

# 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**

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**HOUSE**

Tuesday, February 14, 1984

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

Prayer by Paul Cates, East Vassalboro Friends Meeting.

The Journal of Monday, February 13, 1984 was read and approved.

**Papers from the Senate**

The following Communication:

THE SENATE OF MAINE  
Augusta

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

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Transportation, the Governor's nomination of Dana F. Connors of Presque Isle as the Commissioner of the Maine Department of Transportation.

Mr. Connors is replacing George N. Campbell, Jr.

Sincerely,  
S/JOY J. O'BRIEN

Secretary of the Senate

Was read and ordered placed on file.

Bill "An Act to Avoid Lapsing Certain State Appropriated Public Transportation Funds" (Emergency) (S. P. 764) (L. D. 2072)

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 Transportation.)

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

Bill "An Act to Amend the Maine Consumer Credit Code" (S. P. 762) (L. D. 2070)

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

Was referred to the Committee on Business Legislation in concurrence.

Bill "An Act to Limit the Authority of the Public Utilities Commission to Award Compensation to Intervenors" (S. P. 763) (L. D. 2071)

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

Was referred to the Committee on Public Utilities in concurrence.

**Reported Pursuant to the Statutes**

Report of the Local Land Use Violation Commission, pursuant to Public Law 1983, Chapter 458, Section 19 ask leave to submit its findings and to report that the accompanying Bill "An Act Relating to Enforcement of Land Use Laws" (S. P. 761) (L. D. 2069) be referred to the Committee on Judiciary for public hearing and printed pursuant to Joint Rule 18.

Came from the Senate with the report read and accepted and the bill referred to the Committee on Energy and Natural Resources and ordered printed.

Report was read and accepted.

On motion of Representative Mitchell of Freeport, the Bill was referred to the Committee on Energy and Natural Resources in concurrence.

**Non-Concurrent Matter**

Bill "An Act to Define Eligibility for School Purposes and to Determine Financial Responsibility for the Education of State Agency Clients" (Emergency) (H. P. 1559) (L. D. 2061) which was referred to the Committee on Education in the House on February 8, 1984.

Came from the Senate referred to the Com-

mittee on Appropriations and Financial Affairs in non-concurrence.

On motion of Representative Locke of Sebec, the House voted to recede and concur.

**Non-Concurrent Matter**

Bill "An Act Concerning Tax Exempt Status of Property Owned by the Farmington Village Corporation" (H. P. 1561) (L. D. 2063) which was referred to the Committee on Local and County Government in the House of February 8, 1984.

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

The House voted to recede and concur.

**Messages and Documents**

The following Communication: (S. P. 765)

February 10, 1984

The Honorable John E. Baldacci  
The Honorable Harry L. Vose  
Chairmen, Committee on Public Utilities  
111th Legislature  
Augusta, Maine 04333  
Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated David H. Moskovitz of Whitefield for appointment as a Commissioner of the Public Utilities Commission.

Pursuant to Title 35 MRSA Section 1, this nomination will require review by the Joint Standing Committee on Public Utilities 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 Public Utilities.

Was Read and Referred to the Committee on Public Utilities in concurrence.

The following Communication:

February 8, 1984

John L. Martin  
Speaker of the House  
State House  
Augusta, Maine 04333  
Dear Sir:

This is to inform you that Wayne Newell, Tribal Representative from the Passamaquoddy Tribe to the Legislature, was designated as the officer to certify the Tribe'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 U.S. Code, Title 25, section 1725(e).

Pursuant to the above I am pleased to inform you that the Joint Council of the Passamaquoddy Tribe gave its approval on January 23, 1984 to enact to extend the time the Passamaquoddy Tribe can purchase trust territory as provided in section 6205, sub-section A of the Maine Implementary Act.

Sincerely,  
S/DENNIS TOMAH  
Tribal Clerk

Was read and ordered placed on file.

**Tabled and Assigned**

The following Communication: (H. P. 1570)

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
HOUSE MINORITY OFFICE  
AUGUSTA, MAINE 04333

February 13, 1984

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

In accordance with 1 MRSA Section 1002, sub-section 1-B, I have the honor of presenting to the House of Representatives the name of Robert Marden of Waterville for renomination to the Commission on Governmental

Ethics and Election Practices.

The Commission has had the benefit of Mr. Marden's ability and experience these past two years, and I believe he will continue to serve in an outstanding manner. Therefore, I respectfully request that the House confirm this nomination.

Sincerely,  
S/LINWOOD M. HIGGINS  
Republican Floor Leader

The Communication was read.

On motion of Representative Higgins of Scarborough, tabled pending confirmation and tomorrow assigned.

**Orders**

On motion of Representative McSweeney of Old Orchard Beach, the following Order:

ORDERED, that Representative Donald V. Carter of Winslow be excused February 13 and 14 for personal reasons.

Was read and passed.

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

Representative Perry from the Committee on Aging, Retirement and Veterans on Bill "An Act Concerning Supplemental Dividend Reimbursement Distribution" (Emergency) (H. P. 1489) (L. D. 1964) 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:

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

(S. P. 656) (L. D. 1857) Bill "An Act to Amend the Composition of the Judicial Council" Committee on Judiciary reporting "Ought to Pass".

(S. P. 671) (L. D. 1855) Bill "An Act Concerning Public Utility Commission Approval of Temporary Rate Changes" Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (S-286)

(H. P. 1435) (L. D. 1880) Bill "An Act to Enable Communities to Establish Town Forest Reserve Accounts" Committee On Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-469).

There being no objections, the above items were ordered to appear on the Consent Calendar of Wednesday, February 15, 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:

(H. P. 1393) (L. D. 1816) Bill "An Act Relating to Conferring Degrees by Thomas College" (Emergency)

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.

(H. P. 1497) (L. D. 1972) Bill "An Act to Include the Chief Executive Officer of the Finance Authority of Maine as an Ex Officio Corporator of the Maine Development Foundation" (Emergency)

On the request of Representative Ketover of Portland, was removed from the Second Day Consent Calendar.

Thereupon, the Report was accepted, the

Bill read once and assigned for second reading tomorrow.

(H. P. 1455) (L. D. 1907) RESOLVE, Adopting a Permanent Plan for Federal Surplus Property (Emergency)

(H. P. 1538) (L. D. 2023) Bill "An Act to Remove the Retirement Age Restriction for Trustees of the University of Maine" (Emergency)

(H. P. 1411) (L. D. 1833) Bill "An Act to Require the State of Maine to Pay Late Fees on Overdue Payments" (C. "A" H-468)

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

#### **Passed to Be Enacted Emergency Measure**

An Act to Amend the Adult Protective Services Act (H. P. 1426) (L. D. 1871) (H. "A" H-463 to C. "A" H-462)

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. 128 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 Extend the Date by which Part-time and Reserve Law Enforcement Officers are Required to be Trained and Certified by the Maine Criminal Justice Academy (S. P. 672) (L. D. 1856) (C. "A" S-284)

An Act Concerning the Possession of Firearms by Felons (S. P. 697) (L. D. 1937)

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

An Act to Conform the Safety Jurisdiction of the Public Utilities Commission over Gas Utilities to Federal Requirements (H. P. 1457) (L. D. 1909)

An Act to Eliminate the Requirement for a Separate Application for Lands within the Settlement Corridor to be Entered into the Spruce-Fir Forest Protection District (H. P. 1480) (L. D. 1943)

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.

#### **Orders of the Day**

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

HOUSE DIVIDED REPORT—Majority (8) "Ought to Pass"—Minority (5) "Ought Not to Pass"—Committee on Labor on Bill "An Act to Clarify Return to Work Provisions Under the Workers' Compensation Law" (H. P. 1402) (L. D. 1824)

Tabled—February 13, 1984 by Representative Diamond of Bangor.

Pending—Acceptance of either report.

Representative Beaulieu of Portland moved that the Majority "Ought to Pass" Report be accepted.

Representative Mitchell of Vassalboro moved that this be tabled for two legislative days.

Whereupon, Representative Higgins of Scarborough requested a roll call vote.

More than one-fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of Representative Mitchell of Vassalboro that this be tabled for two legislative days pending the motion of Representative Beaulieu of Portland to accept the Majority "Ought to Pass" Report. All those in favor will vote yes; those opposed will vote no.

#### **ROLL CALL NO. 358**

YEA—Allen, Andrews, Baker, Benoit, Bost, Brannigan, Brodeur, Brown, A.K.; Carrier, Car-

roll, D.P.; Carroll, G.A.; Cashman, Chonko, Connolly, Cooper, Cote, Cox, Crouse, Crowley, Daggett, Diamond, Erwin, Gauvreau, Gwadosky, Hall, Handy, Hickey, Hobbins, Joseph, Joyce, Kelly, Ketover, Kilcoyne, LaPlante, Lehoux, Lisnik, Locke, MacEachern, Macomber, Mahany, Manning, Martin, A.C.; Martin, H.C.; Masterman, Mayo, McCollister, McHenry, McSweeney, Melendy, Michael, Mills, Mitchell, E.H.; Mitchell, J.; Murray, Nelson, Norton, Paul, Perry, Pouliot, Racine, Reeves, P.; Richard, Ridley, Roberts, Robinson, Rolde, Rotondi, Smith, C.B.; Soucy, Soule, Stevens, Swazey, Tammaro, Theriault, Thompson, Tuttle, Mr. Speaker.

NAY—Ainsworth, Anderson, Armstrong, Beaulieu, Bell, Bonney, Bott, Brown, D.N.; Cahill, Callahan, Clark, Conary, Conners, Curtis, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Greenlaw, Higgins, L.M.; Holloway, Ingraham, Jackson, Kiesman, Lebowitz, Livesay, MacBride, Masterton, Matthews, K.L.; Maybury, McPherson, Michaud, Murphy, E.M.; Murphy, T.W.; Paradis, E.J.; Parent, Perkins, Pines, Randall, Reeves, J.W.; Roderick, Salsbury, Scarpino, Seavey, Sherburne, Small, Smith, C.W.; Sproul, Stevenson, Stover, Strout, Telow, Walker, Webster, Wentworth, Weymouth, Willey, Zirkilton

Absent—Carter, Hayden, Higgins, H.C.; Jacques, Jalbert, Kane, Kelleher, Matthews, Z.E.; McGowan, Moholland, Nadeau, Paradis, P.E.; Vose.

Yes, 77; No, 61; Absent, 13.

The SPEAKER: Seventy-seven having voted in the affirmative and sixty-one in the negative, with thirteen being absent, the motion does prevail.

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

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

Tabled—February 13, 1984 by Representative Diamond of Bangor.

Pending—Passage to be Engrossed.

Representative Hobbins of Saco offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-467) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" and sent up for concurrence.

#### **(Off Record Remarks)**

On motion of Representative Beaulieu of Portland,

Adjourned until nine thirty tomorrow morning.