

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

STATE OF MAINE
One Hundred and Twelfth Legislature
First Regular Session
JOURNAL OF THE SENATE
In Senate Chamber
Thursday
January 17, 1985
Senate called to order by the President

Prayer by Father Armand Bill of the Saint Bridget's Catholic Church of North Vassalboro.

FATHER BILL: Let us pray! O God, our creator, source of all human wisdom—always ready to help us in fulfilling our lives: Guide us in our search for human justice, as human law is not enough to bind up the country's wounds.

Give us the spirit of the Sermon on the Mount to care for the real needs of our neighbor. The justice we live must be a genuine commitment to You, our God. It is not enough to give to others what they deserve—what they earn by their efforts. Our commitment commits us to a style of God-like living where no man or woman is a stranger to God. It is not enough to be incorrupt, to go to our people with clean hands. Those hands must be outstretched. It is not enough to be learned lawmakers; our people need understanding and love.

Dear God, help us confront our constituents with our confidence: inspire them with our integrity; help us to give them what any man or woman can claim from Your Law; but also, help us to give them more—to give them of ourselves. To act toward them as You, our God, has acted toward us—no longer "do unto others as you would have them do unto you", but do unto others as God has done unto you.

We ask this through Christ, our Lord, Amen.

Reading of the Journal of Yesterday.

Out of order and under suspension of the rules;

On Motion by Senator VIOLETTE of Aroostook, the following Joint Order: (S. P. 58)

ORDERED, the House concurring, that when the House and Senate Adjourn, they adjourn to Tuesday, January 22, 1985, at 10:00 in the morning.

Which was READ and PASSED.

Sent down forthwith in concurrence.

Papers from the House Non-concurrent Matter

Bill "An Act to Amend the Maine Tort Claims Act" (S. P. 41) (L. D. 58)

In Senate January 15, 1985, referred to the Committee on JUDICIARY and ORDERED PRINTED.

Comes from the House, Bill and accompanying papers INDEFINITELY POSTPONED, in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent 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 January 9, 1985, referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED.

Comes from the House, referred to the Committee on BUSINESS AND COMMERCE in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

House Papers

Bill "An Act to Limit the Hunting of Raccoon" (H. P. 59) (L. D. 77)

Comes from the House referred to the Committee on FISHERIES AND WILDLIFE and ORDERED PRINTED.

Which was referred to the Committee on FISHERIES AND WILDLIFE and ORDERED PRINTED, in concurrence.

Bill "An Act Concerning Lawyers' Fees under

the Workers' Compensation Act" (H. P. 60) (L. D. 78)

Bill "An Act to Clarify the Negotiability of Insurance Under the Municipal Public Employees Labor Relations Act" (H. P. 61) (L. D. 79)

Comes from the House referred to the Committee on LABOR and ORDERED PRINTED. Which were referred to the Committee on LABOR and ORDERED PRINTED, in concurrence.

Bill "An Act to Repeal Requirements that Agency Liquor Stores be at Least 10 Miles Apart" (H. P. 62) (L. D. 80)

Comes from the House referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED.

Which was referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED, in concurrence.

Bill "An Act to Measure Mileage Payment to Jurors" (H. P. 63) (L. D. 81)

Comes from the House referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED.

On motion by Senator VIOLETTE of Aroostook referred to the Committee on JUDICIARY and ORDERED PRINTED, in NON-CONCURRENCE.

Sent down for concurrence.

Bill "An Act to Clarify the Procedure for Preparing Ballots for Municipal Elections" (H. P. 64) (L. D. 82)

Comes from the House referred to the Committee on LOCAL AND COUNTY GOVERNMENT and ORDERED PRINTED.

Which was referred to the Committee on LOCAL AND COUNTY GOVERNMENT and ORDERED PRINTED, in concurrence.

Bill "An Act to Modify the Closed Period for the Taking of Lobsters" (H. P. 65) (L. D. 83)

Comes from the House referred to the Committee on MARINE RESOURCES and ORDERED PRINTED.

Which was referred to the Committee on MARINE RESOURCES and ORDERED PRINTED, in concurrence.

Bill "An Act to Permit a Vehicle to be Registered for the Gross Weight allowed by a Permit under the Motor Vehicle Laws" (H. P. 66) (L. D. 84)

Comes from the House referred to the Committee on TRANSPORTATION and ORDERED PRINTED.

Which was referred to the Committee on TRANSPORTATION and ORDERED PRINTED, in concurrence.

COMMUNICATIONS

The Following Communication:

STATE OF MAINE
EXECUTIVE DEPARTMENT
STATE DEVELOPMENT OFFICE
STATE HOUSE STATION 59
AUGUSTA, MAINE 04333

Honorable Charles P. Pray
President of the Senate
State House Station 3
Augusta, Maine 04333
Dear Senator Pray:

Enclosed for your review and consideration is a copy of the report which we are required to submit annually to the State Government Committee describing the programs of the State Development Office, Division of Tourism, and the economic impacts of the tourist industry on the State of Maine.

I appreciate the support which you have given us as the program has been implemented and welcome any comments you may have on the report.

Sincerely,
S/LESLIE E. STEVENS

Director
Which was READ and with accompanying papers ORDERED PLACED ON FILE.

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 systems 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 Article 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 the State Government the Legislature had continued its republication programs for statutes in order to keep the law as complete an current as possible for public use. This has been done on one volume at a time as needed through republished 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 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 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 legislation and have already proved indispensable to the legislative process and 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 for camera-ready copy or separate publications 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 also 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 department, privately funded or authorized and funded by the Legislature. In time, as this service grows, the Legislature may in this wisdom find it wise to establish an 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. This procedure places the public laws and constitutional amendments in the hands of the public at the earliest possible time and in recent years, before the laws became effective. Also included in these publications are the laws of any special sessions 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 conflict in pending legislation to be caught before the conflict becomes enacted into law. The success of this method depends heavily upon the joint standing committees, 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 will serve 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 a 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 criticism of the 1964 revision 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

Which was **READ** and **ORDERED PLACED**

ON FILE.

Sent down for concurrence.

The Following Communication:
**DEPARTMENT OF
FINANCE AND ADMINISTRATION
State Claims Boards
State House Station 49
Augusta, Maine 04333**

January 15, 1985

The Honorable Charles P. Pray
President of the Senate
Maine Senate
State House Station 3
Augusta, Maine 04333

Re: Report of Small Claims to Legislature
Dear Senator Pray:

Herewith is Report of Small Claims which were received in this Office during 1984 and which is being submitted to you for your information and records in accordance with Title 5 M.R.S.A., Section 1510-A, Subsection 8.

A similar report is also being submitted to the Honorable John L. Martin, Speaker of the House, and if you and your staff should have any questions in connection with this report, please communicate with this office.

Yours very truly,
S/RONALD M. ROY
Chief Counsel

Which was **READ** and with accompanying papers **ORDERED PLACED ON FILE.**

Senate at Ease

The Senate called to order by the President.

Senate Papers

Bill "An Act Relating to Potato Labeling" (Emergency) (S. P. 59) (L. D. 85)
Presented by Senator **CARPENTER** of Aroostook

Cosponsored by: Representative **LISNIK** of Presque Isle, Senator **ERWIN** of Oxford, Senator **McBREAIRTY** of Aroostook.

Committee on **AGRICULTURE** suggested and **ORDERED PRINTED.**

On motion by Senator **VIOLETTE** of Aroostook Tabled for 1 Legislative Day, pending **REFERENCE.**

Bill "An Act to Clarify the Laws Relating to Schools of Barbering and Schools of Cosmetology" (S. P. 60) (L. D. 86)

Presented by Senator **BROWN** of Washington
Which was referred to the Committee on **EDUCATION** and **ORDERED PRINTED.**

Sent down for concurrence.

Bill "An Act Relating to Absentee Voting for Residents of Coastal Islands" (S. P. 61) (L. D. 87)
Presented by Senator **PEARSON** of Penobscot
Cosponsored by: Senator **DIAMOND** of Cumberland, Representative **MELENDY** of Rockland, Representative **BOUTILIER** of Lewiston.

Which was referred to the Committee on **LEGAL AFFAIRS** and **ORDERED PRINTED.**
Sent down for concurrence.

Bill "An Act to Provide a Sales Tax Exemption for Electricity used in an Electrothermal Manufacturing Process" (S. P. 62) (L. D. 88)
Presented by Senator **KANY** of Kennebec
Cosponsored by: Representative **JOSEPH** of Waterville, Representative **JACQUES** of Waterville, Representative **LACROIX** of Oakland.

Which was referred to the Committee on **TAXATION** and **ORDERED PRINTED.**

Sent down for concurrence.

Bill "An Act Requiring Protective Headgear for all Motorcycle, Motor Driven Cycle and Moped Riders" (S. P. 63) (L. D. 89)

Presented by Senator **DANTON** of York
Cosponsored by: Representative **NELSON** of Portland, Senator **BUSTIN** of Kennebec,

Which was referred to the Committee on **TRANSPORTATION** and **ORDERED**

PRINTED.

Sent down for concurrence.

Order Joint Order

On motion by Senator **BUSTIN** of Kennebec, 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 liminated the language in previous statues which said that there should be one office to operate state alcohol abuse services; and

WHEREAS, the Act also established and 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 had 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 of the Legislature having jurisdiction over Education, 2 members of the Joint Standing Committee of the Legislature having jurisdiction over Human Resources, 2 members of the Joint Standing Committee of the Legislature having jurisdiction over 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 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 members of the public to comment on the plan and make recommendations regarding allocation from the fund.

Which was **READ** and **PASSED.**

Sent down for concurrence.

Senate at Ease

The Senate called to order by the President.

(Off Record Remarks)

Committee Reports Senate Change of Reference

Senator **TRAFTON** for 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)

Reported that the same be referred to the Committee on **JUDICIARY.**

Which Report was **READ** and **ACCEPTED.**
The Bill **REFERRED** to the Committee on **JUDICIARY.**

Sent down for concurrence.

(Off Record Remarks)

There being no objection all matters

previously acted upon were sent forthwith.

Senator **HICHENS** of York was granted unanimous consent to address the Senate On the Record.

Senator **HICHENS**: Thank you, Mr. President:

On January seventeenth in nineteen forty-nine, amidst the wintery weather—everything was fine. For to the Trafton family a baby son was born and a brilliant future for the babe began that wintry morn. His destiny was all 'fore planned though the future one couldn't see, for toward political service his life was planned to be. His father served as speaker over in the House. And when Dick took his marriage vows he gained a political spouse. Who served in the House and Senate and made for herself a name, and when she moved to other fields her seat Dick chose to claim. The Committee on Judiciary he chaired in his first term, and conscientiously he served, to his beliefs held firm. Upon his re-election the Senator now chairs the reformed Committee on State Legal Affairs. So as he starts another year of life we wish him well. And though none of us are prepared the future to foretell, we're sure that great days lie ahead for the Auburn Senator, and hope he reaches pinnacles that he is aiming for.

Orders of the Day

The President laid before the Senate the Tabled and specially assigned matter:

Bill "An Act Concerning the Licensing of Victuallers, Innkeepers and Tavernkeepers" (S. P. 42) (L. D. 59)

Tabled—January 16, 1985, by Senator **VIOLETTE** of Aroostook

Pending—**REFERENCE**

Which was referred to the Committee on **LOCAL AND COUNTY GOVERNMENT** and **ORDERED PRINTED**.

Sent down forthwith for concurrence.

Senator **DANTON** of York was granted unanimous consent to address the Senate Off the Record.

(Off Record Remarks)

On motion by Senator **PERKINS** of Hancock, **RECESSED** until the sound of the bell.

RECESS

AFTER RECESS

The Senate called to order by the President.

Out of order and under suspension of the rules, the Senate considered the following:

Papers from the House

House Papers

Resolve, Directing the Maine Milk Commission to Delay Implementation of Pricing Order 85-2 which Establishes Different Delivery Price Schedules for Milk at Wholesale. (Emergency) (H. P. 73) (L. D. 94)

Comes from the House referred to the Committee on **AGRICULTURE** and **ORDERED PRINTED**.

Which was referred to the Committee on **AGRICULTURE** and **ORDERED PRINTED**, in concurrence.

Bill, "An Act Concerning Persons on Partial Release from a Mental Health Institution. (Emergency) (H. P. 69) (L. D. 90)

Comes from the House referred to the Committee on **HUMAN RESOURCES** and **ORDERED PRINTED**.

On motion by Senator **VIOLETTE** of Aroostook, Tabled until later in today's session, pending **REFERENCE**.

Bill "An Act to Remove an Absolute Restriction on Law Enforcement Officials under the Liquor Laws." (H. P. 70) (L. D. 91)

Bill "An Act to Strengthen the Laws Relating to Operating under the Influence." (H. P. 75)

Come from the House referred to the Committee on **LEGAL AFFAIRS** and **ORDERED PRINTED**.

Which was referred to the Committee on **LEGAL AFFAIRS** and **ORDERED PRINTED** in concurrence.

Bill "An Act to Increase the Fee for Issuance of Tax Receipts in Unorganized Places." (H. P. 71) (L. D. 92)

Comes from the House referred to the Committee on **TAXATION** and **ORDERED PRINTED**.

Which was referred to the Committee on **TAXATION** and **ORDERED PRINTED**, in concurrence.

Bill, "An Act to Provide a Sales Tax, Trade—in Credit for Loaders and Chain Saws used to Harvest Lumber." (H. P. 72) (L. D. 93)

Comes from the House referred to the Committee on **TAXATION** and **ORDERED PRINTED**.

Which was referred to the Committee on **TAXATION** and **ORDERED PRINTED**, in concurrence.

Study Report

Committee on State Government

Report of the Committee on **STATE GOVERNMENT** to which was referred 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, Creating a Joint Select Committee on Economic Development (Emergency) (H. P. 74) (L. D. 95)

Be referred to the Joint Standing Committee on **STATE GOVERNMENT** for Public Hearing and printed pursuant to Joint Rule 19.

Comes from the House with the Report **READ** and **ACCEPTED**, and the Resolve referred to the Committee on **STATE GOVERNMENT** and **ORDERED PRINTED**.

Which was **READ** and **ACCEPTED**, in concurrence.

The Resolve referred to the Committee on **STATE GOVERNMENT** and **ORDERED PRINTED**, in concurrence.

Senate at Ease

The Senate called to order by the President.

Enactor

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

Emergency

An Act to Amend and Clarify the Law Relating to the Special Commission to Study the Implementation of Educational Reform (H. P. 67) (L. D. 70)

This being an emergency measure and having received the affirmative vote of 24 Members of the Senate, with No Senators having voted in the negative was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Out of order and under suspension of the rules the Senate considered the following:

Paper from the House

Joint Resolution

The Following Joint Resolution: (H. P. 68) **JOINT RESOLUTION ON THE INAUGURATION OF RONALD W. REAGAN AS PRESIDENT AND GEORGE W. BUSH AS VICE PRESIDENT OF THE UNITED STATES OF AMERICA.**

WHEREAS, on January 21, 1985, a unique American tradition called Inauguration Day will occur; and

WHEREAS, the following Ronald Wilson Reagan's historic landslide victory, the people of this Nation through a free and open election process have clearly placed their faith, trust and confidence in Ronald W. Reagan and

George H. W. Bush; and

WHEREAS, all Americans sincerely pray that the next 4 years will be years filled with peace in the world and prosperity without inflation at home, and that the direction taken by this administration will continue to bring new hope and meaning for the people of this country; now, therefore, be it

RESOLVED: That, We the Members of the 112th Legislature of the great and sovereign State of Maine, now assembled, extend our heartiest congratulations to President Reagan and Vice President Bush on the occasion of their inauguration; and be it further

RESOLVED: That a duly authenticated copy of this Joint Resolution be immediately submitted by the Secretary of State to the Honorable Ronald W. Reagan, President of the United States, and Honorable George H. W. Bush, Vice President of the United States, and to each member of the Senate and House of Representatives in the Congress of the United States from this State.

Comes from the House **READ** and **ADOPTED**.

Which was **READ** and **ADOPTED**, in concurrence.

Orders of the Day

The President laid before the Senate:

Bill "An Act Concerning Persons on Partial Release from a Mental Health Institution." (Emergency) (H. P. 69) (L. D. 90)

Tabled—January 17, 1985, by Senator **VIOLETTE** of Aroostook

Pending — **REFERENCE**

(Comes from the House referred to the Committee on **HUMAN RESOURCES** and **ORDERED PRINTED**.)

On motion by Senator **VIOLETTE** of Aroostook referred to the Committee on **JUDICIARY** and **ORDERED PRINTED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Senate at Ease

The Senate called to order by the President.

Off Record Remarks

On motion by Senator **ANDREWS** of Cumberland, **RECESSED** until the sound of the bell.

RECESS

AFTER RECESS

The Senate called to order by the President.

The **ADJOURNMENT ORDER** having been returned from the House, **READ** and **PASSED**, in concurrence, on motion by Senator **BERUBE** of Androscoggin, **ADJOURNED** until Tuesday, January 22, 1985, at 10 o'clock in the morning.