

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 22, 1985

The House was called to order by the Speaker.

Prayer by Father George Szal, St. John the Baptist Catholic Church, Brunswick.

National Anthem by Medomak Valley High School Band.

Quorum called; was held.

Journal of Thursday, January 17, 1985, was read and approved.

Papers from the Senate

The Following Joint Order: (S.P. 65)

WHEREAS, the Legislature has enacted "AN ACT Promoting Alcoholism Prevention, Education, Treatment and Research;" and

WHEREAS, this Act eliminated the language in previous statutes which said that there should be one office to operate state alcohol abuse services; and

WHEREAS, the Act also established an Alcoholism Prevention, Education, Treatment and Research Fund which in large part derives its funds from the premium on spirits and fortified wines; and

WHEREAS, the Legislature is given the power to make allocations from the fund to any public or private agency or person; and

WHEREAS, the Commissioner of Corrections, the Commissioner of Educational and Cultural Services, the Commissioner of Human Services and the Commissioner of Mental Health and Mental Retardation are directed to prepare and submit a report to the Legislature on alcoholism prevention, education, treatment and research, including their specific recommendations regarding allocations from the fund; and

WHEREAS, the Legislature must afford appropriate opportunity to members of the public to express their concerns for proposals for allocations from the fund; and

WHEREAS, this process has been undertaken, now, therefore, be it

ORDERED, the House concurring, that a Joint Select Committee on Alcoholism Services be established and the committee shall consist of 2 members of the Joint Standing Committee on Appropriations and Financial Affairs, 2 members of the Joint Standing Committee on Education, 2 members of the Joint Standing Committee on Human Resources, 2 members of the Joint Standing Committee on Taxation and 5 other members, who shall be appointed by the Speaker of the House and the President of the Senate, with no more than 4 members being appointed from the Senate; and be it further

ORDERED, that the Joint Select Committee on Alcoholism Services review the plan submitted by the Commissioner of Corrections, the Commissioner of Educational and Cultural Services, the Commissioner of Human Services and the Commissioner of Mental Health and Mental Retardation and report out any legislation appropriate to the plan and the purpose of the Act; and be it further

ORDERED, that the committee afford an appropriate opportunity to recommendations regarding allocations from the fund.

Came from the Senate, read and passed.

Was read and passed in concurrence.

Refer to the Committee on Judiciary

Report of the Committee on Legal Affairs on Bill "An Act to Change Urinating in Public from Public Indecency to a Lesser Crime" (S.P. 17) (L.D. 10) reporting that it be referred to the Committee on Judiciary.

Came from the Senate with the report read and accepted and the bill referred to the Committee on Judiciary.

Report was read.

On motion of Representative Reeves of Pittston, the Report was accepted and the bill

referred to the Committee on Judiciary in concurrence.

Non-Concurrent Matter

Bill "An Act Concerning Persons on Partial Release from a Mental Health Institution" (Emergency) (H.P. 69) (L.D. 90) which was referred to the Committee on Human Resources in the House on January 17, 1985.

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

On motion of Representative Kane of South Portland, the House voted to recede and concur.

Messages and Documents

The following Communication: (H.P. 80)

STATE OF MAINE

DEPARTMENT OF STATE

AUGUSTA, MAINE 04333

17 January 1985

The Honorable John L. Martin

Speaker of the House of Representatives

of the One Hundred and Twelfth Legislature

Dear Mr. Speaker:

In accordance with the provisions of Title 30, Section 253, of the Revised Statutes, as amended, I have the honor to transmit herewith the budget estimates of expenses of the sixteen counties within the State for the year 1985.

Respectfully,

S/ RODNEY S. QUINN

Secretary of State

Was read and referred to the Committee on Local and County Government and sent up for concurrence.

The following Communication: (S.P. 64)

STATE OF MAINE

DIRECTOR OF LEGISLATIVE RESEARCH

AUGUSTA, MAINE 04333

January 2, 1985

The Honorable Joy J. O'Brien

Secretary of the Senate

112th Maine Legislature

State House

Augusta, Maine 04333

Dear Joy:

Following is the report of the Director of Legislative Research pursuant to the Maine Revised Statutes Annotated, Title 3, section 164, subsection 10.

Wednesday, December 5, 1984, marked the first legislative day of the first Regular Session of the 112th Legislature. It also marked the third time in the state's history that the Legislature convened during the month of December. The legislation that passed in the opening days before adjourning to January 2, 1985, has been included in the biennial numbering system of the 112th Legislature and will be cited as Chapters 1 and 2 of the Public Laws of 1985. This may seem confusing but it is necessary to stay in keeping with the current system for numbering legislative documents and papers over the two-year duration of each legislature.

Upon recodification of the Constitution of Maine in 1983, Volume I of the Maine Revised Statutes Annotated was scheduled for republication. That volume containing the Constitution of Maine, the Constitution of the United States, the Magna Charter, the Declaration of Independence, the Articles of Confederation and History of Statutory Law, as updated and republished will be available for distribution in the near future. Much credit is due the Chief Justice and his staff and the Office of the Secretary of State for their work on the Constitution of Maine. Their assistance was invaluable in republishing that portion of the volume.

As the law-making branch of State government, the Legislature has continued its republication programs for statutes in order to keep the law as complete and current as possible for public use. This has been done one volume at a time as needed through repub-

lished volumes. It is my recommendation that the republication program continue by funding the republication of 3 additional volumes, which are in need of revision over the next biennium. The following volumes and schedule for republication are suggested.

Volume 15 to become 2 Volumes—Summer of 1985

Volume 16-A to become 2 Volumes—Winter of 1985—1986

Volume 15-A to become 2 Volumes—Spring of 1986

In the fall of 1984, the master setup, in cut and paste form, which had long been the office work horse, was discarded as a new computerized data base including approximately 4,000,000 words was in place and searchable through the 112th legislature. Also linked to this development was a computer screen management program which will extend some of the technical aspects of bill drafting beyond the office walls. These advances promise greater uniformity, speed and accuracy in the preparation of the legislation and have already proved indispensable to the legislative process and a welcome relief for those Legislators who have waited so patiently for printing in the past.

Over the past 2 years many requests have been made of camera—ready copy or separate publication of individual statutes. Now that the data base is complete and updated each session this office can provide camera—ready copy of any segment of law. State departments and agencies requesting this service, which is presently provided at no charge, can then take the copy to a commercial printer and print whatever they need at their expense.

It should be noted, however that this office does not have the capacity to produce statutes in published form nor furnish annotations which are not included within the data base. Therefore, needs for individual published statutes or titles must be met through the appropriate departments, privately funded or authorized and funded by the Legislature. In time, as this service grows, the appropriate schedule of charges for use of the service.

It has been the practice of the Legislature to publish the pamphlet laws at the close of each regular session which occurred between these sessions. This year however, it was not possible in late fall to include the laws of the Third Special Session in any publication but individual copies of this legislation are available through the Secretary of State's Office.

There are two other major areas of concern to the Legislature and to this office. First, in order to reduce the ever nagging number of errors and omissions, this office maintains a computerized title and section program which enables most conflicts in pending legislation to be caught before the conflict becomes enacted into law. The success of this method depends heavily upon the Joint Standing Committee, as well as the Committee on Bills in the Second Reading in each House, requiring the clearance of all conflicts listed on the title and section program before legislation containing those conflicts receives further legislative action. Your support of this program will increase the accuracy and efficiency of the lawmaking process immeasurably.

Second, all errors and omissions in the statutes discovered or brought to the attention of the Director since the previous Legislature will be submitted in bill form to the Judiciary Committee for clarification and correction during the current session. The "Errors Bill" as it is generally known, is customarily sponsored by the committee chairs and contains no substantive matters when initially introduced. Once this bill is before committee a hearing will be scheduled, at which time both substantive and nonsubstantive amendments will be considered. It should be remembered that this bill serves a dual purpose which contributes to its unusual size and length. First, it provides a

means of quality control by which the Legislature can make needed corrections and clarifications of current and past errors. Also, and of equal importance, the bill provides a vehicle for needed revision work. The revision process includes all the necessary changes to update the statutes, a practice which other states accomplish in a separate bill.

As a final note, in order to continue to promote uniformity of procedure, avoid confusion, and permit an orderly transition from revision to revision, it is important that all bills be checked by the Office of the Director before presentation to the legislature. Also, it will be helpful if any criticisms of the 1964 revisions and of the current methods and publications for updating statutes could be forwarded to the director to aid in planning future republications or revisions.

Thank you for your kind attention.

Sincerely,
S/ DAVID S. SILSBY
Director, Legislative
Research

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

Was read and ordered placed on file in concurrence.

The following Communication:

STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333

January 16, 1985

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 my authority under Chapter 439 of the Public Laws of 1981, I have today reappointed Donald E. Nicoll to serve on the Low-level Waste Siting Commission as the representative from an organization that is a low-level waste licensee.

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

Was read and ordered placed on file.

The following communication:

STATE OF MAINE
DEPARTMENT OF HUMAN SERVICES
AUGUSTA, MAINE 04333

January 15, 1985

The Honorable John L. Martin
Speaker of the House
House of Representatives
Station #2
Augusta, Maine 04333
Dear Speaker Martin:

As Chairman of the Alcohol and Drug Abuse Planning Committee (ADPC), I am pleased to forward to you a copy of "The Alcoholism Prevention, Education, Treatment and Research Fund Plan and Priorities" for FY 86/87. The submission of this document meets the requirements of P.L. 1983, c.464.

This document presents (1) an overview of current alcoholism services and programs that will be continued in FY 86/87 and (2) detailed descriptions of new/expanded priorities that were identified and established through regional meetings with consumers and providers. A companion document provides detailed descriptions of current (FY 85) services.

The Committee continues to engage in a process of identifying inter-departmental approaches and models based upon these priorities, the goal is to make maximum use of our alcoholism services resources through coordinating the efforts of them for departments represented on the Committee.

Sincerely,
S/ MICHAEL R. PETIT
Commissioner

Was read and with accompanying report ordered placed on file.

Petitions, Bills and Resolves

Requiring Reference

Aging, Retirement and Veterans

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.

Bill "An Act Relating to Retirement Benefits of Superior Court Employees" (H.P. 81) (L.D. 101) (Presented by Representative BEAULIEU of Portland)

Bill "An Act to Establish Eligibility for Burial on the Maine Veterans' Memorial Cemetery for Members of the Maine National Guard" (H.P. 90) (L.D. 110) (Presented by Representative DUFFY of Bangor) (Cosponsors: Representatives RICHARD of Madison, HICKEY of Augusta and DIAMOND of Bangor)

(Ordered Printed)
Sent up for Concurrence.

Energy and Natural Resources

Bill "An Act to Establish a Greenbelt Area Along the Kennebec River" (H.P. 82) (L.D. 102) (Presented by Representative PARADIS of Augusta) (Cosponsors: Senator BUSTIN of Kennebec, Representatives HICKEY of Augusta and SPROUL of Augusta)

(Ordered Printed)
Sent up for concurrence.

Fisheries and Wildlife

Bill "An Act Authorizing Officers of the United States Fish and Wildlife Service to have the Powers of State Game Wardens" (H.P. 83) (L.D. 103) (Presented by Representative CONNERS of Franklin)

Bill "An Act to Require a Trespass Reminder on Hunting and Fishing Licenses" (H.P. 84) (L.D. 104) (Presented by Representative JACQUES of Waterville) (Cosponsors: Representative McGOWAN of Canaan, ROTONDI of Athens, and DEXTER of Kingfield)

Bill "An Act to Establish a Uniform Fee for Whitewater Guides Licenses" (Emergency) (H.P. 91) (L.D. 111) (Presented by Representative McGOWAN of Canaan) (Cosponsors: Representatives JACQUES of Waterville, Senators USHER of Cumberland and PEARSON of Penobscot) (Submitted by the Department of Inland Fisheries and Wildlife pursuant to Joint Rule 24)

(Ordered Printed)
Sent up for concurrence.

Judiciary

Bill "An Act to Make Incest a Class C Crime When the Victim is Under 18 Years of Age" (H.P. 92) (L.D. 112) (Presented by Representative NELSON of Portland)

(Ordered Printed)
Sent up for concurrence.

Labor

Bill "An Act to Provide Presumption of Validity to Certain Collective Bargaining Provisions" (H.P. 85) (L.D. 105) (Presented by Representative BEAULIEU of Portland)

(Ordered Printed)
Sent up for concurrence.

Legal Affairs

Bill "An Act Pertaining to Polling Times" (H.P. 86) (L.D. 106) (Presented by Representative TELOW of Lewiston)

(Ordered Printed)
Sent up for concurrence.

Local and County Government

Bill "An Act to Protect the Voting Rights of Township Residents" (H.P. 93) (L.D. 113) (Presented by Representative VOSE of Eastport)

(The Committee on Legal Affairs had been

suggested.)

On motion of Representatives of Pittston, referred to the Committee on Local and County Government, Ordered Printed and sent up for concurrence,

Legal Affairs

Bill "An Act to Establish the Last Friday in October Preceding a General Election as the Final Day for Voter Registration" (H.P. 94) (L.D. 114) (Presented by Representative FOSS of Yarmouth)

(Ordered Printed)
Sent up for concurrence.

Local and County Government

Bill "An Act to Allow Corrections to a Warrant after it has been Committed" (H.P. 87) (L.D. 107) (Presented by Representative DAGGETT of Manchester)

(Ordered Printed)
Sent up for concurrence.

Taxation

Bill "An Act Concerning Issuance of Licenses and Permits to Persons Whose Personal Property Tax is Unpaid" (Emergency) (H.P. 88) (L.D. 108) (Presented by Representative McSWEENEY of Old Orchard Beach)

Bill "An Act to Amend the Law Relating to the Tax Exemption for Parsonages" (H.P. 89) (L.D. 109) (Presented by Representative SPROUL of Augusta)

(Ordered Printed)
Sent up for concurrence.

Transportation

Bill "An Act to Provide for Alternate Financing for Displaced Homeowners" (H.P. 95) (L.D. 115) (Presented by Representative SOUCY of Kittery) (Cosponsors: Representatives THERIAULT of Fort Kent, CALLAHAN of Mechanic Falls and Senator ERWIN of Oxford) (Submitted by the Department of Transportation pursuant to Joint Rule 24)

Bill "An Act to Clarify the Authority of the Department of Transportation to Manage and Dispose of Property" (H.P. 96) (L.D. 116) (Presented by Representative MOHOLLAND of Princeton) (Cosponsors: Representatives STROUT of Corinth, MILLS of Bethel and Senator ERWIN of Oxford) (Submitted by the Department of Transportation pursuant to Joint Rule 24)

(Ordered Printed)
Sent up for concurrence.

Study Report—Committee on State Government

Representative GWADOSKY from the Committee on State Government to which was referred by the Legislative Council the Study Relative to policies and Procedures of State Economic Development Agencies have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Establish a Business Assistance Referral Program Within the State Development Office" (H.P. 76) (L.D. 96) be referred to this Committee for public hearing and printed pursuant to Joint Rule 19.

Report was read and accepted, and the bill referred to the Committee on State Government, ordered printed and sent up for concurrence.

Study Report—Committee on State Government

Representative GWADOSKY from the Committee on State Government to which was referred by the Legislative Council the Study Relative to Policies and Procedures of State Economic Development Agencies have had the same under consideration and ask leave to submit its findings and to report that the accompanying RESOLVE, Requiring the Bureau of Public Improvements to Study and Evaluate Various Alternatives for Centrally Locating the

Several Economic Development Agencies of the State Within a Single Facility (Emergency) (H.P. 77) (L.D. 97) be referred to this Committee for public hearing and printed pursuant to Joint Rule 19.

Report was read and accepted, and the bill referred to the Committee on State Government, ordered printed and sent up for concurrence.

Study Report—Committee on State Government

Representative GWADOSKY from the Committee on State Government to which was referred by the Legislative Council the Study Relative to the Need for Protection from Discrimination for State Employees Who Testify Before Legislative Committees have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act Defining the Right of State Employees to Testify Before Legislative Committees" (H.P. 78) (L.D. 98) be referred to this Committee for public hearing and printed pursuant to Joint Rule 19.

Report was read and accepted, and the bill referred to the Committee on State Government, ordered printed and sent up for concurrence.

Study Report—Committee on State Government

Representative GWADOSKY from the Committee on State Government to which was referred by the Legislative Council the Study Relative to Policies and Procedures of State Economic Development Agencies have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Consolidate State Business Loan Programs into One Organization, the Finance Authority of Maine" (H.P. 79) (L.D. 99) be referred to this Committee for public hearing and printed pursuant to Joint Rule 19.

Report was read and accepted, and the bill referred to the Committee on State Government, ordered printed and sent up for concurrence.

Orders

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

ORDERED, that Representative Richard P. Ruhlman be excused January 17 for illness.

Was read and passed.

Orders of the Day

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

Bill "An Act Relating to Agricultural Apprenticeship and Training" (S.P. 52) (L.D. 71)

—Senate, Referred to the Committee on Agriculture.

(Committee on Reference of Bills had suggested reference to the Committee on Appropriations and Financial Affairs.

Tabled—January 17, 1985 by Representative CARTER of Winslow.

Pending—Reference in concurrence.

On motion of Representative Carter of Winslow, referred to the Committee on Agriculture in concurrence.

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

Bill "An Act Amending the Charter of the Androscoggin Reservoir Company" (S.P. 54) (L.D. 73)

—Senate, Referred to the Committee on Energy and Natural Resources.

(The Committee on References of Bills had suggested reference to the Committee on Utilities)

Tabled—January 17, 1985 by Representative VOSE of Eastport.

Pending—Reference in concurrence.

On motion of Representative Vose of Eastport, referred to the Committee on Energy

and Natural Resources in concurrence.

(Off Record Remarks)

On motion of Representative Dillenback of Cumberland.

Adjourned until ten o'clock tomorrow morning.