

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Tenth
Legislature***

OF THE

STATE OF MAINE

Volume I

FIRST REGULAR SESSION

December 3, 1980 to May 1, 1981

KJ PRINTING
AUGUSTA, MAINE

STATE OF MAINE
One Hundred and Tenth Legislature
First Regular Session
JOURNAL OF THE SENATE
January 19, 1981
Senate called to order by the Secretary.

Pursuant to Rule Number 5, the Senator from Knox, Senator Collins, acted as President Pro-Tem.

Prayer by Father Raymond Richard of the Oblate Retreat House in Augusta.

FATHER RICHARD: We pause for a moment and turn to the Almighty because in God we trust for guidance, for courage, and for strength to fulfill our obligations as representatives of the people. We ask that You, O' God, grant us the grace to remember always the simple ideas on which our society is founded. For example, the Senate, as any part of government, is instituted to secure and develop the rights of the people. May all of us be dedicated to this sacred trust and always discharge it faithfully.

Reading of the Journal of yesterday.

**Papers from the House
Non-concurrent Matter**

Bill, An Act to Remove the State Board of Education from the Nominating Process for the Commissioner of Educational & Cultural Services. (H. P. 150) (L. D. 132)

Reference to the Committee on State Government is suggested.

In the House, January 8, 1981, referred to the Committee on State Government.

In the Senate, January 13, 1981, referred to the Committee on Education in non-concurrence.

Comes from the House, that Body having Adhered.

The PRESIDENT PRO-TEM: The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I move the Senate Recede and Concur with the House.

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

Senator TROTZKY: Mr. President, the Republican leadership is attending the inauguration of the fortieth President of these United States, Ronald Reagan, and out of respect for them, I would hope someone would table this bill for 3 Legislative Days.

The PRESIDENT PRO-TEM: The Chair recognizes the Senator from Hancock, Senator Perkins.

Senator PERKINS: Mr. President, I move that (L. D. 132) be Tabled for 3 Legislative Days.

The PRESIDENT PRO-TEM: The Senator from Hancock, Senator Perkins, moves that (L. D. 132) be Tabled for 3 Legislative Days.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President I request a Division.

The PRESIDENT PRO-TEM: A Division has been requested.

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Senator TROTZKY: I request a Roll Call.

The PRESIDENT PRO-TEM: A Roll Call has been requested. Under the Constitution, in order for the Chair to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

Will all those Senators in favor of ordering a Roll Call, please rise and remain standing until counted.

Obviously more than one-fifth having arisen a Roll Call is ordered.

The pending question before the Senate is the motion to Table (L. D. 132) for 3 Legislative Days.

A Yes vote will be in favor of the motion to Table.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Collins, Devoe, Emerson, Gill, Hichens, Huber, McBreairey, Perkins, Sewall, C., Shute, Teague, Trotzky.

NAY—Brown, Bustin, Carpenter, Charette, Clark, Conley, Dutremble, Minkowsky, Najarian, O'Leary, Pray, Usher, Violette, Wood.

ABSENT—Ault, Kerry, Pierce, Redmond, Sutton, Trafton, The President.

A Roll Call was had.

12 Senators having voted in the affirmative and 14 Senators in the negative, with 7 Senators being absent, the motion to Table for 3 Legislative Days does not prevail.

The PRESIDENT PRO-TEM: The Chair recognizes the Senator from Hancock, Senator Perkins.

Senator PERKINS: Mr. President, I move that (L. D. 132) be Tabled for 2 Legislative Days.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I request a Division.

The PRESIDENT PRO-TEM: A Division has been requested.

The Chair recognizes the Senator from Lincoln, Senator Sewall.

Senator SEWALL: I request a Roll Call.

The PRESIDENT PRO-TEM: A Roll Call has been requested. Under the Constitution, in order for the Chair to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

Will all those Senators in favor of ordering a Roll Call, please rise and remain standing until counted.

Obviously more than one-fifth having arisen a Roll Call is ordered.

The pending question before the Senate is the motion to Table (L. D. 132) for 2 Legislative Days.

A Yes vote will be in favor of the motion to Table.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Collins, Devoe, Emerson, Gill, Hichens, Huber, McBreairey, Perkins, Sewall, C., Shute, Teague, Trotzky.

NAY—Brown, Bustin, Carpenter, Charette, Clark, Conley, Dutremble, Minkowsky, Najarian, O'Leary, Pray, Usher, Violette, Wood.

ABSENT—Ault, Kerry, Pierce, Redmond, Sutton, Trafton, The President.

A Roll Call was had.

12 Senators having voted in the affirmative and 14 Senators in the negative, with 7 Senators being absent, the motion to Table for 2 Legislative Days does not prevail.

The PRESIDENT PRO-TEM: The Chair recognizes the Senator from Hancock, Senator Perkins.

Senator PERKINS: Mr. President, I move that (L. D. 132) be Tabled for 1 Legislative Day.

The PRESIDENT PRO-TEM: The Senator from Hancock, Senator Perkins, moves that (L. D. 132) be Tabled for 1 Legislative Day.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I request a Division.

The PRESIDENT PRO-TEM: A Division has been requested.

The Chair recognizes the Senator from Hancock, Senator Perkins.

Senator PERKINS: Mr. President, I request the Yeas and Nays.

The PRESIDENT PRO-TEM: A Roll Call has been requested. Under the Constitution, in order for the Chair to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

Will all those Senators in favor of ordering a Roll Call, please rise and remain standing until counted.

Obviously more than one-fifth having arisen a Roll Call is ordered.

The pending question before the Senate is the motion to table (L. D. 132) for 1 Legislative Day. A Yes vote will be in favor of the motion to table.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Collins, Devoe, Emerson, Gill, Hichens, Huber, McBreairey, Perkins, Sewall, C., Shute, Teague, Trotzky.

NAY—Brown, Bustin, Carpenter, Charette, Clark, Conley, Dutremble, Minkowsky, Najarian, O'Leary, Pray, Usher, Violette, Wood.

ABSENT—Ault, Pierce, Redmond, Sutton, Trafton, The President.

A Roll Call was had.

12 Senators having voted in the affirmative and 15 Senators in the negative, with 6 Senators being absent the motion to Table for 1 Legislative Day does not prevail.

The PRESIDENT PRO-TEM: The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I am indeed sorry that we had to go through 3 lengthy Roll Calls against a tabling motion. Normally, it has been my practice to give any member of this body the opportunity to table a bill at least once. The problem I have today with tabling a bill, for 3 Legislative Days, 2 Legislative Days or 1 Legislative Day, is the report on the Calendar itself which reports that the other body had moved to Adhere. Our only position left is for us to either Recede and Concur, or to Adhere along with the House, thus killing the bill, so it would be my hope that the members of this Senate would vote to Recede and Concur and to give this bill a proper hearing.

The PRESIDENT PRO-TEM: The Senator from Cumberland, Senator Conley, moves that the Senate Recede and Concur with the House.

Is this the pleasure of the Senate?

The Motion Prevailed.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, having voted on the prevailing side, I would now move that the Senate Reconsider its action whereby it Receded and Concurred with the House, and would urge the Senate to vote no.

The PRESIDENT PRO-TEM: The Chair will order a Division.

Will all those Senators in favor of Reconsideration, please rise in their places to be counted.

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

8 Senators having voted in the affirmative and 15 Senators in the negative, the motion to Reconsider does not prevail.

Joint Orders

Expressions of Legislative Sentiment recognizing:

Sally A. Perkins of Kennebunk, who competed in the National Amateur Athletic Union 1980 Junior Olympics in Cheyenne, Wyoming. (H. P. 230)

Deborah and Gregory Toher, of South Windham, the proud parents of triplets, Gregory, Phillip and Jessica, born January 8, 1981. (H. P. 241)

Come from the House, Read and Passed.

Which were Read and Passed, in concur-

rence.

House Papers

Bill, "An Act Concerning Domestic Animals Running at Large." (H. P. 194) (L. D. 241)

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 Making Appropriations and Allocations for the Expenditures of State Government and Changing Certain Provisions of the Law Necessary to the Proper Operation of State Government for the Fiscal Years Ending June 30, 1982, and June 30, 1983." (Emergency) (H. P. 229) (L. D. 218)

Bill, "An Act to Appropriate \$2,500 to the Sanford Parks and Recreation Department to Host the 1981 New England Babe Ruth Baseball Tournament." (H. P. 162) (L. D. 219)

Bill, "An Act to Require State Bond Issues to Include all Interest Involved." (H. P. 195) (L. D. 242)

Come from the House, referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Which were referred to the Committee on Appropriations and Financial Affairs and Ordered Printed, in concurrence.

Bill, "An Act to Amend the Law Relating to the Licensing of Privately-owned Business, Trade and Technical Schools." (H. P. 165) (L. D. 220)

Bill, "An Act to Amend the Law Relating to the Regulation of Privately Owned Correspondence Schools." (H. P. 168) (L. D. 221)

Bill, "An Act to Clarify the School Construction Law." (H. P. 166) (L. D. 230)

Bill, "An Act to Clarify Residence for Educational Purposes." (H. P. 215) (L. D. 234)

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 Permit Additional Polling Places in Municipalities with Large Fluctuations in Voter Turnout." (H. P. 169) (L. D. 222)

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

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

Bill, "An Act to Clarify Plumbing and Subsurface Sewage Disposal Laws." (H. P. 172) (L. D. 223)

Comes from the House, referred to the Committee on Energy and Natural Resources and Ordered Printed.

Which was referred to the Committee on Energy and Natural Resources and Ordered Printed, in concurrence.

Bill, "An Act to Amend the Statutes Relating to the Development Disabilities Council." (H. P. 175) (L. D. 224)

Comes from the House, referred to the Committee on Health and Institutional Services and Ordered Printed.

Which was referred to the Committee on Health and Institutional Services and Ordered Printed, in concurrence.

Bill, "An Act to Amend the Laws Relating to Examinations of Motor Vehicles by Police Officers and to Increase the Penalty for Avoiding a Police Roadblock." (H. P. 178) (L. D. 225)

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 Provide a Speedy Procedure to Authorize the Demolition of Unsafe and Irre-

parable Buildings and Structures." (H. P. 140) (L. D. 229)

Reference to the Committee on Judiciary is suggested.

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.

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish a Right to Privacy. (H. P. 179) (L. D. 226)

Reference to the Committee on Judiciary is suggested.

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 to Provide Collective Bargaining Rights to Court Employees." (H. P. 180) (L. D. 231)

Bill, "An Act to Protect the Right of Employees to Freely Decide Whether to Support Labor Organizations." (H. P. 181) (L. D. 232)

Bill, "An Act to Protect the Right of Public Employees to Freely Decide Whether to Support Labor Organizations." (H. P. 182) (L. D. 227)

Come 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 Provide for the Surrender by Barnard Plantation of its Organization." (H. P. 186) (L. D. 228)

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 Pertaining to Public Safety on Public Ways." (H. P. 193) (L. D. 233)

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 Senate Chamber President's Office

January 15, 1981

Honorable Barbara A. Gill
Honorable Sandra K. Prescott
Chairmen, Joint Standing Committee on Health and Institutional Services
State House
Augusta, Maine

Please be advised that Governor Joseph E. Brennan is nominating David F. Wihry of Orono for reappointment as a consumer member of the Health Facilities Cost Review Board.

Pursuant to Title 22 MRSA Section 353, this nomination will require review by the Joint Standing Committee on Health and Institutional Services and confirmation by the Senate.

Sincerely,

S/JOSEPH SEWALL
President of the Senate
S/JOHN L. MARTIN
Speaker of the House
(S. P. 115)

Which was Read and referred to the Committee on Health and Institutional Services.

Sent down for concurrence.

Department of Educational and Cultural Services

January 12, 1981

TO: May Ross, Secretary of the Senate

Edwin Pert, Clerk of the House
FROM: Harold R. Reynolds, Jr., Commissioner

RE: Report on Actions Taken Regarding the Education for Habitual Truants

I am please to transmit herein my report on the number of habitual truants identified during the past school year along with the actions that have been taken regarding alternative education programs and other referral actions at the local level:

	State Totals	AGE 7-13	AGE 14-16
1. Number of Truants Identified			
A. Resolved administratively at the local level		96	465
B. Referred to alternative program within the school system		15	275
C. Referred to alternative program offered by another school system		2	34
D. Referred to alternative program offered by an existing agency external to the school system		11	32
E. Not resolved or referred to date		37	253
Total of all reasons		13	255
2. Number Referred to School Board		13	83
A. Parents instructed of legal responsibility		13	83
B. Compulsory education waived			158
C. Special work permit issued			14
3. Number of Parents Referred to Court Action		5	17
A. Number of parents fined or confined			5
B. Number of parents referred to counseling		5	12

Continuing Programs which are Permanent - 31

Continuing Programs which are not Permanent - 10

Programs new this year which are Permanent - 32

Programs new this year which are not Permanent - 11

Additional information regarding the above statistics as well as more detailed information describing some of the alternative programs being offered may be obtained by contacting the Division of Curriculum Resources (289-2033).

These figures do not include approximately 1500 students now attending unapproved non-public schools.

Which was Read and Ordered Placed on File.

Office of Energy Resources

January 15, 1981

The Honorable Joseph Sewall
President of the Senate
110th Maine Legislature
State House
Augusta, Maine

Dear President Sewall:

Pursuant to 5 M.R.S.A. 5005, subsections 1.A(1) and 1.A(2), I respectively submit the annual and biennial sections of the Comprehensive Energy Resources Plan.

Public hearings have been conducted in accordance with 5 M.R.S.A. ch. 375.

Sincerely,

S/GORDON L. WEIL
Director

Office of Energy Resources

Which was Read and with accompanying Report, Ordered Placed on File.

Senate Papers

Senator PRAY of Penobscot presented, Bill, "An Act to Appropriate Funds to the Depart-

ment of Mental Health and Corrections for the Fiscal Year Ending June 30, 1981 for Programs which were Covered under Declining Federal Grants. (Emergency) (S. P. 117)

Senator HUBER of Cumberland (Cosponsor: Representative PEARSON of Old Town) presented, Bill "An Act Making Supplemental Appropriations from the General Fund for the Fiscal Years Ending June 30, 1982 and June 30, 1983. (Emergency) (S. P. 125)

Which were referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Sent down for concurrence.

Senator PRAY of Penobscot (Cosponsors: Representative MacEACHERN of Lincoln, Representative DAVIES of Orono and Representative CLARK of Millinocket) presented, Bill "An Act to Establish an Experimental Test for Control of Black Flies" (S. P. 118)

Which were referred to the Committee on Energy and Natural Resources and Ordered Printed.

Sent down for concurrence.

Senator NAJARIAN of Cumberland presented, Bill "An Act to Permit More Frequent Accounting and Payment to the County Treasurer of Fees Received by Register of Deeds." (S. P. 112)

The same Senator presented, Bill "An Act to Increase the Salary of the Cumberland County Register of Deeds." (S. P. 123)

Which were referred to the Committee on Local and County Government and Ordered Printed.

Sent down for concurrence.

Senator McBREAIRTY of Aroostook (Cosponsor: Representative PETERSON of Caribou) presented, Bill, "An Act to Require Legislative Review of Proposed Agency Rules." (S. P. 119)

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

Sent down for concurrence.

Senator McBREAIRTY of Aroostook (Cosponsor: Representative PETERSON of Caribou) presented, Bill "An Act Relating to Use of Flashing Lights on School Buses." (S. P. 116)

Which was referred to the Committee on Transportation and Ordered Printed.

Sent down for concurrence.

Orders

Expressions of Legislative Sentiment recognizing:

Norman Hall of Sanford who is retiring from the Board of Selectmen after serving 19 years as a selectman. (S. P. 120) presented by Senator WOOD of York (Cosponsors: Representative TUTTLE of Sanford, Representative PAUL of Sanford and Representative RIDLEY of Shapleigh.)

Alden Thayer, of Springvale, chosen by the Sanford-Springvale Jaycees as Outstanding Young Man of the Year for 1981. (S. P. 121) presented by Senator WOOD of York (Cosponsors: Representative TUTTLE of Sanford, Representative PAUL of Sanford and Representative RIDLEY of Shapleigh.)

James G. Packard of Winthrop, who was cited by the Maine Jaycees as one of the state's three "outstanding young men." (S. P. 124) presented by Senator AULT of Kennebec (Cosponsor: Representative DAVIS of Monmouth.)

Mrs. Laura Snell of Houlton, who has retired after 27 years of dedicated state service. (S. P. 126) presented by Senator CARPENTER of Aroostook.

Which were Read and Passed.

Sent down for concurrence.

Committee Reports House

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

Bill, "An Act to Increase the Exemption from Taxation of Parsonages used by Religious Societies to the Value of \$50,000." (H. P. 29) (L. D. 33)

Leave to Withdraw

The Committee on Judiciary on, Bill, "An Act to Increase and to Make Mandatory the Fines for Litter." (H. P. 40) (L. D. 53)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

Which Report was Read and Accepted, in concurrence.

Senate

Ought to Pass as Amended

Senator SHUTE for the Committee on Legal Affairs on, Bill "An Act to Increase the Licensing Fee for Beano." (S. P. 32) (L. D. 35)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S. 1).

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.

The PRESIDENT PRO-TEM: The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President in reference to (L. D. 226), I would like to move Reconsideration, whereby we referred it to the Committee on Judiciary.

The PRESIDENT PRO-TEM: The Chair will inform the Senator that that Bill was referred to the Committee on State Government.

Does the Senator wish to withdraw his motion?

Senator Pray of Penobscot requests Leave of the Senate to withdraw his motion to Reconsider (L. D. 226)

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

It is a vote.

Orders of the Day

On motion by Senator Shute of Waldo, Adjourned until 10 o'clock tomorrow morning.