

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

Thursday, January 3, 1985

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

Prayer by Reverend Trueman Bray, Penny Memorial United Baptist Church, Augusta.

The Journal of yesterday was read and approved.

A Quorum called; was held.

Messages and Documents

The following Communication: (S.P. 19)
MAINE SENTENCING GUIDELINES
COMMISSION

November 30, 1984

The Honorable Charles P. Pray, Chairperson
Legislative Council
State House
Augusta, Maine 04333

Dear Senator Pray:

The Maine Sentencing Guidelines Commission hereby submits its final report to the 111th Legislature. We hope that you will find it useful in establishing advisory guidelines for sentencing. As the report indicates, we believe there is a need for further review and evaluation before any advisory guidelines are established in law. We strongly urge you to continue that process with the establishment of another commission.

If you have any questions regarding this report or desire any further elaboration on the Commission deliberations, findings, recommendations or the conclusion, do not hesitate to contact me. I will be available to discuss these matters further should you so desire.

Respectfully Submitted,
S/Dr. Hugh J. Phillips,
Chairperson

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

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

The following Communication:

STATE OF MAINE
DEPARTMENT OF AUDIT
AUGUSTA, MAINE 04333

December 7, 1984

To the President of the Senate and the Speaker of the House of Representatives

In accordance with Title 5, Section 243, Maine Revised Statutes Annotated of 1964, as amended, an audit has been conducted of the financial records of the Unorganized Territory Tax District for the fiscal year ended June 30, 1984.

The examination was made in accordance with generally accepted auditing standards and the Standards for Audit of Governmental Organizations, Programs, Activities and Functions, promulgated by the U.S. Comptroller General and, accordingly included such tests of the accounting records and such other auditing procedures as we considered necessary in the circumstances.

Within the scope of the examination, the financial transactions were appropriately handled, with such exceptions as may be noted in the accompanying commentary.

In our opinion, the exhibits and schedules contained in this report present fairly the financial position of the various funds of the Unorganized Territory Tax District at June 30, 1984, the results of operations and the changes in fund balances of such funds for the fiscal year then ended, in conformity with generally accepted accounting principles applied on a basis consistent with that of the preceding year.

S/GEORGE J. RAINVILLE
State Auditor

Was read and with accompanying papers ordered placed on file.

The following Communication:

STATE OF MAINE
BUREAU OF TAXATION

December 31, 1984

The Honorable John L. Martin

Speaker of the House

Augusta, Maine 04333

Dear Speaker Martin:

The accompanying report is submitted in compliance with Chapter 632 as enacted by the Second Session of the 111th Legislature. The Bureau of Taxation is required to make a report to the First Session of the 112th Legislature listing for each municipality and the Unorganized Territory the property tax revenue loss resulting from the exemption of watercraft from the property tax during 1984; and the amount of watercraft excise tax collected by each municipality and the Unorganized Territory for 1984.

Very truly yours,
S/Anthony J. Neves
State Tax Assessor

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 the recommendation of the Committee on Reference of Bills, were referred to the following Committees, Ordered Printed and Sent up for Concurrence:

Education

Bill "An Act Relating to Employment by School Administrative Unit, School Union and Academy" (H.P. 13) (Presented by Representative Perry of Mexico)

(Ordered printed)

Sent up for concurrence.

ORDERS

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

ORDERED, that Representative H. Craig Higgins of Portland be excused January 2 and 3 for legislative business.

Was read and passed.

Legislative Sentiment

On motion of Representative Erwin of Rumford, was removed from the Legislative Sentiment Calendar.

In Memory of:

The Hon. Robert A. MacEachern, of Lincoln, a dear and trusted colleague, who served with the highest distinction as a Member of the 107th, 108th, 109th, 110th and 111th Maine Legislatures; (SLS 001)

Was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Rumford, Representative Erwin.

Representative ERWIN: Mr. Speaker, Ladies and Gentlemen of the House. I rise today to pay tribute to the late Robert MacEachern, Representative from Lincoln, who served ten years in this House and served as Chairman of the Inland, Fisheries and Wildlife Committee during the 110th and 111th Legislatures. I had the privilege of serving on the Committee during the past two sessions. I am particularly grateful that I had the opportunity to have served on the Inland, Fisheries and Wildlife Subcommittee to the Audit and Program Review Committee during the 111th, having been appointed to that Committee by my Chairman, Bob. Bob will be greatly missed, not only by his constituents, but by his fellow Legislators, the Sportsman throughout the state and indeed by all the citizens of the State of Maine. We have lost a very dedicated Legislator and a very dear friend.

Subsequently, was adopted in concurrence.

The following item appearing on Supplement 1 was taken up out of order by unanimous consent.

**PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE**

Bill "An Act to Amend the Law Relating to the Special Commission to Study the Implementation of Educational Reform" (Emergency) (H. P. 14) (L.D. 11) (Presented by Representative DIAMOND of Bangor) (Co-sponsors: Speaker MARTIN of Eagle Lake and Senator CLARK of Cumberland)

Committee on Education was suggested.

Under suspension of the rules and without reference to a Committee, the bill was read twice, passed to be engrossed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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

AGING, RETIREMENT AND VETERANS

Senators:

N. Paul Gauvreau (D-Androscoggin), Chair
Nancy Randall Clark (D-Cumberland)
Mary-Ellen Maybury (R-Penobscot)

Representatives:

Daniel B. Hickey (D-Augusta), Chair
Francis J. Perry (D-Mexico)
John McSweeney (D-Old Orchard Beach)
Alexander Richard (D-Madison)
John Jalbert (D-Lisbon)
Dana P. Stevenson (R-Unity)
Jean T. Dellert (R-Gardiner)
Wesley Farnum (R-South Berwick)
Betty J. Harper (R-Lincoln)
Albert G. Stevens (R-Sabattus)

AGRICULTURE

Senators:

Edgar E. Erwin (D-Oxford), Chair
Michael E. Carpenter (D-Aroostook)
Henry W. Black (R-Cumberland)

Representatives:

John M. Michael (D-Auburn), Chair
Richard E. McCollister (D-Canton)
Steven E. Crouse (D-Caribou)
John P. Daggett (D-Manchester)
Robert J. Tardy (D-Palmyra)
Weston R. Sherburne (R-Dexter)
Paul Parent (R-Benton)
Harland W. Bragg (R-Sidney)
Willis A. Lord (R-Waterboro)
Walter E. Whitcomb (R-Waldo)

APPROPRIATIONS**AND FINANCIAL AFFAIRS**

Senators:

Michael D. Pearson (D-Penobscot), Chair
Charles G. Dow (D-Kennebec)
James A. McBreairey (R-Aroostook)

Representatives:

Donald V. Carter (D-Winslow), Chair
Lorraine N. Chonko (D-Topsham)
Laurence E. Connolly, Jr. (D-Portland)
John Lisnik (D-Presque Isle)
Gregory G. Nadeau (D-Lewiston)
Patrick K. McGowan (D-Canaan)
Carl W. Smith, Sr. (R-Mars Hill)
Susan J. Bell (R-Paris)
Linwood M. Higgins (R-Scarborough)
Ruth S. Foster (R-Ellsworth)

AUDIT AND PROGRAM REVIEW

Senators:

G. William Diamond (D-Cumberland), Chair
Zachary E. Matthews (D-Kennebec)
Mary-Ellen Maybury (R-Penobscot)

Representatives:

Neil Rolde (D-York), Chair
Ruth Joseph (D-Waterville)
Phyllis R. Erwin (D-Rumford)
Harold M. Macomber (D-South Portland)
Norman O. Racine (D-Biddeford)
P. Kelley Simpson (D-Casco)
Orland G. McPherson (R-Eliot)
Edwin C. Randall (R-East Machias)
Pamela L. Cahill (R-Woolwich)
Donald F. Sproul (R-Augusta)

BUSINESS AND COMMERCE

Senators:

Beverly Miner Bustin (D-Kennebec), Chair

Robert E. Murray, Jr. (D-Bangor)
 Patricia M. Stevens (D-Bangor)
 John A. Aliberti (D-Lewiston)
 Charlene B. Rydell (D-Brunswick)
 John Telow (R-Lewiston)
 Richard W. Armstrong (R-Wilton)
 Alan L. Baker (R-Orrington)
 Gerald A. Hillock (R-Gorham)

EDUCATION

Senators:

Larry M. Brown (D-Washington), Chair
 N. Paul Gauvreau (D-Androscoggin)
 Walter W. Hichens (R-York)

Representatives:

Ada K. Brown (D-Gorham), Chair
 Steven E. Crouse (D-Caribou)
 Stephen M. Bost (D-Orono)
 James R. Handy (D-Lewiston)
 William O'Gara (D-Westbrook)
 Gwilym R. Roberts (D-Farmington)
 Kenneth L. Matthews (R-Caribou)
 Mary E. Small (R-Bath)
 Judith C. Foss (R-Yarmouth)
 William F. Lawrence (R-Parsonsfield)

ENERGY AND NATURAL RESOURCES

Senators:

Ronald E. Usher (D-Cumberland), Chair
 Judy C. Kany (D-Kennebec)
 Jerome A. Emerson (R-Penobscot)

Representatives:

Michael H. Michaud (D-East Millinocket),
 Chair
 Paul F. Jacques (D-Waterville)
 James Mitchell (D-Freeport)
 Vinton T. Ridley (D-Shapleigh)
 James Reed Coles (D-Harpswell)
 Annette M. Hoglund (D-Portland)
 Edward L. Dexter (R-Kingfield)
 Darryl N. Brown (R-Livermore Falls)
 Muriel D. Holloway (R-Edgecomb)
 Stephen J. Law (R-Dover-Foxcroft)

FISHERIES AND WILDLIFE

Senators:

Zachary E. Matthews (D-Kennebec), Chair
 Ronald E. Usher (D-Cumberland)
 Charles M. Webster (R-Franklin)

Representatives:

Paul F. Jacques (D-Waterville), Chair
 Herbert E. Clark (D-Millinocket)
 Phyllis R. Erwin (D-Rumford)
 Carl B. Smith (D-Island Falls)
 Dorothy A. Rotondi (D-Athens)
 Thomas A. Duffy (D-Bangor)
 Joseph G. Walker (D-Norway)
 Maynard G. Conners (R-Franklin)
 Ernest C. Greenlaw (R-Standish)
 Norman E. Weymouth (R-West Gardiner)

HUMAN RESOURCES

Senators:

Georgette B. Berube (D-Androscoggin),
 Chair
 Beverly Miner Bustin (D-Kennebec)
 Barbara A. Gill (R-Cumberland)

Representatives:

Merle Nelson (D-Portland), Chair
 Alfred L. Brodeur (D-Auburn)
 Peter J. Manning (D-Portland)
 Donnell P. Carroll (D-Gray)
 Rita B. Melendy (D-Rockland)
 Neil Rolde (D-York)
 Susan J. Pines (R-Limestone)
 H. Stedman Seavey, Jr. (R-Kennebunkport)
 Kerry E. Kimball (R-Buxton)
 Priscilla G. Taylor (R-Camden)

JUDICIARY

Senators:

Michael E. Carpenter (D-Aroostook), Chair
 Jean B. Chalmers (D-Knox)
 Charlotte Zahn Sewall (R-Lincoln)

Representatives:

Edward J. Kane, (D-South Portland), Chair
 J. Robert Carrier (D-Westbrook)
 Patrick E. Paradis (D-Augusta)
 Carol Allen (D-Washington)
 Gary C. Cooper (D-Windham)
 Charles R. Priest (D-Brunswick)
 Lloyd G. Drinkwater (R-Belfast)
 Mary H. MacBride (R-Presque Isle)

Catharine K. Lebowitz (R-Bangor)
 Rufus E. Stetson, Jr. (R-Damariscotta)
 LABOR

Senators:

Dennis L. Dutremble (D-York), Chair
 John L. Tuttle, Jr. (D-York)
 Henry W. Black (R-Cumberland)

Representatives:

Edith S. Beaulieu (D-Portland), Chair
 Antonio J. Tammara (D-Baileyville)
 Ruth Joseph (D-Waterville)
 Mona Walker Hale (D-Sanford)
 Richard P. Ruhlín (D-Brewer)
 Ralph M. Willey (R-Hampden)
 Allan L. Bonney (R-Palmouth)
 Jeanne F. Begley (R-Waldoboro)
 Michael F. Hepburn (R-Skowhegan)
 Duane R. Lander (R-Greenville)

LEGAL AFFAIRS

Senators:

Richard L. Trafton (D-Androscoggin), Chair
 Mary Najarian (D-Cumberland)
 Courtney E. Stover (R-Sagadahoc)

Representatives:

Polly Reeves (D-Pittston), Chair
 Francis J. Perry (D-Mexico)
 Norman R. Paul (D-Sanford)
 Roland A. Rioux (D-Biddeford)
 Daniel R. Warren (D-Scarborough)
 Robert G. Dillenback (R-Cumberland)
 Eleanor M. Murphy (R-Berwick)
 John E. Masterman (R-Milo)
 John C. Bott (R-Orono)
 Roy I. Nickerson (R-Turner)

LOCAL AND COUNTY GOVERNMENT

Senators:

John L. Tuttle, Jr. (D-York), Chair
 John E. Baldacci (D-Penobscot)
 Courtney E. Stover (R-Sagadahoc)

Representatives:

Edward A. McHenry (D-Madawaska), Chair
 John P. Daggett (D-Manchester)
 Carl B. Smith (D-Island Falls)
 Dorothy A. Rotondi (D-Athens)
 Mona Walker Hale (D-Sanford)
 Alberta M. Wentworth (R-Berwick)
 Eleanor M. Murphy (R-Berwick)
 John E. Masterman (R-Milo)
 Roland S. Salisbury, Jr. (R-Bar Harbor)
 Roy I. Nickerson (R-Turner)

MARINE RESOURCES

Senators:

Jean B. Chalmers (D-Knox), Chair
 Larry M. Brown (D-Washington)
 Melvin A. Shute (R-Waldo)

Representatives:

Nathaniel J. Crowley, Sr. (D-Stockton
 Springs), Chair
 Harry L. Vose (D-Easport)
 Peter J. Manning (D-Portland)
 James Mitchell (D-Freeport)
 James Reed Coles (D-Harpswell)
 Richard P. Ruhlín (D-Brewer)
 Maynard G. Conners (R-Franklin)
 Roland S. Salisbury, Jr. (R-Bar Harbor)
 Guy G. Scarpino (R-St. George)
 Sally R. Rice (R-Stonington)

STATE GOVERNMENT

Senators:

Judy C. Kany (D-Kennebec), Chair
 Thomas H. Andrews (D-Cumberland)
 Walter W. Hichens (R-York)

Representatives:

Dan A. Gwadosky (D-Fairfield), Chair
 Constance D. Cote (D-Auburn)
 Bradford E. Boutillier (D-Lewiston)
 Arthur G. Descoteaux (D-Biddeford)
 Elaine Lacroix (D-Oakland)
 Guy R. Nadeau (D-Saco)
 Robert G. Dillenback (R-Cumberland)
 Donald F. Sproul (R-Augusta)
 Alberta M. Wentworth (R-Wells)
 Clyde A. Hichborn (R-LaGrange)

TAXATION

Senators:

R. Donald Twitchell (D-Oxford), Chair
 G. William Diamond (D-Cumberland)
 Jerome A. Emerson (R-Penobscot)

Representatives:

H. Craig Higgins (D-Portland), Chair
 Richard E. McCollister (D-Canton)
 John A. Cashman (D-Old Town)
 Merle Nelson (D-Portland)
 Dana S. Swazey (D-Bucksport)
 Joseph W. Mayo (D-Thomaston)
 Gennette M. Ingraham (R-Houlton)
 Philip C. Jackson (R-Harrison)
 Stephen M. Zirkilton (R-Mount Desert)
 Mary C. Webster (R-Cape Elizabeth)

TRANSPORTATION

Senators:

Peter W. Danton (D-York), Chair
 Edgar E. Erwin (D-Oxford)
 Melvin A. Shute (R-Waldo)

Representatives:

Raynold Theriault (D-Fort Kent), Chair
 Harold M. Macomber (D-South Portland)
 Fred W. Moholland (D-Princeton)
 Roger M. Pouliot (D-Lewiston)
 Frederick F. Soucy (D-Kittery)
 Jeffery N. Mills (D-Bethel)
 Donald A. Strout (R-Corinth)
 Orland G. McPherson (R-Eliot)
 Pamela L. Cahill (R-Woolwich)
 Daniel J. Callahan (R-Mechanic Falls)

UTILITIES

Senators:

John E. Baldacci (D-Penobscot), Chair
 Thomas H. Andrews (D-Cumberland)
 Charles W. Webster (R-Franklin)

Representatives:

Harry L. Vose (D-Eastport), Chair
 Harlan Baker (D-Portland)
 Edward A. McHenry (D-Madawaska)
 Herbert E. Clark (D-Millinocket)
 Alexander Richard (D-Madison)
 Norman E. Weymouth (R-West Gardiner)
 Eugene J. Paradis (R-Old Town)
 Ralph M. Willey (R-Hampden)
 Earl G. Nicholson (R-South Portland)
 Mary C. Webster (R-Cape Elizabeth)

The following item appearing on Supplement 2 was taken up out of order by unanimous consent.

Passed to be Enacted Emergency Measure

(10-1) An Act to Amend the Law Relating to the Special Commission to Study the Implementation of Educational Reform (H. P. 14) (L.D. 11)

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

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Diamond.

Representative DIAMOND: Thank you Mr. Speaker. Ladies and Gentlemen of the House. The legislation you have before you deals with the Education reform package that was passed during the Special Session last September. Specifically, it relates to a Commission that was created, designed to implement the recommendations and the reforms that we approved back in the 111th Session. The Commission is called the Commission to Study the Implementation of Educational Reform and it was given for this fiscal year a budget of \$3,000 to cover its costs to study the issues and its charge, a charge that extends through 1988. Last night at the Legislative Council meeting we received a letter from the Chair of that Commission, former Senator Hayes, who said that the five meetings that have been held to date have used most of the \$3,000 that is in the fiscal year 1985 budget. Most of that reimbursement goes for mileage reimbursement and meal reimbursement. The Council unanimously approved extending the Commission's authority to meet for at least two meetings, a meeting on January 7 and on January 16. After that meeting we became aware that because the Commission's funding was in the Education Department and statutorily established that Legislation was necessary to increase that funding. So this supplement, the supplemental appropriation came through. The bottom line

Department and statutorily established that Legislation was necessary to increase that funding. So this supplement, the supplemental appropriation came through. The bottom line on page two of the bill indicates an amount of \$13,000. That amount includes the \$3,000 previously set aside for this Commission. So in fact, what we are asking for is that \$10,000 in additional money to allow this Commission to meeting through this fiscal year. The Commission has its initial report due on April 1, and it will have successive reports due on January 1st of the next three years. So I ask your support for this piece of legislation. It is an emergency bill and will need 101 votes. Thank you.

Mr. SPEAKER: The Chair recognizes the Representative from South Paris, Representative Bell.

Representative BELL: Thank you Mr. Speaker. May I pose a question through the Chair?

Just one question we had, Representative Diamond, per diem for Legislators and what that actually means?

Mr. SPEAKER: The Representative from South Paris, Representative Bell has posed a question through the Chair to anyone who may answer if they so desire.

Mr. SPEAKER: The Chair recognizes the Representative from Bangor, Representative Diamond.

Representative DIAMOND: Thank you Mr. Speaker. Ladies and Gentlemen of the House. In response to Representative Bell's question. The per diem for Legislators indicated here includes per diem paid while the Legislature is out of session. This does not provide per diem for Legislators who are in session. So this only covers those costs already incurred and those that might be incurred by bringing Legislators to meetings of the Commission who would otherwise not be compensated.

Mr. SPEAKER: The Chair recognizes the Representative from East Machias, Representative Randall.

Representative RANDALL: I would like to pose a question through the Chair.

I am wondering if former Representatives or Senators are reimbursed as Legislators or what is the condition on that?

Mr. SPEAKER: The Representative from East Machias, Representative Randall, has posed a question through the Chair to anyone who may answer if they so desire?

The Chair recognizes the Representative from Bangor, Representative Diamond.

Representative DIAMOND: Thank you Mr. Speaker. Ladies and Gentlemen of the House. In response to the question. Former legislators who are members of this Commission currently are not provided for under the law as far as reimbursement for their time on the Commission. That is another change that we will have to come forward with later on. But because the Commission wants to meet immediately and because it does not have the money to meet it was imperative that we deal with the funding question first and deal with the question of compensation for those members who unfortunately are excluded from reimbursement. That will be an issue that we will be bringing up later.

The SPEAKER: This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 107 voted in favor of same and 23 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)

On motion of Representative Carter of Winslow adjourned until 4:00 p.m., Monday, January 7, 1985 in memory of the late Honorable Robert A. MacEachern of Lincoln.