

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
March 2, 1981
Senate called to order by the President.

Prayer by Mr. Paul Cates of the Friends Meeting House in East Vassalboro.

MR. CATES: Let us pray. Dear Father, we thank You for the opportunity to be involved in public service. We realize that this opportunity involves also, a heavy responsibility. Conscious of the fallibility which is characteristic of all human beings, we ask for Your presence and Your guidance. Help us to work for all of the people of this State, not just for ourselves, or for liberals, or for conservatives, or for any other too narrowly defined version of the public good, but for all of the people. And as we see that the results of our efforts reflect something of our own fallibility, help us to continue to seek Your presence, and Your guidance, and continue to work so that in the end, the result of our work may reflect, in some way, Your perfect will. We ask it in the name of all the people of this great State. Amen.

Reading of the Journal of yesterday.

**Papers from the House
Non-concurrent Matter**

Bill, "An Act to Provide Equity for Stepchildren in the Inheritance Laws." (S. P. 349) (L. D. 992)

In the Senate, February 25, 1981, referred to the Committee on Judiciary.

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

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

Senator COLLINS: Mr. President, I move the Senate Recede and Concur with the House.

The PRESIDENT: The Senator from Knox, Senator Collins, moves that the Senate Recede and Concur with the House.

Is this the pleasure of the Senate?

The motion prevailed.

House Papers

Bill, "An Act Creating a Student Seat on the University of Maine Board of Trustees." (H. P. 836) (L. D. 1002)

Bill, "An Act Concerning Gifted and Talented Education." (H. P. 837) (L. D. 1003)

Bill, "An Act Concerning Conduct on College Campuses and on Property Used for Educational Purposes." (H. P. 838) (L. D. 1004)

Bill, "An Act Concerning Equivalent Courses Offered at the Various Campuses of the University of Maine." (H. P. 839) (L. D. 1005)

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 Provide Free Fishing Licenses to Mentally Retarded and Chronically Mentally Ill Persons." (H. P. 840) (L. D. 1006)

Bill, "An Act to Permit the Establishment of a One-week Hunting Season for Antlered Deer Only." (H. P. 841) (L. D. 1007)

Bill, "An Act Restricting a Section of the Union River in Ellsworth to Fly Fishing Only." (H. P. 842) (L. D. 1008)

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 Providing for Minimum Support for all Children of a Responsible Parent under the Alternative Method of Support Enforcement Law." (H. P. 843) (L. D. 1009)

Bill, "An Act to Authorize Joint Custody

Orders as Part of Divorce Judgments." (H. P. 844) (L. D. 1010)

Bill, "An Act to Protect Privacy in Divorce and Child Custody Actions." (H. P. 864) (L. D. 1025)

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 Implement Certain Cost Savings while the State's Unemployment Compensation Fund Remains in Debt." (H. P. 845) (L. D. 1011)

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

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

Bill, "An Act to Permit On-premise Consumption of Alcoholic Beverages by Persons 18 to 20 Years of Age and to Make the Sale of Liquor to an Intoxicated Person a Class E Crime." (H. P. 850) (L. D. 1013)

RESOLVE, Authorizing Rodney W. Ross, Jr. to Bring Civil Action Against the State of Maine. (H. P. 849) (L. D. 1012)

Bill, "An Act to Permit the On-premise Consumption of Beer and Wine by Persons 18 Years of Age or Older." (H. P. 851) (L. D. 1014)

Bill, "An Act to Exempt the Elderly from Beano Licensing and License Fees." (H. P. 852) (L. D. 1015)

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 Modify the Contingent Account Requirement for Counties." (H. P. 853) (L. D. 1016)

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 Prohibit the Burning of Oil by Utilities for the Generation of Electricity after January 1, 2000." (H. P. 854) (L. D. 1017)

Bill, "An Act to Authorize the Public Utilities Commission to Purchase Electric Energy for Resale on a Nonprofit Basis to Electric Utilities Serving this State." (H. P. 865) (L. D. 1026)

Bill, "An Act to Require Certain Public Utilities to Submit a Plan to the Public Utilities Commission to Provide Financing to Customers for Energy Conservation and Renewable Resource Measures." (H. P. 866) (L. D. 1027)

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 Provide that Legislative Documents and Senate and House Calendars be Printed on 8 1/2 Inch by 11 Inch Commercial Paper." (H. P. 855) (L. D. 1018)

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 to Clarify the Administrative Procedure Act." (H. P. 857) (L. D. 1020)

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

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

Bill, "An Act to Insure the Establishment of Clear Standards by the Commission on Governmental Ethics and Election Practices and to Amend the Penalty Provisions for Late Filing." (H. P. 856) (L. D. 1019)

Reference to the Committee on State Government suggested.

Comes from the House, referred to the Committee on Election Laws and Ordered Printed.

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

Bill, "An Act Concerning Disability Benefits Paid to Veterans Receiving a Property Tax Exemption." (H. P. 858) (L. D. 1021)

Bill, "An Act to Encourage the Use of Wind Power." (H. P. 859) (L. D. 1022)

Bill, "An Act to Provide for Payment of Interest to the Tax-payer on the Amounts Overcollected by Taxes." (H. P. 860) (L. D. 1023)

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 Provide Reduced Toll for Car Pools Using the Maine Turnpike." (H. P. 861) (L. D. 1024)

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.

**Communications
Maine State Retirement System**

January 19, 1981

Honorable Joseph E. Brennan

Governor of Maine

State House, Augusta

Members, 110th Legislature

Dear Governor Brennan and

Members of the Legislature:

In accordance with the provisions of 5 MRSA, Section 1005, the Trustees of the Maine State Retirement System submit herewith an annual report showing the fiscal transactions of the Retirement System of the fiscal year ending June 30, 1980, together with the assets and liabilities of the System at the end of that year. This report includes the following:

Report of the Actuary for the Year
Ended June 30, 1980

Report of the Investment Consultant

Report of the Executive Director

Group Life Insurance Underwriter's

Report for the policy year

ended June 30, 1980

Membership to the Board of Trustees is comprised of eight persons; seven voting members and the State Treasurer who is an ex-officio non-voting member. Three members of the Board are appointed by the Governor, subject to review and approval by the Joint Standing Committee on Aging, Retirement & Veterans and confirmation by the Legislature, one of whom is named from a list of three persons submitted by the Maine Retired Teachers Association; one member elected by the Maine Teachers Association; one member elected by the Maine State Employees Association; one member appointed by the Maine Municipal Association; and one member who is a recipient of a retirement allowance under the System, selected by the foregoing members.

The value of the System's investments at June 30, 1980, was \$272,523,379. Investments were comprised of bonds (\$117,101,913), common stocks (\$120,126,223), mortgage and mortgage type (\$26,295,241), and other investments (\$9,000,000).

Investment earnings credited to the System totalled \$34,543,688 during the year. The rate of return on these investments, based on book value, was 7.88%.

At year end there was cash on deposit with the State Treasurer's office amounting to \$39,-

149,222, which was invested in the State Treasurer's "Cash Pool." Interest is credited on a monthly basis and the average interest earnings credited to these funds during the year was 12.72%.

Investment return from securities under management by investment managers is measured as the "time-weighted rate of return," and is based upon the market value of securities, including market value gains and losses and investment earnings. The time-weighted rate of return for the year ending June 30, 1980, was 14% as compared to 11.1% for the previous fiscal year. The time-weighted rate of return on equity investments was 23% and on fixed income investments 2.1%.

The Trustees have held two meetings during the past year with investment managers, for the purpose of reviewing the performance of respective investments under management, and understanding the techniques and strategies used by managers in the past, and plans for the future. Subsequent to the close of the fiscal year the Trustees took an action to authorize the investment of an additional \$6,000,000 for equity management by Merrill Trust Company of Bangor, \$6,000,000 for equity management by Alliance Capital Management Corp., \$6,000,000 for management by The Travelers Insurance Company (real estate equity fund), and the employment of an additional fixed income manager (FMR Investment Service, Inc. of Boston). This investment action was taken after various available investment vehicles were reviewed by the Board at a special Board meeting held in the spring.

The Trustees have taken an action to request funding for the so-called "non-contributory" teacher group in the amount of \$12,000,000 in the first year of the biennium, and \$13,200,000 in the second year of the biennium. Expenditures for retirement benefits on this group, together with interest charges, have exceeded appropriations and other credits to the extent of \$141,017,263 as of June 30, 1980. It is believed that funding for this item is essential to maintain the integrity of the total System.

Under date of March 4, 1980, the Joint Select Committee to Study the Maine State Retirement System, appointed by the 109th Legislature, submitted a report to the Legislature with numerous recommendations. This report included a report prepared by The Wyatt Company, an actuarial firm which had been engaged by the Committee. The Wyatt Company recommended actuarial assumptions, which if adopted, would result in significantly higher appropriation funding for the System. After a careful review of The Wyatt Company recommendations as to actuarial assumptions with the System's Actuary (Towne & Associates), it was the Trustees position that the current assumptions continue to be valid until the experience study covering these assumptions, which is currently in progress, is completed and the System's Actuary reports to the Board of Trustees in 1981.

Very truly yours,
S/WILLIAM G. BLODGETT,
Executive Director for
the Board of Trustees,
Maine State Retirement System

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

Committee on Education

February 27, 1981

The Honorable Joseph Sewall
President of the Senate of Maine
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 Education has had under consideration the nomination of Richard Marshall to the position of member of the Board of Trustees of the

University of Maine.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate of the 110th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee Clerk called the roll with the following result:

YEAS:

Senators 2

Representatives 10

NAYS:

Senators 1 — Senator Richard Pierce, Kennebec

Representatives — 0

ABSENT: 0

Twelve members of the Committee having voted in the affirmative and one in the negative, it was the vote of the Committee that the nomination of Richard Marshall to the position of member of the Board of Trustees of the University of Maine be confirmed.

Sincerely,

S/HOWARD M. TROTZKY

Senate Chairman

S/LAWRENCE E. CONNOLLY, Jr.

House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Education has recommended that the nomination of Richard Marshall be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on Education 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 Chair recognizes the Senator from York, Senator Kerry.

Senator KERRY: Thank you, Mr. President. Mr. President, and Ladies and Gentlemen of the Senate, it gives me great pleasure to speak in favor of Mr. Richard Marshall, to be confirmed as a member of the University of Maine Board of Trustees. Mr. Marshall is a very fine academician. He has spent his last 22 years in public service as a high school teacher at Biddeford High School. He was educated in the State of Maine, at Old Orchard Beach High School. He received his B.A. degree from the University of Maine in Orono. He received his Masters degree from the University of Southern Maine.

Throughout his teaching career, he has spent many years getting additional degrees and taking courses in mathematics, his specialty. Also, he has spent much time working with many young students. Athletes that I have known that have had needs and assistance throughout their young high school career have received many fine recommendations from Mr. Marshall. He has also helped guide them through their postgraduate and graduate school studies.

My main concern for Mr. Marshall is that I think he is a person that will be very able to make many of the very difficult decisions, since he is a businessman, especially as they relate to the economics and the valued judgments that would have to be made by a person who is involved with the University of Maine. He desires this job, and I think the people from the Education Committee could attest to the fact that he is a sincere, somewhat shy person, but well versed in all the issues that are timely for people in the education community today.

I have known Mr. Marshall for over 20 years. He has served on the Town Council in Old Orchard Beach, and many boards in our own town. He has been known to be a very honorable person. He has served the public well in

many capacities. I think, it bodes well for the University System, that someone who is so well versed in the educational issues of the day, would take the time and effort to dedicate his time to this.

I might add that Mr. Marshall did not seek out this position. He was requested by the Governor of the State to take this position. I think that is a significant factor. He has made every accommodation with his local school system to accept this. They have also endorsed him highly. Therefore, I would hope that everyone would back the nomination and vote to confirm Mr. Marshall. Thank you.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President and Members of the Senate, I would agree basically with the statements of the good Senator from Old Orchard, Senator Kerry. I do plan to vote for Mr. Marshall today.

As you will note, the Report of the Committee indicates that I did not support him, but I do want the Record to show that it certainly is not because of any of his individual lack of qualifications, but just, I think, probably what I consider to be a flaw in the system.

Our confirmation procedure is something less than ideal. Probably many people would agree with that. It seems to me that we compound that sometimes, when we rush through these nominations, in what, at least in my estimation, is a little bit too quickly. That particular morning, as a member of the Education Committee, I was asked to sit and listen to his confirmation proceedings. I also had a Medical Education Advisory Committee meeting, which, because of the problems with the compact, I felt was very, very important to be at. I had to appear before the Appropriations Committee that morning on something that I also felt was important. To top all of that, as Chairman of the Election Laws Committee, I had to bring that Committee into session.

I would just prefer that in these nominations, if we could have just a little bit more time, I think it would make more sense. When I go back into a committee room at the end, not having heard any of the testimony, it doesn't give any time to receive any written testimony, it doesn't give any time to discuss with your colleagues at length what may have been the pros and cons of a particular person. I can understand when we're not in Session, why perhaps you might want to do it as quickly as possible, and save the funds. When we are in Session, when a committee is meeting practically on a daily basis, I think it would make some sense, perhaps, to delay those 24 hours or so, to give people a chance to talk them over a little bit.

As I say, I certainly do plan to support Mr. Marshall's nomination and would hope that the rest of the Senate would Concur.

The PRESIDENT: Is the Senate ready for the question?

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Senator TROTZKY: Mr. President and Members of the Senate, there was a full hearing in the Education Committee on Mr. Marshall. As Senator Pierce said, he was unable to attend. He did come back at the end of the meeting and I told the Senator from Kennebec that I would hold up the vote if he would like to go out and speak with Mr. Marshall. Mr. Pierce didn't see any need to do that and voted no.

The PRESIDENT: The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — None.

NAY — Ault, Brown, Bustin, Carpenter, Charette, Clark, Collins, Conley, Devoe, Dutremble, Emerson, Gill, Hichens, Huber, Kerry, Minkowsky, Najarian, Pierce, Pray, Redmond, Sewall, C.; Shute, Sutton, Teague, Trotzky, Usher, Violette, Wood, The President, J.

Sewall.

ABSENT — McBreairty, O'Leary, Perkins, Trafton.

No Senators having voted in the affirmative and 29 Senators in the negative, with 4 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 Richard Marshall is confirmed.

**Committee on Energy
and Natural Resources**

February 27, 1981

The Honorable Joseph Sewall
President of the Senate of Maine
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 Energy and Natural Resources has had under consideration the nomination of James H. Tweedie of Mars Hill for reappointment to the Board of Environmental Protection.

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 results:

YEAS:

Senators 2

Representatives 10

NAYS: 0

ABSENT: 1 (Senator O'Leary of Oxford)

Twelve members of the Committee having voted in the affirmative and none in the negative it was the vote of the Committee that the nomination of James H. Tweedie to the Board of Environmental Protection be confirmed.

Sincerely,

S/JAMES A. MCBREAIRTY

Senate Chairman

S/DONALD M. HALL

House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Energy and Natural Resources has recommended that the nomination of James H. Tweedie be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on Energy and Natural Resources 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.

The Chair recognizes the Senator from Aroostook, Senator McBreairty.

Senator MCBREAIRTY: Mr. President, and Members of the Senate, I would just like to make one short statement. This indicates that Senator O'Leary was absent. Senator O'Leary was there nearly every minute of the hearing, but had to leave for just a few minutes while we voted. I would just like you to know that he was present at the hearing. Thank you.

The PRESIDENT: Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.
The Secretary will call the Roll.

ROLL CALL

YEA — Pierce.

NAY — Ault, Brown, Bustin, Carpenter, Charette, Clark, Collins, Conley, Devoe, Dutremble, Emerson, Gill, Hichens, Huber, Kerry, McBreairty, Minkowsky, Najarian, Pray, Redmond, Sewall, C.; Shute, Sutton, Teague, Trotzky, Usher, Violette, Wood, The President, J. Sewall.

ABSENT — O'Leary, Perkins, Trafton.

1 Senator having voted in the affirmative and 29 Senators in the negative, with 3 Senators

being absent and one 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 James H. Tweedie is confirmed.

**Committee on Energy
and Natural Resources**

February 27, 1981

The Honorable Joseph Sewall
President of the Senate of Maine

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 Energy and Natural Resources has had under consideration the nomination of Evelyn Jephson of Kennebunk for reappointment to the Board of Environmental Protection.

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 2

Representatives 10

NAYS: 0

ABSENT: 1 (Senator O'Leary of Oxford)

Twelve members of the Committee having voted in the affirmative and none in the negative it was the vote of the Committee that the nomination of Evelyn Jephson to the Board of Environmental Protection be confirmed.

Sincerely,

S/JAMES A. MCBREAIRTY

Senate Chairman

S/DONALD M. HALL

House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Energy and Natural Resources has recommended that the nomination of William B. Blodgett be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on Energy and Natural Resources 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—Pierce.

NAY—Ault, Brown, Bustin, Carpenter, Charette, Clark, Collins, Conley, Devoe, Dutremble, Emerson, Gill, Hichens, Huber, Kerry, McBreairty, Minkowsky, Najarian, Pray, Redmond, Sewall, C.; Shute, Sutton, Teague, Trotzky, Usher, Violette, Wood, The President, J. Sewall.

ABSENT—O'Leary, Perkins, Trafton.

1 Senator having voted in the affirmative and 29 Senators in the negative, with 3 Senators being absent and one 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 Evelyn Jephson is confirmed.

**Committee on Energy
and Natural Resources**

February 27, 1981

The Honorable Joseph Sewall
President of the Senate of Maine

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 Energy and Natural Resources has had under consideration the nomination of William B. Blodgett of Waldoboro for appointment to the Board of Environmental Protection.

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 2

Representatives: 10

NAYS: 0

ABSENT: 1 (Senator O'Leary of Oxford)

Twelve members of the Committee having voted in the affirmative and none in the negative it was the vote of the Committee that the nomination of William B. Blodgett to the Board of Environmental Protection be confirmed.

Sincerely,

S/JAMES A. MCBREAIRTY

Senate Chairman

S/DONALD M. HALL

House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Energy and Natural Resources has recommended that the nomination of William B. Blodgett be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on Energy and Natural Resources 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—Pierce.

NAY—Ault, Brown, Bustin, Carpenter, Charette, Clark, Collins, Conley, Devoe, Dutremble, Emerson, Gill, Hichens, Huber, Kerry, McBreairty, Minkowsky, Najarian, Pray, Redmond, Sewall, C.; Shute, Sutton, Teague, Trotzky, Usher, Violette, Wood, The President, J. Sewall.

ABSENT—O'Leary, Perkins, Trafton.

1 Senator having voted in the affirmative and 29 Senators in the negative, with 3 Senators being absent and one 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 William B. Blodgett is confirmed.

**Committee on Energy
and Natural Resources**

February 27, 1981

The Honorable Joseph Sewall
President of the Senate of Maine

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 Energy and Natural Resources has had under consideration the nomination of Richard B. Anderson of Portland to be Commissioner of the Department of Conservation.

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: 9

NAYS: 0

ABSENT: 1 (Representative Michael of Auburn)

Twelve members of the Committee having voted in the affirmative and none in the negative it was the vote of the Committee that the nomination of Richard B. Anderson as Commissioner of the Department of Conservation be confirmed.

Sincerely,
S/JAMES A. McBREAIRTY
Senate Chairman
S/DONALD M. HALL
House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Energy and Natural Resources has recommended that the nomination of Richard B. Anderson be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on Energy and Natural Resources 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.

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

Senator USHER: Thank you, Mr. President. I was unable to attend the public hearing concerning Mr. Anderson's appointment. I have known Dick Anderson for 15 years and I consider him a very capable man for this position. His business is associated with the company where I am employed and he is well liked by everyone. I think he is an excellent choice for Commissioner of the Department of Conservation.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, the last time this appointment came before the Senate it was an extremely controversial appointment, in fact, the Senate rejected that nominee only later to confirm Mr. Barringer. I just want to say for the Record that this State can be well proud of the service and dedication that Mr. Barringer has given the State in his years of tenure. I look forward to when Mr. Anderson is confirmed that he, also, will show the State and give the State the great leadership it is looking for under this department.

The PRESIDENT: The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — None.

NAY — Ault, Brown, Bustin, Carpenter, Charette, Clark, Collins, Conley, Devoe, Dutremble, Emerson, Gill, Hichens, Huber, Kerry, McBreairty, Minkowsky, Najarian, Pierce, Pray, Redmond, Sewall, C.; Shute, Sutton, Teague, Trotzky, Usher, Violette, Wood, The President, J. Sewall.

ABSENT — O'Leary, Perkins, Trafton.

No Senators having voted in the affirmative and 30 Senators in the negative, with 3 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 Richard B. Anderson is confirmed.

Senate Papers

Senator PRAY of Penobscot (Cosponsor: Senator TEAGUE of Somerset) presented, Bill, "An Act to Allow Maine State Retirement System Members a Cost-of-living Increase." (S. P. 368)

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

Sent down for concurrence.

Senator TROTZKY of Penobscot presented,

Bill, "An Act Requiring that Stuffed Furniture Sold in Maine be Fire Retardant." (S. P. 365)

Senator AULT of Kennebec presented, Bill, "An Act to Bring Noncarbonated Beverages such as Fruit Punch and Iced Tea into Compliance with Maine's Beverage Container Law." (S. P. 367)

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

Senator TROTZKY of Penobscot (Cosponsor: Representative KELLEHER of Bangor) presented, Bill, "An Act to Permit the City of Bangor to Increase the Number of Members on the Bangor School Committee." (S. P. 366)

Which was referred to the Committee on Local and County Government and Ordered Printed.

Sent down for concurrence.

Committee Reports

House

Change of Reference

The Committee on Local and County Government on, 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)

Reported that the same be referred to the Committee on Taxation.

Comes from the House, the Report Read and Accepted and the Bill referred to the Committee on Taxation.

Which Report was Read and Accepted, in concurrence, and the Bill referred to the Committee on Taxation, in concurrence.

Leave to Withdraw

The Committee on Fisheries and Wildlife on, Bill, "An Act to Permit Twilight Hunting." (H. P. 245) (L. D. 279)

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

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Health and Institutional Services on, Bill, "An Act Concerning Legend Drugs." (H. P. 138) (L. D. 165)

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 Aging, Retirement and Veterans on, Bill, "An Act to Authorize the Merger of the Kennebunk, Kennebunkport and Wells Water District Pension Trust with the Maine State Retirement System." (H. P. 393) (L. D. 436)

Reported that the same Ought to Pass.

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

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

Ought to Pass — As Amended

The Committee on Marine Resources on, Bill, "An Act to Increase the Rate of Tax and Amend the Membership Requirements of the Sardine Council under the Sardine Tax Law." (H. P. 117) (L. D. 149)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H. 54).

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

Which Report was Read and Accepted, in concurrence, and the Bill Read Once. Committee Amendment "A" was Read and Adopted, in concurrence, and the Bill, as amended, Tomorrow Assigned for Second Reading.

Senate

Leave to Withdraw

Senator SUTTON for the Committee on Business Legislation on, Bill, "An Act to Establish Insurance Information and Privacy Protection Standards." (S. P. 194) (L. D. 515)

Reported that the same be granted Leave to Withdraw.

Senator GILL for the Committee on Health and Institutional Services on, Bill, "An Act to Amend the Maine Certificate of Need Act of 1978." (S. P. 193) (L. D. 506)

Reported that the same be granted Leave to Withdraw.

Which Reports were Read and Accepted.

Sent down for concurrence.

Second Readers

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

House

Bill, "An Act Relating to the Acquisition of Land and Building for Development of Fish Piers." (Emergency) (H. P. 624) (L. D. 707)

Which was Read a Second Time.

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

Senator DEVOE: Thank you, Mr. President. May I inquire through the Chair of the Secretary whether this has a Committee Report with it?

The PRESIDENT: The Senator from Penobscot, Senator Devoe has posed a question.

The Chair would advise the Senator that this does have a Committee Report which is Ought to Pass. This Report was Accepted, in concurrence, on February 27, last.

Senator DEVOE: Thank you, Mr. President. May I inquire if the Chairman of the Committee or some other Senator could explain the import of this Legislation before we vote on it?

The PRESIDENT: The Senator from Penobscot, Senator Devoe has posed a question through the Chair to any knowledgeable Senator who may be in the Chamber.

The Chair recognizes the Senator from Penobscot, Senator Emerson.

Senator EMERSON: Maybe you should not have used the word knowledgeable. This Bill has to do with Eminent Domain on land for fish piers, which we voted a \$9 million bond issue to build. This would make the law less ambiguous in this respect. It is to allow the Department of Transportation to take land for the building of fish piers.

Which was Passed to be Engrossed, in concurrence.

Senate

Bill, "An Act to Amend the Professional Service Corporation Act." (S. P. 164) (L. D. 418)

RESOLVE, Authorizing and Directing the Department of Transportation to Report on the Effect of the 1980 Census in Establishing Compact Areas. (S. P. 192) (L. D. 493)

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

Sent down for concurrence.

Senate — As Amended

Bill, "An Act to Permit 10% Overweight Tolerance for Certain Material Transported on the Highways." (S. P. 28) (L. D. 24)

Bill, "An Act to Change the Requirements for Appointment to the Board of Commissioners of the Profession of Pharmacy." (S. P. 140) (L. D. 379)

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

Sent down for concurrence.

Enactors

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

AN ACT to Revise the Procedures for Regulating Dams. (H. P. 18) (L. D. 12)

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

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

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Ault.

Senator AULT: Mr. President, and Members of the Senate, to so designate this structure which spans the Androscoggin River, and connects the twin cities of Lewiston and Auburn, I believe is a very singular thing to do for a very singular individual, who will long be remembered in Maine politics and history. The Longley family is pleased with the proposal, and I believe that the Maine Senate should show their strong sentiment for it. I request a Roll Call on Enactment.

The PRESIDENT: A Roll Call has been requested. Under the Constitution, in order for the Chair to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

Will all those Senators in favor of ordering a Roll Call, please rise and remain standing until counted.

Obviously more than one-fifth having arisen a Roll Call is ordered.

The pending question before the Senate is Final Passage.

A Yes vote will be in favor of Final Passage.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Ault, Brown, Bustin, Carpenter, Charrette, Clark, Collins, Conley, Devoe, Dutremble, Emerson, Gill, Hichens, Huber, Kerry, McBreaity, Minkowsky, Najarian, Pierce, Pray, Redmond, Sewall, C.; Shute, Sutton, Teague, Trotzky, Usher, Violette, Wood, The President, J. Sewall.

NAY — None.

ABSENT — O'Leary, Perkins, Trafton.

A Roll Call was had.

30 Senators having voted in the affirmative and No Senators in the negative, with 3 Senators being absent, the Resolve 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 First Tabled and specially assigned matter:

Bill, "An Act to Adjust Annually Individual Income Tax Laws to Eliminate Inflation-Induced Increases in Individual State Income Taxes." (H. P. 828) (L. D. 984)

Tabled — February 27, 1981 by Senator Collins of Knox.

Pending — Reference.

On motion by Senator Collins of Knox, Retabled for 1 Legislative Day.

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

Bill, "An Act to Ensure a Free and Appropriate Education for All Handicapped Children." (S. P. 361)

Tabled — February 27, 1981 by Senator Collins of Knox.

Pending — Reference.

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

Sent down for concurrence.

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

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

Tabled — February 27, 1981 by Senator Collins of Knox.

Pending — Motion of Senator Collins of Knox to Reconsider Failure of Enactment.

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

Senator COLLINS: Mr. President, I ask Leave of the Senate to Withdraw my motion to Reconsider.

The PRESIDENT: Senator Collins of Knox now requests Leave of the Senate to Withdraw his motion to Reconsider.

Is it the pleasure of the Senate to Grant this Leave?

It is a vote.

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

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