

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

***One Hundred and Eleventh
Legislature***

OF THE

STATE OF MAINE

Volume I

FIRST REGULAR SESSION

December 1, 1982 to May 13, 1983

GAUVREAU of Lewiston

The Minority of the same Committee on the same subject matter Reported that the same Ought to Pass.

Signed:

Senator:

SEWALL of Lincoln

Representatives:

WILLEY of Hampden

ZIRNKILTON of Mount Desert

BONNEY of Falmouth

LEWIS of Auburn

Which Reports were Read.

On motion by Senator Pray of Penobscot, Tabled for 1 Legislative Day, pending Acceptance of Either Committee Report.

**Second Readers
Senate**

The Committee on Bills in the Second Reading reported the following:

BILL, "An Act to Change References to the Public Utilities Commission in the Transportation Statutes" (S. P. 360) (L. D. 1081)

BILL, "An Act to Amend the Laws Governing the Administration of Medications in Group Home Intermediate Care Facilities for the Mentally Retarded" (S. P. 466) (L. D. 1420)

BILL, "An Act Concerning Transient Sellers who Offer Merchandise as Free of Charge" (S. P. 508) (L. D. 1522)

Which were Read a Second Time and Passed to be Engrossed in concurrence.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Usher.

Senator USHER: Mr. President, is the Senate in possession of L.D. 904?

The PRESIDENT: The Chair would answer in the affirmative, the Bill, "An Act to Create Boothbay Region Waterfowl Sanctuary" (H. P. 713) (L. D. 904), having been held at the request of a Senator.

On motion by Senator Usher of Cumberland, the Senate voted to Reconsider its action whereby: (L. D. 904) was Indefinitely Postponed.

On motion by Senator Usher of Cumberland, recommitted to the Committee on Fisheries and Wildlife, in non-concurrence.

Sent down for concurrence.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator CARPENTER: Mr. President, is the Secretary in possession of L.D. 1187?

The PRESIDENT: The Chair would answer in the affirmative, the Bill, "An Act Relating to Clam Regulation in the Unorganized Territories" (H. P. 908) (L. D. 1187), having been held at the request of a Senator.

On motion by Senator Carpenter of Aroostook, the Senate voted to Reconsider its action whereby: (L. D. 1187) was Passed to be Engrossed.

On motion by Senator Carpenter of Aroostook, Tabled for 1 Legislative Day, pending Passage to be Engrossed.

Out of Order and Under Suspension of the Rules, the Senate voted to consider the following:

**Papers From the House
House Papers**

BILL, "An Act Relating to the Funding of School Construction Projects" (Submitted by the Department of Educational and Cultural Services pursuant to Joint Rule 24.) (H. P. 1144) (L. D. 1516)

BILL, "An Act to Incorporate Bills Passed in the Second Regular Session of the 110th Legislature into Title 20-A." (H. P. 1145) (L. D. 1517)

Come from the House, referred to the Committee on Education and Ordered Printed.

Which were referred to the Committee on Education and Ordered Printed, in concurrence.

BILL, "An Act to Amend the Foreclosure Laws." (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27) (H. P. 1153) (L. D. 1523)

Comes from the House, referred to the Committee on Judiciary and Ordered Printed.

Which was referred to the Committee on Judiciary and Ordered Printed, in concurrence.

BILL, "An Act to Increase the Annual Public Utilities Commission Regulatory Fund Assessments to \$1,450,000 for Fiscal Year 1984 and \$1,500,000 for Fiscal Year 1985." (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.) (Emergency) (H. P. 1151) (L. D. 1520)

Comes from the House, referred to the Committee on Public Utilities and Ordered Printed.

Which was referred to the Committee on Public Utilities and Ordered Printed.

BILL, "An Act to Provide for the 1983 Amendment to the Maine Housing Authorities Act." (Submitted by the Maine State Housing Authority pursuant to Joint Rule 24.) (H. P. 1152) (L. D. 1521)

Comes from the House, referred to the Committee on State Government and Ordered Printed.

Which was referred to the Committee on State Government and Ordered Printed, in concurrence.

BILL, "An Act Relating to the Taxation of Certain Watercraft." (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27) (H. P. 1154) (L. D. 1524)

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.

**Committee Reports
House
Ought Not to Pass**

The following Ought Not to Pass reports shall be placed in the legislative files without further action pursuant to Rule 15 of the Joint Rules:

BILL, "An Act to Appropriate Money for Revolutionary War Veterans' Grave Markers" (H. P. 721) (L. D. 930)

BILL, "An Act to Share Equitably the Fines and Forfeitures Resulting from Enforcement of the State Motor Vehicle Laws" (H. P. 815) (L. D. 1055)

BILL, "An Act to Fund a Marketing Study on the Effects of Lowering Liquor Prices Throughout the State" (H. P. 697) (L. D. 886)

BILL, "An Act Relating to Overtime Pay" (H. P. 979) (L. D. 1280)

BILL, "An Act to Clarify the Law Regarding Repayment of State Capitation Payment for Postgraduate Education in Medicine" (H. P. 594) (L. D. 738)

Leave to Withdraw

The following Leave to Withdraw reports shall be placed in the legislative files without further action pursuant to Rule 15 of the Joint Rules:

BILL, "An Act to Establish Statewide Pretrial Release Agencies" (H. P. 796) (L. D. 1036)

BILL, "An Act Relating to Bail Procedures" (H. P. 226) (L. D. 274)

BILL, "An Act Concerning the Return of Bail After a Defendant Makes an Appearance in Court" (H. P. 687) (L. D. 867)

BILL, "An Act Regarding Interest Under the Workers' Compensation Act" (H. P. 702) (L. D. 891)

BILL, "An Act to Provide for an Income Tax Credit for Parents who Pay Private School Tuition" (H. P. 706) (L. D. 895)

BILL, "An Act to Protect Unemployed

Workers from Excessive Delays in Eligibility Determination in the Unemployment Compensation Program" (H. P. 270) (L. D. 330)

BILL, "An Act to Create an Incentive-Penalty Rate Base Adjustment" (H. P. 1015) (L. D. 1340)

Orders of the Day

On motion by Senator Pray of Penobscot, the Senate voted to take from the Table:

BILL, "An Act to Establish a State Board of Prison Terms and Supervised Release" (H. P. 1033) (L. D. 1358), Tabled earlier in today's session on motion by Senator Pray of Penobscot, pending the motion of the Senator from Androscoggin, Senator Trafton.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator TRAFTON: Mr. President, I would request leave of the Senate to Withdraw my motion to send this Bill to the Committee on Legal Affairs.

The PRESIDENT: Senator Trafton of Androscoggin now requests Leave of the Senate to Withdraw his motion to refer LD 1358 to the Committee on Legal Affairs.

Is it the pleasure of the Senate to grant this Leave?

It is a vote.

On motion by Senator Pray of Penobscot, referred to the Committee on State Government in non-concurrence.

Sent down for concurrence.

On motion by Senator Pray of Penobscot the Senate voted to take from the Table:

BILL, "An Act to Establish New Selection Procedures for the Maine Indian Tribal-State Commission Chairmanship" (S. P. 342) (L. D. 1016)

Tabled earlier in today's session, on motion by Senator Pray of Penobscot, pending Acceptance of the Committee Report.

Which Report was Accepted.

The Bill Read Once. Committee Amendment "A" (S-76) was Read.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Pearson.

Senator PEARSON: Mr. President, Men and Women of the Senate, I would like to bring your attention to this particular item. It deals with the Maine Indian Tribal State Commission Chairmanship. Originally when the Indian Land Settlement was passed, there was a mechanism to settle various problems and it was called, "The Tribal State Commission." Originally, it was suppose to have an equal number of Indians on the Commission and an equal number of non-Indian Maine citizens on the Commission and the two sides would then choose the chairman.

I tell you this because I want to build up some credibility for the future for the Indians that I represent. This particular Bill when it was first introduced said that the Governor could appoint an interim chairman and it further went on to say that it would change the law a little bit because, quite a bit. In the original law it said that you had to be a retired justice of various courts in order to be the chairman. They found that they could find no judge that was willing to do that. So, this is in an attempt to try to find a chairman from any Maine citizen.

However, this particular Bill, also, calls for an interim chairman appointed by the Governor of Maine. Not approved by both sides. It has been modified, somewhat, by this amendment which says "the Governor may appoint an interim chairman after consulting the two Tribal Governors," but does not require the approval of the Indian Tribes themselves.

The reason I tell you this is because I want you to realize that the Indian Tribes, particularly the one that I represent has gone an extra mile in trying to get the Tribal State Commission operating in an efficient manner by not requiring that they have a veto power on the

interim chairmanship. I think that it's a gracious and somewhat risky thing for them to do.

I hope that the Governor of Maine when he makes his interim chairmanship will pick somebody who is really capable and really does consult and listen to the tribes, because they have given up, temporarily, their veto power in selection of the chairmanship.

Committee Amendment "A" was Adopted.
The Bill, as amended, Tomorrow Assigned for Second Reading.

(Senate at Ease)

The Senate called to Order by the President.

Out of Order and Under Suspension of the Rules, the Senate voted to consider the following:

Enactors

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

An Act to Amend the Election Laws Concerning Signatures and Names (H. P. 196) (L. D. 240)

An Act to Strengthen the Laws Relating to the Sexual Exploitation of Minors (H. P. 320) (L. D. 379)

An Act Concerning the Qualifications of Attorneys Moving to Maine from Other Jurisdictions (H. P. 326) (L. D. 385)

An Act Relating to Nomination Petitions for Municipal Office (H. P. 387) (L. D. 470)

An Act Relating to Time Shares (H. P. 468) (L. D. 568)

Which were Passed to be Enacted, and having been signed by the President, were by the Secretary presented to the Governor for his approval.

An Act to Promote Safe Solid Fuel Burning Practices (H. P. 521) (L. D. 646)

An Act to Amend the Termination of Parental Rights Law (H. P. 591) (L. D. 735)

An Act to Regulate Striped Bass Fishing (H. P. 636) (L. D. 787)

An Act to Amend the Law Governing Construction Permits and Examination of Plans by the Office of State Fire Marshal (H. P. 744) (L. D. 956)

An Act Relating to Deposits and Termination of Utility Service for Nonresidential Customers (H. P. 746) (L. D. 958)

Which were Passed to be Enacted, and having been signed by the President, were by the Secretary presented to the Governor for his approval.

An Act to Provide Equity for Former Military Spouses (H. P. 554) (L. D. 705)

On motion by Senator Pray of Penobscot, Tabled for 1 Legislative Day, pending Enactment.

An Act to Deregulate Motor Carriers of Passengers for Hire (H. P. 781) (L. D. 1010)

An Act to Amend the Lines of Credit and Commercial Loans to Individual Borrowers (H. P. 786) (L. D. 1028)

An Act to Amend Maine's Abandoned Property Law (H. P. 816) (L. D. 1056)

An Act to Amend Certain Aspects of Post-conviction Review (H. P. 844) (L. D. 1094)

An Act Concerning a Judge Hearing a Case Where his Town or County is a Party (H. P. 890) (L. D. 1155)

An Act to Designate the Director of Area Reference and Resource Centers as Permanent, Nonvoting Members of the Maine Library Commission (H. P. 919) (L. D. 1198)

Which were Passed to be Enacted, and having been signed by the President were by the Secretary presented to the Governor for his approval.

An Act to Enable Law Enforcement Agencies to Dispose of Certain Property (H. P. 926)

(L. D. 1205)

An Act to Amend the Habitual Offender Law (H. P. 956) (L. D. 1237)

An Act to Establish Municipalities as Agents for Utilities within their Jurisdictions for the Purpose of Charges Assessed for Use of Railroad Crossings (H. P. 1002) (L. D. 1310)

An Act to Amend the Law Relating to Games of Chance (H. P. 1014) (L. D. 1339)

An Act to Prohibit Smoking in Jury Rooms (H. P. 1110) (L. D. 1455)

An Act to Protect the Quality of Lobsters (H. P. 1111) (L. D. 1456)

Which were Passed to be Enacted and having been signed by the President, were by the Secretary presented to the Governor for his approval.

An Act to Amend the Statute of Limitations for the Probate of Estates under the Maine Probate Code (H. P. 1122) (L. D. 1466)

An Act to Amend the Statutes Relating to Itinerant Sellers (H. P. 1134) (L. D. 1487)

An Act to Conform the Requirements for Construction of Generating Facilities or Transmission Lines (H. P. 860) (L. D. 1110)

An Act Requiring an Annual Report on Safety Problems by Nuclear Power Plants (H. P. 1129) (L. D. 1484)

Which were Passed to be Enacted and having been signed by the President were by the Secretary presented to the Governor for his approval.

An Act to Promote Apprenticeship and Training Opportunities in State Government and to Assist Qualified Recipients of Aid to Families with Dependent Children to Compete for State Apprenticeships (H. P. 1125) (L. D. 1469)

On motion by Senator Pray of Penobscot, Tabled for 1 Legislative Day, pending Enactment.

An Act to Provide a Sales Tax Exemption for Certain Church Affiliated Residential Homes (H. P. 1128) (L. D. 1483)

On motion by Senator Najarian of Cumberland placed on the Special Appropriations Table, pending Enactment.

RESOLVE, to Authorize the Commissioners of Cumberland County to Reimburse the Town of Harrison \$2,368.86 for Unexpended Retirement Funds (H. P. 1065) (L. D. 1403)

Which was Finally Passed and having been signed by the President, was by the Secretary presented to the Governor for his approval.

Emergency

An Act to Prohibit Control of Financial Institutions as Closely Related Activities (H. P. 787) (L. D. 1029)

Emergency

An Act to Reincorporate and Amend the Charter of the North Berwick Water District (H. P. 929) (L. D. 1208)

Emergency

An Act to Revise the Salaries of Certain County Officers (H. P. 1135) (L. D. 1488)

These being emergency measures and having received the affirmative votes of 30 Members of the Senate, with No Senators having voted in the negative were Passed to be Enacted and having been signed by the President, were by the Secretary presented to the Governor for his approval.

Emergency

RESOLVE, Prohibiting the Issuance of Fish Weir Licenses for One Year (H. P. 1133) (L. D. 1486)

This being an emergency measure and having received the affirmative votes of 30 Members of the Senate, with No Senators having voted in the negative, was Finally Passed and having been signed by the President, was by the Secretary presented to the Governor for

his approval.

(Off Record Remarks)

(Senate at Ease)

The Senate called to order by the President.

(Off Record Remarks)

Under Suspension of the Rules, the Senate voted to consider the following:

Enactors

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

An Act Authorizing the Public Utilities Commission to Expend Revenues Collected as Filing Fees or Expense Reimbursements (S. P. 411) (L. D. 1264)

An Act to Protect the Health of Children by Prohibiting the Free Distribution of Cigarettes (H. P. 395) (L. D. 478)

An Act to Amend the Wholesale Seafood License Law (H. P. 776) (L. D. 1006)

An Act to Amend the Probate Code (H. P. 867) (L. D. 1115)

An Act to Protect Unemployed Workers from the Loss of Unemployed Benefits Without the Opportunity for a Fair Hearing (H. P. 1089) (L. D. 1416)

An Act Concerning Late Filing Under the Referendum Campaign Reporting Law (H. P. 984) (L. D. 1289)

An Act to Permit the Employment Security Commission Wider Discretion in Determining Eligibility for Unemployment Compensation Benefits (H. P. 1123) (L. D. 1467)

An Act to Fairly Apportion the Cost of Cancelled Generating Facilities (H. P. 1140) (L. D. 1496)

An Act to Authorize the Maine Criminal Justice Academy to Revoke Officer Certification (H. P. 1141) (L. D. 1505)

Which were Passed to be Enacted, and having been signed by the President, were by the Secretary presented to the Governor for his approval.

An Act to Amend the Obscenity Laws (H. P. 477) (L. D. 1438)

On motion by Senator Pray of Penobscot, Tabled for 1 Legislative Day, pending Enactment.

An Act to Give the Maine Association of Retirees Proper Representation on the Board of Trustees for the Maine State Retirement System (S. P. 481) (L. D. 1447)

On motion by Senator Pray of Penobscot, Tabled for 1 Legislative Day, pending Enactment.

RESOLVE, Authorizing Governor to Convey an Interest in Land and Buildings on the Bangor Mental Health Institute Campus (H. P. 1016) (L. D. 1341)

On motion by Senator Violette of Aroostook, Tabled for 1 Legislative Day, pending Final Passage.

RESOLVE, Approving the 1983 Draft and Arrangement of the Constitution of Maine Made by the Chief Justice of the Supreme Judicial Court and Providing for its Publication and Distribution (S. P. 180) (L. D. 547)

On motion by Senator Najarian of Cumberland, placed on the Special Appropriations Table, pending Final Passage.

Emergency

An Act Governing State Participation in the Federal Job Training Partnership Act (H. P. 1148) (L. D. 1512)

Emergency

An Act to Amend the Statutory Requirements Pertaining to Medicaid Copayments (H. P. 823) (L. D. 1063)

These being emergency measures and having received the affirmative votes of 27