keep the store open.

And that \$65 million does not include the cost of the collective bargaining negotiations in progress or those just concluded. It doesn't include some of the money requested for the judiciary, and it doesn't include some additional monies that may be requested by the university.

The amount of money available to finance the needs I've mentioned and the requests which were received is just a very small percentage of the cost of all this new spending.

How, then, do we propose to finance these recommendations?

First, most of the requests I've received will not be recommended for financing during this session. We are using very strict criteria to identify those new spending requests that must be financed.

Second, I will ask this Legislature to join with me in cutting back on the budget enacted last year.

I will recommend programs and services that I believe can be reduced or eliminated without doing any damage to the State of Maine, and I recommend those for this reason — to save those monies to use them for some

higher priorities. Then, and only then, should this Legislature begin to explore the possibility of raising new revenues.

Any proposal to cut back on existing services will meet opposition from those who benefit from the services, even where there is little or no benefit to the state as a whole.

But these are things that I believe must be done. Just because a program is in place and has been in place for a good number of years, a program that may have been adopted years ago when there was a great need for it, that doesn't mean that that same need is still here in 1984. So I will ask this Legislature to examine some of those programs very carefully, because there are higher needs that we will not be able to meet unless we do that.

I believe that there are fairly substantial cutbacks in some of these programs that could be helpful for the remainder of this legislative session and also for years down the road. So I hope that you will have a very open mind. Some of these programs you have heard about before, some of them have been before you before, and I know that it is not easy when you get calls because it involves this job or that job, but I again urge you to come here with an open mind and think about some of the higher priorities that these savings can be used for to meet some felt needs of the people of this state.

Yes, we do have problems. Yes, there is a scarce amount of dollars available, but for most of the years that I have been here, I have never seen it any different.

I want to say that on the basis of the working relationship we had during the first year of this session, I am very confident that we will find answers to these problems. And for my part, I pledge the full cooperation of my Administration as we work together to address the problems of the people of this state.

Thank you very much.

At the conclusion of the Governor's address, the Governor withdrew amid applause, the audience rising.

The purpose for which the Convention was assembled having been accomplished, the Chairman declared the same dissolved and the Senate retired to its Chambers, amid applause of the House, the members rising.

In the House

Called to order by the Speaker.

(Off Record Remarks)

On motion of Representative Smith of Island Falls,

Adjourned until ten o'clock tomorrow morning.