

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

Thursday, February 23, 1984

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

Prayer by Reverend John Boyd, State Street Baptist Church, Presque Isle.

The Journal of Tuesday, February 21, 1984, was read and approved.

Papers from the Senate

Bill "An Act to Ensure Universal Telephone Service for Maine People" (S. P. 778) (L. D. 2097)

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

Was referred to the Committee on Public Utilities in concurrence.

Later Today Assigned

Bill "An Act to Amend the Laws Concerning Commercial Whitewater Rafting" (S. P. 779) (L. D. 2098)

Came from the Senate, referred to the Joint Select Committee on Whitewater Rafting and Ordered Printed.

On motion of Representative Diamond of Bangor, tabled pending reference in concurrence and later today assigned.

Reports of Committees**Unanimous Leave to Withdraw**

Report of the Committee on Energy and Natural Resources reporting "Leave to Withdraw" on Resolve, Authorizing the Town of Bingham to Dredge, Restore and Establish a Suitable Water Level for Meadow Brook Within the Town. (S. P. 722) (L. D. 1994)

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

Ought to Pass**in New Draft/New Title**

Report of the Committee on State Government on Bill "An Act to Clarify the Definition of Projects Eligible for Revenue Bond Financing under the Finance Authority of Maine Act" (Emergency) (S. P. 725) (L. D. 1997) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Defining Rehabilitation of Existing Building Projects under the Municipal Securities Approval Program" (Emergency) (S. P. 776) (L. D. 2094)

Came from the Senate, with the report read and accepted and the New Draft passed to be engrossed.

Report was read and accepted, the New Draft given its first reading and assigned for its second reading Friday, February 24, 1984.

Communications

The following Communication: (S. P. 777)

111th Maine Legislature

February 17, 1984

The Honorable Paul E. Violette
The Honorable Dan A. Gwadosky
Chairpersons, Committee on State Government

111th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated Kathleen A. Boland of Hallowell as the Executive Director of the Maine State Housing Authority.

Pursuant to Title 30, M.R.S.A. Section 4602, this nomination will require review by the Joint Standing Committee on State Government 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 State Government.
Was Read and Referred to the Committee on

State Government in concurrence.

The following Communication: (S. P. 780)

111th Maine Legislature

February 17, 1984

The Honorable Edgar E. Erwin
The Honorable John M. Michael
Chairpersons, Committee on Agriculture
111th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated Sandra K. Brennan of Houlton, Cheryl Kelly of St. Francis, Lawrence J. Keddy of South Windham, and Harold W. Higgins of Belfast as Humane Society representatives; Raynor I. Crozman of Corinna, Jesse Harriman, Jr. of Richmond, Bradford Tait of North Whitefield; and Donald W. Buzzell of Fryeburg as Agriculture representatives; and Russell Pinfold, D.V.M. of Brunswick as the Veterinarian representative of the Animal Welfare Board.

Pursuant to Title 17, M.R.S.A. Section 1051, these nominations will require review by the Joint Standing Committee on Agriculture 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 Agriculture.

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

The following Communication:

STATE OF MAINE

DEPARTMENT OF TRANSPORTATION

State House Station 16

Augusta, Maine 04333

February 16, 1984

Honorable Gerard P. Conley
President of the Senate
The Honorable John L. Martin
Speaker of the House
State House
Augusta, Maine 04333

Dear President Conley and Speaker Martin:

I am pleased to transmit herewith the Motor Carrier Compact Report, prepared by the Maine Department of Transportation in accordance with Public Law 1983, Chapter 480, Section 21. The report outlines the considerable progress to date in the formation of Motor Carrier Tax Compact, and it discusses Maine's intention to join the Regional Fuel Tax Agreement with the States of New Hampshire, Vermont and Connecticut. Legislation is being drafted to permit Maine's joining this compact.

The appendices to the report contain the text of the Regional Fuel Tax Agreement, and the changes in Maine law that are necessary to fully implement the agreement, and also to equalize the treatment between vehicles subject to the agreement and those vehicles that are not.

Additional copies of the report are available upon request.

Very truly yours,
S/ DANIEL WEBSTER, JR.
Acting Commissioner

Was read and with accompanying report ordered placed on file.

**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:

Agriculture

Bill "An Act Relating to Agricultural Marketing and Bargaining" (Emergency) (H. P. 1596) (Presented by Representative Lisnik of Presque Isle) (Cosponsors: Representatives Crouse of Washburn and Smith of Island Falls) (Submit-

ted by the Department of Agricultural, Food and Rural Resources pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

Appropriations and Financial Affairs

Bill "An Act to Provide Funds for an Increase in the Aid to Families with Dependent Children's Standard of Need" (H. P. 1593) (L. D. 2103) (Presented by Representative Connolly of Portland) (Cosponsors: Representatives Murphy of Kennebunk, Kelleher of Bangor and Senator Gill of Cumberland) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)

Sent up for concurrence.

Education

Bill "An Act to Recognize National Women's History Week" (H. P. 1597) (Presented by Representative Mitchell of Vassalboro) (Cosponsors: Representatives Melendy of Rockland, Rolde of York and Senator Wood of York) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

(Ordered Printed)

Sent up for concurrence.

Health and Institutional Services

Bill "An Act Relating to Medicaid Reimbursement Rates for Ambulance Services" (Emergency) (H. P. 1594) (L. D. 2104) (Presented by Representative Carroll of Gray) (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 Kingfield Water Company to Increase the Number of Trustees from 3 to 5" (Emergency) (H. P. 1595) (L. D. 2105) (Presented by Representative Dexter of Kingfield) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)

Sent up for concurrence.

State Government

Bill "An Act to Authorize Leasing of Certain State-owned Land" (H. P. 1598) (Presented by Representative Hickey of Augusta) (Cosponsors: Representative Paradis of Augusta and Senator Bustin of Kennebec) (Submitted by the Department of Finance and Administration pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

Transportation

Bill "An Act Making Adjusted Allocations from the Highway Fund for the Fiscal Years Ending June 30, 1984, and June 30, 1985" (Emergency) (H. P. 1599) (Presented by Representative Carroll of Limerick) (Cosponsors: Representative Strout of Corinth and Senator Danton of York) (Submitted by the Department of Finance and Administration pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

ORDERS

On motion of Representative Jacques of Waterville, the following Joint Order: (H. P. 1600) ORDERED, the Senate concurring, that the Joint Select Committee on Commercial Whitewater Rafting, established pursuant to 1983, S. P. 505, be reestablished pursuant to Joint Rule 16.

Was read and passed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

House Reports of Committees Unanimous Ought Not to Pass

Representative Martin from the Committee on Business Legislation on Bill "An Act to Require Commercial Establishments Operating Microwave Ovens to Provide Notice to the Public" (H. P. 1492) (L. D. 1967) reporting "Ought Not to Pass".

Representative Telow from the Committee on Business Legislation on Bill "An Act to Require Motorcycle Drivers to be Insured for Hospital Costs" (H. P. 1506) (L. D. 1981) reporting "Ought Not to Pass".

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

Unanimous Leave to Withdraw

Representative Martin from the Committee on Business Legislation on Bill "An Act to Clarify the Reciprocity Provisions of Maine's Interstate Banking Act" (Emergency) (H. P. 1472) (L. D. 1933) reporting "Leave to Withdraw".

Representative Perkins from the Committee on Business Legislation on Bill "An Act to Regulate the Practice of Therapeutic Massage" (H. P. 1526) (L. D. 2013) reporting "Leave to Withdraw".

Representative Ainsworth from the Committee on Marine Resources on Bill "An Act to Prohibit the Use of Paravanes in the Coastal Waters of Maine by any Vessel that is under Propulsion" (H. P. 1522) (L. D. 2004) reporting "Leave to Withdraw".

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

Ought to Pass in New Draft

Representative Manning from the Committee on Marine Resources on Bill "An Act to Clarify the Adoption of Emergency Regulations" (H. P. 1436) (L. D. 1881) reporting "Ought to Pass" in New Draft (H. P. 1592) (L. D. 2102)

Report was read and accepted, the New Draft given its first reading and assigned for second reading Monday, February 27, 1984.

Ought to Pass in New Draft/New Title

Representative Gwadosky from the Committee on State Government on Bill "An Act to Authorize the Public Advocate to Intervene in Proceedings Pertaining to Health Insurance and Workers' Compensation before the Superintendent of Insurance and in Proceedings of the Health Care Finance Commission" (H. P. 1553) (L. D. 2032) reporting "Ought to Pass" in New Draft under New Title RESOLVE, to Authorize the Public Advocate to Intervene in Workers Compensation Proceedings Before the Superintendent of Insurance. (Emergency) (H. P. 1601) (L. D. 2106)

Report was read and accepted, the New Draft given its first reading and assigned for second reading later in the day.

Consent Calendar First Day

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

(S. P. 686) (L. D. 1893) Bill "An Act Concerning Repeal of Commercial Fishing for Atlantic Salmon in the St. Croix River" Committee on Marine Resources reporting "Ought to Pass".

(H. P. 1405) (L. D. 1827) RESOLVE, Authorizing the Commissioner of Marine Resources to Lease Land and Buildings in West Boothbay Harbor. (Emergency) Committee on Marine Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-473).

(H. P. 1421) (L. D. 1866) Bill "An Act to Include the Towns of Gilead and Upton with Vocational Region 9, Northern Oxford County" (Emergency) Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-475).

(H. P. 1460) (L. D. 1912) Bill "An Act to Amend the Maine Consumer Credit Code to Exempt Financing of Educational Expenses" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-476).

(H. P. 1519) (L. D. 2001) Bill "An Act to Amend the Law Regarding Premium Discounts for Workers' Compensation Insurance of Small Businesses" Committee on Business Legislation reporting "Ought to Pass".

(H. P. 1527) (L. D. 2007) Bill "An Act to Exclude Business Insurance Transactions from the Insurance Premium Finance Company Act" Committee on Business Legislation reporting "Ought to Pass".

(H. P. 1507) (L. D. 1982) 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" Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-477).

There being no objections, the above items were ordered to appear on the Consent Calendar of Friday, February 24, 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. 1532) (L. D. 2009) Bill "An Act to Enable the City of Portland to Charge Reasonable Interest on Delinquent Sewer Accounts" (C. "A" H-472).

(S. P. 661) (L. D. 1851) Bill "An Act to Clarify the Procedures to Appeal a Decision of the Workers' Compensation Division" (C. "A" S-289).

(H. P. 1554) (L. D. 2033) Bill "An Act to Fund and Implement Certain Collective Bargaining Agreements and to Fund and Implement Benefits for Certain State Employees Excluded from Collective Bargaining" (Emergency)

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 and the House Papers were Passed to be Engrossed or Passed to be Engrossed as Amended and sent up for concurrence.

By unanimous consent, L. D. 2033 was ordered sent forthwith to the Senate.

Passed To Be Enacted Emergency Measure

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

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 Remove the Retirement Age Restriction for Trustees of the University of Maine. (H. P. 1538) (L. D. 2023)

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.

Emergency Measure Tabled and Assigned

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

H-470)

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

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I have no problems with this bill at all except I wanted to say a few words in regards to the Finance Authority of Maine and this appears to be the only vehicle that is before the House today where I could pass a few comments along.

When FAME was created by this Legislature, it was a unique and major move on behalf of government and on behalf of this Legislature. It was created for the development of businesses here in the State of Maine. It has been brought to our attention in the press, unfortunately, of the unique situation that has arisen in Aroostook County in regard to a development program up there which involves 800 jobs in a processing potato plant plus all the additional accessories that go with the marketing program up there to try to improve the economy in Aroostook County, and this could be in any other county in the State of Maine.

Apparently FAME, since its conception in September, has failed to organize itself so that they have rules and regulations to work from, and I don't think it was the intention of this Legislature or the Governor's Office when he signed the bill that such a delay would have taken place.

As a member of this body and one who voted for it, and I am not generally one who rushes into the concept of new ideas before this Legislature, I, in fact, felt as a member of this body that FAME and what it was created for would do what we wanted it to do here in Maine and the lack of their ability to promulgate the rules and regulations, in my opinion, is a miscarriage of justice.

We have a very unique situation in Aroostook County where commitments, I understand, were to be made, an understanding by individuals in making those commitments not only to the people that own the plant up there and the farmers and the men and women that were thrown out of their jobs, that in fact some kind of action would be taking place and it has not.

Just as a member of this body, I would like to put FAME on notice that they should get off dead center and begin to implement what we created that authority to be because the economic development in this state is something that every one of us, inside this House and outside, have an interest in. I don't think excuses and alibis after six months should be tolerated by the people of this state.

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

Mr. JALBERT: Mr. Speaker, I would like to pose a question through the Chair. You know if you live at the other end of the state, the only way you can find out is from another paper. I read the Bangor Daily News Saturday and that was the first I had heard of this thing.

I wonder if the gentleman from Bangor or anybody else could answer this question. How much does the lady in question, who is involved in this thing, what is her name, to begin with, and secondly, how much does she make for salary?

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: That is an interesting question. I suspect the answer to it would be Sharon Lunner, who I understand to be a very competent individual, and I am not so sure that the problem entirely lies with Ms. Lunner. It should be a shared responsibility between the board itself, the staff that appears to be dragging its feet, and the director, who I would

hope after today would move them along.

The salary, I understand, is in the high forties, something that I have never reached yet but hope to sometime in my life. I'm 43 years old and I understand that it is higher than 43.

The point is, I don't think that we in the Legislature were wrong in supporting the concept and the activities for the Finance Authority of Maine, but I think that they are wrong, very wrong, in being reluctant to implement the rules and regulations that this Legislature mandated them to do in processing the fact of what FAME is all about.

A vote of the House was taken.

Whereupon, Representative Gwadosky requested a roll call on passage to be enacted.

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

On motion of Representative Kelleher of Bangor, tabled pending passage to be enacted and specially assigned for Monday, February 27.

Finally Passed Emergency Measure

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

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. 116 voted in favor of the same and none against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Enactor

Tabled and Assigned

An Act to Clarify That Notaries Public who do not Maintain a Seal of Office may Take Acknowledgements. (H. P. 1395) (L. D. 1818) (H. "A" H-467)

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

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

Enactor

Tabled and Assigned

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

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

On motion of Representative Gwadosky of Fairfield, tabled pending passage to be enacted and tomorrow assigned.

Enactor

Recommitted

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

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

On motion of Representative Diamond of Bangor, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed.

On further motion by the same gentleman, the Bill was recommitted to the Committee on Judiciary in non-concurrence and sent up for concurrence.

Passed to be Enacted

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

An Act to Enable Communities to Establish Town Forest Reserve Accounts. (H. P. 1435) (L. D. 1880) (C. "A" H-469)

An Act Relating to Conferring of Degrees by the YDI Schools. (S. P. 706) (L. D. 1953) (C. "A" S-288)

An Act Concerning Income Derived from

Public Reserved Lots. (H. P. 1517) (L. D. 1998)

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 following matter:

Bill "An Act to Amend the Laws Concerning Commercial Whitewater Rafting" (S. P. 779) (L. D. 2098) which was tabled and later today assigned pending reference in concurrence. (In Senate, Referred to the Joint Select Committee on Whitewater Rafting and Ordered Printed.)

Thereupon, the Bill was referred to the Joint Select Committee on Whitewater Rafting in concurrence.

Passed to Be Engrossed

RESOLVE, to Authorize the Public Advocate to Intervene in Workers Compensation Proceedings Before the Superintendent of Insurance. (Emergency) (H. P. 1601) (L. D. 2106)

Thereupon, the New Draft was read the second time, passed to be engrossed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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

Passed to Be Enacted Emergency Measure

An Act to Fund and Implement Certain Collective Bargaining Agreements and to Fund and Implement Benefits for Certain State Employees Excluded from Collective Bargaining. (H. P. 1554) (L. D. 2033)

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. 129 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.

By unanimous consent, ordered sent forthwith.

(Off Record Remarks)

On motion of Representative Strout of Corinth,

Adjourned until eight-thirty tomorrow morning.