

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

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STATE OF MAINE
One Hundred and Tenth Legislature
First Regular Session
JOURNAL OF THE SENATE
January 20, 1981
Senate called to order by the Secretary.

The Secretary would ask the Sergeant-at-Arms to escort the Senator from Knox, Senator Collins, to the rostrum to assume to duties of President Pro-Tem.

Prayer by the Reverend Stephen D. Edington of the First Universalist Church of Rockland.

REVEREND EDINGTON: May we pray. In the name of the One who is the source of all life, we ask for guidance in the tasks that are before us. On this day when the hands of power in our nation's capitol are exchanged, may we here be prudent and deliberate in exercising the power and authority that is entrusted to us. May our diversity of opinions have the common goal of compassionate governance, and may the decisions made here be a reflection of the best that is within us and of our concern for the common good. May we be mindful both of our capacities and our limitations as we attend to the needs and concerns of those we represent.

We share on this day a special sense of hopeful thanksgiving, both for the impending release of the hostages and for the demonstration of human courage that has been shown by their families these many months past. In all of our dealings, then, grant us wisdom and grant us courage for the living of these days. Amen.

Reading of the Journal of yesterday.

Papers from the House
Joint Orders

Expressions of Legislative Sentiment recognizing:

Sergeant Janice Hanson of Wells, who, with the 6th Aviation Detachment, So. European Task Force, participated in relief flights to Vicenga, Italy following the earthquake. (H. P. 257)

Mrs. Esselyn G. Perkins of Ogunquit, for devoting 66 years of her life in public service as a teacher, historian, author and public benefactor. (H. P. 258)

Michael Dow of Cumberland, member of Boy Scout Troop 58, upon attaining the high rank of Eagle Scout. (H. P. 259)

Matthew Baier of North Yarmouth, member of Boy Scout Troop 58, upon attaining the high rank of Eagle Scout. (H. P. 260)

Lt. Daniel J. Flynn of the Portland Fire Department, named one of the "Firemen of the Year" by the Cumberland County Firemen's Association. (H. P. 261)

Gorham firefighter Kenneth A. Fickett, named one of the "Firemen of the Year" by the Cumberland County Firemen's Association. (H. P. 262)

Portland firefighter Peter J. Finnemore, named one of the "Firemen of the Year" by the Cumberland County Firemen's Association. (H. P. 263)

Come from the House, Read and Passed.
Which were Read and Passed, in concurrence.

House Papers

Bill, "An Act to Permit the Employees of the Franklin County Community Action Council to Withdraw from the Maine State Retirement System." (H. P. 213) (L. D. 251)

Comes from the House, referred to the Committee on Aging, Retirement and Veterans and Ordered Printed.

Which was referred to the Committee on Aging, Retirement and Veterans and Ordered Printed, in concurrence.

Bill, "An Act to Provide for Filing of Certain Security Interests, under the Uniform Commercial Code, in Municipalities." (H. P. 214) (L. D. 252)

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

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

Bill, "An Act to Revise, Consolidate and Update Statutes Concerning Certain School Health Services and Practices as they Relate to Communicable Diseases." (H. P. 198) (L. D. 243)

Bill, "An Act to Provide for a Course in Consumer Economics in Public High School." (H. P. 216) (L. D. 253)

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 Prohibit Taking Antlerless Deer in Certain Municipalities and Townships." (H. P. 217) (L. D. 254)

Bill, "An Act to Provide a Special Muzzle-loading Hunting Season." (H. P. 218) (L. D. 255)

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

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

Bill, "An Act Concerning the Habitual Use of Drugs by Podiatrists." (H. P. 199) (L. D. 244)

Bill, "An Act to Promote Alcohol and Drug Abuse Education and Rehabilitation." (H. P. 219) (L. D. 256)

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

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

Bill, "An Act to Ensure Notification of Families and Guardians of Patients at State Mental Health Institutes." (H. P. 221) (L. D. 258)

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 Relating to Eligibility for License under the Private Investigator Law." (H. P. 200) (L. D. 245)

Bill, "An Act to Repeal Provisions for Premiums and Rebates under the Liquor Laws." (H. P. 234) (L. D. 249)

Bill, "An Act to Revise the Law Relating to the Licensing of Private Investigators." (H. P. 185) (L. D. 257)

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

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

Bill, "An Act Concerning Smoking in Public Places and at Public Meetings." (H. P. 201) (L. D. 246)

Reference to the Committee on Legal Affairs suggested.

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

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

Senator CONLEY: Mr. President, I move that this bill be referred to the Committee on Legal Affairs.

The PRESIDENT PRO-TEM: The Senator from Cumberland, Senator Conley, moves that the bill be referred to the Committee on Legal Affairs.

The Chair recognizes the Senator from Cum-

berland, Senator Gill.

Senator GILL: Mr. President, I would urge that the bill be referred to the Committee on Health and Institutional Services. The Committee on Health and Institutional Services in the past has heard the bills on no smoking. The statement of fact on this particular legislative document states: "the purpose of this bill is to protect the public health, comfort and environment by controlling or eliminating a health menace, and to provide reasonable safe access to the necessities of life and to provide access to noncontaminated foods and medicines." I would urge that it go to the Committee on Health and Institutional Services.

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

Senator SHUTE: Mr. President and Members of the Senate, during the 107th Legislature, the Committee on Legal Affairs did hold the hearings on the no smoking bills presented to the Legislature. Also, during the 107th-108th Legislature, the Committee on Legal Affairs also held hearings on the right to privacy. I think this bill really gets into the area of right of privacy, so I would urge the members to refer this bill to the Committee on Legal Affairs.

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

Senator GILL: I might recall to the members of the Senate that the past immediate precedence is of the 108th and 109th Legislatures, and both of those Legislatures had the no smoking bills in the Health and Institutional Services Committee, so I would ask you to please send these bills back to Health and Institutional Services.

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

Will all those Senators in favor of the motion to refer this bill to the Committee on Legal Affairs, please rise in their places to be counted.

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

11 Senators having voted in the affirmative and 13 Senators in the negative, the motion does not prevail.

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

Bill, "An Act Converting Lakeville Plantation into the Town of Lakeville." (Emergency) (H. P. 202) (L. D. 247)

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 Provide for the Termination of Cable Television Permits Issued Prior to July 1, 1965 without Fixed Termination Dates." (H. P. 236) (L. D. 250)

Bill, "An Act to Amend the Lien Law for Sewer Districts." (Emergency) (H. P. 222) (L. D. 259)

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

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

Bill, "An Act to Establish Statutory Compliance with Modern Technology and Procedure for Scoring Examinations." (H. P. 203) (L. D. 248)

Bill, "An Act to Clarify and Make Corrections in the Personnel Laws." (H. P. 233) (L. D. 260)

Bill, "An Act to Establish a Maine Set-aside Program under the State Purchasing Law to Expand Work Opportunities for Multiple Handicapped Citizens." (H. P. 224) (L. D. 261)

Resolve, Authorizing the Commissioner of Mental Health and Corrections to Convey Land at the Augusta Mental Health Institute to the Augusta Sanitary District." (H. P. 225) (L. D. 262)

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

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

Bill, "An Act Relating to Sales Tax Exemption on New and Used Farm Machinery and Equipment." (H. P. 226) (L. D. 263)

Bill, "An Act to Allow Municipalities the Option of Charging Reasonable Service Charges on Certain Tax Exempt Property." (H. P. 227) (L. D. 264)

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

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

Resolve, Designating a Certain Bridge being Constructed Across the Androscoggin River as the "James B. Longley Memorial Bridge." (H. P. 228) (L. D. 265)

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.

Communication Office of the Governor

January 20, 1981

To: Members of the 110th Maine State Legislature

From: Joseph E. Brennan, Governor

Re: Task Force Reports

Attached are the final reports of the Governor's Task Forces on Foster Care for Children, Maternal and Child Health, and Long Term Care for Adults. The reports are the final distillation of a year of extensive and intensive study by 100 dedicated Maine citizens. During the Session, you will be considering several legislative proposals and budgetary items which relate to the recommendations of the Task Forces.

As you review the three reports, please bring to my attention any questions or comments you have about them.

Thank you very much.

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

Senate Papers

Senator McBREAIRTY (Cosponsors: Senator USHER of Cumberland, Representative PETERSON of Caribou and Representative MacEACHERN of Lincoln) presented:

Bill, "An Act to Provide an Open Season on Moose for a One-year period." (S. P. 128)

Reference to the Committee on Fisheries and Wildlife is suggested.

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

Senator CONLEY: Mr. President, I move that this item be referred to the Committee on Judiciary.

The PRESIDENT PRO-TEM: The Chair recognizes the Senator from Somerset, Senator Redmond.

Senator REDMOND: I request a Division.

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

Will all those Senators in favor of the motion to refer this bill to the Committee on Judiciary, please rise in their places to be counted.

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

7 Senators having voted in the affirmative and 17 Senators in the negative, the motion does not prevail.

Which was referred to the Committee on Fisheries and Wildlife and Ordered Printed. Sent down for concurrence.

Senator BUSTIN of Kennebec presented, Bill, "An Act to Assure Residential Services for Developmentally Disabled Persons." (S. P. 127)

(Submitted by the Department of Mental Health and Corrections pursuant to Joint Rule 24.)

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

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 Provide a State Income Tax Exemption of up to \$3,600 for Persons Receiving Military Survivors Benefits." (H. P. 26) (L. D. 30)

Leave to Withdraw

The Committee on Taxation on, Bill, "An Act to Create a Real Property Tax Exemption for Veterans of a Military Confrontation Occurring During Peace Time." (H. P. 30) (L. D. 34)

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.

Second Readers

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

Senate — As Amended

Bill, "An Act to Increase the Licensing Fee for Beano." (S. P. 32) (L. D. 35)

Which was Read a Second Time and Passed to be Engrossed, as amended.

Sent down for concurrence.

Enactor

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

AN ACT to Amend the Law Relating to Engineers to Provide for a Biennial Publication of a Roster of Registered Professional Engineers. (S. P. 18) (L. D. 16)

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

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

Orders

Expressions of Legislative Sentiment recognizing:

Coach Mike Landry and The Biddeford High School Tigers Football team, 1980 State Class AA Football Champions. (S. P. 129)

Coach Mike Landry of Biddeford High School, who has been chosen 1980 State Class AA Coach of the Year. (S. P. 130)

Claude LeClair fo Biddeford High School, recipient of the 1980 James J. Fitzpatrick Award given to the state's outstanding football player who also displays all-around school excellence. (S. P. 131)

Steve Martin of Biddeford High School, who was selected for the 1980 State Class AA All-State Football Team. (S. P. 132)

Eric Fournier of Biddeford High School, who was selected for the 1980 State Class AA All-State Football Team. (S. P. 133)

Graham Small of Biddeford High School, who was selected for the 1980 State Class AA All-State Football Team. (S. P. 134)

Claude LeClair of Biddeford High School, who was selected for the 1980 State Class AA All-State Football Team. (S. P. 135)

Gene Gervais of Biddeford High School, who was selected for the 1980 State Class AA All-State Football Team. (S. P. 136)

Mike Gagnon of Biddeford High School, who was selected for the 1980 State Class AA All-State Football Team. (S. P. 137)

Steve Montembeau of Biddeford High School, who was selected for the 1980 State Class AA All-State Football Team. (S. P. 138)

Dennis Gadbois of Biddeford High School, who was selected for the 1980 State Class AA All-State Football Team. (S. P. 139)

presented by Senator DUTREMBLE of York (Cosponsors: Representative LAVERRIERE of Biddeford, Representative RACINE of Biddeford and Representative NORTON of Biddeford.)

Which were Read.

On Motion by Senator CONLEY of Cumberland Passed.

Sent down for concurrence.

Recessed until the Sound of the Bell.

Recess

After Recess

The Senate called to Order by the President Pro-Tem.

The PRESIDENT PRO-TEM: The Chair congratulates the Committee on Business Legislation for its achievement in having produced the first committee treated bill to become an enactor in this session.

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

Paper From the House Joint Resolution State of Maine

IN THE YEAR OF OUR LORD ONE THOUSAND NINE HUNDRED AND EIGHTY-ONE

JOINT RESOLUTION ON THE INAUGURATION OF

RONALD W. REAGAN
AS PRESIDENT

AND
GEORGE H. W. BUSH
AS VICE-PRESIDENT

OF THE UNITED STATES OF AMERICA
Whereas, on the 20th day of January, 1981, a unique American tradition called Inauguration Day will occur; and

Whereas, during these dramatic times, Ronald Wilson Reagan will face the Nation for the first time as the 40th President of the United States of America; and

Whereas, 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 four years will be years filled with peace in the world and prosperity without inflation at home, and that the direction taken by this administration in the 1980's will bring new hope and meaning for the people of the country; now, therefore be it

Resolved: That, We, the Members of the 110th 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 attested copy of this Resolution be transmitted forthwith by the Secretary of State to our new Chief Executive and the Vice-President of the United States in honor of the occasion; 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, the President of the Senate and Speaker of the House of the Congress 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. (H. P. 298)

Comes from the House, Read and Adopted.

Which was Read and Adopted, in concurrence.

On motion by Senator Perkins of Hancock,
Adjourned until 10 O'clock tomorrow morning.
