

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

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STATE OF MAINE
One Hundred and Tenth Legislature
First Regular Session
JOURNAL OF THE SENATE

March 30, 1981

Senate called to order by the President.

Prayer by Pastor Linda J. Campbell-Marshall of the People's United Methodist Church in Union.

Pastor CAMPBELL-MARSHALL: Let us pray. Lord, we pray this afternoon for our President, Your Son and our brother. We ask that Your healing touch might be upon his body. We pray also for ourselves, because we live in a society in which some see violence to be the solution to every problem. We ask that Your healing touch might be upon our spirits.

Lord, we are amazed at times like these, that one person's actions can so affect our lives. Help us to have confidence that each of us, as individuals, can also have impact, not the negative impact of an act of violence, but the up-building and edifying impact for which You have given us that special capacity as human beings. We ask that that special ability for up-building each other might be evident this day in the considerations and decisions to be made by this Legislature.

We ask Your blessings on our land, our people, and ourselves, as we stand reminded of our own imperfections. Amen.

Reading of the Journal of yesterday.

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

Senator COLLINS: Mr. President and Members of the Senate, the news of the shooting of our President, Ronald Reagan, was tragic and shocking to us all. Our thoughts are with the President and his family, as well as those close to the other men shot during this unfortunate incident in our nation's capital this afternoon. We join with the rest of the world, in hopes and prayers, that our President and the other injured men will recover quickly and completely from this tragic incident. Thank you, Mr. President.

Papers From The House
Non-concurrent Matter

Bill, "An Act to Adopt a Lead Emission Standard under the Laws for Protection and Improvement of Air." (S. P. 103) (L. D. 216)

In the Senate, March 25, 1981, Passed to be Engrossed as amended by Committee Amendment "A" (S-59).

Comes from the House, Passed to be Engrossed, in non-concurrence.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator McBreaity.

Senator MCBREAIRTY: Mr. President, I move that we Adhere and would like to speak briefly to my motion.

The PRESIDENT: The Senator has the floor.

Senator MCBREAIRTY: Mr. President, Honorable Members of the Senate, the Amendment that we adopted several days ago in the Senate would adopt the Federal standards on lead emission. The difference between the Bill itself and the Amendment we adopted is that the Bill allows 1.5 micrograms per cubic meter during only one 24 hour period during a year. The Federal standards allow an average of one quarter before you would exceed.

Now I don't really believe it makes a lot of difference one way or the other, which one of these standards we adopt. The only difference, I think, is that I feel it's time that we, the State of Maine, stopped sending messages out that we are going to be more stringent than the Federal Government and more stringent than many of our neighboring states. I think this has a deterrent effect on people who wish to come to the State of Maine to do business.

Surprisingly enough, they tell us that in

Presque Isle, Maine, where we feel our air is pretty pure, they did reach 1.76 during a 24 hour period last year. So, if they wanted to set up in certain areas, I'm sure they could exceed this standard in most any city or town we have for one 24 hour period. Thank you.

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

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

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

The Chair recognizes the Senator from Oxford, Senator O'Leary.

Senator O'LEARY: Mr. President, I would just remind the Members of the Senate that this was a bipartisan report out of our committee. There was no one, absolutely no one, in the State of Maine that appeared in opposition to this Bill. The Associated Industries of Maine and no one had a problem with this Bill, and with the motion to Recede and Concur, we wouldn't have any problems whatsoever.

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 the motion by the Senator from Cumberland, Senator Conley, that the Senate Recede and Concur with the House, please rise in their places to be counted.

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

16 Senators having voted in the affirmative, and 13 Senators having voted in the negative, the motion to Recede and Concur does prevail.

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

Senator CONLEY: Mr. President, having voted on the prevailing side, I now move Reconsideration.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves that the Senate Reconsider its action whereby it voted to Recede and Concur with the House.

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.

(Senate at Ease)

The Senate called to order by the President.

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

Senator COLLINS: Mr. President, information has reached the Senate that the Committee on Taxation is still in session. Mr. President, I move that the Rules be Suspended.

The PRESIDENT: The Senator from Knox, Senator Collins, has moved that the Senate Suspend its Rules.

Is this the pleasure of the Senate?

It is a vote.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I would move that the Senate remain in Session while the Joint Standing Committee on Taxation has its hearing.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves that the Senate grant permission to the Taxation Committee to continue its public hearing on a vital issue.

Is this the pleasure of the Senate?

It is a vote.

Non-concurrent Matter

Bill, "An Act Changing the Name of the Department of Manpower Affairs and Clarifying the Term of its Commissioner." (H. P. 291) (L.

D. 335)

In the Senate, March 20, 1981, Bill and Accompanying Papers Indefinitely Postponed, in non-concurrence.

Comes from the House, Passed to be Engrossed as amended by House Amendment "A" (H-139), in non-concurrence.

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

Senator AULT: Mr. President, and Members of the Senate, the House, in its wisdom, by this Amendment, has amended the Bill, which proposed to change the Department of Manpower Affairs to the Department of Labor and Industry. The House Amendment has taken off "and Industry", so that the Bill, in essence, would create a Department of Labor and also make the term of the commissioner coterminous with the Governor.

The only problem I have with that is that at the present time, we already have a Bureau of Labor.

So I hope someone might Table this for one day.

On motion by Senator Collins of Knox, Tabled for 1 Legislative Day, pending Consideration.

House Papers

Bill, "An Act to Provide Group Medical Health Care Insurance Benefits to Judicial Employees." (H. P. 1234) (L. D. 1459)

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

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

Sent down for concurrence.

Bill, "An Act to Amend the Probate Laws." (H. P. 1232) (L. D. 1457)

Bill, "An Act to Prohibit Housing Discrimination Against Families with Children." (H. P. 1233) (L. D. 1458)

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 Concerning Attorney's Fees Under the Workers' Compensation Laws." (H. P. 1235) (L. D. 1460)

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 Prohibit the Export of Hydroelectric Power." (H. P. 1236) (L. D. 1461)

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

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

Bill, "An Act to Increase the Veterans Real Property Tax Exemptions." (H. P. 1237) (L. D. 1462)

Bill, "An Act to Recover Overdue Student Loan and Child Support Payments." (H. P. 1238) (L. D. 1463)

Bill, "An Act to Conform the Existing Sales Tax Exemption for 750 Kilowatts of Electricity to Patterns of Usage." (H. P. 1239) (L. D. 1464)

Bill, "An Act to Establish a Limited Tax Credit to Aid Businesses Providing Day Care Services to their Employees." (H. P. 1240) (L. D. 1465)

Bill, "An Act to Replace the Inheritance Act with a Maine Estate Tax and Provide for Funding through Gradual Elimination of Certain Tax Credits." (H. P. 1241) (L. D. 1466)

Bill, "An Act to Provide for a Local Excise Tax on Watercraft." (H. P. 1242) (L. D. 1467)

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.

Orders

An Expression of Legislative Sentiment recognizing:

Harold F. Porter, of Madison, for his years of leadership and outstanding contribution toward the socioeconomic advancement of the community. (S. P. 540)

presented by Senator REDMOND of Somerset (Cosponsor: Representative RICHARD of Madison).

Which was Read and Passed.

Sent down for concurrence.

Committee Reports**House****Change of Reference**

The Committee on Health and Institutional Services on,

Bill, "An Act to Establish a Third-Party Prescription Program Act. (H. P. 901) (L. D. 1068)

Reported that the same be referred to the Committee on Business Legislation.

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

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

Leave to Withdraw

The Committee on Health and Institutional Services on,

Bill, "An Act to Relieve Emergency Ambulance Services." (H. P. 900) (L. D. 1067)

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 Amend the Laws Relating to Ambulance Services and Personnel Licensing." (H. P. 987) (L. D. 1166)

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 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)

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 Permit the On-premise Consumption of Beer and Wine by Persons 18 years of Age or Older." (H. P. 851) (L. D. 1014)

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 Provide for Sound Crossing Signals for the Blind." (H. P. 941) (L. D. 1111)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

Which Reports were Read and Accepted, in concurrence.

Ought to Pass - As Amended

The Committee on Aging, Retirement and Veterans on,

Bill, "An Act to Permit the Employees of the Franklin County Community Action Council to Withdraw from the Maine State Retirement System." (H. P. 213) (L. D. 251)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H - 127).

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

ment "A".

The Committee on Judiciary on,

Bill, "An Act to Ease the Enforcement of Judgments." (H. P. 458) (L. D. 504)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H - 129).

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

The Committee on Judiciary on,

Bill, "An Act to Impose Reasonable Interest Charges on Judgment Debtors." (H. P. 763) (L. D. 900)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H - 130).

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

Which Reports were Read and Accepted, in concurrence, and the Bills Read Once. Committee Amendments "A" were Read and Adopted, in concurrence, and the Bills as amended, Tomorrow Assigned for Second Reading.

Senate

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 Appropriate Funds to the Department of Mental Health and Corrections for the Fiscal Year Ending June 30, 1981 for Programs which were Covered under Declining Federal Grants." (Emergency) (S. P. 117) (L. D. 284)

Bill, "An Act Appropriating \$5,000 for the Caribou High School to Represent Maine in the Cherry Blossom Festival." (S. P. 215) (L. D. 580)

Leave to Withdraw

Senator HUBER for the Committee on Appropriations and Financial Affairs on,

Bill, "An Act to Appropriate Funds for Maintenance of the Dead River Dam." (S. P. 275) (L. D. 784)

Reported that the same be granted Leave to Withdraw.

Sensor TROTZKY for the Committee on Education on,

Bill, "An Act to Require Teacher Evaluation by Persons Outside the School Administrative District." (S. P. 50) (L. D. 59)

Reported that the same be granted Leave to Withdraw.

Sensor TROTZKY for the Committee on Education on,

Bill, "An Act Clarifying the Authority of School Administrative District No. 62, Pownal, to Employ its Own Superintendent of Schools and Supervising Principal." (S. P. 237) (L. D. 655)

Reported that the same be granted Leave to Withdraw.

Which Reports were Read and Accepted.

Sent down for concurrence.

Ought to Pass - As Amended

Sensor DEVOE for the Committee on Public Utilities on,

Bill, "An Act to Revise the Charter of the Richmond Utilities District." (S. P. 254) (L. D. 723)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S - 78).

Sensor CLARK for the Committee on Business Legislation on,

Bill, "An Act to Amend the Social Worker Registration Act with Respect to Employment by Nursing Homes and to Foster Coordination with State and Federal Regulations Governing Required Social Services in Nursing Homes." (S. P. 235) (L. D. 653)

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

79).

Which Reports were Read and Accepted and the Bills Read Once. Committee Amendments "A" were Read and Adopted and the Bills, as amended, Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Business Legislation on,

Bill, "An Act to Regulate Interest Rates on Life Insurance Policy Loans." (S. P. 153) (L. D. 361)

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

Signed:

Representatives:

RACINE of Biddeford
MARTIN of Van Buren
FITZGERALD of Waterville
POULIOT of Lewiston
PERKINS of Brooksville
TELOW of Lewiston
GAVETT of Orono

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as amended by Committee Amendment "B" (S-81).

Signed:

Senators:

SUTTON of Oxford
SEWALL of Lincoln
CLARK of Cumberland

Representatives:

JACKSON of Yarmouth
BRANNIGAN of Portland
GWADOSKY of Fairfield

Which Reports were Read.

On motion by Senator Clark of Cumberland, the Minority Ought to Pass, as amended, by Committee Amendment "B" Report of the Committee Accepted. The Bill Read Once. Committee Amendment "B" (S-81) Read and Adopted. The Bill, as amended, Tomorrow Assigned for Second Reading.

Second Readers

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

House - As Amended

Bill, "An Act Relating to Eligibility for World War Assistance." (H. P. 699) (L. D. 824)

Bill, "An Act Relating to Loans to Purchase Foreclosed Properties." (H. P. 518) (L. D. 584)

Bill, "An Act Relating to the Issuance of Motorboat Racing Permits." (H. P. 396) (L. D. 439)

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

Senate - As Amended

Bill, "An Act Further Amending the Planning and Zoning Statute." (S. P. 183) (L. D. 461)

Which was Read a Second Time.

On motion by Senator Collins of Knox, Tabled for 2 Legislative Days, pending Passage to be Engrossed.

Bill, "An Act to Remove Certain Time Restrictions Exempting Tax on Sales Storage or Use of Certain Food Products for Human Consumption." (S. P. 105) (L. D. 235)

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 Relating to the Licensing of Dealers in Certain Agricultural Commodities. (H. P. 50) (L. D. 114)

An Act to Regulate Variable Rate Consumer Credit Transactions under the Consumer Credit Code. (H. P. 34) (L. D. 39)

Which were Passed to be Enacted and having

been signed by the President were by the Secretary presented to the Governor for his approval.

An Act Providing for Pupil Screening for Scoliosis and Related Spinal Abnormalities. (H. P. 273) (L. D. 319)

The PRESIDENT: The Chair recognizes the Senator from York, Senator Hichens.

Senator HICHENS: Mr. President, I move that this Bill and all its accompanying papers, be Indefinitely Postponed.

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

Senator GILL: I ask for a Division on that motion.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from York, Senator Hichens.

Senator HICHENS: Mr. President and Members of the Senate, I spoke on this Bill when it was first brought out of committee. I opposed it on the basis that it was imposing too many programs into our public schools. Since that time I have received two letters from my district and just outside of my district, which I would like to share with the Senate. It says, "My dear Mr. Hichens. We are opposed to L. D. 319, An Act Providing for Pupil Screening for Scoliosis and Related Spinal Abnormalities. Students in the Wells Ogunquit Community School District have yearly spinal screening in grades 5-10 and this screening is also part of the routine physical examination required for all students in grades 4, 7 and 10 and sports participants.

We feel that this Bill is unnecessary mandating a service and would also fragment school health services.

Sincerely," with the names of 3 nurses at the Wells Ogunquit Community School District.

This one comes from Biddeford School Department. "Dear Senator Hichens. The York County School Nurses Association Communications Network tells us that you are one of the few persons in the Senate who is attempting to be helpful regarding scoliosis screening in schools.

We are a department of 2 registered nurses and one half-time LPN caring for 4,123 children in 8 separate schools. A mandated scoliosis screening for grades 5 - 8 becomes one more time consuming task that takes us away from the daily imperative needs of the children and their families. We heartedly support your efforts on our behalf."

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

Senator GILL: Mr. President, I too, have received many letters, a lot of them from parents and one of them I will just read briefly. It says, "We immunize our children so that they will not have to suffer the devastation of polio and measles, let us not ask them to suffer the crippling effects of scoliosis. It does not have to happen if identified early and treated properly."

Once again we are not mandating the school system to do this, they have the option of getting help from volunteers in the area, to assist them with this screening process, not mandating. Thank you.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Kennebec, Senator Bustin.

Senator BUSTIN: I do not have the letter before me, but I do have a letter from my pediatrician and two other members of his office, who strongly supported this legislation.

They cited the fact that the Gardiner and Augusta high schools already have this program in place and find no problem with it.

The PRESIDENT: Will all those Senators in favor of the motion by the Senator from York, Senator Hichens that L. D. 319 and all its accompanying papers be Indefinitely Postponed

please rise in their places to be counted.

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

2 Senators having voted in the affirmative, and 24 Senators having voted in the negative, the motion to Indefinitely Postpone L. D. 319 does not prevail.

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

Orders of the Day

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

RESOLVE, Authorizing Jeanette Hodgdon, Administratrix of the Estate of Kenneth R. Hodgdon, to Maintain a Civil Action Against the State of Maine. (S. P. 227) (L. D. 614)

Tabled—March 25, 1981, by Senator SUTTON of Oxford

Pending—Passage to be Engrossed.

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

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

SENATE REPORTS — from the Committee on Labor - "Bill, "An Act to Place a Maximum Limit on the Inflation Adjustment under the Workers' Compensation Act. (S. P. 281) (L. D. 789) Majority Report Ought to Pass as amended by Committee Amendment "A" (S-70); Minority Report Ought to Pass.

Tabled—March 27, 1981 by Senator COLLINS of Knox.

Pending—Acceptance of Either Report.

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

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

Papers From the House Non-concurrent Matter

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)

In the Senate, March 24, 1981, Passed to be Engrossed, in concurrence.

Comes from the House, Passed to be Engrossed as amended by House Amendment "A" (H - 147), 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.

Committee Report House

Ought to Pass in New Draft

The Committee on Taxation on, Bill, "An Act to Provide a Tax Exemption for Veterans under 62 who are Receiving a Disability Pension." (H. P. 335) (L. D. 374)

Reported that the same Ought to Pass in New Draft Under New Title: "An Act to Provide a One-time Property Tax Exemption for Disabled Veterans, World War I Veterans and Persons Claiming from World War I Veterans." (Emergency) (H. P. 1289) (L. D. 1483)

Comes from the House, the Bill, in New Draft, Passed to be Engrossed.

Which Report was Read and Accepted, in concurrence. Under Suspension of the Rules, the Bill in New Draft Read Twice by Title Only and Passed to be Engrossed, in concurrence.

Enactor

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

Emergency

An Act to Extend the Time for the Apportionment of County Taxes. (H. P. 1248) (L. D. 1427)

This being an emergency measure and having received the affirmative votes of 26 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.

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

Order

An Expression of Legislative Sentiment recognizing:

The captain and crew of Her Majesty's Canadian Ship Annapolis, a helicopter destroyer escort, which is on an official visit to Maine and on display in Portland from April 3rd to April 6, 1981. (S. P. 541)

Presented by Senator CONLEY of Cumberland (Cosponsors: Senator NAJARIAN of Cumberland and Senator USHER of Cumberland).

Which was Read and Passed.

Sent down for concurrence.

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