

# 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)**

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**THIRD SPECIAL SESSION**

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**HOUSE**

Tuesday, January 24, 1984

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

Prayer by Reverend Richard Small, First Congregational Church, United Church of Christ, Milford.

National Anthem by the Rockland District High School Band.

The Journal of Thursday, January 19, 1984, was read and approved.

**Papers from the Senate**

RESOLVE, Providing Funding for Transitional Residential Programs for Adolescent Girls at Risk. (Emergency) (S. P. 710) (L. D. 1956)

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

Was referred to the Committee on Appropriations and Financial Affairs in concurrence.

Bill "An Act Concerning the Counting of Absentee Ballots in Towns with Voting Machines" (S. P. 708) (L. D. 1954)

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

Was referred to the Committee on Election Laws in concurrence.

Bill "An Act to Reduce Minimum Fees and Provide for Implementation of the Chemical Substance Identification Law" (Emergency) (S. P. 719) (L. D. 1977)

Came from the Senate, referred to the Committee on Energy and Natural Resources and Ordered Printed.

Was referred to the Committee on Energy and Natural Resources in concurrence.

Bill "An Act to Clarify Certain Provisions in the Recodification of the General Assistance Law" (S. P. 717) (L. D. 1963)

Bill "An Act to Assure Active Treatment of Mentally Retarded People in Intermediate Care Facilities and Skilled Nursing Care Facilities" (Emergency) (S. P. 712) (L. D. 1958)

Bill "An Act to Amend Certain Rules of the Emergency Medical Services" (S. P. 709) (L. D. 1955)

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

Were referred to the Committee on Health and Institutional Services in concurrence.

Bill "An Act to Revise Provisions of the Medical Eye Care Program" (S. P. 711) (L. D. 1957)

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

Was referred to the Committee on Health and Institutional Services in concurrence.

Bill "An Act Relating to Sentencing and Prison Overcrowding" (S. P. 713) (L. D. 1959)

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

Was referred to the Committee on Judiciary in concurrence.

Bill "An Act Concerning Terms of Office of Certain County Commissioners Whose Districts are Affected by Reapportionment" (S. P. 715) (L. D. 1961)

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

Was referred to the Committee on Local and County Government in concurrence.

Bill "An Act Relating to the Placement of Poles by Utilities" (S. P. 716) (L. D. 1962)

Came from the Senate, referred to the

Committee on Public Utilities and Ordered Printed.

Was referred to the Committee on Public Utilities in concurrence.

**Communications**

The following Communication: (S. P. 718)

State of Maine

Department of Human Services

Augusta, Maine 04333

January 16, 1984

The Honorable Gerard P. Conley

President of the Senate

State House Station #3

Augusta, Maine 04333

Dear Senator Conley:

I am pleased to submit to the Legislature the following Alcoholism Prevention, Education, Treatment and Research Fund Reports:

1. Plan for Fiscal Year 1985

2. Progress Report: July 1-December 31, 1983

3. Final Report—Fiscal Year 1983

These reports are submitted in accordance with the requirements of P.L. 1983, c. 464, "An Act to Provide for the Development of a Centralized, Coordinated Planning and Evaluation Process for the State Alcohol and Drug Abuse Activities." Copies have been forwarded to the Speaker of the House and the Joint Select Committee on Alcoholism Services.

Sincerely,

S/ MICHAEL R. PETIT

Chairman

Alcohol and Drug

Abuse Planning

Committee

Came from the Senate, read and with accompanying reports ordered placed on file.

Was read and with accompanying reports ordered placed on file in concurrence.

The following Communication:

Bureau of Taxation

State of Maine

State Office Building

Augusta, Maine 04333

January 18, 1984

The Honorable John L. Martin

Speaker of the House

Augusta, Maine 04333

Dear Mr. Martin:

The accompanying report is submitted in compliance with Chapter 561 as enacted by the First Session of the 111th Legislature. The Bureau of Taxation is required to make a report to the Second Session of the 111th Legislature estimating the reimbursement potential to the Unorganized Territory for property tax revenue losses suffered during calendar year 1983 as a result of statutory property tax exemptions or credits enacted after April 1, 1983.

In addition, the report is to include an estimate of the possible Tree Growth reimbursement the Unorganized Territory would receive if it were to be treated as an organized municipality.

Very truly yours,

S/ R. L. Halperin

State Tax Assessor

Was read and with accompanying report ordered placed on file.

The following Communication:

111th Maine Legislature

January 19, 1984

The Honorable Vincent L. McKusick

Chief Justice

Supreme Judicial Court

156 Federal Street

Portland, Maine 04101

Dear Mr. Chief Justice:

We are pleased to invite you and as many of the Justices of the Maine Supreme Judicial Court as may be able to attend to a Joint Convention of the 111th Maine Legislature on Thursday, January 26, at 11:00 A.M.

We would be pleased to hear from you at that time any message you may care to deliver on the State of the Judiciary.

Sincerely,

S/ GERARD P. CONLEY

President of the Senate

S/ JOHN L. MARTIN

Speaker of the House

Was read and ordered placed on file.

State of Maine

Department of Finance and Administration

Bureau of Accounts and Control

State House, Station 14

Augusta, Maine 04333

Governor Joseph E. Brennan,

Members of the Legislature,

and Other Citizens of Maine

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, 1983.

The first section of this 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 fund 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.

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

Respectfully submitted,

S/ DONALD A. BROWN

State Controller

Was read and with accompanying report ordered placed on file.

**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:

**Appropriations and Financial Affairs**

Bill "An Act to Appropriate Funds for the Governor's Commission on the Status of Education in Maine" (Emergency) (H. P. 1518) (L. D. 1999) (Presented by Representative Mitchell of Vassalboro) (Cosponsors: Representative Chonko of Topsham and Senator Clark of Cumberland) (Governor's Bill)

(Ordered Printed)

Sent up for concurrence.

**Business Legislation**

Bill "An Act to Require Motorcycle Drivers to be Insured for Hospital Costs" (H. P. 1506) (L. D. 1981) (Presented by Representative Ketter of Portland) (Cosponsors: Representative LaPlante of Sabattus, Senators Conley of Cumberland and Bustin of Kennebec) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)

Sent up for concurrence.

**Education**

Bill "An Act to Authorize a School Administrative District to Reconsider the Use of the Alternative Voting Procedure for the Adoption

of its School Budget" (H. P. 1507) (L. D. 1982) (Presented by Representative Locke of Sebec) (Cosponsors: Representatives Crouse of Washburn and Randall of East Machias) (Submitted by the Department of Educational and Cultural Services pursuant to Joint Rule 24) (Ordered Printed)  
Sent up for concurrence.

#### Labor

Bill "An Act Relating to Juvenile Employment" (H. P. 1508) (L. D. 1983) (Presented by Representative Michael of Auburn) (Cosponsor: Representative Gauvreau of Lewiston) (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 Authorize a Self-liquidating Bond Issue for York County to Construct an Addition to the York County Jail" (Emergency) (H. P. 1509) (L. D. 1984) (Presented by Representative Carroll of Limerick) (Cosponsor: Representative Ridley of Shapleigh) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27) (Ordered Printed)  
Sent up for concurrence.

#### Marine Resources

Bill "An Act Relating to Scallop Fishing" (H. P. 1510) (L. D. 1985) (Presented by Representative Vose of Eastport) (Cosponsors: Representatives Moholland of Princeton and Scarpino of St. George) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26) (Ordered Printed)  
Sent up for concurrence.

#### Public Utilities

Bill "An Act to Exempt Small Telephone Companies from Rate Regulation by the Public Utilities Commission" (H. P. 1511) (L. D. 1986) (Presented by Representative Vose of Eastport) (Cosponsor: Representative Weymouth of West Gardiner) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27) (Ordered Printed)  
Sent up for concurrence.

#### Taxation

RESOLVE, Reimbursing Certain Municipalities on Account of Taxes Lost Due to Lands being Classified under the Tree Growth Tax Law. (Emergency) (H. P. 1512) (L. D. 1987) (Presented by Representative Mills of Bethel) (Cosponsors: Senators Pray of Penobscot, Violette of Aroostook and Representative Moholland of Princeton) (Submitted by the Department of Finance and Administration pursuant to Joint Rule 24)

Bill "An Act to Establish the Cost of the 1984 Spruce Budworm Suppression Project" (Emergency) (H. P. 1513) (L. D. 1988) (Presented by Representative Michaud of East Millinocket) (Cosponsors: Senator Twitchell of Oxford, Representatives McCollister of Canton and Armstrong of Wilton) (Submitted by the Department of Conservation pursuant to Joint Rule 24)

Bill "An Act Concerning Implementation of the Boat Excise Tax" (Emergency) (H. P. 1514) (L. D. 1989) (Presented by Representative Higgins of Portland) (Cosponsors: Representatives Day of Westbrook, Melendy of Rockland and Allen of Washington) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Create a Maine State Income Tax Exemption for Taxpayers with Special Needs Dependents" (H. P. 1515) (L. D. 1990) (Presented by Representative Smith of Island Falls) (Cosponsors: Representatives Paradis of Augusta, Kilcoyne of Gardiner and Senator

Wood of York) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)  
Sent up for concurrence.

#### Study Report

##### Committee on Marine Resources

Representative Crowley from the Committee on Marine Resources to which was referred by the Legislative Council the Study Relative to Issues Related to Issuance of Fish Weir Licenses have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Provide Limitations on Fishing by Weirs, Purse and Stop Seines and to Provide Notice for the Location of Weirs and their Maintenance" (Emergency) (H. P. 1516) (L. D. 1991) be referred to this Committee for public hearing and printed pursuant to Joint Rule 18.

Report was read and accepted, and the bill referred to the Committee on Marine Resources, ordered printed and sent up for concurrence.

#### Study Report

##### Committee on Energy and Natural Resources

Representative Hall from the Committee on Energy and Natural Resources to which was referred by the Legislative Council the Study Relative to Charging Fees for Access to Public Lands have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act Concerning Income Derived from Public Reserved Lots" (H. P. 1517) (L. D. 1998) be referred to this Committee for public hearing and printed pursuant to Joint Rule 18.

Report was read and accepted, and the bill referred to the Committee on Energy and Natural Resources, ordered printed and sent up for concurrence.

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

Representative Vose from the Committee on Public Utilities on Bill "An Act to Amend the Charter of the Jackman Sewer District to Provide Adequate Compensation for Trustees" (Emergency) (H. P. 1415) (L. D. 1861) reporting "Leave to Withdraw".

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

#### Consent Calendar

##### First Day

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

(H. P. 1394) (L. D. 1817) Bill "An Act to Make Necessary Technical Corrections to the Financial Institution Conversion Process" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-452).

(H. P. 1446) (L. D. 1898) Bill "An Act Facilitating Maine's Participation in the National Central Registration Depository" (Emergency) Committee on Business Legislation reporting "Ought to Pass."

There being no objections, the above items were ordered to appear on the Consent Calendar of Wednesday, January 25, 1984 under the listing of Second Day.

#### Consent Calendar

##### Second Day

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

(H. P. 1409) (L. D. 1831) Bill "An Act to Update the Validity Clause for Utilities"

No objections having been noted at the end of the Second Legislative Day, the House Paper was Passed to be Engrossed and sent up for

concurrence.

#### Passed to Be Enacted Emergency Measure

An Act to Amend the Military Laws of the State of Maine (H. P. 1337) (L. D. 1777) (H. "A" H-450 to H. "B" H-430)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 121 voted in favor of the same and one against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Enactor

##### Tabled and Assigned

An Act to Provide for Reapportionment of County Commissioner Districts (H. P. 1487) (L. D. 1950)

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

On motion of Representative Kelleher of Bangor, tabled pending passage to be enacted and tomorrow assigned.

#### Orders of the Day

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

Bill "An Act to Authorize Approval by the Governor of Levels of Compensation for Independent Agencies" (H. P. 1495) (L. D. 1970)

Tabled—January 19, 1984 by Representative Gwadosky of Fairfield.

Pending—Reference.

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

On motion of Representative Bost of Orono, Adjourned until ten o'clock tomorrow morning.