

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 9, 1981
Senate called to order by the President.

Prayer by the Reverend Charles D. Allen from the South Somerville Baptist Church in Somerville.

Reverend ALLEN: Shall we bow in prayer. Our Heavenly Father, we thank You for the privilege of coming before the throne of unmerited favor this evening. I know, Heavenly Father, that it be Your desire that each heart and each mind would be drawn together this afternoon to do the work that Your will might be able to be done upon the earth, as it is in Heaven. Father, I know that it be Your will, for the State of Maine to continue to be a leader amongst the other states in the United States. Father, these men and women, they need Your mind, we need to be led, this State of Maine.

Heavenly Father, we ask that Jesus Christ would be glorified, in all of the decisions that are made, not only here, but everywhere. And so may the Senate of the State of Maine be known as godly men and godly women by the decisions that they render, and that ultimately You would receive the praise and the glory. This we ask in Christ's name, Amen.

Reading of the Journal of yesterday.

(Off Record Remarks)

Senator Perkins of Hancock was granted unanimous consent to address the Senate, Off the Record.

Papers From the House
Joint Resolutions

Joint Resolutions in Memoriam:

WHEREAS, the Legislature has learned with deep regret of the death of Roland W. Harriman, a former Bucksport selectman and a Hancock County commissioner for 26 years. (H. P. 969)

WHEREAS, the Legislature has learned with deep regret of the death of the Honorable Howard W. Call of Cumberland, member of the 96th to 99th Legislatures. (H. P. 970)

Come from the House, Read and Adopted. Which were Read and Adopted, in concurrence.

House Papers

Bill, "An Act Relating to Retirement for Justices and Judges." (H. P. 942) (L. D. 1118)

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

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

Bill, "An Act to Appropriate Funds, on a Local Matching Basis, for an Instrument Landing System at the Sanford Municipal Airport." (H. P. 943) (L. D. 1119)

Bill, "An Act to Establish a Maine Guarantee Authority Reserve Fund." (Emergency) (H. P. 944) (L. D. 1120)

Bill, "An Act to Authorize a Bond Issue in the amount of \$4,800,000 for Energy Conservation Improvements for State-owned Buildings, Completion of State of Maine Park Facilities and Improvements to Airports in the State of Maine." (H. P. 945) (L. D. 1121)

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

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

Bill, "An Act to Amend an Existing Law Pertaining to Conversion of Seasonal Residences in

Shoreland Areas." (H. P. 946) (L. D. 1122)
Comes from the House, referred to the Committee on Energy and Natural Resources and Ordered Printed.

Which were referred to the Committee on Energy and Natural Resources and Ordered Printed, in concurrence.

Bill, "An Act to Eliminate the Disincentive for Aid to Families with Dependent Children Recipients to Find Employment." (H. P. 947) (L. D. 1123)

Reference to the Committee on Health and Institutional Services suggested.

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.

Communication
Senate Chamber
President's Office

March 6, 1981

Honorable Melvin A. Shute
Honorable Harold Cox
Chairmen, Joint Standing Committee on Legal Affairs
State House
Augusta, ME

Please be advised that Governor Joseph E. Brennan is nominating Charles H. Milan, III, of Brewer for appointment to the Maine State Liquor Commission.

Pursuant to Title 3 MRSA Section 151-A, this nomination will require review by the Joint Standing Committee on Legal Affairs and confirmation by the Senate.

Sincerely,
S/JOSEPH SEWALL
President of the Senate
S/JOHN L. MARTIN
Speaker of the House
(S. P. 400)

Which was Read and referred to the Committee on Legal Affairs.
Sent down for concurrence.

Senate Papers

Senator GILL of Cumberland presented, Bill, "An Act Concerning Retirement of Personnel at the Maine Correctional Center and the Maine Youth Center." (S. P. 393)

Senator PRAY of Penobscot (Cosponsor: Senator BUSTIN of Kennebec) presented, Bill, "An Act to Increase the Minimum Retirement Allowance under the State Retirement Law." (S. P. 395)

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

Sent down for concurrence.

Senator DUTREMBLE of York presented, Bill, "An Act to Prohibit Segregation Requirements Concerning Returnable Bottles." (S. P. 396)

The same Senator presented, Bill, "An Act to Place Restrictions on Closing Costs Charged by Banks on Real Estate Transactions." (S. P. 398)

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

Sent down for concurrence.

Senator CLARK of Cumberland (Cosponsors: Representative MITCHELL of Freeport and Representative HALL of Sangerville) presented, Bill, "An Act to Regulate the Alteration of Freshwater Wetlands." (S. P. 392)

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

Sent down for concurrence.

Senator GILL of Cumberland (Cosponsor: Representative PRESCOTT of Hampden) pre-

sented, Bill, "An Act to License Home Health Agencies." (S. P. 399)

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

Sent down for concurrence.

Senator DUTREMBLE of York presented, Bill, "An Act to Ensure that the Provision for the Arbitration of Classification and Allocation Determinations in State Employee Collective Bargaining Agreements is not Inconsistent with the Personnel Law." (S. P. 402)

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

Sent down for concurrence.

Senator BROWN of Washington (Cosponsors: Senator PIERCE of Kennebec, Representative LISNIK of Presque Isle and Representative BROWN of Bethel) presented, Bill, "An Act to Improve the Community Industrial Building Program." (S. P. 401)

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

Sent down for concurrence.

Senator CLARK of Cumberland (Cosponsors: Senator REDMOND of Somerset, Representative POST of Owls Head and Representative GILLIS of Calais) presented, Bill, "An Act to Provide an Income Tax Check-off for Voluntary Contributions to the Department of Inland Fisheries and Wildlife." (S. P. 394)

Senator WOOD of York presented, Bill, "An Act to Require that Industry Wide Taxes be Levied only after Referendum Approval of the Persons who would be Required to Pay the Taxes" (S. P. 397)

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

Sent down for concurrence.

Committee Reports
House

The following **Ought Not to Pass** report shall be placed in the legislative files without further action pursuant to Rule 22 of the Joint Rules:

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

Leave to Withdraw

The Committee on Transportation on, Bill, "An Act Relating to the Protection of Underground Facilities Under the Local Highway Laws." (H. P. 75) (L. D. 123)

Reported 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 Require that Loads of Crushed Stone be Secure to Prevent Spillage." (H. P. 256) (L. D. 296)

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

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Legal Affairs on, Bill, "An Act to Require all Editorials Printed in Maine Newspapers to Include the Name of the Person who Wrote the Article." (H. P. 749) (L. D. 886)

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 Increase the Membership on the Commission on Uniform State Laws." (H. P. 402) (L. D. 445)

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 Require the Maine State Housing Authority to Consider Life-cycle Heating Costs in Housing Financed or Developed by the Authority." (H. P. 271) (L. D. 304)

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 Concerning Tax Exempt County Property." (H. P. 153) (L. D. 177)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Judiciary on, Bill, "An Act Concerning the Process for Collecting Fines Imposed for Civil Violations and Traffic Infractions." (H. P. 277) (L. D. 308)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

On motion by Senator Conley of Cumberland the Reports were Read and Accepted, in concurrence.

Ought to Pass — As Amended

The Committee on Education on, Bill, "An Act Establishing a National Guard Scholarship Program in Vocational-technical Institutes." (H. P. 452) (L. D. 499)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H. 71).

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 Ought to Pass

Senator WOOD for the Committee on Agriculture on, Bill, "An Act Prohibiting Businesses from Raffling or Giving Away Live Animals, Fowl or Reptiles as a Fund-Raising Device." (S. P. 171) (L. D. 421)

Reported that the same Ought to Pass.

Senator TROTZKY for the Committee on Public Utilities on, Bill, "An Act to Amend the Charter of the Portland Water District." (S. P. 209) (L. D. 574)

Reported that the same Ought to Pass.

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

Ought to Pass as Amended

Senator TROTZKY for the Committee on Public Utilities on, Bill, "An Act to Continue the Joint Select Committee on Decommissioning of Nuclear Generating Facilities." (S. P. 174) (L. D. 454)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S. 36).

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

Second Readers

The Committee on Bills in the Second Read-

ing reported the following:

House

Bill, "An Act to Provide for Reciprocity with other States under the Cosmetology Statutes." (H. P. 370) (L. D. 408)

Bill, "An Act Concerning Intestate Estates." (H. P. 557) (L. D. 632)

Bill, "An Act to Abolish the Panel of Physicians under the Workers' Compensation Act." (H. P. 525) (L. D. 591)

Bill, "An Act Relating to the Size of Scallop Drags in Certain Coastal Waters." (H. P. 329) (L. D. 356)

Bill, "An Act to Include Industrial and Medical Gas Installations as Personal Property Employed in Trade under Exceptions for Purposes of Personal Property Taxes." (H. P. 403) (L. D. 446)

Bill, "An Act Relating to the Excise Tax Transfer Fee and Excise Tax Maximum." (H. P. 533) (L. D. 599)

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

Bill, "An Act to Limit Scallop Dragging." (H. P. 328) (L. D. 355)

Which was Read a Second Time.

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

House — As Amended

Bill, "An Act Relating to Boilers and Pressure Vessels and their Operations." (H. P. 325) (L. D. 353)

Bill, "An Act to Modify Certain Rules of the Road to Conform with the Uniform Vehicle Code." (H. P. 32) (L. D. 37)

Bill, "An Act to Amend Current Law to Limit Additional Fees Charged to Handicapped Persons for Special Motor Vehicle License Plates that Display Handicapped Symbols." (H. P. 297) (L. D. 327)

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

Senate

Bill, "An Act Pertaining to the Retention of Records for Closing-out Sales." (S. P. 151) (L. D. 359)

Bill, "An Act to Amend the Law Concerning Cremation of old State Bonds." (S. P. 182) (L. D. 460)

Bill, "An Act to Establish a Revolving Fund for the Maine State Library." (S. P. 185) (L. D. 463)

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

Sent down for concurrence.

Senate — As Amended

Bill, "An Act to Establish a Sign on the Maine Turnpike for the University of Southern Maine." (S. P. 212) (L. D. 577)

Which was 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 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)

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)

AN ACT to Conform Confidentiality Requirements of the Maine Committee on Aging with the 1978 Older Americans Act. (S. P. 98) (L. D. 217)

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

Out of Order and Under Suspension of the Rules, the Senate voted to consider the following:

Enactor

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

Emergency

AN ACT to Revise the Van Buren Light and Power District Charter. (S. P. 20) (L. D. 18)

This being an emergency measure and having received the affirmative votes of 29 Members of the Senate, with No Senators voting 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.

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