

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

February 5, 1981

Senate called to order by the President.

Prayer by the Reverend David C. Glendinning of St. Marks Episcopal Church in Waterville.

REVEREND GLENDINNING: Let us Pray. O'Lord, pour your spirit of wisdom and understanding on this assembly which takes counsel for our common good.

Stir the humanity in each that their work may have a purpose, and kindle the humility in each that their work may be kept in perspective.

Above all, in the daily testing where competing values and opinions must be made law, may they so honor each other and us all, that when this Session ends that they will have earned the accolade, "well done tho good and faithful servant." Amen.

Reading of the Journal of yesterday.

Papers from the House
Joint Order

An Expression of Legislative Sentiment recognizing:

Mary J. Hayward, of Machias, who celebrated her 101st birthday on January 29, 1981. (H. P. 585)

Comes from the House, Read and Passed.

Which was Read and Passed, in concurrence.

House Papers

Bill, "An Act Relating to Clarification of Notices of Rental Arrearages." (H. P. 495) (L. D. 547)

Bill, "An Act to Amend the Appeals Procedure Regarding Special Entertainment Licenses." (H. P. 496) (L. D. 548)

Bill, "An Act to Prohibit Drinking in Public under the Criminal Code." (H. P. 497) (L. D. 549)

Bill, "An Act Providing an Alternative to the Warrant of Habitability Law where Dangerous Conditions Require Minor Repairs to a Dwelling Unit." (H. P. 498) (L. D. 550)

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

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

Bill, "An Act to Encourage Training of Handicapped Workers." (H. P. 500) (L. D. 551)

Bill, "An Act to Clarify the Spousal-leaving Provision of the Employment Security Law." (H. P. 501) (L. D. 552)

Bill, "An Act Concerning Workers' Compensation Cost Containment." (H. P. 502) (L. D. 553)

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 Relating to the Licensing of Pin Ball Machines." (H. P. 503) (L. D. 554)

Bill, "An Act Relating to Games of Chance Sponsored by Charitable Organizations." (H. P. 504) (L. D. 555)

Resolve, Authorizing Thomas J. Levesque, of Guilford, Administrator of the Estate of Shelby Lynn Levesque, to Bring Civil Action against the State of Maine." (H. P. 512) (L. D. 562)

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 to Permit Liquor Sales on Election Day." (H. P. 505) (L. D. 556)

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

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

Senator SHUTE: Mr. President, and Members of the Senate, the sponsor of this Bill would like to withdraw the Bill, So I would at this time like to Indefinitely Postpone it.

On motion by Senator Shute of Waldo, Indefinitely Postponed, in non-concurrence.

Sent down for concurrence.

Bill, "An Act to Amend the Fee Schedule for the Payment of Appointed Forest Fire Wardens." (H. P. 506) (L. D. 557)

Come 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.

Resolution, Proposing an Amendment to the Constitution of Maine Abolishing the Second Regular Session of the Legislature. (H. P. 507) (L. D. 558)

Resolution, Proposing an Amendment to the Constitution of Maine to Change the Term of Office for State Legislators from Two Years to Four Years. (H. P. 508) (L. D. 559)

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 to Authorize Certain Crossings of Public Ways under the Highway Laws." (H. P. 509) (L. D. 560)

Bill, "An Act to Retain the Motor Vehicle Operator License and Examination Fees and Motor Vehicle Title Fees Currently in Effect." (Emergency) (H. P. 510) (L. D. 561)

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

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

Senate Papers

Senator CLARK of Cumberland (Cosponsor: Representative MITCHELL of Freeport) presented, Bill, "An Act Clarifying the Authority of School Administrative District No. 62, Pownal, to Employ its Own Superintendent of Schools and Supervising Principal." (S. P. 237)

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

Sent down for concurrence.

Senator REDMOND of Somerset, presented, Bill, "An Act Concerning the Qualifications of Licensed Guides Leading Trips Involving Children from Boys and Girls Camps." (S. P. 234)

Which was referred to the Committee on Fisheries and Wildlife and Ordered Printed.

Sent down for concurrence.

Senator CHARETTE of Androscoggin (Cosponsor: Representative BOISVERT of Lewiston) presented, Bill, "An Act to Amend the Social Worker Registration Act with Respect to Employment by Nursing Homes and to Foster Coordination with State and Federal Regulations Governing Required Social Services in Nursing Homes." (S. P. 235)

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

Sent down for concurrence.

Senator TEAGUE of Somerset (Cosponsors: Senator PIERCE of Kennebec, Senator AULT of Kennebec and Representative HICKEY of Augusta) presented, Bill, "An Act Relating to Veterans' Tax Exemptions." (S. P. 236)

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

Sent down for concurrence.

Committee Reports
Senate

Ought to Pass

Senator TEAGUE for the Committee on Aging, Retirement and Veterans on, Bill, "An Act Concerning the Uniform Processing of Employer Contributions into the Retirement System." (S. P. 101) (L. D. 210)

Reported that the same Ought to Pass.

Senator SEWALL for the Committee on Business Legislation on, Bill, "An Act to Amend the Maine Business Corporation Act." (S. P. 83) (L. D. 180)

Reported that the same Ought to Pass.

Senator SEWALL for the Committee on Labor on, Bill, "An Act Relating to the Special Administrative Expense Fund and Errors in Benefit Payments under the Employment Security Law." (S. P. 62) (L. D. 89)

Reported that the same Ought to Pass.

Which Reports were Read and Accepted and the Bills Read Once and Tomorrow Assigned for Second Reading.

Ought to Pass As Amended

Senator TEAGUE for the Committee on Aging, Retirement and Veterans on, Bill, "An Act Concerning Appointments to the Maine Veterans Home Board of Trustees." (S. P. 73) (L. D. 110)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-8).

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.

Second Readers

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

House

Bill, "An Act Relating to Safety and Health Regulation of Compressed Air Work, Public Sector Farm Workers and Variance Procedures." (H. P. 69) (L. D. 118)

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

House — As Amended

Bill, "An Act to Provide for the Use of Flashing White Lights on Ambulances." (H. P. 45) (L. D. 51)

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

Orders of the Day

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

SENATE REPORT—from the Committee on Energy and Natural Resources—Bill, "An Act to Prohibit Open Burning in Areas Determined as Urban Areas." (S. P. 58) (L. D. 84) Leave to Withdraw.

Tabled—February 4, 1981 by Senator COLLINS of Knox

Pending—motion of Senator HICHENS of York to reconsider action whereby Leave to Withdraw Report was accepted.

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

Senator CONLEY: Mr. President, I would pose a question through the Chair to the good Senator from York, Senator Hichens, as, for that reason he wishes to substitute the Bill for the Report?

The PRESIDENT: The Senator from Cumberland, Senator Conley has posed a question through the Chair.

The Chair recognizes the Senator from York, Senator Hichens.

Senator HICHENS: This Bill was presented a couple of weeks ago to the Committee on Energy and Natural Resources, at that time there was some disagreement between the two departments, which were named, as to how the

Bill could be implemented or it if should be implemented by Law. The Committee was asked at that time if they would meet with members of the departments and have a work session on it which I understood was agreed.

A couple of days later the Chairman of the committee came to me and told me that they were granting Leave to Withdraw, on the Bill. I questioned their statement about having a work session, and he said that he felt that there couldn't be too much done about it. I asked him to hold up for the time being. The next thing I found this on the calendar. I think, that there has been a little mis-communication or lack of communication between us perhaps.

I have talked with some of the House members who felt that they did not realize that I had not been contacted or given permission for the Leave to Withdraw and they would be willing to work on the Bill. So I would like to have it reconsidered and have it recommitted to the Committee on Energy and Natural Resources, and let them act on it as they feel accordingly.

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

Senator McBREAITY: Mr. President and Members of the Senate, the only reason that I would agree, if that is your pleasure to send this back, will be to report it out Ought Not to Pass.

If some members of my committee want to sit down with these two departments and see if they can work out something that is satisfactory to the people involved, without a Bill, but as far as I am concerned, unless the committee over-rides me, the Bill will just come back in a few days Ought Not to Pass. I'd just as soon do this if this is what he wants, and if this is what you people want.

The PRESIDENT: Is the Senate ready for the question?

The pending question before the Senate is the motion by the Senator from York, Senator Hichens that the Senate Reconsider its action whereby it Adopted the Leave to Withdraw Report of the Committee.

Will all those Senators in favor of Reconsideration, please say "Yes".

Will all those Senators opposed, please say "No".

A Viva Voce VOTE being had.

The motion to Reconsider does not prevail.

Senator Conley of Cumberland was granted unanimous consent to address the Senate, On the Record.

Senator CONLEY: Mr. President, and Members of the Senate, the other morning, when I came to my office, I was confronted with a lot of statements of accusations that were made at the Maine Farm Bureau's supper the other evening.

I thought that my good colleague the Senator from Somerset, Senator Redmond had gone "tapioca." He started accusing the Democrats of being responsible for all these great Workers Comp. Bills that have passed since 1965. Someone sort of had to bring the good Senator up-to-date that the Maine Senate has been controlled by the Republican Party since 1967. It appears that the Republican's could really take credit for all those Workmen Comp. Bills that had gone through. I always said congratulations and God Bless you.

Then I thought, that he had really gone over board when he made some allegations of "Watergate" and some type of bug being inserted in the Majority Floor Leaders Telephones. I thought that he must have been into the "fruits of nectar" or something, because you know I couldn't understand. I have always had my suspicions with those across the hall from my office. I have always instructed my staff to keep a diligent eye on their activities, to make sure that I was kept informed as to what was going on over there.

I can also understand, Mr. President, of perhaps, someone in the Majority Party not quite,

not quite, having the trust of their colleagues down the road. Certainly, I know, that the former Majority Floor Leader, the great gentlemen from Nicolson & Ryan, was very ambitious, and his fellow colleagues, and cohort, from up the Kennebec from Waterville, Senator Pierce had a great deal of enthusiasm and energy also within him. I question, in my mind now, as to whether they trusted one another. Or did someone down here in the office way down to the end of the corridor might have some suspicions of both of them.

I am glad that this mess is cleared up. I am glad that if there was a bug that the bug has been removed.

The one who seems to be most interested is the good Senator from Somerset, Senator Redmond, and I think, that we ought to start the investigation with him. If we clear him let's get to that guy down there at Nicholson & Ryan and find out what really happened.

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

Senator COLLINS: Mr. President, I trust that the Record, will show that the mechanism to which the Senator from Cumberland, Senator Conley has referred was installed during the time when the Senator from Kennebec, Senator Spears, and the Senator from Cumberland, Senator Huber were in charge of the Majority Office. They had a relationship to the recording of message to be used in radio programs and they call them actualities.

I wanted to comment also the reference to "tapioca". Tapioca, is one of the most cohesive substances and one of the most healthy desserts that I know. I thank the Senator for that compliment.

Senator Conley of Cumberland was granted unanimous consent to address the Senate, On the Record.

Senator CONLEY: Mr. President, in my neighborhood tapioca means, "a little fluffy and a little soft on top."

Senator Redmond of Somerset was granted unanimous consent to address the Senate, On the Record.

Senator REDMOND: Mr. President, and Members of the Senate, in view of the statements just made, by my good friend the Minority Floor Leader, I would like to state that all I did at the Maine Farm Bureau rally was give them an answer to the request that they have on various occasions made to me, and that is that they want me to put a lot of pressure here and try and get the government to get off their backs.

One of the things is this Workers Compensation that is too costly. I was on the Labor Committee on the 108th and my fine friends there each time that one of those bills came up, itty-bitty pieces at one time, you got up or you raised your hand, and who is the majority Ought to Pass or Ought Not to Pass. It is always the members of the Majority Party who have their say.

Now the good Senator from Cumberland also told me that the Republican Senate has passed all these laws. I would advise the good Senator from Cumberland, that his being such a fine orator and such a fine representative of his party after he stood up and made these convincing speeches it is bound to spill onto some of the Republicans that have to vote along with him.

In the future, I would be only too pleased to explain in more details to those farmers how come these Workers Compensation Bills were passed by the Republican Senate also.

(Off Record Remarks)

On motion by Senator Pierce of Kennebec, Adjourned until 1 o'clock tomorrow afternoon.