

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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AUGUSTA, MAINE

STATE OF MAINE
One Hundred and Tenth Legislature
First Regular Session
JOURNAL OF THE SENATE

January 27, 1981

Senate called to order by the President.

Prayer by Father William Bartoul of St. Joseph's Maronite Church in Waterville.

FATHER BARTOUL: Let us pray. Heavenly Father, You are the creator of all things. It is from You that all good gifts come. You are the sower of the seed. Stretch forth Your right hand and touch these Your servants gathered here today, supply them with the rich soil that brings forth the fruit of the seed of Your wisdom that You have planted in their hearts. Kindle in them the fire of Your love which gives strength to the soldier and guidance to the leaders.

Gathered here before You are the Senators of Your people, chosen to serve and entrusted to be obedient to the needs of our communities. Within their grasp is the power to distribute help where help is needed, consolation where suffering reigns and peace where chaos cuts across the boundaries of friendship and understanding. Trust was their gift from the people and charity should be their return.

These men and women gathered here today must leave their personal goals and aspirations that do not fit their role as servants, for all too often the pledges made with Shakespearean dramatics, but the effects are never felt at home. All too often a measure is taken that reads of Philadelphian integrity while the people are left alone. All too often the prophecy is fulfilled that, "all that glitters is not gold."

Heavenly Father, help these people present to fulfill their noble calling, grant them the magnanimity to perpetuate the reputation of the Augusta Senate. Bless them with the fullness of your love so that their greatest joy will be found in serving those who put them here. For, no Senator should suffer the humiliation of usury and compromise, but, rather, be honored as the carrier of the banners of justice, honesty and fairness. To represent the people is truly a noble calling, for being engaged to speak for another is important and mature, a role honored since Aaron had spoken for Moses.

O'Lord, our God, much care must be taken with these people present, for they do not speak for an institution, they speak for Your people, local and neighborly. They must return to these same people with answers and actions befitting a caretaker, a member of the family, a trusted friend. A voice that echoes from home to Augusta and back again.

Almighty God, it is easy to become corrupted when a role is important and influential. Protect these honorable men and women, for when one of them gets hurt, the pain is felt by many. Continue to bless them and abide with them as the seed of Your wisdom takes root.

O'Lord, I raise my hands and voice to call upon Your mercy and love, for today these men and women need Your grace. They implore Your help and promise their obedience to Your precepts for they are most interested in being the best people they can be and in doing the best job they can do. These things can only be accomplished in Your presence and with Your help, for the Kingdom, the Power and the Glory are Yours forever and ever. Amen.

Reading of the Journal of yesterday.

Out of Order and Under Suspension of the Rules:

On motion by Senator COLLINS of Knox, ORDERED, that a message be sent to the House of Representatives proposing a Convention of both branches in the Hall of the House at 11 o'clock for the purpose of extending to His Excellency, Governor JOSEPH E. BRENAN, an invitation to attend the Convention and make such communication as pleases him.

Which was Read and Passed.

The President, appointed Senator Collins of Knox, to deliver the message, the Senator then retired to the Hall of the House, and subsequently reported that he had performed the duties with which he was charged.

Papers from the House
Joint Orders

Expressions of Legislative Sentiment recognizing:

Vera Chadbourne of Sanford, who celebrated her 90th birthday on January 18, 1981. (H. P. 362)

Wellington Higgins of Winthrop, who will celebrate his 107th birthday on January 25, 1981. (H. P. 363)

Timothy Witham, member of Boy Scout Troop 130, upon attaining the high rank of Eagle Scout. (H. P. 364)

John Morton, member of Boy Scout Troop 130, upon attaining the high rank of Eagle Scout. (H. P. 365)

Joel Barker, member of Boy Scout Troop 130, upon attaining the high rank of Eagle Scout. (H. P. 366)

Come from the House, Read and Passed.

Which were Read and Passed, in concurrence.

Joint Resolutions

Joint Resolutions in Memoriam:

WHEREAS, the Legislature has learned with deep regret of the death of Harvard W. Blaisdell, Esq., of Ellsworth, a prominent citizen of that community. (H. P. 361)

WHEREAS, the Legislature has learned with deep regret of the death of Dr. Francis L. Bailey of Gorham, well-known educator and former President of Gorham State Teacher's College. (H. P. 367)

Come from the House, Read and Adopted.

Which was Read and Adopted, in concurrence.

At this point a message was received from the House of Representatives, through Representative Mitchell of Vassalboro, concurring in the proposition for a Joint Convention.

House Papers

Bill, "An Act Converting Great Pond Plantation into the Town of Great Pond and Removing Great Pond from the Maine Forestry District." (Emergency) (H. P. 287) (L. D. 369)

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

On motion by Senator Pierce of Kennebec, Tabled for 1 Legislative Day pending, Reference.

Bill, "An Act Extending the Distance Requirement on Connection of Private Sewers." (H. P. 330) (L. D. 370)

Bill, "An Act to Increase the Borrowing Capacity of the Winterport Water District." (H. P. 331) (L. D. 371)

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 Concerning the Acceptance of Gifts by State Officials or Members of any Branch of State Government." (H. P. 333) (L. D. 372)

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 Exempt Deeds of Distribution from the Real Estate Transfer Tax." (H. P. 334) (L. D. 373)

Bill, "An Act to Provide a Tax Exemption for Veterans under 62 who are Receiving a Disability Pension." (H. P. 335) (L. D. 374)

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.

Bill, "An Act to Authorize Bond Issue in the Amount of \$12,800,000 for Highway and Bridge Improvements." (H. P. 336) (L. D. 375)

Bill, "An Act to Establish a Fee for the Purchase of New Number Plates." (H. P. 337) (L. D. 376)

Bill, "An Act to Prescribe when a Caboose shall be Attached to a Locomotive and Freight Cars." (H. P. 338) (L. D. 377)

Come from the House, referred to the Committee on Transportation and Ordered Printed, in concurrence.

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

Communication
Committee on State Government

January 26, 1981

The Honorable Joseph Sewall
President of the Maine Senate

State House

Augusta, Maine

Dear President Sewall:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 110th Maine Legislature, the Joint Standing Committee on State Government has had under consideration the nomination of Robert E. Baldacci, Jr. as a member of the Maine Guarantee Authority.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee clerk called the roll with the following result:

YEAS: Senators 3
Representatives 8
NAYS: Senators 0
Representatives 0

ABSENT: 2 (Rep. Small of Bath, Rep. Dillenback of Cumberland)

11 members of the Committee having voted in the affirmative and 0 in the negative it was the vote of the Committee that the nomination of Robert E. Baldacci, Jr. as a member of the Maine Guarantee Authority be confirmed.

Sincerely,

S/DAVID R. AULT

Senate Chairman

S/JUDY C. KANY

House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on State Government has recommended that the nomination of Robert E. Baldacci, Jr. be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on State Government be overridden? In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 38 of the 110th Legislature, the vote will be taken by the yeas and nays. A vote of Yes will be in favor of overriding the recommendation of the Committee. A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—None.

NAY—Ault, Brown, Bustin, Carpenter, Charette, Collins, Conley, Dutremere, Emerson, Gill, Hichens, Huber, Kerry, McBreairey, Minikowsky, Najarian, O'Leary, Perkins, Pierce, Pray, Redmond, Sewall, C. Shute, Sutton, Teague, Trafton, Trotzky, Usher, Violette, Wood, The President, J. Sewall.

ABSENT—Clark, Devoe.

No Senators having voted in the affirmative and 31 Senators in the negative, with 2 Senators being absent and none being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be accepted. The nomination of Robert E. Baldacci, Jr. is confirmed.

Senate Papers

Senator TRAFON of Androscoggin (Cosponsors: Senator CLARK of Cumberland; Representative ALOUPIS of Bangor and Representative HAYDEN of Durham) presented, sented,

Bill, "An Act to Establish Minimum Standards for Medicare Supplement Insurance Policies." (S. P. 175)

Which was referred to the Committee on Business Legislation and Ordered Printed. Sent down for concurrence.

Senator DEVOE of Penobscot (Cosponsor: Representative DAVIES of Orono) presented, Bill "An Act to Continue the Joint Select Committee on Decommissioning of Nuclear Generating Facilities." (S. P. 174)

Which was referred to the Committee on Public Utilities and Ordered Printed. Sent down for concurrence.

Orders

Expressions of Legislative Sentiment recognizing:

The Town of Acton on the celebration of its sesquicentennial (1830-1980). (S. P. 176) presented by Senator WOOD of York (Cosponsors: Representative RIDLEY of Shapleigh and Representative DAVIES of Orono.)

Sid Snow of Brooksville, who recently celebrated the 90th anniversary of his birth. (S. P. 177) presented by Senator PERKINS of Hancock (Cosponsor: Representative PERKINS of Brooksville.)

Which were Read and Passed. Sent down for concurrence.

Committee Reports House

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

Bill, "An Act to Require that Barber Shops Post Their Prices." (H. P. 53) (L. D. 67)

Bill, "An Act Concerning Fishing by Persons Confined to Wheelchairs." (H. P. 60) (L. D. 72)

Leave to Withdraw

The Committee on Transportation on, Bill, "An Act to Create a Point System for Violation-free Drivers Under the Motor Vehicle Laws." (H. P. 46) (L. D. 52)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Adopted.

Which Report was Read and Accepted, in concurrence.

Senate Ought to Pass

Senator SEWALL for the Committee on Business Legislation on, Bill, "An Act to Amend the Maine Nonprofit Corporation Act." (S. P. 72) (L. D. 109)

Reports that the same Ought to Pass.

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

Second Readers

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

Senate-As Amended

Bill, "An Act Providing for the Maine State Housing Authority Financing of Intermediate Care Facility Group Homes for the Retarded

and Persons with Retarded Conditions." (S. P. 22) (L. D. 20)

Bill, "An Act to Revise the Land Surveyor Laws." (S. P. 24) (L. D. 21)

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

Sent down for concurrence.

Orders of the Day

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

Bill, "An Act to Make Confidential Certain Documents of the Maine Human Rights Commission." (H. P. 33) (L. D. 38)

Tabled—January 26, 1981 by Senator COLLINS of Knox

Pending—Passage to the Engrossed.

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

Senator MINKOWSKY: Mr. President, and Members of the Senate, the reason why I had this bill placed aside yesterday, so that it could be tabled until today, was so as to get a reasonable explanation from someone on the Judiciary Committee relative to if this particular item, which endeavors to make public without written consent of the parties the proceedings that would be used as evidence in any subsequent proceedings civil or criminal.

I only ask for an explanation from somebody on that particular committee. I thought possibly we might be getting into an area of precluding somebody's rights, in so far, as knowing what is going on. I feel that the Maine Human Rights Commission in its wisdom handles many hundreds of cases during the course of a year, but I certainly do not want to cover up if there is justifiable cases that should have public scrutiny. All I guess that I am asking for really is the explanation that this item will not be covered up by the Maine Human Rights Commission.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Kerry.

Senator KERRY: This specific bill was introduced by the Maine Human Rights Commission, to resolve a problem with confidentiality prior to a 1977 amendment, which allowed for a predetermination resolutions of a Human Rights Commission problem. All of the commissions had to conduct full investigations. Therefore, when the 1977 amendment was presented it did not include a confidentiality section, giving the people who were involved in the discussions confidentiality in trying to resolve it without a full investigation. What this does in effect is allow them to discuss the problem without having to reveal it publicly. It protects them from having any evidence presented to be used against them in either criminal or civil court proceedings later.

Secondly, if, there is a predetermined resolution of the problem the public document, that results from this discussion, then becomes public. This is similar to a court proceeding or "rules of evidence," I believe, it is Rule 408 of the General Court Proceedings in the Statutes. Therefore, the main point is that it does not preclude the publication of the document which is the settlement and it does allow the commission, and the people involved to discuss it freely.

Which was Passed to be Engrossed, as amended in concurrence.

Senator Collins of Knox was granted unanimous consent to address the Senate, Off the Record.

On motion by Senator Pierce of Kennebec, Recessed until the Sound of the Bell.

Recess

After Recess

The Senate called to Order by the President.

The Senate then retired to the Hall of the House, where a Joint Convention was formed. (For proceedings of Joint Convention, see House Report)

After Joint Convention In Senate

The Senate called to Order by the President.

On motion by Senator Pierce of Kennebec, Adjourned until 10 o'clock tomorrow morning.