

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 16, 1981

Senate called to order by the President.

Prayer by Father Valmont R. Gilbert of St. Augustine's Church in Augusta.

Father GILBERT: Let us pray. Almighty Father in Heaven, the Members of this Senate, aware that in our country from the President down to the lowliest clerk, any position of government service, is a position of trust, come to You once again to ask Your guidance and Your wisdom. Help them in all their ought deliberations, so they may serve well those who have elected them to their office. Let Your Spirit be with them always, and in the words of St. Francis of Assisi, let them become instruments of Your peace and justice, for all Your people of Maine. This we ask in the name of Jesus, our Lord. Amen.

Reading of the Journal of yesterday.

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, Receded until the sound of the Bell.

Recess

After Recess

The Senate called to order by the President.

**Papers From The House
Non-concurrent Matter**

Bill, "An Act Providing for a Period of Silence in Public Schools." (S. P. 272) (L. D. 699)

In the Senate, March 11, 1981, Passed to be Engrossed as amended by Senate Amendment "A" (S-40).

Comes from the House, Passed to be Engrossed as amended by House Amendment "A" (H-98), in non-concurrence.

The PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Perkins.

Senator PERKINS: Mr. President, I move the Senate Adhere.

The PRESIDENT: The Senator from Hancock, Senator Perkins, moves that the Senate Adhere.

Is this the pleasure of the Senate?

The motion prevailed.

Non-concurrent Matter

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

In the Senate, March 10, 1981, Passed to be Engrossed as amended by Committee Amendment "A" (S-36).

Comes from the House, Passed to be Engrossed as amended by Committee Amendment "A" (S-36) and House Amendment "A" (H-93), in non-concurrence.

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

Senator DEVOE: Thank you, Mr. President. Mr. President, I move the Senate Recede and Concur.

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

Is this the pleasure of the Senate?

The motion prevailed.

Non-concurrent Matter

"Bill, An Act to Require the Office of Energy Resources to make an Analysis of Sources of

Fuel for the Replacement of Maine's Power Entitlement from the Maine Yankee Nuclear Power Plant." (H. P. 425) (L. D. 472)

In the House, March 11, 1981, the Bill Passed to be Engrossed.

In the Senate, March 12, 1981, the Minority Ought Not to Pass Report Read and Accepted, in non-concurrence.

Comes from the House, that Body Having Adhered.

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

Senator COLLINS: I move the Senate Adhere.

The PRESIDENT: The Senator from Knox, Senator Collins, moves that the Senate Adhere. Is this the pleasure of the Senate?

The motion prevailed.

Joint Orders

Expressions of Legislative Sentiment recognizing:

Donald Heath Sr. of Sherman Mills, who was selected Southern Aroostook Soil Conservation District Outstanding Conservation Farmer for 1980. (H. P. 1101)

Paul Perkins, of Sherman Mills, who was selected Southern Aroostook Soil Conservation District Woodland 1980 Conservationist. (H. P. 1102)

Amy Helene Eesley of Rockport, who has been elected to "Who's Who Among Students in American Colleges and Universities". (H. P. 1084)

Bill Young, of Camden, upon attaining the high rank and distinction of Eagle Scout. (H. P. 1085)

Emily Ellis, Mount View High Basketball player who scored 1,284 points in 4 years and, a state record, 43 points in one tournament game. (H. P. 1086)

Comes from the House, Read and Passed.

Which were Read and Passed, in concurrence.

House Papers

Bill, "An Act to Simplify the Requirements for the Granting of Permission to Additional Institutions to Use Established Satellite Facilities." (Emergency) (H. P. 998) (L. D. 1221)

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 to Establish Strict Penalties for Hazardous Waste Dumping and to Provide Specific Definitions of Hazardous Waste." (H. P. 1004) (L. D. 1238)

Comes from the House, referred to the Committee on Energy and Natural Resources and Ordered Printed.

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

Bill, "An Act to Establish a Voluntary System of Shared-work Unemployment Compensation." (H. P. 1012) (L. D. 1222)

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 Provide the State Liquor Commission with Discretionary Authority to Refund Liquor License Fees when the Licensee has been Deprived Through no Fault of His Own." (H. P. 1013) (L. D. 1223)

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

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

Bill, "An Act to Increase the Number of

County Commissioners in York County." (H. P. 1027) (L. D. 1237)

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 Converting Monhegan Plantation into the Town of Monhegan." (Emergency) (H. P. 1014) (L. D. 1224)

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

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

Senator COLLINS: Mr. President, with regard to Monhegan Plantation, this Bill was introduced before a meeting of the citizens there. They have since had their meeting and decided they don't want to be a town. At the request of the prime sponsor and myself as a co-sponsor, I move this item be Indefinitely Postponed.

The PRESIDENT: The Senator from Knox, Senator Collins, now moves that LD 1224 be Indefinitely Postponed in non-concurrence.

Is this the pleasure of the Senate?

The motion prevailed.

Sent down for concurrence.

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Repeal the Status of the Office of Sheriff. (H. P. 1016) (L. D. 1226)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Allow Counties which have Adopted a Home Rule Charter to Provide for an Alternate Manner of Selecting the Register of Probate. (H. P. 1015) (L. D. 1225)

Reference to the Committee on Local and County Government suggested.

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

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

Bill, "An Act to Promote Increased Efficiencies in Thermal Electric Generating Facilities." (H. P. 1018) (L. D. 1228)

Bill, "An Act Relative to the Jurisdiction of the Public Utilities Commission over Nonutility Attachments to Public Utility Plant." (H. P. 1017) (L. D. 1227)

Comes 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 Free Access for Legislators to State Parks, Camping Areas, Beaches and the Maine Turnpike." (H. P. 1020) (L. D. 1230)

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

On motion by Senator Pray of Penobscot, Indefinitely Postponed, in non-concurrence.

Sent down for concurrence.

Bill, "An Act to Make all Drivers' License Information Confidential." (H. P. 1021) (L. D. 1231)

Bill, "An Act to Provide Photographic Nonalterable Drivers' Licenses and Other State Documents." (H. P. 1019) (L. D. 1229)

Reference to the Committee on State Government suggested.

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

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

Bill, "An Act to Amend the Motor Vehicle Excise Tax Law to Provide for Certain Reimbursements." (H. P. 1025) (L. D. 1235)

Bill, "An Act to Permit Municipalities to Charge a Service Fee on the University of Maine." (H. P. 1024) (L. D. 1234)

Bill, "An Act to Provide a Tax Credit for Certain Hydroelectric Plants." (H. P. 1023) (L. D. 1233)

Bill, "An Act to Amend Certain Property Tax Exemptions." (H. P. 1022) (L. D. 1232)

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 Concerning School Bus Inspections." (H. P. 1026) (L. D. 1236)

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

Committee on Marine Resources

March 13, 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 Marine Resources has had under consideration the reappointment of James L. Warren as a member of the Marine Resources Advisory Council.

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 Dutremble of York and Rep. Jordan of Warren).

Eleven members of the Committee having voted in the affirmative and none in the negative it was the vote of the Committee that the reappointment of James L. Warren as a member of the Advisory Council be confirmed.

Sincerely,

Senate Chairman
S/MELVIN SHUTE

House Chairman

S/GARY W. FOWLIE

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Marine Resources has recommended that the nomination of James L. Warren be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on Marine 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 Washington, Senator Brown.

Senator BROWN: Thank you, Mr. President. It's so seldom that I'd be able to stand here to say anything regarding an individual from the great coastal town of Lubec, so I would like to take a couple of minutes to highlight this individual.

James Warren has been a life-long resident of Maine. He was born in Lubec and graduated from Bowdoin College. Since '46, he has been

associated with the fishing industry in one capacity or another. From '46 to '76, he was employed by R. J. Peacock and other companies, and has served since '76 on the Maine Sardine Council.

I urge you to confirm the committee's recommendation on this gentleman.

The PRESIDENT: Is the Senate ready for the question?

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, Najarian, O'Leary, Perkins, Pierce, Pray, Redmond, Sewall, C.; Shute, Sutton, Teague, Trafton, Trotzky, Usher, Wood, The President J. Sewall.

ABSENT — Minkowsky, Violette.

No Senators having voted in the affirmative and 31 Senators in the negative, with 2 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 James L. Warren is confirmed.

Committee on Marine Resources

March 13, 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 Marine Resources has had under consideration the reappointment of Peter W. Kelly, III, as a member of the Marine Resources Advisory Council.

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 (Sen. Dutremble—York and Rep. Jordan of Warren)

Eleven members of the Committee having voted in the affirmative and none in the negative it was the vote of the Committee that the reappointment of Peter W. Kelly, III, as a member of the Advisory Council be confirmed.

Sincerely,

Senate Chairman
S/MELVIN SHUTE

S/GARY W. FOWLIE

House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Marine Resources has recommended that the nomination of Peter W. Kelly, III be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on Marine 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 — None.

NAY — Ault, Brown, Bustin, Carpenter, Charette, Clark, Collins, Conley, Devoe, Dutremble, Emerson, Gill, Hichens, Huber, Kerry,

McBreairty, Minkowsky, Najarian, O'Leary, Perkins, Pierce, Pray, Redmond, Sewall, C.; Shute, Sutton, Teague, Trafton, Trotzky, Usher, Wood, The President J. Sewall.

ABSENT — Violette.

No Senators having voted in the affirmative and 32 Senators in the negative, with 1 Senator 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 Peter W. Kelly, III is confirmed.

Committee on Marine Resources

March 13, 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 Marine Resources has had under consideration the nomination of Spencer C. Fuller as a member of the Marine Resources Advisory Council.

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 (Sen. Dutremble, York and Rep. Jordan of Warren)

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 Spencer C. Fuller as a member of the Advisory Council be confirmed.

Sincerely,

Senate Chairman

S/MELVIN SHUTE

House Chairman

S/GARY W. FOWLIE

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Marine Resources has recommended that the nomination of Spencer C. Fuller be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on Marine 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 — None.

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

ABSENT — Violette.

No Senators having voted in the affirmative and 32 Senators in the negative, with 1 Senator 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 Spencer C. Fuller is confirmed.

Senate Papers

Senator McBREAIRTY of Aroostook (Co-sponsor: Representative HALL of Sangerville)

presented, Bill, "An Act to Prohibit the Sale and Promotion of Halogenated Hydrocarbons as Septic Tank Cleaners." (S. P. 452)

(Filed pursuant to P&SL 1979, chapter 43 of the 109th Legislature and approved for introduction by a majority of the Legislative Council under Joint Rule 18.)

The same Senator (Cosponsor: Representative HALL of Sangerville) presented, Bill, "An Act to Appropriate Funds to the Maine Geological Survey for Ground Water Aquifer Mapping." (S. P. 453)

(Filed pursuant to P&SL 1979, chapter 43 of the 109th Legislature and approved for introduction by a majority of the Legislative Council under Joint Rule 18.)

The same Senator (Cosponsor: Representative HALL of Sangerville) presented, Bill, "An Act to Improve Enforcement of the Plumbing Code." (S. P. 454)

(Filed pursuant to P&SL 1979, chapter 43 of the 109th Legislature and approved for introduction by a majority of the Legislative Council under Joint Rule 18.)

Senator BROWN of Washington presented, Bill, "An Act to Require Public Hearings Prior to Proposing Exchanges of Public Reserved Lands." (S. P. 455)

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

Sent down for concurrence.

Senator VIOLETTE of Aroostook presented, Bill, "An Act to Adjust the Rates for Reimbursement Boarding Homes and Provide for a Cost Reimbursement." (S. P. 456)

Reference to the Committee on Health and Institutional Services suggested.

On motion by Senator Huber of Cumberland, Referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Sent down for concurrence.

Senator BROWN of Washington presented, Bill, "An Act to Allow a Licensed Boarding Facility to Charge a Resident or Other Responsible Party the Difference Between the State Maximum Reimbursement Ceiling and the Audited Rate." (S. P. 458)

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

Sent down for concurrence.

Senator O'LEARY of Oxford presented, Bill, "An Act to Provide a Right-of-way to Pedestrians Against Drivers Entering Private Ways." (S. P. 457)

Reference to the Committee on Judiciary suggested.

On motion by Senator O'Leary of Oxford, referred to the Committee on Transportation and Ordered Printed.

Sent down for concurrence.

Order

An Expression of Legislative Sentiment recognizing:

Richard Osgood, who is retiring after many years of faithful service as fire chief of Blue Hill. (S. P. 459) presented by Senator PERKINS of Hancock (Cosponsor: Representative BORDEAUX of Mount Desert).

Which was Read and Passed.

Sent down for concurrence.

Committee Reports House

Leave to Withdraw

The Committee on Fisheries and Wildlife on, Bill, "An Act Relating to the Use of Snare Traps." (H. P. 376) (L. D. 414)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

Which Report was Read and Accepted, in concurrence.

Ought to Pass

The Committee on Local and County Government on, Bill, "An Act to Authorize the Designation of a Municipal Development District." (H. P. 603) (L. D. 680)

Reported that the same Ought to Pass.

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

Which Report was Read.

On motion by Senator Minkowsky of Androscoggin, Tabled for 1 Legislative Day, pending Acceptance of the Committee Report.

The Committee on Local and County Government on, "Bill, An Act to Provide for Direct Payment to Municipalities of Fines Collected Under Certain Laws Relating to Animals." (H. P. 356) (L. D. 404)

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, and the Bill Read Once and Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on State Government on, RESOLUTION, Proposing an Amendment to the Constitution of Maine to Change the Term of Office of the Attorney General from Two Years to Four Years beginning December, 1984. (H. P. 480) (L. D. 536)

Reported that the same Ought Not to Pass.

Signed:

Sensors:

AULT of Kennebec
GILL of Cumberland
VIOLETTE of Aroostook

Representatives:

KANY of Waterville
BELL of Paris
MASTERTON of Cape Elizabeth
DILLENBACK of Cumberland
SMALL of Bath
PARADIS of Augusta

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as amended by Committee Amendment "A" (H-91).

Signed:

Representatives:

LISNIK of Presque Isle
DIAMOND of Bangor
WEBSTER of Farmington
MCGOWAN of Pittsfield

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

Which Reports were Read.

On motion by Senator Conley of Cumberland, the Majority Ought Not to Pass Report of the Committee Accepted, in concurrence.

Divided Report

The Majority of the Committee on Legal Affairs on, Bill, "An Act Relating to the Licensing of Pin Ball Machines." (H. P. 503) (L. D. 554)

Reported that the same Ought to Pass.

Signed:

Sensors:

SHUTE of Waldo
Representatives:
COX of Brewer
STUDLEY of Berwick
PERRY of Mexico
STOVER of West Bath
McSWEENEY of Old Orchard Beach
DUDLEY of Enfield
TREADWELL of Veazie

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as amended by Committee Amendment "A" (H-79).

Signed:

Sensors:

VIOLETTE of Aroostook
CHARETTE of Androscoggin

Representatives:

GWADOSKY of Fairfield
SWAZEY of Bucksport
SOULAS of Bangor

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

Which Reports were Read.

On motion by Senator Pierce of Kennebec, Tabled for 2 Legislative Days, pending Acceptance of Either Committee Report.

Divided Report

The Majority of the Committee on Education on, "Bill, An Act to Increase the Compensation for Substitute Teachers." (H. P. 655) (L. D. 758)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-80).

Signed:

Sensors:

TROTZKY of Penobscot
CLARK of Cumberland

Representatives:

CONNOLLY of Portland
GOWEN of Standish
ROLDE of York
LOCKE of Sebec
THERIAULT of Fort Kent
MATTHEWS of Caribou
THOMPSON of South Portland
MURPHY of Kennebunk
BROWN of Gorham

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

Signed:

Sensor:

PIERCE of Kennebec

Representative:

BROWN of Livermore Falls

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" (H-94) Thereto.

Which Reports were Read.

The Majority Ought to Pass, as amended, Report of the Committee Accepted, in concurrence. The Bill Read Once. Committee Amendment "A" Read. House Amendment "A" Read and Adopted. Committee Amendment "A" as amended by House Amendment "A" Adopted, in concurrence, and the Bill, as amended, Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Health and Institutional Services on, Bill, "An Act Providing for Pupil Screening for Scoliosis and Related Spinal Abnormalities." (H. P. 273) (L. D. 319)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-81).

Signed:

Sensors:

GILL of Cumberland
BUSTIN of Kennebec

Representatives:

PRESCOTT of Hampden
BRODEUR of Auburn
KETOVER of Portland
MANNING of Portland
McCOLLISTER of Canton
RICHARD of Madison
BOYCE of Auburn
HOLLOWAY of Edgcomb
RANDALL of East Machias

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

Signed:

Sensor:

HICHENS of York

Representative:

MacBRIDE of Presque Isle

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amend-

ment "A".

Which Reports were Read.

On motion by Senator Pierce of Kennebec, Tabled for 1 Legislative Day, pending Acceptance of Either Committee Report.

Senate

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 Provide for a 2-year Limitation on Certain Actions Against Attorneys at Law." (S. P. 279) (L. D. 788)

Leave to Withdraw

Senator SEWALL for the Committee on Business Legislation on, Bill, "An Act to Exempt Residents' Personal Needs Money from Bankruptcy Proceedings." (S. P. 246) (L. D. 716)

Reported that the same be granted Leave to Withdraw.

Senator CHARETTE for the Committee on Legal Affairs on, RESOLVE, Authorizing James J. McCaffrey to Bring a Civil Action Against the State of Maine. (S. P. 166) (L. D. 420)

Reported that the same be granted Leave to Withdraw.

Senator VIOLETTE for the Committee on Legal Affairs on, Bill, "An Act to Authorize the State Liquor Commission to Establish an Agency Discount Liquor Store at Jackman." (S. P. 327) (L. D. 935)

Reported that the same be granted Leave to Withdraw.

Which Reports were Read and Accepted.

Sent down for concurrence.

Ought to Pass as Amended

Senator SHUTE for the Committee on Legal Affairs on, Bill, "An Act Providing Due Process when the State Liquor Commission Designates a Location for a State Liquor Store." (S. P. 180) (L. D. 458)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S. 46).

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.

Divided Report

The Majority of the Committee on Legal Affairs on, RESOLVE, Authorizing Richard Potvin, or his Legal Representative, to Bring Civil Action Against the State of Maine and the Maine State Lottery Commission. (S. P. 292) (L. D. 818)

Reported that the same Ought Not to Pass.

Signed:

Sensors:

SHUTE of Waldo

CHARETTE of Androscoggin

Representatives:

COX of Brewer

SWAZEY of Bucksport

STUDLEY of Berwick

PERRY of Mexico

TREADWELL of Veazie

DUDLEY of Enfield

GWADOSKY of Fairfield

STOVER of West Bath

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

Signed:

Sensor:

VIOLETTE of Aroostook

Representative:

SOULAS of Bangor

(Representative McSWEENEY of Old Orchard Beach Abstained)

Which Reports were Read.

On motion by Senator Collins of Knox, Tabled for 1 Legislative Day, pending Acceptance of Either Committee Report.

Divided Report

The Majority of the Committee on Labor on, Bill, "An Act Relating to Payment by an Employer When a Physician's Certification of Illness is Required." (S. P. 204) (L. D. 571)

Reported that the same Ought to Pass.

Signed:

Sensor:

DUTREMBLE of York

Representatives:

BEAULIEU of Portland

TUTTLE of Sanford

MARTIN of Brunswick

LAVERRIERE of Biddeford

McHENRY of Madawaska

HAYDEN of Durham

BAKER of Portland

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

Signed:

Sensors:

SEWALL of Lincoln

SUTTON of Oxford

Representatives:

LEIGHTON of Harrison

LEWIS of Auburn

FOSTER of Ellsworth

Which Reports were Read.

The PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Sewall.

Senator SEWALL: I move that we Accept the Minority Ought Not to Pass Report.

The PRESIDENT: The Senator from Lincoln, Senator Sewall moves that the Senate Accept the Minority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I move that L. D. 571 be Tabled for 1 Legislative Day.

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

Senator COLLINS: I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of Tabling L. D. 571 for 1 Legislative Day, please rise in their places to be counted.

Will all those Senators opposed, please rise in their places to be counted.

15 Senators having voted in the affirmative, and 16 Senators having voted in the negative, the motion to Table for 1 Legislative Day, does not prevail.

The Chair recognizes the Senator from York, Senator Dutremble.

Senator DUTREMBLE: Mr. President, Ladies and Gentlemen of the Senate, I would hope that we would not Accept the Minority Ought Not to Pass Report so that we could Accept the Majority Ought to Pass Report.

This is a good Bill. It would require an employer to pay for a physician's certificate if that employer requires an employee to get it, before he can go back to work, if he misses a day of work, or any other numbers of days of work. The problem with the law, the way it is now, is that if an employer requires this, a guy who goes out and gets this certificate from the doctor, the bill he gets from the doctor could be as high as the money he makes for one day. It is truly a form of intimidation for an employee to be forced to get a certificate from the doctor, so he could prove that he was really sick on the day he was out.

I think that what we need here is a little bit of trust between the employee and the employer. I think when this happens, it shows that the employer really doesn't trust the employees.

I would hope that we would not accept this Minority Report. I would request a Division, Mr. President.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Lincoln, Senator Sewall.

Senator SEWALL: Mr. President and Mem-

bers of the Senate, I signed the Ought Not to Pass Report for several reasons. First, to address what Senator Dutremble has just addressed, and that is the cost of the doctor's appointment. That is paid by the employer, if they have a sick pay policy.

This Bill applies to both the public and the private sector, to both non-union business and unionized business. In unionized business it's a negotiable item. In a non-union business, some businesses don't even have a sick pay policy. Therefore, they may not even get one if the employer starts thinking that perhaps it's going to cost more and more every time they do it.

What's the reason for an employer asking for the certificate? Usually, an employer asks because there's a large rate of absenteeism.

This Bill also applies for big business and very small business. The cost to a small employer could be troublesome. That is the simple reason that this Bill is not needed and I hope you support my report.

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

Senator CONLEY: Mr. President and Members of the Senate, this is a very, very minor piece of legislation. Apparently, the good Senator from Sagadahoc is not quite aware of what it is like out in the, Lincoln, excuse me, working field to know just how much harassment can take place not in a union employment. We have many businesses throughout the state that are non-union. Many employees who can, under the state labor law, can join the union, or organize to have a union if they want. There are many places, as I say, that have preferred to exercise their judgement and have voted unions down. But we do have plenty of shoe shops in this state, we still have a few of them left, where harassment can be part of the employer who has a grievance against one of their employees, may be out sick for a day, may be out sick for two days. When the person comes back to work, he's met at the front door, and he's told, go get a physician's certificate stating that you're well to come back to work, and when you get that, then we'll put you back to work.

Many of these people have families. They can't afford that loss of revenue, that can be well-used for another can of beans, and another loaf of bread on the table at a meal.

We discussed this Bill today at our Democratic caucus. Some people have some concerns about this Bill, the way it's presently written. I think that, perhaps, when it got to the Second Reading stage, we could offer an amendment that would certainly be one that would be accepted in the sense of a five day period, for example, or a three day period. But to mandate someone because one employer or one supervisor working in an establishment may have a personality clash with a particular person, can be an economic disaster in the case of some people.

I would hope that the Senate would vote against the pending motion, and at least, rather than becoming all dominoes, Democrats go one way, Republicans go in another, that we sit down and we try to resolve what I think is a problem, and what many other people think is a problem.

When the vote is taken, Mr. President, I would hope that the Senate would vote against the pending motion.

The PRESIDENT: Is the Senate ready for the question?

Will all those Senators in favor of accepting the Minority Ought Not to Pass Report of the Committee, please rise in their places to be counted.

Will all those Senators opposed, please rise in their places to be counted.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I request the vote be taken by the yeas and nays.

The PRESIDENT: A Roll Call has been re-

quested. 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 the motion to Accept the Minority Ought Not to Pass Report of the Committee.

A Yes vote will be in favor of accepting the Ought Not to Pass Report.

A No vote will be opposed.

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

ROLL CALL

YEA — Ault, Collins, Devoe, Emerson, Gill, Hichens, Huber, McBreaity, Perkins, Pierce, Redmond, Sewall, C.; Shute, Sutton, Teague, Trotzky.

NAY — Brown, Bustin, Carpenter, Charette, Clark, Conley, Dutremble, Kerry, Minkowsky, Najarian, O'Leary, Pray, Trafton, Usher, Wood.

ABSENT — Violette.

A Roll Call was had.

16 Senators having voted in the affirmative and 15 Senators in the negative, with 1 Senator being absent, the motion to Accept the Minority Ought Not to Pass Report of the Committee does prevail.

The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President, having voted on the prevailing side, I now move reconsideration and I would urge you to vote against my motion.

The PRESIDENT: The pending question before the Senate is Reconsideration whereby the Senate Accepted the Minority Ought Not to Pass Report of the Committee.

Will all those Senators in favor of Reconsideration, please say "Yes".

Will all those Senators opposed, please say "No."

A Viva Voce Vote being had.

The motion to Reconsider does not prevail. Sent down for concurrence.

Second Readers

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

House

Bill, "An Act to Create a Lake Restoration and Protection Financial Aid Program." (H. P. 551) (L. D. 627)

Bill, "An Act to Conform and Strengthen the Law Concerning the Burning of Debris." (H. P. 550) (L. D. 626)

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Waldo County for the Year 1981. (H. P. 1030) (L. D. 1195)

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

RESOLVE, Authorizing the Bureau of Public Lands to Convey the State's Interest in Certain Public Lands in Milford, Penobscot County. (H. P. 315) (L. D. 345)

Which was Read a Second Time.

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

Senator DEVOE: Thank you, Mr. President. Mr. President, I offer Senate Amendment "A" to this Bill under filing number S-52 and move its adoption.

The PRESIDENT: The Senator from Penobscot, Senator Devoe, now offers Senate Amendment "A" to LD 345 and moves its adoption.

Senate Amendment "A" (S-52) was Read.

Senator DEVOE: Thank you Mr. President. I'd like to explain to the members of the Senate what this Amendment does. There is a parcel of land in Milford, which has a rather obscure mortgage clouding the title to it. This Amendment does two things. First of all, it puts an emergency preamble on the Bill. Secondly, it

authorizes the municipal officers of the Town of Milford, if approved at a town meeting, to convey for one dollar, any technical interest which the town might have in this particular parcel of real estate.

The time table that we're facing on this is that the annual town meeting for Milford is scheduled for March 30 of this year, two weeks from tonight. Without an emergency preamble on it, and further without the town fathers having authority to make this conveyance, this real estate will have its title clouded for another year. It's for that reason that I offer this Amendment at the request of the sponsor of the Bill.

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

Senator PRAY: Mr. President, can I ask for the filing number on the Amendment?

The PRESIDENT: Under filing number S-52. Senate Amendment "A" (S-52) Adopted.

Which was Passed to be Engrossed, as amended, in non-concurrence.

Sent down for concurrence.

House — As Amended

Bill, "An Act to Provide for Determination of the Engineering Feasibility and the Environmental and Economic Effects of the Cobscook Bay Tidal Power Project." (H. P. 552) (L. D. 628)

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

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

Senate

Bill, "An Act to Amend the Group Life Insurance Program for State Employees and Teachers." (S. P. 301) (L. D. 845)

Bill, "An Act Concerning Retirement and Benefits for State Employees Returning to Work after Attaining the Age of 60." (S. P. 299) (L. D. 843)

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

Sent down for concurrence.

Enactors

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

AN ACT Establishing a National Guard Scholarship Program in Vocational-technical Institutes. (H. P. 452) (L. D. 499)

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

AN ACT Requiring the Reporting of Reyes Syndrome by Persons Examining or Treating the Disease. (S. P. 88) (L. D. 185)

AN ACT to Limit Scallop Dragging. (H. P. 328) (L. D. 355)

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 Tabled and specially assigned matter:

Bill, "An Act to Increase the Amount of Expenses Which May be Reimbursed to Members of the Inland Fisheries and Wildlife Advisory Council." (H. P. 244) (L. D. 278)

Tabled—March 13, 1981 by Senator HICHENS of York.

Pending—Motion of Senator USHER of Cumberland to Reconsider Passage to be Engrossed.

On motion by Senator Pierce of Kennebec, Retabled for 1 Legislative Day.

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