

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

March 3, 1981

Senate called to order by the President.

Prayer by Reverend Robert Gale from the Henderson Memorial Baptist Church in Farmington.

REVEREND GALE: Here we are again, Lord, another day, with many tasks before this Senate. Day in and day out these trusted persons meet to work, and to think, and to decide. Day in and day out they seek Your guidance in the midst of their responsibilities. O Lord, think through them, decide through them, act through them. Use their abilities, use their skills, use their sense of commitment to be of service to You, to the people of our State, and to our Nation.

Thank You, Father, for the ways which today they will respond to Your leading, and to Your desires for our life as the people of Maine, and as children of Your Kingdom on earth. In His spirit of love and compassion, we do pray. Amen.

Reading of the Journal of yesterday.

**Papers from the House
Joint Resolution**

Joint Resolution in Memoriam:

WHEREAS, the Legislature has learned with deep regret of the death of Rabbi David Berent of Lewiston, a well-known religious leader. (H. P. 908)

Comes from the House, Read and Adopted.

Which was Read and Adopted, in concurrence.

House Papers

Bill, "An Act to Exempt State Mandated Revolving Fund Accounts at the Maine State Museum from the State Cost Allocation Program." (H. P. 867) (L. D. 1036)

Comes from the House, referred to the Committee on Audit and Program Review and Ordered Printed.

On motion by Senator Huber of Cumberland, Tabled for 1 Legislative Day, pending Reference.

Bill, "An Act to Establish a Program of Funded Self-insurance for Public Schools and Municipalities." (H. P. 835) (L. D. 1028)

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 Concerning Secondary Vocational Education." (H. P. 868) (L. D. 1037)

Comes 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 Preventing Candidates in Primary or General Elections, or members of their Immediate Families, who are Justices of the Peace or Notaries Public, from Registering Voters or Witnessing Absentee Ballots." (H. P. 869) (L. D. 1038)

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 to Authorize a Limited Hunting Season for Hunters Using Cross Bows." (H. P. 870) (L. D. 1039)

Bill, "An Act to Require Persons Being Licensed to Hunt for the First Time to Have Completed a Gun Safety Course." (H. P. 871)

(L. D. 1040)

Comes 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 Relating to Furloughs for Inmates of County Jails." (H. P. 872) (L. D. 1041)

Comes 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 Define Force under the Sex Offense Provisions of the Criminal Code." (H. P. 873) (L. D. 1042)

Bill, "An Act to Provide a Mandatory Fine for Illegal Possession of or Attempt to Purchase Intoxicating Liquor." (H. P. 874) (L. D. 1043)

Bill, "An Act to Exempt Illegal Possession of Liquor from the Maine Juvenile Code." (H. P. 875) (L. D. 1044)

Bill, "An Act to Update and Revise the Validation of Defects Act." (H. P. 876) (L. D. 1045)

Comes 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 Permit Persons 15 Years of Age and Older to Work until 10 P.M." (H. P. 877) (L. D. 1046)

Bill, "An Act to Revise the Method for Paying Permanent Impairment Benefits under the Workers' Compensation Act." (H. P. 878) (L. D. 1047)

Bill, "An Act to Provide for an Offset for Holiday Pay under the Employment Security Law." (H. P. 879) (L. D. 1048)

Bill, "An Act to Clarify the Procedure for Waiver of Unemployment Compensation Benefit Overpayments." (H. P. 848) (L. D. 1035)

Comes 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 Establish Highway Use Fees." (H. P. 862) (L. D. 1029)

Reference to the Committee on Transportation suggested.

Comes 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.

Communications

Educational and Cultural Services

March 2, 1981

TO: May M. Ross, Secretary of the Senate
Edwin H. Pert, Clerk of the House

FROM: Harold Reynolds, Jr., Commissioner
Re: Report of Advisory Committee on Medical Education

In accordance with the provisions of 20 M.R.S.A., Chapter 403, it is my duty to annually report to the Legislature and to the Governor a Plan relating to the participation of Maine Contract Students in medical education programs. It is my pleasure, therefore, to transmit herewith the third Status Report prepared by the Advisory Committee on Medical Education which summarizes the Committee's activities and recommendations for the period January 1980 — December 1980.

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

Committee on Labor

March 2, 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 Labor has had under consideration the nomination of William R. Malloy as Commissioner of the Department of Manpower Affairs.

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 9

NAYS: 0

ABSENT: 2 Senator Sutton of Oxford,
Representative Laverriere of Biddeford

Eleven 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 R. Malloy as Commissioner of the Department of Manpower Affairs be confirmed.

Sincerely,

S/CHARLOTTE Z. SEWALL

Senate Chairman

S/EDITH S. BEAULIEU

House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Labor has recommended that the nomination of William R. Malloy be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on Labor 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 questions?

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

ROLL CALL

YEA — None.

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

ABSENT — Bustin, Clark, O'Leary, Perkins, Trafton, Violette.

No Senators having voted in the affirmative and 27 Senators in the negative, with 6 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 William R. Malloy is confirmed.

Senate Paper

Senator DUTREMBLE of York (Cosponsor: Representative HANSON of Kennebunkport) presented, Bill, "An Act to Deregulate the Bag Limit and Size Requirements of Striped Bass." (S. P. 369)

Which was referred to the Committee on Marine Resources 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 Dissolve the Wells-Ogunquit Community School District." (Emergency) (H. P. 651) (L. D. 792)

Bill, "An Act to Establish Statutory Definitions of Entrapment Under the Criminal Code." (H. P. 398) (L. D. 441)

Bill, "An Act to Allow Retailers to Sell Brands of Malt Beverage and Table Wine in

Addition to Those Distributed by Maine Wholesalers." (H. P. 284) (L. D. 323)

Bill, "An Act to Permit Consumption of 3.2% Beer by Persons 18 to 20 Years of Age." (H. P. 326) (L. D. 385)

Leave to Withdraw

The Committee on Agriculture on, Bill, "An Act Concerning Damage Done to Sheep by Dogs or Wild Animals." (H. P. 37) (L. D. 46)

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 to Create the Community Alternatives Act of 1981." (H. P. 554) (L. D. 630)

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 Smoking in Public Places and at Public Meetings." (H. P. 201) (L. D. 246)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on State Government on, Bill, "An Act to Establish the Salary Range for the Director of the Office of Energy Resources." (H. P. 76) (L. D. 122)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on State Government on, Bill, "An Act to Make the Treasurer of State an Ex-officio Member of the State Liquor Commission." (H. P. 386) (L. D. 429)

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 Transportation on, Bill, "An Act to Change the Motor Vehicle Laws to Allow Operators to Redistribute their Axle Weight Limits while Traversing Maine's Interstate Systems." (H. P. 440) (L. D. 873)

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 Business Legislation on, Bill, "An Act to Permit Reciprocal Licensing of Real Estate Brokers and Salesmen." (H. P. 310) (L. D. 342)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-60).

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

The Committee on Business Legislation on, Bill, "An Act Concerning Use of Aircraft by Aircraft Dealers." (H. P. 446) (L. D. 494)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-58).

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

The Committee on Business Legislation on, Bill, "An Act Pertaining to Used Home Warranty and Service Contracts." (H. P. 197) (L. D. 297)

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

59).

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

The Committee on Education on, Bill, "An Act to Amend the Law Relating to the Licensing of Privately-owned Business, Trade and Technical Schools." (H. P. 165) (L. D. 220)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-61).

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.

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, Recessed until the sound of the Bell.

Recess

After Recess

The Senate called to order by the President.

Divided Report

The Majority of the Committee on Election Laws on, Bill, "An Act to Prohibit Voter Registration on Election Day with Certain Exceptions." (H. P. 35) (L. D. 40)

Reported that the same Ought Not to Pass.

Signed:

Sensors:

CARPENTER of Aroostook
PRAY of Penobscot

Representatives:

BENOIT of So. Portland
BOISVERT of Lewiston
DIAMOND of Bangor
NADEAU of Lewiston
BORDEAUX of Mt. Desert
ROBERTS of Buxton

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass.

Signed:

Sensor:

PIERCE of Kennebec

Representatives:

HANSON of Kennebunkport
WENTWORTH of Wells
WEYMOUTH of West Gardiner
CAHILL of Woolwich

Comes from the House, the Majority Ought Not to Pass Report Read and Accepted.

Which Reports were Read.

On motion by Senator Pierce of Kennebec the Minority Ought to Pass Report of the Committee Accepted, in non-concurrence. The Bill Read Once and the Bill, Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Health and Institutional Services on, Bill, "An Act to Increase the Eating, Lodging and Recreational Place Licensing Fee." (H. P. 63) (L. D. 97)

Reported that the same Ought to Pass.

Signed:

Sensor:

BUSTIN of Kennebec

Representatives:

PRESCOTT of Hampden
BRODEUR of Auburn
RICHARD of Madison

MANNING of Portland
BOYCE of Auburn
KETOVER of Portland

The Minority of the same Committee on the same subject matter reported that the same Ought Not to Pass.

Signed:

Sensors:

GILL of Cumberland
HICHENS of York

Representatives:

RANDALL of East Machias
HOLLOWAY of Edgecomb
MacBRIDE of Presque Isle
MCCOLLISTER of Canton

Comes from the House, the Bill Passed to be Engrossed as amended by House Amendment "A" (H-65).

Which Reports were Read.

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

Senator GILL: I move the Ought Not to Pass Report.

The PRESIDENT: The Senator from Cumberland, Senator Gill, moves the Senate Accept the Minority Ought Not to Pass Report of the Committee.

On motion by Senator Conley of Cumberland, Tabled for 1 Legislative Day, pending the motion by the Senator from Cumberland, Senator Gill.

Senate

Leave to Withdraw

Senator McBreairty for the Committee on Energy and Natural Resources on, Bill, "An Act to Repeal the Authority of the Bureau of Public Lands to Lease Timber of Management Rights to Organized Towns." (S. P. 96) (L. D. 212)

Reported that the same be granted Leave to Withdraw.

Which Report was Read and Accepted.

Sent down for concurrence.

Second Readers

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

House

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)

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

House — As Amended

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)

Which was 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 Allow the Exclusion of Covered Persons under a Personal Automobile Policy. (H. P. 586) (L. D. 601)

AN ACT to Ensure Notification of Families and Guardians of Patients at State Mental Health Institutes. (H. P. 221) (L. D. 258)

AN ACT to Provide Free Pheasant Hunting Stamps to Disabled Veterans. (H. P. 136) (L. D. 163)

AN ACT to Amend the Subsidized Adoption Law. (H. P. 107) (L. D. 141)

Which were Passed to be Enacted and having been signed by the President were 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 Clarify the Administrative Procedure Act." (H. P. 857) (L. D. 1020)

Tabled — March 2, 1981 by Senator Pierce of Kennebec.

Pending — Reference.

On motion by Senator Pierce of Kennebec, Retabled for 2 Legislative Days.

The President laid before the Senate, the Second 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 — March 2, 1981 by Senator Collins of Knox

Pending — Reference

On motion by Senator Collins of Knox, Retabled for 2 Legislative Days.

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