

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

Tuesday, January 15, 1985

Calling of the House to Order by the Speaker.
Prayer by Paul Cates, East Vassalboro Friends Meeting.

National Anthem by the Hall-Dale High School Band.

A quorum called; was held.

The Journal of Thursday, January 10, 1985 was read and approved.

Papers from the Senate

The following Joint Order: (S. P. 40)

Ordered, the House concurring that the Joint Standing Committee on Local and County Government report out such legislation as it sees fit to revise the salaries of county officers and lay the county taxes for the year 1985.

Came from the Senate, read and passed.

The Joint Order was read.

Subsequently, on motion of Representative McHENRY of Madawaska, the Joint Order was indefinitely postponed.

Messages and Documents

The following Communication: (S. P. 38)

STATE OF MAINE
112th Legislature

January 9, 1985

The Honorable Larry M. Brown

The Honorable Ada K. Brown

Chairpersons, Committee on Education
112th Legislature

Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated Ralph Conant of Winslow for appointment to the State Board of Education.

Pursuant to Title 20, MRSA Section 51, this nomination will require review by the Joint Standing Committee on Education and confirmation by the Senate.

Sincerely,

S/CHARLES P. PRAY

President of the Senate

S/JOHN L. MARTIN

Speaker of the House

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

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

The following Communication:

January 9, 1985

The Honorable John L. Martin

Speaker of the House

House of Representatives

State House Station # 2

Augusta, Maine 04333

Dear Speaker Martin:

The accompanying report of State-owned real estate is submitted in accordance with the provision of Title 36 M.R.S.A. subsection 1283.

This report includes thirteen properties or interest acquired through liens maturing as a result of 1983 Forest Fire Suppression Tax delinquencies, since the last Regular Session of the Legislature.

Part A (the Resolve) includes a legal description of each property, the entire amount of outstanding tax, interest and costs which have accrued, and recommendations for disposition. Part B includes a narrative description of each property.

Respectfully submitted,

S/ANTHONY J. NEVES

State Tax Assessor

Was read and with accompanying report ordered placed on file.

The following Communication:

STATE OF MAINE
Executive Department
State Planning Office

January 9, 1985

The Honorable John L. Martin

Speaker of the House

State House Station # 2

Augusta, Maine 04333

Dear Speaker Martin:

I am pleased to transmit for your information the 1983 Annual Report of the Maine Land and Water Resources Council.

The Council was created by Executive Order of the Governor in 1976 to study and recommend solutions to specific land and water resources management problems, and to recommend coordinated state policies for major proposals that transcend the concerns of any one agency.

During 1983, Governor Joseph Brennan asked the Council to develop legislation and administrative measures to effect the Maine Rivers Policy. Accordingly, the 1983 Annual Report offers a good chronological summary of the hydropower and rivers initiatives enacted by the 111th Maine Legislature, and of progress made toward implementation of these measures. I hope you will find it of interest and of use.

With best wishes,

Sincerely,

S/RICHARD E. BARRINGER

Chairman

Land & Water Resources Council

Was read and with accompanying report ordered placed on file.

The following Communication:

FINANCE AUTHORITY OF MAINE

Memorandum

TO: Governor Joseph E. Brennan

Speaker of the House

President of the Senate

Chairman and Members of the Joint Standing Committee on State Government

FROM: Leslie E. Stevens

SUBJECT: 1984 Annual Report of the Finance Authority of Maine

DATE: January 15, 1985

I am pleased to present to you herewith the 1984 Annual Report of the Finance Authority of Maine, reflecting the activity of the Authority's first year of operation for the period September 1983 to June 1984. The Finance Authority was established effective September 23, 1983, and in the future, will report on the basis of a July to June fiscal year. I believe this Annual Report represents a period of substantial achievement, reflecting important contributions to the economic welfare of the State of Maine.

Was read and with accompanying report ordered placed on file.

The following Communication:

STATE OF MAINE

112th Maine Legislature

Honorable 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 our authority under Chapter 85 of the Resolves of 1984, we are appointing Rep. Thomas Duffy to serve as a legislative member of the Select Committee on Forest Practices in the State. He will be filling the vacancy left by former Rep. Earl Kelly.

Sincerely,

S/CHARLES P. PRAY

President of the Senate

S/JOHN L. MARTIN

Speaker of the House

Was read and ordered placed on file.

The following Communication: (H. P. 58)

STATE OF MAINE
112th Legislature

January 14, 1985

The Honorable Vincent L. McKusick
Chief Justice

Supreme Judicial Court

156 Federal Street

Portland, Maine 04101

Dear Mr. Chief Justice:

We are pleased to invite you and as many of the Justices of the Maine Supreme Judicial Court as may be able to attend to a Joint Convention of the 112th Maine Legislature on Wednesday, February 6, 1985, at 11:00 a.m.

We would be pleased to hear from you at that time any message you may care to deliver on the State of the Judiciary.

Sincerely,

S/CHARLES P. PRAY

President of the Senate

S/JOHN L. MARTIN

Speaker of the House

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

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 to Amend the Community School District School Committee's Ability to make Additional Assessments" (H. P. 40) (L. D. 46) (Presented by Representative WENTWORTH of Wells) (Cosponsor: Representative BROWN of Gorham)

Bill "An Act to Compensate Teachers and Other School Employees for Unused Sick Leave upon Retirement from a School Administrative Unit" (H. P. 41) (L. D. 47) (Presented by Representative BEAULIEU of Portland)

(Ordered Printed.)

Sent up for concurrence.

Fisheries and Wildlife

Bill "An Act Concerning Eligibility to Hunt Moose" (H. P. 52) (L. D. 65) (Presented by Representative CALLAHAN of Mechanic Falls) (Cosponsors: Representative MICHAUD of East Millinocket and Senator USHER of Cumberland.)

(Ordered Printed.)

Sent up for concurrence.

Human Resources

Bill "An Act to Repeal the Statute Concerning Premarital Medical Examinations" (H. P. 42) (L. D. 48) (Presented by Representative CARROLL of Gray) (Cosponsors: Senator BUSTIN of Kennebec, Representatives PINES of Limestone, and KIMBALL of Buxton) (Submitted by the Department of Human Services pursuant to Joint Rule 24)

(Ordered Printed.)

Sent up for concurrence.

Labor

Bill "An Act to Modify Unit Clarification in the Municipal Public Employees Labor Relations Act" (H. P. 43) (L. D. 49) (Presented by Representative BEAULIEU of Portland.)

(Ordered Printed.)

Sent up for concurrence.

Legal Affairs

Bill "An Act to Amend the Laws Relating to Games of Chance" (H. P. 44) (L. D. 50) (Presented by Representative PERRY of Mexico) (Cosponsors: Senator STOVER of Sagadahoc, Representatives COTE of Auburn, and McSWEENEY of Old Orchard Beach) (Submitted by the Department of Public Safety pursuant to Joint Rule 24)

(Ordered Printed.)

Sent up for concurrence.

Marine Resources

Bill "An Act Regarding Notice of Municipal Shellfish Conservation Programs" (H. P. 45) (L.D. 51) (Presented by Representative MAN-NING of Portland) (Cosponsors: Repre-

sentatives HOLLOWAY of Edgecomb, COLES of Harpswell, and Senator CHALMERS of Knox)

Bill "An Act to Require the Furnishing of Lobster and Crab Fishing Licence Holders with Annual Copies of the Laws and Regulations" (H. P. 46) (L. D. 52) (Presented by Representative CONNERS of Franklin)

Bill "An Act to Revise the License Suspension Penalties Relating to Marine Resources" (H. P. 47) (L. D. 53) (Presented by Representative CONNERS of Franklin)

Bill "An Act to Revise the Lobster Fund" (H. P. 48) (L. D. 54) (Presented by Representative CONNERS of Franklin)

Bill "An Act to Modify the Closed Period for the Taking of Lobsters" (H. P. 49) (L. D. 55) (Presented by Representative CONNERS of Franklin)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act Concerning Taxpayer Information" (H. P. 53) (L. D. 66) (Presented by Representative STROUT of Corinth) (Cosponsor: Representative TARDY of Palmyra)

Bill "An Act to Increase the Property Tax Exemption on Parsonages" (H. P. 54) (L. D. 67) (Presented by Representative MAYO of Thomaston) (Cosponsor: Representative MILLS of Bethel)

(Ordered Printed)

Sent up for concurrence.

Transportation

Bill "An Act to Prescribe when a Caboose is Required in Connection with Movements of Locomotives and Cars" (H. P. 50) (L. D. 56) (Presented by Representative BEAULIEAU of Portland)

(Ordered Printed)

Sent up for concurrence.

Utilities

Bill "An Act for the Town of Brownville to Acquire the Assets and Liabilities of the Brownville Junction Water District" (Emergency) (H. P. 51) (L. D. 57) (Presented by Representative MASTERMAN of Milo) (Cosponsor: Senator PRAY of Penobscot)

(Ordered Printed)

Sent up for concurrence.

Orders

On motion of Representative MCHENRY of Madawaska, the following Joint Order: (H. P. 56)

ORDERED, The Senate concurring, that the Joint Standing Committee on Local and County Government report out to the House such legislation as it sees fit to revise the salaries of county officers and lay the county taxes for the year 1985.

Was read and passed and sent up for concurrence.

On motion of Representative BAKER of Portland, the following Joint Resolution: (H. P. 55) (Cosponsors: Representatives CONNOLLY of Portland, NELSON of Portland, and BRODEUR of Auburn)

JOINT RESOLUTION IN OBSERVANCE OF THE BIRTHDAY OF

DR. MARTIN LUTHER KING, JR.

WHEREAS, January 15, 1985, marks the 56th anniversary of the birth of Dr. Martin Luther King, Jr.; and

WHEREAS, Dr. King's non-violent means of effecting social change and his strong leadership awakened the moral sense of an entire nation regarding the treatment of minorities; and

WHEREAS, Dr. King played a truly historic role in expanding the freedom of black citizens in this Nation; and

WHEREAS, the principles Dr. King espoused are cornerstones of our democratic society and ones to which we as a Nation should continually recommit ourselves; now,

therefore, be it

RESOLVED: That We, the Members of the 112th Legislature, now assembled in First Regular Session in this the 17th year since the tragic assassination of this historic man, on behalf of the people of Maine, recognize and commemorate in appropriate ceremony at this time the anniversary of the birth of Dr. Martin Luther King, Jr., and in doing so pause to reflect and rededicate ourselves to the fundamental principles of equality and opportunity to which Dr. King's life was dedicated; and be it further

RESOLVED: That suitable copies of this Joint Resolution be prepared and transmitted forthwith by the Secretary of State to Martin Luther King, Jr. Center for Non-violent Social Change to signify the esteem in which Dr. King and the principles he espoused are held by the people of Maine.

Was read and adopted and sent up for concurrence.

On motion of Representative PARADIS of Augusta, the following Joint Resolution: (H. P. 57) (Cosponsors: Senator BUSTIN of Kennebec, Representatives HICKEY of Augusta, and SPROUL of Augusta)

JOINT RESOLUTION TO COMMEMORATE THE COMMISSIONING OF THE U.S.S.

AUGUSTA, SSN710

WHEREAS, "Cities have always been the fireplaces of civilization, whence light and heat radiate out into the dark;" and

WHEREAS, Augusta, the capitol city of Maine is such a city where citizenry radiate a warm and well-lighted hearth; and

WHEREAS, the radiance of this small city will soon beam in the darkest interior of the ocean floor from the most advanced undersea vessel in the world; and

WHEREAS, the United States Ship Augusta, one of the newest class of nuclear-powered attack submarines, was launched January 21, 1984, bearing the name of this proud city; and

WHEREAS, the citizens of Augusta are joined by those throughout the State of Maine and across the great Nation in wishing the captain, officers and crew of this mighty ship Godspeed in accomplishing their most difficult mission, now, therefore be it

RESOLVED: That, We, the members of the One Hundred and Twelfth Legislature of the great sovereign State of Maine, now assembled at the seat of government in Augusta, take this special opportunity on the commissioning of the United States Ship Augusta, SSN710, to recognize and honor, on behalf of the citizens of Augusta and throughout the State, and extend our hopes and prayers that this ship will safely carry out its appointed task; and be it further

RESOLVED: That a duly authenticated copy of this resolution be sent forthwith in honor of the occasion, to Captain Thomas W. Turner, U.S.N. commanding officer of the U.S.S. Augusta on behalf of the Maine Legislature, the City of Augusta and the people of Maine.

Was read and adopted and sent up for concurrence.

Orders of the Day

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

Bill "An Act to Clarify the Term 'Authorized Person' Under the Law Relating to Deaths and Burials" (S. P. 22) (L. D. 26)

—In Senate, Referred to the Committee on Legal Affairs.

(The Committee on Reference of Bills had suggested reference to the Committee on Human Resources.)

Tabled—January 10, 1985 by Representative REEVES of Pittston.

Pending—Reference in concurrence.

On motion of Representative Reeves of Pittston, retabled pending reference in concurrence and tomorrow assigned.

(Off Record Remarks)

Representative STETSON of Damariscotta was granted unanimous consent to address the House:

Representative STETSON: Mr. Speaker, Ladies and Gentlemen of the House: I rise in honor and commemoration of a man named Adam. This man was a man outstanding in statesmanship and in many other facets of his distinguished career.

In 1924 he was the center and captain of Knute Rockne's famous "Four Horsemen and Seven Mules," the most famous football team, I suppose, in collegiate history.

He then moved to Bowdoin where he coached the Bowdoin College football team from 1935 to 1944 and later from 1947 to 1958. During his tenure there, he won or tied eleven state championships.

This man named Adam coached the Cleveland Rams to a national football league title in 1945.

He was a member of the 97th Legislature and served as the Minority Floor Leader when Edmund Muskie was Governor.

From 1961 to 1969, he was a colleague of mine in the Department of Justice serving as a United States Marshall for the District of Maine.

In May of 1984 he received an honorary degree, Doctor of Education, from Bowdoin College.

He was ambassador for American football. He was ambassador for Bowdoin College. He was ambassador for the State of Maine.

I am referring, of course, to Adam J. Walsh and I ask that when we adjourn today that it be in memory and honor of Adam J. Walsh and that a copy of my remarks be forwarded to President Greason of Bowdoin to be kept on record as a memorial to a great man.

He was, at one time, my coach, he was at one time my colleague; he was always my friend.

On motion of Representative Stetson of Damariscotta, adjourned until 10 o'clock tomorrow morning in memory of Adam J. Walsh.