

# 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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**HOUSE**

Thursday, January 5, 1984

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

Prayer by Reverend Robert Hargreaves of St. Mark's Episcopal Church, Augusta.

The journal of yesterday was read and approved.

**Papers from the Senate**

The following Joint Order: (S. P. 679)

ORDERED, the House concurring, that there be paid to the members of the Senate and House, as advances on account of compensation established by statute, the amount of \$500 biweekly, the first payment to be made on January 11, 1984, according to lists certified to the State Controller by the President of the Senate and Speaker of the House, respectively.

Came from the Senate, read and passed.

In the House, was read and passed in concurrence.

**Later Today Assigned**

The following Joint Order: (S. P. 646)

ORDERED, the House concurring, that two hundred seventy-five (275) copies of the Legislative Record for the session of 1983 be printed, one copy for each of the members of the Senate, House of Representatives, the Secretary of the Senate and Clerk of the House, and the remainder to be deposited with the State Law Librarian for exchange and library use;

AND BE IT FURTHER ORDERED, that suitable index be prepared for such Legislative Record, under the direction of the Director of Legislative Research.

Came from the Senate, read and passed.

In the House, the Order was read.

On motion of Representative Mitchell of Vassalboro, tabled pending passage and later today assigned.

The following Joint Order: (S. P. 664)

ORDERED, the House concurring, that the Clerk of the House and the Secretary of the Senate be authorized to furnish 100—20¢ stamps for each member of the House and Senate for the purpose of distributing various reports of the Department of State and other public documents such as they may desire to mail to the citizens of the State.

Came from the Senate, read and passed.

In the House, was read and passed in concurrence.

The following Joint Order: (S. P. 665)

ORDERED, the House concurring, that there be prepared after adjournment of the present session, by the Legislative Information Officer, a Register of all the Bills and Resolves considered by both branches of the Legislature, showing the history and final disposition of each Bill and Resolve and that there be printed 1000 copies of the same. The Legislative Information Officer shall mail a copy of the Register to each member and officer of the Legislature and the State Law and Legislative Reference Library shall receive such number of copies as may be required.

Came from the Senate, read and passed.

In the House, was read and passed in concurrence.

The following Joint Order: (S. P. 666)

ORDERED, the House concurring, that the Secretary of the Senate and Clerk of the House be directed to furnish each morning to each member of the Senate and the House, a copy of two newspapers published in the State of Maine, chosen by the member during the Second Regular Session of the Legislature.

Came from the Senate, read and passed.

In the House, the Order was read.

The SPEAKER: The Chair recognizes the gentlewoman from Vassalboro, Mrs. Mitchell.

Mrs. MITCHELL: Mr. Speaker, because there

was an error in the printing of this Order, I now move its indefinite postponement.

Thereupon, the Order was indefinitely postponed in non-concurrence and sent up for concurrence.

Bill "An Act Prohibiting Release of Animals by State Humane Agents for Experimentation or Vivisection Purposes" (S. P. 647) (L. D. 1835)  
Came from the Senate, referred to the Committee on Agriculture and Ordered Printed.

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

Bill "An Act to Require the State to Finance a General Assistance Program for Migrant Workers" (S. P. 667) (L. D. 1836)

Bill "An Act to Establish a Training Program to Improve Water Quality" (S. P. 668)

Came from the Senate, referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

In the House, were referred to the Committee on Appropriations and Financial Affairs in concurrence.

Bill "An Act to Require that the Aid to Families with Dependent Children Program Promote Family Unity" (S. P. 652) (L. D. 1842)

Came from the Senate, referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

(The Committee on Reference of Bills had suggested reference to the Committee on Health and Institutional Services)

In the House, was referred to the Committee on Appropriations and Financial Affairs in concurrence.

Bill "An Act to Maintain Equality Between Home Improvement Loans and Other Consumer Credit Loans" (Emergency) (S. P. 648) (L. D. 1838)

Bill "An Act to Streamline Procedures for Financial Institution Branch Changes and to Clarify What Constitutes an On-premise Satellite Facility" (S. P. 649) (L. D. 1839)

Came from the Senate, referred to the Committee on Business Legislation and Ordered Printed.

In the House, were referred to the Committee on Business Legislation in concurrence.

Bill "An Act to Allow Municipalities to Use Outgoing Voter Check Lists" (S. P. 650) (L. D. 1840)

Came from the Senate, referred to the Committee on Election Laws and Ordered Printed.

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

Bill "An Act to Clarify the Maine Emergency Medical Services Treatment Act of 1982 with Respect to Transportation of Nursing Home Residents" (S. P. 651) (L. D. 1841)

Bill "An Act to Provide Funds to Assure Appropriate Placement and Service Provision to State-assisted Residents of Boarding Homes and Adult Foster Homes" (S. P. 669) (L. D. 1843)

Came from the Senate, referred to the Committee on Health and Institutional Services and Ordered Printed.

In the House, were referred to the Committee on Health and Institutional Services in concurrence.

Bill "An Act to Amend Certain District Court Divisions and Districts" (S. P. 653) (L. D. 1844)

Bill "An Act Eliminating the Need for the Non-owner Spouse to Sign All Deeds of Conveyance" (S. P. 654) (L. D. 1845)

Bill "An Act to Provide for the Services of Bailiffs and other Court and Jury Officers" (S. P. 655) (L. D. 1846)

Bill "An Act to Amend the Composition of the Judicial Council" (S. P. 656) (L. D. 1857)

Bill "An Act to Increase the Number of Superior Court Justices and District Court Judges" (S. P. 657) (L. D. 1847)

Bill "An Act Providing for Change of Venue in Criminal Cases" (S. P. 658) (L. D. 1848)

Bill "An Act to Update the Master Correctional Services Plan" (S. P. 659) (L. D. 1849)

Bill "An Act to Replace References to Regional Presiding Justice with Chief Justice of the Superior Court" (S. P. 660) (L. D. 1850)

Came from the Senate, referred to the Committee on Judiciary and Ordered Printed.

In the House, were referred to the Committee on Judiciary in concurrence.

Bill "An Act to Clarify the Procedures to Appeal a Decision of the Workers' Compensation Division" (S. P. 661) (L. D. 1851)

Came from the Senate, referred to the Committee on Labor and Ordered Printed.

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

Bill "An Act to Amend the Liquor Laws to Permit the Sale of Beer and Wine at Outdoor Stadiums" (S. P. 662) (L. D. 1852)

Came from the Senate, referred to the Committee on Legal Affairs and Ordered Printed.

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

Bill "An Act to Clarify the Law Concerning Certain Appeals from Planning Board Decisions" (S. P. 663) (L. D. 1853)

Bill "An Act to Allow Plantations to Determine When to Hold Their Annual Meetings" (S. P. 670) (L. D. 1854)

Came from the Senate, referred to the Committee on Local and County Government and Ordered Printed.

In the House, were referred to the Committee on Local and County Government in concurrence.

Bill "An Act Concerning Public Utility Commission Approval of Temporary Rate Changes" (S. P. 671) (L. D. 1855)

Came from the Senate, referred to the Committee on Public Utilities and Ordered Printed.

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

Bill "An Act to Grandfather Certain Existing Part-time Law Enforcement Officers from the Requirement to be Trained by the Maine Criminal Justice Academy" (S. P. 672) (L. D. 1856)

Came from the Senate, referred to the Committee on State Government and Ordered Printed.

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

**Messages and Documents**

The following Communication: (S. P. 673)

December 20, 1983

The Honorable Richard L. Trafton

The Honorable Barry J. Hobbins

Chairmen, Judiciary Committee

111th Legislature

Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated Courtland D. Perry, II of Augusta, Julian Wilder Turner of Presque Isle, reappointment as District Court Judges.

Pursuant to Title 4 MRSA Section 157, these nominations will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,

GERARD P. CONLEY

President of the Senate

JOHN L. MARTIN

Speaker of the House

Came from the Senate, read and referred to the Committee on Judiciary.

In the House, was read and referred to the Committee on Judiciary in concurrence.

The following Communication: (S. P. 674)  
December 20, 1983

The Honorable Richard L. Trafton  
The Honorable Barry J. Hobbins  
Chairmen, Judiciary Committee  
111th Legislature  
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated David M. Cox of Bangor for appointment as a District Court Judge.

Pursuant to Title 4 MRSA Section 157, this nomination will require review by the Joint Standing Committee on the Judiciary and confirmation by the Senate.

Sincerely,  
GERARD P. CONLEY  
President of the Senate  
JOHN L. MARTIN  
Speaker of the House

Came from the Senate, read and referred to the Committee on Judiciary.

In the House, was read and referred to the Committee on Judiciary in concurrence.

The following Communication: (S. P. 675)  
December 20, 1983

The Honorable Richard L. Trafton  
The Honorable Barry J. Hobbins  
Chairmen, Judiciary Committee  
111th Legislature  
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated Paul T. Pierson of Caribou for appointment as a Superior Court Justice.

Pursuant to Title 4 MRSA Section 152, this nomination will require review by the Joint Standing Committee on the Judiciary and confirmation by the Senate.

Sincerely,  
GERARD P. CONLEY  
President of the Senate  
JOHN L. MARTIN  
Speaker of the House

Came from the Senate, read and referred to the Committee on Judiciary.

In the House, was read and referred to the Committee on Judiciary in concurrence.

The following Communication: (S. P. 676)  
December 29, 1983

The Honorable Richard L. Trafton  
The Honorable Barry J. Hobbins  
Chairmen, Judiciary Committee  
111th Legislature  
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated F. Davis Clark of Bangor for appointment as an Active Retired Judge of the District Court.

Pursuant to Title 4 MRSA Section 157-B, this nomination will require review by the Joint Standing Committee on the Judiciary and confirmation by the Senate.

Sincerely,  
GERARD P. CONLEY  
President of the Senate  
JOHN L. MARTIN  
Speaker of the House

Came from the Senate, read and referred to the Committee on Judiciary.

In the House, was read and referred to the Committee on Judiciary in concurrence.

The following Communication: (S. P. 677)  
December 29, 1983

The Honorable Richard L. Trafton  
The Honorable Barry J. Hobbins  
Chairmen, Judiciary Committee  
111th Legislature  
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated Peter P. Michaud of Westbrook for appointment as a Commis-

sioner of the Workers' Compensation Commission.

Pursuant to Title 39 MRSA Section 91, this nomination will require review by the Joint Standing Committee on the Judiciary and confirmation by the Senate.

Sincerely,  
GERARD P. CONLEY  
President of the Senate  
JOHN L. MARTIN  
Speaker of the House

Came from the Senate, read and referred to the Committee on Judiciary.

In the House, was read and referred to the Committee on Judiciary in concurrence.

The following Communication: (S. P. 678)  
January 3, 1984

The Honorable Beverly M. Bustin  
The Honorable Merle Nelson  
Chairmen, Health and Institutional Services  
111th Legislature  
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated Sandra K. Prescott of Bucks Harbor for appointment as the Chair of the State Health Coordinating Council.

Pursuant to Federal Law, P.L. 96-79 Section 1524 (b) (2) of the Health Planning and Resources Development Amendments, this nomination will require review by the Joint Standing Committee on Health and Institutional Services and confirmation by the Senate.

Sincerely,  
GERARD P. CONLEY  
President of the Senate  
JOHN L. MARTIN  
Speaker of the House

Came from the Senate, read and referred to the Committee on Health and Institutional Services.

In the House, was read and referred to the Committee on Health and Institutional Services in concurrence.

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

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

##### **Marine Resources**

Bill "An Act to Provide for the Licensing of Commercial Fishing Boats for Purposes of Improving Law Enforcement and to Protect Underwater Electric Cables not Shown on Nautical Charts" (H. P. 1414) (Presented by Representative Crowley of Stockton Springs) (Cosponsors: Representative Perkins of Brooksville, Senators Perkins of Hancock and Minkowsky of Androscoggin) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)  
Sent up for concurrence.

##### **Public Utilities**

Bill "An Act to Amend the Charter of the Jackman Sewer District to Provide Adequate Compensation for Trustees" (Emergency) (H. P. 1415) (Presented by Representative Rotondi of Athens) (Cosponsor: Senator Redmond of Somerset) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)  
Sent up for concurrence.

##### **Orders**

On Motion of Representative Mitchell of Vassalboro, the following Order:

ORDERED, that each member of the House be furnished with one daily newspaper published in the State.

Was read and passed.

The following paper was taken up out of order by unanimous consent:

On Motion of Speaker Martin of Eagle Lake, the following Joint Order (H. P. 1417)

ORDERED, the Senate concurring, that the following bills be recalled from the Governor's Desk to the House:

H. P. 710, L. D. 901 Bill "AN ACT to Extend and Amend the Statute Entitled Purchase of Foodstuffs from Maine Concerns"

H. P. 1288, L. D. 1708 Bill "AN ACT Concerning the Rate of Return on Investment Factor Under the Railroad Excise Tax"

H. P. 1337, L. D. 1777 Bill "AN ACT to Amend the Military Laws of the State of Maine"

H. P. 1355, L. D. 1791 Bill "AN ACT to Revise the Markup Percentage for Maine Produced Products Under the Liquor Law."

H. P. 1279, L. D. 1696 Bill "AN ACT to Create a Maine Commission on Excellence in Education"

AND BE IT FURTHER ORDERED, that the following bills be recalled from the Governor's Desk to the Senate:

S. P. 537, L. D. 1566 Bill "AN ACT to Establish a Commission to Review and Evaluate the University of Maine System"

S. P. 539, L. D. 1574 Bill "AN ACT to Remove the Bureau of Alcoholic Beverages from Under the Department of Finance and Administration"

S. P. 570, L. D. 1646 Bill "AN ACT to Provide Equal Access to Justice"

S. P. 642, L. D. 1805 Bill "AN ACT Relating to the School Year for School Administrative District Number 57"

The Order was read and passed and sent up for concurrence.

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

The following paper was taken up out of order by unanimous consent:

The following Joint Order: (S. P. 682)

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Tuesday, January 10, 1984 at 10:00 in the morning.

Came from the Senate, read and passed.  
In the House, the Order was read and passed in concurrence.

The Chair laid before the House the following matter:

SENATE JOINT ORDER (S. P. 646) relative to printing Legislative Record—which was tabled and later today assigned pending passage in concurrence.

Representative Mitchell of Vassalboro offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-447) was read by the Clerk and adopted.

The Order received passage as amended in non-concurrence and was sent up for concurrence.

The following Communication was taken up out of order by unanimous consent:

**State of Maine**  
**House of Representatives**  
**Speaker's Office**  
**Augusta, Maine 04333**

January 5, 1984

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

This is to inform you that today I have appointed Representative Jeffery N. Mills of Bethel to replace Representative Harlan Baker of Portland on the Joint Standing Committee on Audit and Program Review.

Also, I have appointed Representative Carolyn T. Mahany of Easton to serve on the Joint Standing Committee on Agriculture.

Sincerely,  
S/JOHN L. MARTIN  
Speaker of the House

Was read and ordered placed on file.

(Off Record Remarks)

On motion of Mr. Carroll of Limerick, Adjourned until Tuesday, January 10, 1984 at ten o'clock in the morning.