

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Tenth
Legislature***

OF THE

STATE OF MAINE

SECOND REGULAR SESSION

January 6, 1982 to April 13, 1982

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FOURTH SPECIAL SESSION

April 28, 1982 and April 29, 1982

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FIFTH SPECIAL SESSION

May 13, 1982

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SECOND CONFIRMATION SESSION

July 16, 1982

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BRODEUR of Auburn
 RANDALL of East Machias
 McCOLLISTER of Canton
 WEBSTER of Farmington
 HOLLOWAY of Edgcomb

The Minority of the same Committee on the same subject matter reported that the same Ought Not to Pass.

Signed:
 Senator:

HICHENS of York

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-646).

Which Reports were Read. The Majority Ought to Pass, as amended, Report of the Committee was Accepted, in concurrence. The Bill Read Once. Committee Amendment "A" was Read and Adopted, in concurrence, and the Bill, as amended, Tomorrow Assigned for Second Reading.

Senate

The following Ought Not to Pass report shall be placed in the legislative files without further action pursuant to Rule 22 of the Joint Rules:

Bill, "An Act to Amend the Maine Guarantee Authority Act." (S. P. 781) (L. D. 1849)

(Rep. HOLLOWAY of Edgcomb abstained).

Leave to Withdraw

Senator AULT for the Committee on State Government on, Bill, "An Act to Amend the Membership of the Governor's Advisory Council on Alcoholism and Drug Abuse Prevention and Treatment." (S. P. 740) (L. D. 1725)

Reported that the same be granted Leave to Withdraw.

(Rep. HOLLOWAY of Edgcomb abstained).

Senator GILL for the Committee on State Government on, Bill, "An Act Amending the Code of Fair Practices and Affirmative Action." (S. P. 886) (L. D. 2032)

Reported that the same be granted Leave to Withdraw.

Which Reports were Read and Accepted.
 Sent down for concurrence.

Ought to Pass

Senator TEAGUE for the Committee on Aging, Retirement and Veterans on, Bill, "An Act to Equalize Health Insurance Benefits for Retired State Employees." (S. P. 850) (L. D. 1983)

Reported that the same Ought to Pass.

Which Report was Read and Accepted and the Bill Read Once and Tomorrow Assigned for Second Reading.

Ought to Pass — As Amended

Senator WOOD for the Committee on Agriculture on, Bill, "An Act to Address the Potential Conflict of Interest of the Board of Pesticides Control. (Emergency) (S. P. 738) (L. D. 1723)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-409).

Which Report was Read and Accepted, and the Bill Read Once. Committee Amendment "A" was Read and Adopted and the Bill, as amended, Tomorrow Assigned for Second Reading.

Senator NAJARIAN for the Committee on Appropriations and Financial Affairs on, Bill, "An Act to Provide Financial Assistance to Students of Osteopathic Medicine." (S. P. 831) (L. D. 1939)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-412).

Which Report was Read and Accepted, in concurrence, and the Bill Read Once. Committee Amendment "A" was Read.

On motion by Senator Conley of Cumberland, Tabled for 1 Legislative Day, pending Adoption of Committee Amendment "A".

Divided Report

The Majority of the Committee on Education on, Bill, "An Act Authorizing Husson College to Confer a Degree of Bachelor of Science in Nursing." (S. P. 786) (L. D. 1851)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-410).

Signed:
 Senators:

PIERCE of Kennebec
 CLARK of Cumberland

Representatives:

CONNOLLY of Portland
 BROWN of Gorham
 LOCKE of Sebec
 MURPHY of Kennebec
 MATTHEWS of Caribou
 BROWN of Livermore Falls
 THERIAULT of Fort Kent
 GOWEN of Standish
 ROLDE of York

The Minority of the same Committee on the same subject matter reported that the same Ought Not to Pass.

Signed:

Senator:

TROTZKY of Penobscot

Representative:

THOMPSON of Portland

Which Reports were Read.

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

Senator TROTZKY: Mr. President, this Bill authorizes Husson College to confer a degree of Bachelor Science in Nursing. It, also, states in the Bill, something to the extent that they must be in conformance with the National League of Nursing Standards.

I have a note here from the legislative staff saying "a representative from the National League of Nursing will conduct a site visit to the Husson EMMC, (Eastern Maine Medical Center), on March 22-23 to evaluate their proposed programs in relation to National League of Nursing standards."

I wonder if someone would Table this for 2 Legislative Days?

On motion by Senator Collins of Knox, Tabled for 2 Legislative Days, pending Acceptance of Either Committee Report.

Second Readers

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

House

Bill, "An Act to Amend the Medical Practice Act." (H. P. 2070) (L. D. 2011)

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

House — As Amended

Bill, "An Act to Provide a Directional Sign at Exit 11 of the Maine Turnpike Indicating Sunday River Recreational Area." (H. P. 1800) (L. D. 1790)

Bill, "An Act to Permit Physicians' Assistants to Take Blood Samples in Cases Involving Operating Under the Influence." (H. P. 2028) (L. D. 2004)

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

Enactors

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

AN ACT to Revise the Fair Credit Reporting Act and to Conform it to Recent Maine Judicial Decisions. (H. P. 1727) (L. D. 1712)

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

Emergency

AN ACT to Fund and Implement Collective Bargaining Agreements Relating to Vocation-

al-Technical Institute Employees." (H. P. 2084) (L. D. 2023)

This being an emergency measure and having received the affirmative votes 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 by the Secretary presented to the Governor for his approval.

Emergency

AN ACT to Amend the Maine Turnpike Authority Statutes. (H. P. 2165) (L. D. 2064)

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

Senator MINKOWSKY: Mr. President and Members of the Senate: I held aside this Bill before its Enactment this morning to discuss very briefly some of the concerns I have had ever since I sponsored the original bill back in 1977.

At that particular segment of time, the Cities of Lewiston and Auburn were both concerned, as then Governor Longley was concerned, that the Maine Turnpike should be toll free upon the final payment of the bonds in June of 1982.

I disagreed with the Governor at the particular segment of time. We thought we had a more innovative approach to addressing the needs of the State of Maine and the citizens along the Turnpike's 106 miles corridor.

At that time the bill we originally submitted called for the Maine Turnpike Authority to be dissolved. It implemented a toll barrier system, and it addressed the concerns of southern Maine that they could utilize the Turnpike at reduced fees.

This Bill, over the Governor's objection, Governor Longley's objection, did become law. In the last session of the Legislature, a move got under way by the Maine State Employee's Association, not because they were concerned with the welfare of the Cities of Lewiston or Auburn, not because of a concerned with the welfare of all the towns and cities along its 106 mile corridor, but their major concern was only with the toll takers who were allegedly going to lose their jobs if the Maine Turnpike Authority was dissolved, and subsequently if we had gone to a toll barrier system.

We fought a very diligent fight at the time. We felt that my City, and I'm sure the City of Auburn, had been shortchanged on this entire issue.

The agreement came out that in the present bill before us this morning, we would be given an egress or ingress road from either the City of Lewiston or the City of Auburn into our industrial parks.

The short term effect of that particular legislation as it stands here this morning sounds very enticing. But my concern, Ladies and Gentlemen, of the Senate, is not the immediate short-term effects of this legislation, but the long-term effects of the legislation, which I feel will be deleterious to the development of industrial parks, commercial developments in both the Cities of Lewiston and Auburn.

It appears, at the present time, that we are getting a deal. My only evaluation or assumption on this entire thing is that we are being ripped off. The end result of this; two things are going to materialize. We will, as the Bill states on page 21, be given top consideration. Number two, the fees will be increased somewhere in the area of 50%.

Number three, why the Bill went down the tube in the last session of the Legislature was simply because many people felt here's one way of getting excess revenues from the Maine Turnpike to be utilized to fill potholes and snow removal in other parts of the State of Maine to the tune of \$4,700,000. They bought this on a very impulsive and emotional point-of-view, not taking into consideration exactly what the effects would be upon my community and the communities along that corridor.

One of the major arguments advanced previously, when I-95 was built from Augusta north, the Maine Turnpike at that particular segment of time was to be dissolved because they could not expand any further. Yet, when you look along I-95, and let me use the City of Bangor as an example, here we have at least five or six egress and ingress roads into every major part of that community, at no expense at all to the citizens who want to have commercial or industrial development, or residential development.

From this point-of-view, keeping the Maine Turnpike closed, as a closed corridor, will have serious long term impacts in my community, I assure you. I think, basically, this little token that is being given to us today should be given future consideration by other sessions of the Maine Legislature.

I can assure those concerned, either by lobbyists, or the administration, or the Maine Department of Transportation who, at that particular segment of time, would have retained the Maine Turnpike Authority as a subsidiary of the Department of Transportation, I think they better start changing their posture on this whole thing.

It would seem the most logical thing to do would be to move for the Indefinite Postponement of this particular piece of legislation, but I assured people before discussing this, this morning, I would not do such a thing as that. It is too seriously, deeply involved at the present time.

I assure you, Ladies and Gentlemen of the Senate, this thing is not going to rest idle from this point forward. We will take very positive action in the future, to be sure one or two things will materialize. That is, number one, that the Maine Turnpike will not stay as under an authority. Number two, that it will revert to the citizens of the State of Maine as a free toll road, along with I-95.

I'm going back to the original concept I had at that time. I thought I was doing the citizens in all parts of the State of Maine a very dear favor, because my only objective for that particular segment of time was this. If we had followed Governor Longley's advice making this a toll free road, and eventually building roads along that corridor, we would not have collected revenues. That would have reverted upon the gasoline tax in the State of Maine.

I felt it was of significant value to let the users pay for it, provided that the people along the corridor had access to the utilization, whether on a token system, a transfer or a pass system, or a reduced toll system. We didn't care how it was going to work out. We had built in specific toll free zones into that particular system at the time. I thought, basically, it had a few bugs that could have been ironed out, but eventually it would have served the interests of everybody concerned. The end result, it would not have been placed upon the taxpayers in the State of Maine.

This way here, we're paying off the bonds, we're pilfering \$4,700,000, to be utilized by the Department of Transportation for other purposes throughout the State of Maine. The Cities of Lewiston and Auburn were given a bone in the meantime, by building egress and ingress roads. I have managed to see exactly how beneficial that will be in the future.

I want to thank you, Mr. President and Members of the Senate, for allowing me this opportunity to get these particular feelings on record, because I am totally disenchanted with what I've seen materialize since 1977 to the present legislation before us this morning.

This being an emergency measure and having received the affirmative vote of 25 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 by the Secretary presented to the Governor for his approval.

Orders of the Day

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

Bill, "An Act to Adjust the Eating, Lodging and Recreational Place Licensing Fee." (S. P. 811) (L. D. 1907)

Tabled—March 12, 1982 by Senator COLLINS of Knox

Pending—Motion of Senator McBREAIRTY of Aroostook to Reconsider Passage to be Engrossed

On motion by Senator McBreaity of Aroostook, Retabled for 2 Legislative Days.

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

HOUSE REPORTS—from the Committee on Legal Affairs—Bill, "An Act Relating to the Closing of State Liquor Stores in Communities with One Store." (Emergency) (H. P. 1996) (L. D. 1972)—MAJORITY REPORT Ought to Pass as amended by Committee Amendment "A" (H-641); MINORITY REPORT Ought to Pass as amended by Committee Amendment "B" (H-642)

Tabled—March 15, 1982 by Senator COLLINS of Knox

Pending—Acceptance of Either Report.

The PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: I move the Acceptance of the Majority Ought to Pass Report, as amended.

The PRESIDENT: The Senator from Waldo, Senator Shute, now moves that the Senate Accept the Majority Ought to Pass, as amended by Committee Amendment "A", Report of the Committee.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President, would the good Chairman of the Legal Affairs Committee, Senator Shute, give us at least a brief explanation as to what the rationale is on behalf of the Committee as to why they want to Accept Report "A"?

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, has posed a question.

The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: Mr. President, Ladies and Gentlemen of the Senate, at the present time, if a State Liquor store is closed in a community, and that community is within ten miles of another State store or agency store, the Commission can no reopen the State store or another agency store.

What Committee Amendment "A" does is to allow the Commission to reopen another State store, if they are within the ten mile radius that was set out in the previous law. So they have one year to reopen another State store in that same community, but they don't have the option of opening an agency store in that community.

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

Senator MINKOWSKY: Mr. President and Members of the Senate, there seems to be a great deal of concern relevant to this particular Bill insofar as a town, and I think the town is Winslow, that has a present State store, that will be closed down. I guess that they do serve a vital purpose in that area of the community, according to the people who I've spoken to from Kennebec County, that are concerned with that particular store.

As you may recall, in the last session of the Legislature, the Governor introduced a bill, which basically said we wanted the State to get out of the liquor business, close down the State stores, and let it go into the free enterprise system. Subsequently, open more agency stores, provided they comply with the existing laws in the State of Maine. Subsequently to that, we will then still retain anywhere from

60% to 75% return on our investment, meaning the markup on the booze. These stores could handle it in a very, very safe fashion.

The end result of that was the fact that again, the State employees got involved in the entire issue. They felt that they would be discriminated against and they were going to lose their jobs and their security in the State government.

I think the Town of Winslow is really saying, in this particular case, and as they did in the other branch, the unmentionable branch, if I can refer to it, that they substituted the Bill for the Report, which gave them the option, number one, of retaining or opening the State store in another area; Or, if that doesn't work, to use Report "B", which then will give the community the option of either opening the State store, or an agency store.

I think in the name of fairness this morning, Mr. President and Members of the Senate, that we should reject the Majority Report, and at least consider very closely Report "B" under H-642, which would give that community that particular option.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Teague.

Senator TEAGUE: In answer to the good Senator's question, Winslow is in my District. Probably if the Commissioner had done his job two or three months ago, we would not have this Bill in front of us today.

I talked with a man, and he was down here on Monday, by the name of Mr. Cookson. He owns a mini-mall in Winslow. He had made arrangements with the Commissioner for a location across the street, and so forth. The Commissioner stood him up three different times.

So finally, this Mr. Cookson came to myself, asked me if I could get him in to see the Commissioner. I did, and this Mr. Cookson has made a proposal. He and the Commissioner are meeting up in Winslow on Tuesday of this coming week. The decision will be made on this location.

I feel we should go along with the Majority of the Committee Report at this time. It will go back to the other Body in non-concurrence. By that time, the Commissioner and probably the owner of the mini-mall will have this situation straightened out.

The PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: Mr. President, Ladies and Gentlemen of the Senate, we're not only talking about Winslow store in this Bill. The reason for the, one of the reasons given that the Winslow store should be closed was number one, the proprietor of that establishment put the rent up, the square footage, price per square foot.

Number two, the profit ratio was low in the Winslow store. It was 11.16%. So we're not talking about one store here. We have 20 stores with a worse profit ratio than Winslow does. We have 6 other stores that are right on the borderline. So we're talking about 26 stores, not one store. If you want to pass special legislation just for the Town of Winslow, that's something different. I think you'll find a lot of special bills in here if you do that. We are talking about 26 stores here, not one store.

The PRESIDENT: The Chair will order a Division.

Will all those Senators in favor of the motion by the Senator from Waldo, Senator Shute, that the Senate Accept the Majority Ought to Pass, as amended by Committee Amendment "A", Report of the Committee please rise in their places to be counted.

Will all those Senators opposed, please rise in their places to be counted.

29 Senators having voted in the affirmative, and No Senator having voted in the negative, the motion to Accept the Majority Ought to Pass, as amended by Committee Amendment "A" Report of the Committee in non-concurrence does prevail. The Bill Read Once. Committee Amendment "A" was Read and