

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Twelfth  
Legislature***

OF THE

**STATE OF MAINE**

**Volume I**

**FIRST REGULAR SESSION**

**December 5, 1984 - June 20, 1985**

**HOUSE**

Wednesday, January 2, 1985

The House was called to order by the Speaker.

Prayer by Reverend Edgar Jones, Winthrop Congregational Church.

Pledge of Allegiance.

Journal of Thursday, December 6, 1984 read and approved.

The SPEAKER: The Chair wishes to announce the presence in the Hall of the House of Representative-elect Pines from Limestone and Representative-elect Dillenback from Cumberland. The Chair would ask the Representative from Kennebunk, Representative Murphy, and the Representative from Mars Hill, Representative Smith, to escort the Representatives-elect to the Office of the Governor where the Governor will enable them to receive and subscribe the oath necessary to qualify them to enter upon their official duties.

Whereupon, the Sergeant-at-Arms escorted Representative Murphy and Representative Smith to the Governor's Office with the Representatives elect.

**Messages and Documents**

The following Communication:

STATE OF MAINE

Worker's Compensation Commission

Augusta, Maine 04333

December 19, 1984

Hon. John L. Martin  
House of Representatives  
State House Station 2  
Augusta, Maine 04333  
Hon. Charles P. Pray  
Maine State Senate  
State House Station 3  
Augusta, Maine 04333  
Hon. Joseph E. Brennan  
Office of the Governor  
State House Station 1  
Augusta, Maine 04333  
Gentlemen:

Speaker Martin recently requested information concerning 1984 Commission activity and more particularly, the impact of the 1983 Legislative reform on Maine's system. Recognized my own reporting responsibility lodged in 39 MRSA sub-section 108 I have taken this opportunity to inform all three governmental leaders on the status of this program.

You will receive a more comprehensive 1984 annual report when the year-end data is received and compiled, approximately 60 days after the close of the calendar year. During 1985, you will receive a quarterly and cumulative update approximately 30 days following the close of each calendar quarter.

If you believe that you need additional information which I can provide, please do not hesitate to advise me.

Respectfully submitted,  
S/CHARLES D. DEVOE

Was read and with accompanying papers ordered placed on file.

The following Communication:

COMMISSION ON GOVERNMENTAL  
ETHICS AND ELECTION PRACTICES

State House Station 101

Office of the Secretary of State

Augusta, Maine 04333

In Re: Appeal of Frederick F. Soucy  
General Election Recount, House  
District 1  
November 6, 1984

The Commission met on December 4, 1984 to hear the appeal of Mr. Frederick F. Soucy of Kittery, candidate for the District 1 House of Representatives seat in the General Election of November 6, 1984. His appeal was from the results of the recount held in the Office of the Secretary of State on November 19, 1984, which recount closed with all parties in agreement

that Mr. Soucy had 1499 valid votes and Mr. Cecil O. Lancaster of Kittery had 1500 valid votes, with disputes outstanding on 11 ballots, 4 unopened absentee ballots and 44 absentee ballot envelopes. The challenge to the 44 absentee ballot envelopes was withdrawn by the Appellant prior to the Commission hearing.

Present at the hearing were Daniel P. Barrett, Joseph B. Campbell, Chairman, Jerome B. Goldsmith, Douglas I. Hodgkin, and Belle Rush. Also present were William Stokes of the Office of the Attorney General and James Barnett, Assistant to the Commission.

Both parties to the appeal were represented by Counsel, Mr. Soucy by Paul F. Zendzian and Jonathan Hull, and Mr. Lancaster by Loyall Sewall. Attorneys for both sides prepared briefs for the Commission and presented arguments to the Commission on each ballot in the course of the hearing.

**Findings of Fact**

The 11 ballots, designated A through K, were considered first. Of the 11 ballots, ballot B was conceded by Counsel to Mr. Lancaster, as was ballot K. Thus, only 9 ballots were actually in dispute during the appeal hearing.

Seven of the ballots designated as C, D, E, G, H, I and J, were disputed on the grounds that the intent of the voter could not be determined. After hearing argument from Counsel on each side, the Commission made a finding as to the intent of the voter for each of these ballots and cast them according to the attached table. The Commission vote on C was 4-1, and on D was 3-2, with E, G, H, I and J being decided on a unanimous vote of the members present.

Ballots A and F were disputed on the grounds that a distinguishing mark appears on each of these ballots. By unanimous vote of the members present, the Commission found that there were no distinguishing marks on these two ballots and voted them unanimously as shown in the attached table.

With 44 envelopes no longer in dispute, the four unopened absentee ballots were examined next. These four absentee ballots were designated M, N, O and P. It was conceded by Counsel for both parties that ballot P should not be counted because the envelope was not notarized.

Absentee ballot M was an unopened military ballot, and was challenged. After determining that a signature of the voter is not required to request an absentee ballot in the case of military personnel, the Commission voted 4-1 to find that the ballot should be counted if it could affect the outcome of the election.

Absentee ballot N was determined to be the second ballot of two ballots given by the voter in question to the two candidates involved in the election. Since one of her absentee ballots was already in the ballot box without challenge and therefore already in the count, the Commission voted unanimously to find that ballot N should not be counted.

In the case of absentee ballot O, the envelope lacked the signature of the voter, a statutorily-mandated requirement. The Commission found that the ballot should not be counted on those grounds, by a unanimous vote of the members present.

With the count at that point standing at 1505 for Mr. Soucy and 1503 valid votes for the District 1 House seat. The Commission finds that Mr. Soucy is the winner of the November 6, 1984 District 1 General Election for the House of Representatives.

Dated: December 7, 1984

FOR THE COMMISSION:

S/JOSEPH B. CAMPBELL

Chairman

The Communication was read and referred to the Committee on Elections.

The Speaker announced the following to the Committee on Elections:

Paradis of Augusta, Chairman

Chonko of Topsham

Hayden of Durham

Gwadosky of Fairfield  
Pouliot of Lewiston  
Strout of Corinth  
Randall of East Machias

The following Communication:

STATE OF MAINE

House of Representatives

Speaker's Office

Augusta, Maine 04333

December 20, 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 pursuant to S.P. 14, Joint Order re-establishing the Public Utilities Investigating Committee, and pursuant to a vote of the Legislative Council on December 6, 1984, I have appointed the following:

Rep. Nathaniel J. Crowley, Chair  
Rep. John L. Martin  
Rep. Carol Allen  
Rep. Patricia M. Stevens  
Rep. Edward J. Kane  
Rep. Dan A. Gwadosky  
Rep. Linwood M. Higgins  
Rep. Ralph M. Willey  
Rep. Donald F. Sproul  
Rep. Philip C. Jackson

Sincerely,

S/JOHN L. MARTIN

Speaker of the House

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE

Department of

Educational and Cultural Services

STATE HOUSE STATION 23

AUGUSTA, MAINE 04333

December 1, 1984

TO: Members of the 112th Legislature

Bureau of the Budget

FROM: Robert E. Boose, Commissioner

SUBJECT: Actual Education Costs for Base Year 1983-84

Pursuant to the provisions of 20-A MRSA sub-section 15604, I forward herewith notification of the "actual education costs" as defined in subsection 1 of 20-A MRSA sub-section 15604 for the base year 1983-84.

A. Operating costs	\$229,392,658
(1) Elementary	143,237,797
(2) Secondary	143,237,797

B. Special education costs for programs operated by administrative units	27,350,615
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C. Special education tuition and board, excluding medical costs	
(1) Tuition and board for pupils placed by administrative units	\$ 6,446,844
(2) Tuition and board for State wards and direct State placements	1,796,501
(3) Adjustments under section 15609, subsection 6	400,000

D. Vocational education costs	11,632,887
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E. Transportation operating costs	32,435,887
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F. Purchase of buses	3,986,475
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G. Debt service costs	
(1) Principal and Interest	28,839,850
(2) Insured Value Factor	568,716
(3) Leases	639,014
Other major capital costs	2,315,023

H. Cost of reimbursement for private school services	278,886
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I. Cost of state expenditures for teacher retirement benefits	56,724,541
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J. Early childhood educational programs	127,861
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The above figures include all adjustments in expenditure reports through December 1,

1984. These expenditures are from state and local monies only, except that Federal P. L. 874 funds are included.

Was read and ordered placed on file.

The following Communication:  
Department of Energy  
Chicago Operations Office  
Crystalline Repository Project  
Office (CPO)  
9800 South Cass Avenue  
Argonne, Illinois 60439

December 10, 1984

Honorable John L. Martin  
Speaker of the House of Representatives of  
the State of Maine Augusta, Maine 04333

Dear Speaker Martin:

SUBJECT: REVISED DRAFT REGIONAL  
CHARACTERIZATION REPORTS  
AND COMMENT RESPONSE DOCUMENT

A copy of the subject documents is being sent for your information under separate cover. The revised draft Regional Characterization Reports describe the environmental and geologic data collected from existing literature that will be used for region-to-area screening of crystalline rocks in an effort to identify possible candidate sites for the nation's second high-level nuclear waste repository.

The revised draft Regional Characterization Reports have been revised to incorporate additional data required by the draft Region-to-Area Screening Methodology, developed in compliance with the DOE Siting Guidelines, as well as comments submitted on the draft RCRs issued in May 1983. In addition, the more than 2000 written comments submitted on the May 1983 draft RCRs are addressed in the Comment Response Document.

Enclosed, for your information, is a copy of the press release announcing issuance of the reports and the fact sheet prepared for responding to inquiries on the documents.

Comments on the RCRs have been requested from your State, as well as the other 16 states involved in the Crystalline Repository Project, by March 15, 1985. Any questions you may have regarding these documents should be directed to Mr. Hunter Weiler on (312) 972-2957.

Sincerely,  
S/SALLY A. MANN, MANAGER  
Crystalline Repository Project

Was read and with accompanying papers  
ordered placed on file.

The following Communication:

December 12, 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 pursuant to Chapter 502 of the Public Laws of 1983, I have today reappointed Rep. Paul F. Jacques and Rep. Patrick K. McGowan to the Whitewater Advisory Committee until the panel terminates on June 30, 1986.

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

Was read and ordered placed on file.

The following Communication:

December 13, 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 pursuant to Chapter 498 of the Public Laws of 1981, I have today reappointed Paul L. McCann, of Millinocket, and Robert Smith, of Bath, to the State Compensation Commission for the current legislative biennium.

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

Was read and ordered placed on file.

The following Communication:

December 10, 1984

The Honorable John L. Martin  
Speaker of the House  
House of Representatives  
State House, Station 2  
Augusta, ME 04333

Dear Speaker Martin:

The accompanying report of State-owned real estate is submitted in accordance with the provisions of Title 36, M.R.S.A. sub-section 1283.

This report includes eleven properties or interests acquired through liens maturing since the last Regular Session of the Legislature. A description of each property is provided and recommendations for disposition are included.

This report shows the entire amount of outstanding tax, interest and costs that have accrued on each property. The outstanding tax is determined by calculating the total tax that is due with regard to the particular property as though it remained taxable after the State's lien matured.

Respectfully submitted,  
S/ANTHONY J. NEVES  
State Tax Assessor

Was read and with accompanying papers  
ordered placed on file.

The following Communication:

Department of Energy  
Washington, D.C. 20585  
December 14, 1984

Honorable John L. Martin  
Speaker  
Maine House of Representatives  
State House  
Augusta, ME 04333

Dear Speaker Martin:

Enclosed for your information is a copy of the Department of Energy's rule (to be codified at 10 CFR Part 960), **Final General Guidelines for the Recommendation of Sites for the Nuclear Waste Repositories** (siting guidelines). These siting guidelines are required by Section 112 (a) of the Nuclear Waste Policy Act of 1982 (the Act).

The Department issued proposed siting guidelines in the **Federal Register** on February 7, 1983, and initiated an extensive process of public comment and consultation with States, affected Indian tribes, and Federal agencies. This process included opportunity for public comment, a series of public hearings, and meetings with States, affected Indian tribes, and Federal agencies.

Upon consideration of all comments received, the siting guidelines were revised and submitted to the Nuclear Regulatory Commission (NRC) for review and concurrence as required by the Act. In structuring its concurrence procedure, the NRC published its decision making process in the **Federal Register** on December 15, 1983.

Following two rounds of public comment, three public meetings, and a series of six technical meetings between the Commission and Department staff, the NRC announced its unanimous decision to concur on the siting guidelines. This decision was published in the **Federal Register** on July 10, 1984. The siting guidelines were approved for issuance by the Secretary on November 30, 1984, as a final Departmental rule.

The final siting guidelines were published in the **Federal Register** on December 6, 1984, and, as provided in the Administrative Procedure Act, will become effective 30 days thereafter.

We believe the siting guidelines which have resulted from this extensive process comply with the letter and spirit of the Act. We further

believe that these siting guidelines will provide a solid basis for the selection of sites for geologic repositories for the disposal of high-level radioactive waste and spent nuclear fuel.

If you have any questions regarding these final siting guidelines, please contact me.

Sincerely,  
S/BEN C. RUSCHE, Director  
Office of Civilian Radioactive  
Waste Management

Was read and with accompanying papers  
ordered placed on file.

The following Communication: (H.P. 11)

December 19, 1984

John L. Martin  
Speaker of the House  
112th Legislature  
Charles P. Pray  
President of the Senate  
112th Legislature

Dear Mr. Speaker and Mr. President:

On December 19, 1984, one Bill was received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 14, this bill was referred to the Joint Standing Committee on December 19, 1984 as follows:

#### LOCAL AND COUNTY GOVERNMENT

Bill "An Act to Allow Municipal Officers to Appoint Deputy Treasurers and Deputy Tax Collectors" (H.P. 8) (L.D. 6) (Presented by Representative DAGGETT of Manchester)

Sincerely,  
S/EDWIN H. PERT  
Clerk of the House  
S/JOHN J. O'BRIEN

Secretary of the Senate

Was read and ordered placed on file and sent up for concurrence.

The following Communication: (H.P. 12)

December 21, 1984

John L. Martin  
Speaker of the House  
112th Legislature  
Charles P. Pray  
President of the Senate  
112th Legislature

Dear Mr. Speaker and Mr. President:

On December 21, 1984, two Bills were received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 14, these bills were referred to the Joint Standing Committees on December 21, 1984 as follows:

#### JUDICIARY

Bill "An Act to Increase the Fees of Bail Commissioners" (H.P. 9) (L.D. 7) (Presented by Representative ROLDE of York)

#### LEGAL AFFAIRS

Bill "An Act Relating to the Location of Agency Liquor Stores" (H.P. 10) (L.D. 8) (Presented by Representative ROLDE of York)

Sincerely,  
S/EDWIN H. PERT  
Clerk of the House  
S/JOY J. O'BRIEN

Secretary of the Senate

Was read and ordered placed on file and sent up for concurrence.

#### Orders

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

ORDERED, that Representative Rita B. Melendy of Rockland be excused January 2 and 3 for personal reasons;

AND BE IT FURTHER ORDERED, that Representative Patricia Stevens of Bangor be excused January 2, 3 and 4 for personal reasons.

Was read and passed.

Subsequently Representative Murphy reported that the necessary oaths had been taken by the Representatives to qualify them to enter upon their official duties.

The Chair is pleased to announce that Representative Pines of Limestone will be assigned Seat 109 and Representative Dillenback

of Cumberland will be assigned Seat 63.

The following item appearing on Supplement No. 1 was taken up out of order by unanimous consent:

(2-1) The following Communication:  
HOUSE COMMITTEE ON ELECTIONS  
January 2, 1985

Honorable John L. Martin

Speaker of the House

Augusta, Maine 04333

Dear Speaker Martin:

We have received the communication from the Commission on Governmental Ethics and Election Practices dated December 7, 1984 relative to the November 6, 1984 District 1 General Election to the House of Representatives.

The Commission found that Frederick F. Soucy had 1,505 valid votes and Cecil O. Lancaster received 1,503 for the District 1 House seat.

We subscribe to the findings of the Commission that Frederick F. Soucy of Kittery be declared the winner. We recommend, pursuant to Article IV, Part Third, Section 3 of the Maine Constitution, that Frederick F. Soucy be determined the winner and permanently seated by the House.

Sincerely,  
S/PATRICK E. PARADIS,  
Chairman

House Committee on Elections

The Communication was read.

On motion of Representative Paradis of Augusta, the Committee Report on Elections was accepted.

The SPEAKER: The Chair would like to permanently welcome Representative Soucy.

The Chair is pleased to announce the appointments to the following committees of the House:

Ways and Means

McGowan of Canaan, Chairman

Brannigan of Portland

Moholland of Princeton

Daggett of Manchester

Warren of Scarborough

Masterman of Milo

Higgins of Scarborough

Leaves of Absence

McSweeney of Old Orchard Beach, Chairman

Nadeau of Lewiston

Crouse of Caribou

Manning of Portland

Melendy of Rockland

Smith of Mars Hill

Callahan of Mechanic Falls

Bills in the Second Reading

Bost of Orono, Chairman

Brown of Gorham

Cote of Auburn

Tammaro of Baileyville

MacBride of Presque Isle

Foster of Ellsworth

Stetson of Damariscotta

Engrossed Bills

Kane of South Portland, Chairman

Crowley of Stockton Springs

Reeves of Pittston

Simpson of Casco

MacBride of Presque Isle

McPherson of Eliot

Salsbury of Bar Harbor

Rules and Business  
of the House

The Speaker, Ex Officio

Diamond of Bangor

Murphy of Kennebunk

Smith of Mars Hill

(Off Record Remarks)

On motion of Representative Telow of Lewiston.

Adjourned until ten o'clock tomorrow morning.