

# 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**

**SECOND REGULAR SESSION**

**January 4, 1984 to April 25, 1984**

**INDEX**

**FOURTH CONFIRMATION SESSION**

**(FIRST CONFIRMATION SESSION – SECOND REGULAR SESSION)**

**May 31, 1984**

**INDEX**

**FIFTH CONFIRMATION SESSION**

**(SECOND CONFIRMATION SESSION – SECOND REGULAR SESSION)**

**July 11, 1984**

**INDEX**

**THIRD SPECIAL SESSION**

**September 4, 1984 to September 11, 1984**

**INDEX**

## HOUSE

Tuesday, February 7, 1984

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

Prayer by Reverend Vicki Wood, United Methodist Church of Bath.

The Journal of Monday, February 6, 1984, was read and approved.

**Papers from the Senate**

The following Joint Resolution: (S. P. 750)  
JOINT RESOLUTION IN COMMEMORATION  
OF THE VISIT OF THE

**FRENCH NAVAL SHIP "MALABAR"**

Whereas, on April 13, 1778, the French naval frigate "LeSensible" arrived in Falmouth Harbor, now Portland, for the purpose of delivering to the colonists the Treaty of Alliance, advising the colonists that the government of France had formally and openly acknowledged American independence and pledged its aid and support; and

Whereas, word of France's entry into the war spread from Falmouth, in the District of Maine, through New England to General George Washington and his troops in Pennsylvania; and

Whereas, the decision of France to aid American colonists was of particular importance to the eventual attainment of American independence; and

Whereas, this historic occasion is an integral fact of the City of Portland's history; and

Whereas, this historic occasion will be commemorated in February 1984, by the City of Portland and the State of Maine, upon the arrival of the French naval ship "MALABAR" on February 17, 1984; and

Whereas, the visit of the French naval ship "MALABAR" is an occasion of great significance to Maine and its citizens; now, therefore, be it

Resolved: That We, the Members of the 111th Legislature, take this opportunity, while assembled in regular session at the State Capitol in Augusta, to extend our welcome to the officers and crew of the "MALABAR," upon the occasion of their visit to the State of Maine and the City of Portland; and be it further

Resolved: That a duly authenticated copy of this Resolution of welcome be sent forthwith, on behalf of the Legislature and the people of Maine, to the City of Portland, for appropriate transmittal to the commanding officer of the French naval ship "MALABAR," upon the occasion of that vessel's arrival at Portland Harbor.

Came from the Senate, read and adopted.

Was read and adopted in concurrence.

Bill "An Act to Authorize the Public Utilities Commission to Institute Performance Standards for Electric Generating Stations" (S. P. 749) (L. D. 2053)

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

(Committee on Reference of Bills had suggested reference to the Committee on Energy and Natural Resources)

Was referred to the Committee on Public Utilities in concurrence.

**Communications**

The following Communication: (S. P. 751)

STATE OF MAINE

Senate Chamber

President's Office

Augusta, Maine 04333

February 3, 1984

The Honorable Joy J. O'Brien  
Secretary of the Senate  
Augusta, Maine 04333  
Dear Secretary O'Brien:

This is to advise you, that pursuant to my authority under M.R.S.A. 1, Section 1002, on January 30, 1984 I appointed Daniel P. Barrett, Esq. as a member of the Commission on governmental Ethics and Election Practices.

Sincerely,  
S/GERARD P. CONLEY  
President of the Senate

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

Was read and ordered placed on file in concurrence.

The following Communication: (S. P. 753)  
February 3, 1984

The Honorable Dennis Dutremble  
The Honorable Edith S. Beaulieu  
Chairpersons, Committee on Labor  
111th Legislature  
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated William M. Houston of Bangor for appointment as the Second Alternate Public Representative of the Maine Labor Relations Board.

Pursuant to Title 26 MRSA Section 968, this nomination will require review by the Joint Standing Committee on Labor and confirmation by the Senate.

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

Came from the Senate, Read and Referred to the Committee on Labor.

Was Read and Referred to the Committee on Labor in concurrence.

The following Communication: (S. P. 754)

MAINE STATE RETIREMENT SYSTEM

State Office Building

Statehouse, Station 46

Augusta, Maine 04333

February 2, 1984

Gerard P. Conley, President  
Maine State Senate  
Representative John Martin, Speaker  
House of Representatives

Dear Senator Conley and Speaker Martin:

In accordance with the provisions of 5 MRSA, Section 1128, the Board of Trustees of the Maine State Retirement System hereby notifies you that a 4% increase in retirement benefits paid to retired state employees, teachers and retirees of certain participating local districts, was authorized effective September 1, 1983. This was a cost-of-living increase. The Consumer Price Index (CPI-U), published by the United States Department of Labor, Bureau of Labor Statistics, increased 2.6% in the twelve month period ending June 1983.

The increase in the cost-of-living allowance paid in excess of 2.6% was paid in accordance with Chapter 529, PL 1983.

If Chapter 529, PL 1983, had not passed, the System would have recognized an actuarial gain of \$12.0 million against its unfunded liability. State contributions, which totalled over \$88.5 million in fiscal year 1983, would have been credited \$1.3 million per year for the System's remaining funding period of 16.7 years.

Sincerely  
S/ROBERTA M. WEIL  
Executive Director

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

Was read and ordered placed on file in concurrence.

The following Communication:

STATE OF MAINE

House of Representatives

Speaker's Office

Augusta, Maine 04333

February 6, 1984

Hon. Edwin H. Pert  
Clerk of the House  
State House Station 2  
Augusta, Maine 04333  
Dear Clerk Pert:

This is to notify you that effective today I am appointing Rep. Philip C. Jackson, of Harrison, to fill the vacancy on the Joint Standing Committee on Taxation.

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

Was read and ordered placed on file.

The following Communication:

February 1, 1984

Honorable John L. Martin  
Speaker of the House  
of Representatives  
111th Maine Legislature  
State House  
Augusta, Maine 04333  
Dear Speaker Martin:

The enclosed report of the Forest Insect Manager contains a financial summary of revenues and expenditures for the 1983 Spruce Budworm Management Program.

If you have any questions about the report, I would be pleased to answer them.

Sincerely,  
S/THOMAS A. RUMPF  
Forest Insect Manager

Was read and with accompanying papers ordered placed on file.

**Petitions, Bills and Resolves  
Requiring Reference**

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

**Transportation**

Bill "An Act Relating to Conveyance of Rolled Bales of Hay" (H. P. 1556) \* (Presented by Representative Weymouth of West Gardiner) (Cosponsor: Senator Dow of Kennebec) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Ordered Printed

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. 1469) (L. D. 1921) Bill "An Act to Prevent Unfair Charges for Submitting Applications for Work" (Emergency) Committee on Labor reporting "Ought to Pass" as Amended by Committee Amendment "A" (H-464).

(S. P. 672) (L. D. 1856) Bill "An Act to Grandfather Certain Existing Part-time Law Enforcement Officers from the Requirement to be Trained by the Maine Criminal Justice Academy" Committee on State Government reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-284).

(S. P. 697) (L. D. 1937) Bill "An Act Concerning the Possession of Firearms by Felons" Committee on Legal Affairs reporting "Ought to Pass".

(S. P. 711) (L. D. 1957) Bill "An Act to Revise Provisions of the Medical Eye Care Program" Committee on Health and Institutional Services reporting "Ought to Pass".

(H. P. 1466) (L. D. 1918) Bill "An Act Relating to Public Guardianship and Disclosure of Information" Committee on Health and Institutional Services reporting "Ought to Pass" as Amended by Committee Amendment "A" (H-465)

(H. P. 1449) (L. D. 1901) Bill "An Act to Amend the Statute Governing the Licensing of Child Placing Agencies" Committee on Health and Institutional Services reporting "Ought to Pass" as Amended by Committee Amendment "A" (H-466)

There being no objections, the above items were ordered to appear on the Consent Calendar of Wednesday, February 8, 1984 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:

(S. P. 680) (L. D. 1858) Bill "An Act Relating to Record-Keeping Requirements for Retail Licensees Concerning Beer and Soft Drinks" (C. "A" S-283)

No objections having been noted at the end of the Second Legislative Day, the Senate Paper was Passed to be Engrossed as amended in concurrence.

(H. P. 1395) (L. D. 1818) Bill "An Act to Clarify That Notaries Public who do not Maintain a Seal of Office may Take Acknowledgements"

On the request of Representative Diamond of Bangor, was removed from the Consent Calendar.

Thereupon, the Report was accepted, the Bill read once and assigned for second reading tomorrow.

(H. P. 1396) (L. D. 1819) Bill "An Act to Reenact a Provision for Protective Orders in Crimes Between Family Members" (Emergency)

(H. P. 1430) (L. D. 1875) Bill "An Act to Amend the Probate Code to Provide for Temporary Guardianships Under Certain Emergency Conditions"

(H. P. 1464) (L. D. 1916) Bill "An Act to Allow Coordination of Services to Preschool Handicapped Children Below the Age of 3 Years"

No objections having been noted at the end of the Second Legislative Day, the House Papers were Passed to be Engrossed and sent up for concurrence.

**Passed to Be Engrossed**

Bill "An Act to Streamline Procedures for Financial Institution Branch Changes and to Clarify what Constitutes an On-premise Facility" (S. P. 737) (L. D. 2027)

Was reported by the Committee on Bills in the Second Reading, read the second time and passed to be engrossed in concurrence.

**Passed to be Enacted  
Emergency Measure**

An Act to Extend and Amend the Statute entitled Purchase of Foodstuffs from Maine Concerns (H. P. 710) (L. D. 901) (S. "A" S-281 to H. "B" H-451; C. "A" H-254)

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. 130 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**Emergency Measure**

An Act to Allow Plantations to Determine When to Hold Their Annual Meetings (S. P. 670) (L. D. 1854) (C. "A" S-280)

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. 139 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**Emergency Measure**

An Act to Clarify Executive and Judicial Authority Regarding the Dissolution of Delinquent Insurers (H. P. 1445) (L. D. 1897) (C. "A" H-457)

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. 143

voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**Passed to Be Enacted**

An Act to Limit the Prohibition on Prescriptive Pole and Wire Easements to Public Ways (S. P. 688) (L. D. 1895)

An Act to Include Proceedings of the Public Utilities Commission in the Statutory Method for Calculation of Statutory Time Periods (S. P. 689) (L. D. 1896)

An Act to Make Necessary Technical Corrections to the Financial Institution Conversion Process (H. P. 1394) (L. D. 1817) (H. "A" H-454 to C. "A" H-452)

An Act to Amend the Statutes Governing the Licensing and Approval of Adult and Child Care Programs (H. P. 1425) (L. D. 1870)

An Act to Clarify the Suspension Powers of the Public Utilities Commission Over Affiliated Interest Contracts (H. P. 1451) (L. D. 1903)

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.

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

**Passed to Be Enacted  
Emergency Measure**

An Act to Provide for Reapportionment of County Commissioner Districts (H. P. 1487) (L. D. 1950) (S. "A" S-282; H. "B" H-456)

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

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Representative Murphy.

Representative MURPHY: Mr. Speaker, Men and Women of the House: I would like to pose a question through the Chair.

Under this bill that is before us now, in some of the counties all three commissioners will stand for re-election even if some of those districts have not been changed. Will there be any future mechanism to correct that type of inequity that exists within this law?

The SPEAKER: The gentleman from Kennebunk, Representative Murphy, has posed a question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the gentleman from Bangor, Representative Kelleher.

Representative KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: The question that Mr. Murphy has raised is a question that has been asked by some other members of both this body and in the other, and it is a good question, because the Constitution did not provide that, in fact, when we reapportioned county districts for the first time as we have done it this year, that there would be a problem with commissioners having to rerun again and then two years from now having to stand and run again for their respective term.

This was an issue that was discussed by the bipartisan commission and there was an agreement that there would be a Resolve in to take care of this problem. It is, indeed, a problem, it is something that we had not foreseen ten years ago in dealing with reapportionment but it is something that must be corrected at this session.

There will be an emergency resolve filed, it is now down in drafting, to take care of this problem. Not all counties have it but some of us do have it and my county happens to be one of them and there are several others, so Mr. Murphy's question is legitimate and it must be addressed and the House and other body will address it sometime, hopefully in the next three weeks.

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

Representative JALBERT: Mr. Speaker, I

would like to pose a question through the Chair.

We have in our county a county commissioner who bought a home in Auburn, lives in Auburn and he happens to be the commissioner in my district, which is deep in the heart of Lewiston.

Has the committee been made aware of that and if they have, what is their answer?

The SPEAKER: The gentleman from Lewiston, Representative Jalbert, has posed a question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the gentleman from Bangor, Representative Kelleher.

Representative KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I don't think the situation that Mr. Jalbert raises in Androscoggin County is unique because I think some of us here in this House and in the other body, but primarily in this House, may find yourself not exactly in the district which you are representing at the moment because of the change.

His question is a good legal question. I assume that all of us that stand for re-election will have to be running from the district for which we are standing. I also assume those who are county commissioners or Senators that will be standing for election will have to and should stand in the district for which they were elected from.

This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 141 voted in favor of same and 2 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

**(Off Record Remarks)**

The SPEAKER: The Chair will appoint for tomorrow's session as Speaker pro tem the gentleman from Fairfield, Representative Gwadosky.

On motion of Representative Paul of Sanford,

Adjourned until ten o'clock tomorrow morning.