

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

February 26, 1981

Senate called to order by the President.

Prayer by Father Thomas J. Joyce of St. Mary's Catholic Church in Augusta.

Father JOYCE: Let us place ourselves in the presence of God and pray. O'God, we humbly ask Your blessing on all gathered here this morning, and mindful of Your infinite perfection, we praise You for Your infinite knowledge and mercy. We ask that You sustain all here in their work, that they may always have the strength to accomplish the task that is theirs. In realizing that all law emanates from You, theirs is both a pious and a patriotic duty, caring for their fellow human beings.

Therefore, we ask Your blessing, and as all things begin and end with You, we begin this meeting with our humble prayer. We thank You for Your past blessings, and in petition, ask that You sustain these here with Your help today, and in the future. May God Bless You. Amen.

Senator Hichens of York was granted unanimous consent to address the Senate, On the Record.

Senator HICHENS: Mr. President, before the good Father leaves, I wanted to remind the Senate that it was at St. Mary's Church Tuesday night when so many of us overstuffed ourselves with the good food that his cooks prepared. You might not know that he is a cousin to Representative Joyce over in the House. I saw Representative Joyce and asked him where the good Father was. He said, "Well, he always comes in late, because if there isn't enough food, he has to bless it so it will multiply." I think it did multiply the other night because there was plenty of it. Thank you, Father.

Reading of the Journal of yesterday.

(Off Record Remarks)

Papers From the House Non-concurrent Matter

Bill, "An Act to Remove the Political Sign Restrictions from the Billboard Law." (S. P. 328) (L. D. 958)

In the Senate, February 20, 1981, referred to the Committee on Business Legislation.

Comes from the House, referred to the Committee on Election Laws, in non-concurrence.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President, I move that the Senate Adhere.

The PRESIDENT: The Senator from Knox, Senator Collins, moves the Senate Adhere.

Is this the pleasure of the Senate?

The motion prevailed.

Non-concurrent Matter

Bill, "An Act to Regulate Entrance Fees Charged by Mobile Home Parks." (H. P. 779) (L. D. 924)

In the House, February 19, 1981, referred to the Committee on Business Legislation.

In the Senate, February 24, 1981, referred to the Committee on Legal Affairs, in non-concurrence.

Comes from the House, that Body having Adhered.

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

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

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

Senator CONLEY: Mr. President, is the Senate in possession of SP 344 held at my request?

The PRESIDENT: The Chair would answer in the affirmative. SP 344, Bill, An Act to Prohibit Refiners and Distributors of Motor Fuels from Engaging in the Retail Sale of Gasoline having been held at the Senator's request.

On motion by Senator Conley of Cumberland, the Senate voted to reconsider its action whereby: Bill, An Act to Prohibit Refiners and Distributors of Motor Fuels from Engaging in the Retail Sale of Gasoline, SP 344, was Referred to the Committee on Business Legislation.

The PRESIDENT: The Senator has the floor.

Senator CONLEY: Mr. President and Members of the Senate, there has been a great deal of confusion with respect to this particular Bill. There is another one that is presently in the Legislative Research Office that does exactly, I believe, what is in this Bill. Rather than create any confusion or additional expense to the printing of this Bill, I would now move that it be Indefinitely Postponed.

The PRESIDENT: The Senator from Cumberland, Senator Conley moves that SP 344 be Indefinitely Postponed.

Is this the pleasure of the Senate?

The motion prevailed.

Sent down for concurrence.

Joint Order

An Expression of Legislative Sentiment recognizing:

Mr. and Mrs. George Phillips of Hermon, who are celebrating the golden anniversary of their wedding. (H. P. 831)

Comes from the House, Read and Passed.

Which was Read and Passed, in concurrence.

House Papers

Bill, "An Act to Appropriate Funds to the State Library for the Purchase of 50 Copies of 'The Journals of John E. Godfrey of Bangor.'" (H. P. 817) (L. D. 971)

Comes 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 Repeal the Termination Date of the Emergency Petroleum Products Supply Act." (Emergency) (H. P. 863) (L. D. 977)

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 Relating to Boarding Cost Payments and Transportation Accounts for Secondary School Pupils in Remote Units under the Education Laws." (H. P. 818) (L. D. 972)

Bill, "An Act to Establish the Maine Family Protection Act." (H. P. 806) (L. D. 966)

Comes 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 Establish a Statewide Cancer-Incidence Registry." (H. P. 807) (L. D. 967)

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

On motion by Senator Huber of Cumberland, referred to the Committee on Appropriations and Financial Affairs and Ordered Printed, in non-concurrence.

Sent down for concurrence.

Bill, "An Act to Clarify Requirements for Consent Under the Adoption Law." (H. P. 808) (L. D. 968)

Bill, "An Act Concerning Motor Vehicles Used in Crimes." (H. P. 819) (L. D. 973)

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 Facilitate the Leasing of Existing Subsidized Housing Units." (H. P. 809) (L. D. 970)

Reference to the Committee on Judiciary 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 Ensure the Rights of Privacy of Recipients of Public Assistance." (H. P. 820) (L. D. 974)

Reference to the Committee on Judiciary suggested.

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

On Motion by Senator Devoe of Penobscot, referred to the Committee on Judiciary and Ordered Printed, in non-concurrence.

Sent down for concurrence.

Bill, "An Act to Suspend the Annual Escalation in Unemployment Benefits While the State Remains Indebted to the Federal Government." (H. P. 822) (L. D. 976)

Bill, "An Act Relating to Self-insurance under the Workers' Compensation Act." (H. P. 821) (L. D. 975)

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

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

Bill, "An Act to Amend the Charter of the Bethel Water District." (H. P. 810) (L. D. 969)

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

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

Communications

Department of Business Regulation

December 3, 1980

The Honorable Joseph Sewall
President, Maine State Senate
State House Station 3
Augusta, ME

Dear Senator Sewall:

Pursuant to 10 MRSA 9102(6), the Board of Directors of the Energy Testing Laboratory of Maine hereby submits to the Governor and the 110th Legislature a report of its study of "the scope and operations of the testing laboratory to assist in enactment of additional legislation governing its operation."

On the basis of the attached report, the Board of Directors does not consider it necessary to make any recommendations for the enactment of additional legislation governing the operation of the Energy Testing Laboratory of Maine.

Sincerely,

S/GORDON L. WEIL

Chairperson, Board of Directors
Energy Testing Laboratory of Maine

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

Office of
Secretary of State

February 18, 1981

To May M. Ross, Secretary of the
Senate of the One Hundred and
Tenth Legislature:

Enclosed is a copy of the Certificate of Entitlement received from Edmund L. Henshaw, Jr., Clerk of the House of Representatives of the United States.

Respectfully,
/S/RODNEY S. QUINN

Certificate of Entitlement
House of Representatives
Office of the Clerk
Washington, D.C.

I, Edmund L. Henshaw, Junior, Clerk of the House of Representatives of the United States, Hereby Certify, Pursuant to the Provisions of Title 2, United States Code, Section 2a (b), That the State of

MAINE

Shall be Entitled, in the Ninety-Eighth Congress and in Each Congress Thereafter Until a Subsequent Reapportionment Shall Take Effect Under Applicable Statute, to
TWO REPRESENTATIVES

in the House of Representatives of the Congress of the United States.

In Witness Whereof I Hereto Affix My Name and the Seal of the House of Representatives of the United States of America this Fifteenth Day of January, Anno Domini 1981, in the City of Washington, District of Columbia

/S/EDMUND L. HENSHAW, JR.
Clerk of the House of Representatives
of the United States

Which was Read and Ordered Placed on File.

Senate Papers

Senator HICHENS of York presented, Bill, "An Act Concerning the Keeping of Wild Animals Purchased from Dealers or Pet Shops." (S. P. 355)

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

Senator TRAFON of Androscoggin presented, Bill, "An Act for the Siting, Construction and Financing of Hazardous Waste Treatment, Disposal and Storage Facilities." (S. P. 354)

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

Sent down for concurrence.

Senator CARPENTER of Aroostook (Cospensor: Senator KERRY of York) presented, Bill, "An Act to Prohibit Unconscionable or Exploitative Residential Rental Agreements." (S. P. 357)

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

Senator SEWALL of Lincoln presented, Bill, "An Act to Revise Workers' Compensation Disability Payments." (S. P. 358)

Senator SEWALL of Lincoln presented, Bill, "An Act to Standardize Death Benefits under the Workers' Compensation Laws." (S. P. 359)

Which were referred to the Committee on Labor and Ordered Printed.
Sent down for concurrence.

Senator HUBER of Cumberland presented, Bill, "An Act to Provide a One month Grace Period for Expired Motor Vehicle Registrations." (S. P. 356)

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

Committee Reports
House
Leave to Withdraw

The Committee on Transportation on, Bill, "An Act to Require Removal of Snowplow Supports from a Vehicle when the Plow is Removed." (H. P. 678) (L. D. 782)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Transportation on, Bill, "An Act to Exempt Agricultural Workers from Certain School Bus Transportation Laws." (H. P. 677) (L. D. 781)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Taxation on, Bill, "An Act to Impose a Luxury Tax on Jewelry." (H. P. 579) (L. D. 659)

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 — As Amended

The Committee on Education on, Bill, "An Act to Require School Districts to Account for Federally Subsidized Pupils as Residents of the District." (H. P. 100) (L. D. 130)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H. 52).

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 Revise the Maine Medical Laboratory Act." (H. P. 176) (L. D. 196)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H. 53).

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.

Senate

Ought to Pass as Amended

Senator DEVOE for the Committee on Judiciary on, Bill, "An Act to Conform Confidentiality Requirements of the Maine Committee on Aging with the 1978 Older Americans Act." (S. P. 98) (L. D. 217)

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

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.

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

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

On motion by Senator Collins of Knox Rescinded until the sound of the Bell.

Recess

After Recess

The Senate called to order by the President.

Second Readers

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

House

Bill, "An Act Making Additional Appropriations from the General Fund for the Current Fiscal Year Ending June 30, 1981, and Changing Certain Provisions of the Law Necessary to the Proper Operation of State Government." (Emergency) (H. P. 816) (L. D. 940)

Which was Read a Second Time.

On motion by Senator Collins of Knox Tabled for 1 Legislative Day, pending Passage to be Engrossed.

Bill, "An Act to Permit Rental Payments by Tender of General Assistance Vouchers." (H. P. 400) (L. D. 443)

Bill, "An Act to Increase the Mileage Reimbursement Payment for Jurors." (H. P. 348) (L. D. 396)

Bill, "An Act to Increase Registration Fees under the Maine Consumer Credit Code." (H. P. 164) (L. D. 190)

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

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

House — As Amended

Bill, "An Act to Revise the Voluntary Training and Certification Program for Installers of Solar Energy Equipment in Maine." (H. P. 171) (L. D. 193)

Bill, "An Act to Exempt Certain Site Evaluations from License Fee Requirements." (H. P. 58) (L. D. 71)

Bill, "An Act to Amend the Laws Relating to Criminal History Record Information." (H. P. 276) (L. D. 307)

Resolution, Proposing an Amendment to the Constitution of Maine Clarifying Residency Requirements for Candidates for and Members of the Maine House of Representatives." (H. P. 295) (L. D. 339)

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

Enactors

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

AN ACT to Phase out County Payments for the Support of the Judiciary. (H. P. 352) (L. D. 400)

On motion by Senator Huber of Cumberland placed on the Special Appropriations Table, pending Enactment.

AN ACT Relating to the Organization of the Department of Transportation. (S. P. 56) (L. D. 82)

AN ACT to Establish Statutory Compliance with Modern Technology and Procedure for Scoring Examinations. (H. P. 203) (L. D. 248)

AN ACT Removing the Authority of Justices to Retain Certain Publications as their Own. (H. P. 349) (L. D. 397)

AN ACT to Create a Special Moped License for Persons 16 Years and Over. (H. P. 121) (L. D. 153)

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

Emergency

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)

This being an emergency measure and having received the affirmative votes of 27 members of the Senate, with No Senators having voted in the negative, was Passed to be Enacted and having been Signed by the President, was by the Secretary presented to the Governor for his approval.

Orders of the Day

The Chair laid before the Senate the Tabled and specially assigned matter:

Bill, "An Act to Adjust the Level of Compensation and Certain Statutory Duties of the Senate Secretary and House Clerk and their Assistants." (S. P. 97) (L. D. 136)

Tabled — February 25, 1981 by Senator Collins of Knox

Pending — Passage to be Engrossed

On motion by Senator Huber of Cumberland
Recommitted to the Committee on Appropriations and Financial Affairs.

Sent down for concurrence.

On motion by Senator Pierce of Kennebec,
Adjourned until 12:30 o'clock tomorrow afternoon.