

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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

February 18, 1981

Senate called to order by the President.

Prayer by the Honorable Larry M. Brown of Lubec.

Senator BROWN: Our Father in Heaven, we are grateful to be alive today, and to be able to serve in the capacity of the Maine State Senate. We pray that our deliberations may be sincere, that our hearts be set on doing that which we believe is right. Give us wisdom and humbleness, knowing that our actions have an effect on a large number. Guide us throughout this day, and help us to know that a force exists beyond our meager efforts. We pray these things in Jesus' name. Amen.

Reading of the Journal of yesterday.

(Off Record Remarks)

The President would ask the Sergeant-at-Arms to escort the Senator from Oxford, Senator O'Leary to the rostrum to assume the duties of President Pro-Tem.

The Sergeant-at-Arms escorted the Senator from Oxford, Senator O'Leary to the rostrum, where he acted as President Pro-Tem.

The President then retired from the Senate Chamber.

Papers from the House
House Papers

Bill "An Act to Repeal Certain Provisions Relating to Burial Expenses and Reimbursement Under Relief of Poor Veterans." (H. P. 698) (L. D. 823)

Bill, "An Act Relating to Eligibility for World War Assistance." (H. P. 699) (L. D. 824)

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

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

Bill, "An Act Concerning the Tax on Exotic Bets at Harness Racing Tracks." (H. P. 700) (L. D. 825)

Reference to the Committee on Agriculture suggested.

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

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

Bill "An Act to Provide 75% Reimbursement to a Municipality for General Assistance Costs." (H. P. 701) (L. D. 826)

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

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

Bill "An Act to Provide for State Coordination of Referendums Concerning School Construction Projects." (H. P. 652) (L. D. 822)

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

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

Bill, "An Act Relating to Jail Administration." (H. P. 682) (L. D. 796)

Come 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 Hospital Inspection Law." (H. P. 746)

Reference to the Committee on Health and Institutional Services suggested.

Come from the House, Indefinitely Postponed.

The PRESIDENT Pro-Tem: Is it the pleasure of the Senate to Indefinitely Postpone, in concurrence?

It is a vote.

Bill, "An Act Relating to Sums Due for Rent and Claims for Damages." (H. P. 683) (L. D. 797)

Come 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 Improve the Evaluation of Hearing Loss under the Workers' Compensation Statute." (H. P. 684) (L. D. 798)

Bill, "An Act to Amend the Workers' Compensation Law." (H. P. 685) (L. D. 799)

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 Remove the 10-mile Radius Restriction on Location of Agency Stores under the Liquor Laws." (H. P. 686) (L. D. 800)

Come 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.

Bill, "An Act to Revise the State Personnel System." (H. P. 687) (L. D. 801)

Come 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 Relating to the State Valuation of the Town of Easton." (Emergency) (H. P. 688) (L. D. 802)

Bill, "An Act to Equalize Tax Treatment of Health Insurers." (H. P. 689) (L. D. 803)

Bill, "An Act to Prorate the Excise Tax on Automobiles and Other Vehicles." (H. P. 690) (L. D. 804)

Bill, "An Act to Repeal the Sales Tax on Fuel Oil and to Enact in its Place an Excise Tax on Fuel Consumed in Industrial and Manufacturing Establishments." (H. P. 691) (L. D. 805)

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 Eliminate the Obsolete Requirement for Red Flags During Daylight Hours for Motor Trucks and Truck Tractors." (H. P. 692) (L. D. 806)

Bill, "An Act to Establish a Transit License Plate for Movement of Special Off-road Vehicles and Equipment Weighing over 6,000 Pounds." (H. P. 693) (L. D. 807)

Bill, "An Act to Amend Certain Motor Vehicle Laws." (H. P. 694) (L. D. 808)

Resolve, Designating the Picnic Area on State Route 23 in Dexter as the Harold Keyte Memorial Picnic Area. (H. P. 695) (L. D. 809)

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.

Communication
Senate Chamber
President's Office

February 17, 1981

Honorable Charlotte Z. Sewall

Honorable Edith S. Beaulieu
Chairmen, Joint Standing
Committee on Labor
State House
Augusta, ME

Please be advised that Governor Joseph E. Brennan is nominating William R. Malloy of Farmingdale for appointment as Commissioner of the Department of Manpower Affairs.

Pursuant to Title 26 MRSA Section 1401 this nomination will require review by the Joint Standing Committee on Labor and confirmation by the Senate.

Sincerely,
S/JOSEPH SEWALL
President of the Senate
S/JOHN L. MARTIN
Speaker of the House
(S. P. 323)

Which was Read and referred to the Committee on Labor.

Sent down for concurrence.

Senate Papers

Senator BUSTIN of Kennebec (Cosponsor: Representative GAVETT of Orono) presented, Bill, "An Act to Amend the Consumer Loan Agreements Law." (S. P. 318)

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

Sent down for concurrence.

Senator PRAY of Penobscot (Cosponsor: Senator VIOLETTE of Aroostook) presented, Bill "An Act Related to Teacher Standards and Certification." (S. P. 319)

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

Sent down for concurrence.

Senator CONLEY of Cumberland presented, Bill, "An Act to Provide Reimbursement for Parking Costs Incurred by Jurors." (S. P. 317)

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

Sent down for concurrence.

Senator PRAY of Penobscot (Cosponsor: Senator USHER of Cumberland) presented, Bill, "An Act to Ensure Worker Access to Information Concerning Hazardous Substances in the Workplace." (S. P. 321)

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

Sent down for concurrence.

Senator O'LEARY of Oxford presented, Bill, "An Act Creating the Rangeley Water District." (Emergency) (S. P. 322)

Which was referred to the Committee on Public Utilities and Ordered Printed.

Sent down for concurrence.

Senator PRAY of Penobscot (Cosponsor: Senator EMERSON of Penobscot) presented, Bill, "An Act Concerning Funds for the Maintenance for the Baxter Park Perimeter Road." (S. P. 320)

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

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 Close the University of Maine on State Holidays." (H. P. 134) (L. D. 161)

Bill, "An Act to Increase the Compensation for the Board of Commissioners of the Profession of Pharmacy." (H. P. 139) (L. D. 166)

Leave to Withdraw

The Committee on Fisheries and Wildlife on, Bill, "An Act to Provide that the First Week of Deer Hunting Season in the Northern Zone shall be for Resident Hunters Only." (H. P. 61)

(L. D. 73)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

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

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

Which Reports were Read and Accepted, in concurrence.

Ought to Pass

The Committee on Local and County Government on, Bill, "An Act Converting Lakeville Plantation into the Town of Lakeville." (Emergency) (H. P. 202) (L. D. 247)

Reported that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed.

The Committee on Local and County Government on, Bill, "An Act to Provide for the Surrender by Barnard Plantation of its Organization." (H. P. 186) (L. D. 228)

Reported that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed.

The Committee on Legal Affairs on, Bill, "An Act to Provide a Speedy Procedure to Authorize the Demolition of Unsafe and Irreparable Buildings and Structures." (H. P. 140) (L. D. 229)

Reported that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed.

The Committee on Legal Affairs on, Bill, "An Act to Repeal the Law Barring Minors from Bowling Alleys, Pool Rooms and Shooting Galleries." (H. P. 282) (L. D. 321)

Reported that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed.

The Committee on Aging, Retirement and Veterans on, Bill, "An Act to Permit Teaching under the Fulbright Exchange Program to be Allowed as Creditable Service under the Retirement System." (H. P. 307) (L. D. 340)

Reported that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed.

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

Ought to Pass - As Amended

The Committee on Transportation on, Bill, "An Act to Create a Special Moped License for Persons 16 Years and Over." (H. P. 121) (L. D. 153)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-25).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A".

The Committee on Transportation on, Bill, "An Act to Coordinate and Assign the Responsibility for Conducting Air Search and Rescue Operations in the State Arising from Aeronautical Activities." (H. P. 154) (L. D. 178)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-26)

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A".

The Committee on Local and County Government on, Bill, "An Act to Provide for the Surrender by Grand Falls Plantation of its Organization." (Emergency) (H. P. 42) (L. D. 55)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-29)

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A".

The Committee on Local and County Government on, Bill, "An Act Requiring Certain County Officials to Make Monthly Payments of Fees and Charges to the County Treasurer." (H. P. 110) (L. D. 143)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-28).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A".

The Committee on Health and Institutional Services on, Bill, "An Act to Amend the Statutes Relating to the Developmental Disabilities Council." (H. P. 175) (L. D. 224)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-30)

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A".

Which Reports were Read and Accepted, in concurrence, and the Bills Read Once. Committee Amendments "A" were Read and Adopted, in concurrence, and the Bills, as amended, Tomorrow Assigned for Second Reading.

The Committee on Transportation on, Bill, "An Act to Exempt Skidders from the Registration Requirement of the Motor Vehicle Laws for Limited Travel." (H. P. 85) (L. D. 79)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-27)

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" (H-31) Thereto.

Which Report was Read and Accepted, in concurrence, and the Bill Read Once. Committee Amendment "A" was Read. House Amendment "A" to Committee Amendment "A" was Read and Adopted, in concurrence. Committee Amendment "A" as amended by House Amendment "A" Thereto was Adopted, in concurrence, 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 to Increase the Borrowing Capacity of the Winterport Water District." (H. P. 331) (L. D. 371)

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

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

House — As Amended

Bill, "An Act Relating to Immunization of Children Prior to Entering School." (H. P. 41) (L. D. 54)

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)

Bill, "An Act to Amend the Disorderly Conduct Statutes to Include Instances of Affray." (H. P. 145) (L. D. 171)

Bill, "An Act Reinstating Littering as a Criminal Offense." (H. P. 142) (L. D. 168)

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

Senate

Bill, "An Act to Preserve Maine's Archaeological Heritage." (S. P. 316) (L. D. 827)

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

Sent down for concurrence.

Bill, "An Act to Include Money in the Law Regarding the Forfeiture of Property Used or Intended for Use in Violation of the Criminal Law Relating to Drugs." (S. P. 55) (L. D. 88)

Which was Read a Second Time.

The PRESIDENT Pro tem: The Chair recognizes the Senator from Penobscot, Senator Devoe.

Senator DEVOE: Thank you very much, Mr. President. Mr. President and Members of the Senate, I present Senate Amendment "A" under Filing Number S-15 and move its Adoption, and would speak briefly to my motion. Senate Amendment "A" (S-15) Read. The PRESIDENT Pro tem: The Senator has the floor.

Senator DEVOE: Thank you, Mr. President. Mr. President and Members of the Senate, this amendment deals with the Bill, concerning the forfeiture of cash that is found and other securities that are found in drug raids.

It is a unanimous committee Bill. The committee was under the impression that the Bill as drafted and as it fitted into the other sections in Title 22, would insure that all the cash that was found and ultimately forfeited in court proceedings would go to the general fund of the state after the cost of the forfeiture proceedings.

We were advised by the Assistant Attorney General, who was working on the Bill with us, after we had reported the Bill out-of-committee, that he felt it appropriate that if the committee wanted to insure that the cash went to the general fund that we should amend the Bill.

Assistant Attorney General Irwin has prepared this amendment. It meets with the pleasure of the Judiciary Committee unanimously, Mr. President, I move its Adoption.

Senate Amendment "A" Adopted. The Bill, as amended, Passed to be Engrossed.

Sent down for concurrence.

Senate — As Amended

Bill, "An Act Relating to the Organization of the Department of Transportation." (S. P. 56) (L. D. 82)

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

Sent down for concurrence.

The President Pro-tem would ask the Sergeant-at-Arms to escort the Senator from Penobscot, Senator Sewall to the Rostrum where he may assume his duties as President.

The Sergeant-at-Arms escorted the Senator from Penobscot, Senator Sewall to the Rostrum where he assumed his duties as President.

The Sergeant-at-Arms escorted the Senator from Oxford, Senator O'Leary to his seat on the floor of the Senate.

The PRESIDENT: The Chair would like to thank the President Pro-Tem for doing an outstanding job this morning.

Enactors

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

AN ACT Concerning Identification and Testing of Equine Infectious Anemia on Horses. (H. P. 131) (L. D. 158)

AN ACT to Change the Method by which the Standard Interest Rate is Calculated. (H. P. 82) (L. D. 77)

AN ACT Concerning the Assignment of Rights of Recovery. (S. P. 71) (L. D. 108)

AN ACT to Permit Flexibility in the Prorating of Real Estate Taxes between Sellers and Purchasers of Real Estate. (H. P. 87) (L. D. 80)

AN ACT Concerning the Habitual Use of Drugs by Podiatrists. (H. P. 199) (L. D. 244)

Which were Passed to be Enacted and having been signed by the President, were by the Secretary presented to the Governor for his ap-

proval.

RESOLVE, Designating the Scenic Overlook on Interstate 95 in T1-R6 WELS as "The Albert J. 'Allie' Cole Memorial Scenic Overlook." (S. P. 82) (L. D. 179)

Which was Finally Passed 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 Tabled and specially assigned matter:

Bill, "An Act to Amend the Annual Timber Cut Report Requirement to Include Fuelwood under the Annual Timber Cut Report." (H. P. 10) (L. D. 5)

Tabled—February 17, 1981 by Senator COLLINS of Knox

Pending—Passage to be Engrossed.

Which was Passed to be Engrossed, in concurrence.

Senator O'Leary of Oxford, was granted unanimous consent to address the Senate, On the Record.

Senator O'LEARY: Mr. President, earlier in our proceedings, you recognized my wife, her brother, and her brother's wife. I would like to say just a few words about Mr. Brown who is here with us today.

He is a native of Rumford, and he attended the University of Maine. He graduated from Lamar University in Beaumont, Texas as an electrical engineer. He is graduated from Johns Hopkins University Graduate School in Baltimore. Presently he is employed by Westinghouse Electric as a project manager in an aerospace division. Mr. Brown has been project manager of many space programs, most notable is the Helios Program whereby the United States and West Germany, working together, have two satellites orbiting around the sun gathering scientific data.

Mr. Brown is at the present time project manager of the Space Shuttle Program. That's why you have on your desks this morning copies from the Lewiston Daily Sun. He has many accomplishments, and like I say, he's soon to retire and return here to Maine.

I've said some good things about him, now I'd like to say something that's not quite perhaps as nice. His politics to me is highly suspect. When he was in Beaumont, Texas, he was county committee chairman of the Republican Party. I'll try to switch him over when he becomes a constituent of mine. Thank you, Mr. President.

(Off Record Remarks)

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