

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

April 3, 1981

Senate called to order by the President.

Prayer by the Reverend Walter R. Brown of the United Methodist Church of Farmington.

Reverend BROWN: Let us pray. Almighty and creative God, as we come to this hour for the convening of this body of elected persons, each of us present here is aware of the time in which we are alive, and the age in which You have called us to serve. Our minds remind us of the rewards, the dangers, and even the sacrifices that some may be called upon to encounter, as elected officials. Even this week, with its perplexing events, and its anxious-making moments; we are still reminded that life is good, but not easy; responsibilities are heavy, but rewarding; demands for better laws and more honest government ring from the shouts of spoken words of people.

Bless this day, this particular body of law-makers here assembled. Help each individual to succeed in his or her calling, as a lawmaker, and to succeed in their careers, as elected officials. May their success in their career be both beneficial to themselves, and to the people of this State, who honor them in allowing them to serve this very day. Amen.

Reading of the Journal of yesterday.

(Off Record Remarks)

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

Senator CONLEY: Mr. President, Members of the Senate, it's always a pleasure to have a family member of the Senate to come and serve as an honorable page of this Body. Even more important today is that the good Senator from Androscoggin, Senator Charette, his daughter gave birth to his first granddaughter last evening, a 7 pound, 7 ounce joyful baby bouncing girl.

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

Bill, "An Act to Give the Maine Association of Retirees Proper Representation on the Board of Trustees for the Maine State Retirement System." (H. P. 369) (L. D. 407)

In the House, March 30, 1981, Passed to be Engrossed as amended by Committee Amendment "A" (H-133) as amended by House Amendment "A" (H-149) Thereto.

In the Senate, April 1, 1981, Passed to be Engrossed as amended by Committee Amendment "A" (H-133), in non-concurrence.

Comes from the House, that Body having Adhered.

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

Senator COLLINS: Mr. President, this Bill was an effort to give the retirees a little more strength on the State Retirement Board. It's obvious, as it reaches us in this stage that the lobbying muscle of the active members of the system is much greater than the retirees. Under such circumstances it would be better not to have any Bill. I therefore move that the Senate Adhere.

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

Senator PRAY: Mr. President, Members of the Senate, I rise only to say a few words on the remarks of the Senator from Knox, Senator Collins. I support the Adhering motion, but we must remember that those individuals on the Bill, as Adhered to by the House, everyone of those individual groups that were mentioned have a direct interest in the Retirement System, because as employees, they someday would be retired.

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

Joint Order

ORDERED, the Senate concurring, that the Joint Standing Committee on Business Legislation report out a bill to the House concerning the sale of new, used, reconditioned or rebuilt parts of consumer goods under the Uniform Commercial Code. (H. P. 1309)

Comes from House, Read and Passed.

Which was Read.

On motion by Senator Collins of Knox, Tabled until Later in Today's Session, pending Passage.

House Papers

Bill, "An Act to Create a Board of Review of the Judiciary." (H. P. 1306) (L. D. 1511)

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

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

Bill, "An Act Concerning Homestead Tax Relief." (H. P. 1307) (L. D. 1512)

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.

Communication

House of Representatives

April 2, 1981

Honorable May M. Ross

Secretary of the Senate

110th Legislature

Augusta, ME

Dear Madam Secretary:

This House today voted to Insist and Join in a Committee of Conference on Bill, "An Act to Establish a Kennebec River Future Commission." (H. P. 1141) (L. D. 1285)

The Speaker appointed the following members of the House to the Committee:

Representative KANY of Waterville

Representative JACQUES of Waterville

Representative LUND of Augusta

Respectfully,

S/EDWIN H. PERT

Clerk of the House

Which was Read and Ordered Placed on File.

Order

An Expression of Legislative Sentiment recognizing:

Dorothy Arndt, a sophomore at Freeport High School, who has been selected to represent Freeport in the Hugh O'Brien State of Maine Leadership Seminar.

(S. P. 550)

Presented by Senator CLARK of Cumberland (Cosponsor: Representative MITCHELL of Freeport).

Which was Read and Passed.

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 Extend the Manager's Position at Popham Beach State Park in Phippsburg from a 9-month Part-time to a 12-month Full-time Position." (H. P. 729) (L. D. 862)

Bill, "An Act to Provide Statutory Procedures for Grievances Against Attorneys." (H. P. 599) (L. D. 676)

Bill, "An Act to Enable Diesel Fuel Dealers to Pay Fuel Taxes at the Source of Supply." (H. P. 955) (L. D. 1131)

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

Change of Reference

The Committee on Labor on, Bill, "An Act to Clarify the Laws Pertaining to Municipal Personnel Records." (H. P. 1092) (L. D. 1289)

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

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

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

Leave to Withdraw

The Committee on Aging, Retirement and Veterans on, Bill, "An Act to Remove Restrictions Preventing Retired Teachers Elected to the Legislature from Receiving Certain Benefits." (H. P. 587) (L. D. 665)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Business Legislation on, Bill, "An Act to Establish a Certification Program for Building Energy Auditors in Maine." (H. P. 618) (L. D. 701)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

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

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Fisheries and Wildlife on, Bill, "An Act to Authorize a Limited Hunting Season for Hunters Using Cross Bows." (H. P. 870) (L. D. 1039)

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 to Provide Deductions and Credits under the State Income Tax for Certain Foreign Taxes." (H. P. 965) (L. D. 1156)

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 to Permit the Taxation of Certain Athletic Property owned by Tax Exempt Organizations." (H. P. 954) (L. D. 1130)

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

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 Agriculture on, Bill, "An Act Relating to Marking of Glassware." (H. P. 589) (L. D. 667)

Reported that the same Ought to Pass.

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

The Committee on Local and County Government on, RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Franklin County for the Year 1981. (H. P. 1308) (L. D. 1510)

Reported pursuant to Joint Order (H. P. 264) that the same Ought to Pass.

Comes from the House, the Resolve Passed

to be Engrossed.

Which Reports were Read and Accepted, in concurrence, and the Bill and Resolve Read Once and Tomorrow Assigned for Second Reading.

Ought to Pass — As Amended

The Committee on Labor on, Bill, "An Act to Permit the Workers' Compensation Commission to Grant a Rehearing on the Ground of Newly Discovered Evidence." (H. P. 281) (L. D. 311)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-160).

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.

The Committee on Energy and Natural Resources on, Bill, "An Act to Establish the Department of Public Safety as the Lead Agency Regarding Accidental Spills of Hazardous Waste Matter." (H. P. 270) (L. D. 303)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-126).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-126) as amended by House Amendment "A" (H-161) Thereto.

Which Report was Read and Accepted, in concurrence, and the Bill Read Once. Committee Amendment "A" was Read. House Amendment "A" to Committee Amendment "A" was Read and Adopted, in concurrence. Committee Amendment "A" as amended by House Amendment "A" Thereto was Adopted, in concurrence, and the Bill 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 Health and Institutional Services on, Bill, "An Act Relating to Jail Administration." (H. P. 682) (L. D. 796)

Reported that the same Ought Not to Pass.

Signed:

Sensors:

GILL of Cumberland
BUSTIN of Kennebec

Representatives:

BRODEUR of Auburn
MANNING of Portland
RICHARD of Madison
MacBRIDE of Presque Isle
BOYCE of Auburn
HOLLOWAY of Edgcomb
RANDALL of East Machias
KETOVER of Portland
McCOLLISTER of Canton

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

Signed:

Sensor:

HICHENS of York

Representative:

PRESCOTT of Hampden

Comes from the House, the Majority Report Read and Accepted.

Which Reports were Read.

The Majority Ought Not to Pass Report of the Committee was Accepted, in concurrence.

Divided Report

The Majority of the Committee on Health and Institutional Services on, Bill, "An Act to Amend the Eating, Lodging and Recreational Place Licensing Law." (H. P. 62) (L. D. 74)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-152).

Signed:

Sensor:

BUSTIN of Kennebec

Representatives:

PRESCOTT of Hampden
RICHARD of Madison
BRODEUR of Auburn
KETOVER of Portland
BOYCE of Auburn
McCOLLISTER of Canton
MANNING 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:

HOLLOWAY of Edgcomb
RANDALL of East Machias
MacBRIDE of Presque Isle

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

Which Reports were Read.

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

Sensor BUSTIN: I move the Majority Ought to Pass Report.

The PRESIDENT: The Senator from Kennebec, Senator Bustin, moves that the Senate Accept the Majority Ought to Pass, as amended, Report of the Committee.

The Chair recognizes the Senator from Cumberland, Senator Gill.

Sensor GILL: I would urge that the Majority Ought to Pass Report be Accepted, because if it is Accepted, we have a Committee Amendment to offer that would take care of the minority's problem with the Bill.

On motion by the Senator from Kennebec, Senator Bustin, the Majority Ought to Pass, as amended, Report of the Committee was Accepted, in concurrence. The Bill Read Once. Committee Amendment "A" (H-152) was Read.

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

Sensor BUSTIN: Mr. President, I offer Senate Amendment "A" to Committee Amendment "A".

The PRESIDENT: The Senator from Kennebec, Senator Bustin now offers Senate Amendment "A" to Committee Amendment "A" and moves its Adoption.

Senate Amendment "A" (S-97) to Committee Amendment "A" was Read and Adopted. Committee Amendment "A", as amended, by Senate Amendment "A" was Adopted in non-concurrence. 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 Relating to Furloughs for Inmates of County Jails." (H. P. 872) (L. D. 1041)

Reported that the same Ought to Pass.

Signed:

Sensors:

GILL of Cumberland
BUSTIN of Kennebec

Representatives:

PRESCOTT of Hampden
BRODEUR of Auburn
MANNING of Portland
RICHARD of Madison
MacBRIDE of Presque Isle
BOYCE of Auburn
HOLLOWAY of Edgcomb
RANDALL of East Machias
KETOVER of Portland

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

Signed:

Sensor:

HICHENS of York

Representatives:

McCOLLISTER of Canton

Comes from the House, Bill and Papers Indefinitely Postponed.

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 to Protect the Right of Public Employees to Freely Decide Whether to Support Labor Organizations." (H. P. 182) (L. D. 227)

Reported that the same Ought Not to Pass.

Signed:

Sensor:

DUTREMBLE of York

Representatives:

BEAULIEU of Portland
MARTIN of Brunswick
McHENRY of Madawaska
LAVERRIERE of Biddeford
HAYDEN of Durham
BAKER of Portland
TUTTLE of Sanford

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

Signed:

Sensors:

SEWALL of Lincoln
SUTTON of Oxford

Representatives:

LEWIS of Auburn
FOSTER of Ellsworth
LEIGHTON of Harrison

Comes from the House, the Majority Report Read and Accepted.

Which Reports were Read.

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

Sensor SEWALL: Thank you, Mr. President, I move that we Accept the Minority Ought to Pass Report.

The PRESIDENT: The Senator from Lincoln, Senator Sewall, now moves the Senate Accept the Minority Ought to Pass Report of the Committee.

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Cumberland, Senator Conley.

Sensor CONLEY: I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Lincoln, Senator Sewall that the Senate Accept the Minority Ought 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.

13 Senators having voted in the affirmative, and 19 Senators in the negative, the motion to Accept the Minority Ought to Pass Report of the Committee in non-concurrence does not prevail.

The Majority Ought Not to Pass Report of the Committee was Accepted, in concurrence.

Divided Report

The Majority of the Committee on Labor on, Bill, "An Act to Protect the Right of Employees to Freely Decide Whether to Support Labor Organizations." (H. P. 181) (L. D. 232)

Reported that the same Ought Not to Pass.

Signed:

Senators:

SEWALL of Lincoln
DUTREMBLE of York

Representatives:

BEAULIEU of Portland
MARTIN of Brunswick
McHENRY of Madawaska
LAVERRIERE of Biddeford
HAYDEN of Durham
BAKER of Portland
TUTTLE of Sanford

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

Signed:

Senator:

SUTTON of Oxford

Representatives:

LEWIS of Auburn
LEIGHTON of Harrison
FOSTER of Ellsworth

Comes from the House, the Majority Report Read and Accepted.

Which Reports were Read.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Sutton.

Senator SUTTON: I move that we Accept the Minority Ought to Pass Report.

The PRESIDENT: The Senator from Oxford, Senator Sutton, now moves that the Senate Accept the Minority Ought to Pass Report of the Committee.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Oxford, Senator Sutton, that the Senate Accept the Minority Ought to Pass Report, please rise in their places to be counted.

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

9 Senators having voted in the affirmative, and 22 Senators having voted in the negative, the motion to Accept the Minority Ought to Pass Report of the Committee in non-concurrence does not prevail.

The Majority Ought Not to Pass Report of the Committee was Accepted, in concurrence.

Divided Report

The Majority of the Committee on Labor on, Bill, "An Act to Make Voluntary Any Public Employee Labor Organization in the State." (H. P. 777) (L. D. 922)

Reported that the same Ought Not to Pass.

Signed:

Senator:

DUTREMBLE of York

Representatives:

BEAULIEU of Portland
BAKER of Portland
LAVERRIERE of Biddeford
McHENRY of Madawaska
HAYDEN of Durham
TUTTLE of Sanford
MARTIN of Brunswick

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

Signed:

Senators:

SEWALL of Lincoln
SUTTON of Oxford

Representatives:

FOSTER of Ellsworth
LEWIS of Auburn

LEIGHTON of Harrison

Comes from the House, the Majority Report Read and Accepted.

Which Reports were Read.

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

Senator SEWALL: I move we Accept the Minority Ought to Pass Report.

The PRESIDENT: The Senator from Lincoln, Senator Sewall, now moves that the Senate Accept the Minority Ought to Pass Report of the Committee.

The Chair recognizes the Senator from York, Senator Dutremble.

Senator DUTREMBLE: I request a Division, please.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Lincoln, Senator Sewall that the Senate Accept the Minority Ought to Pass Report, please rise in their places to be counted.

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

12 Senators having voted in the affirmative, and 19 Senators having voted in the negative, the motion to Accept the Minority Ought to Pass Report of the Committee in non-concurrence does not prevail.

The Majority Ought Not to Pass Report of the Committee was Accepted, in concurrence.

Senate**Ought to Pass in New Draft**

Senator GILL for the Committee on Health and Institutional Services on, Bill, "An Act to Assure Residential Services for Developmentally Disabled Persons." (S. P. 127) (L. D. 299)

Reported that the same Ought to Pass in New Draft under New Title: "AN ACT to Facilitate the Development of More Placements in Boarding Homes that are Small, Homelike and Safe for Ambulatory and Mobile Nonambulatory Persons" (S. P. 551) (L. D. 1516)

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

Divided Report

The Majority of the Committee on Election Laws on, Bill, "An Act Relating to the Political Fundraising by State Employees." (S. P. 528) (L. D. 740)

Reported that the same Ought to Pass.

Signed:

Senators:

PRAY of Penobscot
CARPENTER of Aroostook

Representatives:

BENOIT of South Portland
NADEAU of Lewiston
DIAMOND of Bangor
ROBERTS of Buxton
BOISVERT of Lewiston

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

Signed:

Senator:

PIERCE of Kennebec

Representatives:

BORDEAUX of Mount Desert
WENTWORTH of Wells
HANSON of Kennebunkport
CAHILL of Woolwich
WEYMOUTH of West Gardiner

Which Reports were Read.

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

Divided Report

The Majority of the Committee on Business Legislation on, Bill, "An Act to Increase the Fees of the Bureau of Insurance." (S. P. 210) (L. D. 575)

Reported that the same Ought to Pass as

amended by Committee Amendment "A" (S-93).

Signed:

Senators:

SUTTON of Oxford
CLARK of Cumberland
SEWALL of Lincoln

Representatives:

BRANNIGAN of Portland
RACINE of Biddeford
JACKSON of Yarmouth
FITZGERALD of Waterville
POULIOT of Lewiston
PERKINS of Brooksville
TELOW of Lewiston
GWADOSKY of Fairfield
MARTIN of Van Buren

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

Signed:

Representative:

GAVETT of Orono

Which Reports were Read.

The Majority Ought to Pass, as amended, Report of the Committee was Accepted. The Bill Read Once. Committee Amendment "A" (S-93) was Read and Adopted. The Bill, as amended, Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Energy and Natural Resources on, Bill, "An Act Relating to Standards of the Maine Land Use Regulation Commission." (S. P. 264) (L. D. 746)

Reported that the same Ought Not to Pass.

Signed:

Representatives:

HALL of Sangerville
KIESMAN of Fryeburg
MITCHELL of Freeport
MICHAEL of Auburn
HUBER of Falmouth
MICHAUD of E. Millinocket
JACQUES of Waterville
DAVIES 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 "A" (S-91).

Signed:

Senators:

McBREAIRTY of Aroostook
O'LEARY of Oxford
REDMOND of Somerset

Representatives:

DEXTER of Kingfield
AUSTIN of Bingham

Which Reports were Read.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator McBreairty. Senator McBREAIRTY: Mr. President, I move the Minority Ought to Pass Report.

The PRESIDENT: The Senator from Aroostook, Senator McBreairty, now moves that the Senate Accept the Minority Ought to Pass, as amended, Report of the Committee.

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I would request a Division, when the vote is taken. I wonder if the good Senator from Aroostook might very briefly, on this late Friday afternoon, explain what these do.

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

Senator McBREAIRTY: Mr. President, Honorable Members of the Senate, this LD 746, as amended, would require the Land Use Regulation Commission to present to the Legislature the resolve on the amendments of the Land Use Standards, rather than the way they do it now which is a letter to leadership. If that resolve was not acted on, those amended standards would sunset. This is an attempt to make, force, the Legislature to act on these and take a

better look at them.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Aroostook, Senator McBreairey that the Senate Accept the Minority Ought to Pass, as amended, 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.

19 Senators having voted in the affirmative, and 13 Senators having voted in the negative, the motion to Accept the Minority Ought to Pass, as amended, Report of the Committee does prevail.

The Bill Read Once. Committee Amendment "A" (S-91) was Read and Adopted. The Bill, as amended, Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Energy and Natural Resources on, Bill, "An Act Relating to the Maine Comprehensive Land Use Guidance Plan." (S. P. 262) (L. D. 744)

Reported that the same Ought Not to Pass.

Signed:

Representatives:

HALL of Sangerville
KIESMAN of Fryeburg
MITCHELL of Freeport
MICHAEL of Auburn
HUBER of Falmouth
MICHAUD of East Millinocket
JACQUES of Waterville
DAVIES 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 "A" (S-92).

Signed:

Senators:

MCBREAIREY of Aroostook
O'LEARY of Oxford
REDMOND of Somers

Representatives:

DEXTER of Kingfield
AUSTIN of Bingham

Which Reports were Read.

The PRESIDENT: Is it now the pleasure of the Senate to Accept the Minority Ought to Pass, as amended, Report of the Committee?

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I was intrigued by the remarks of the good Senator from Aroostook, Senator McBreairey, with his explanation of the earlier Bill. I wonder if he might brief the Senate as to exactly what this Bill does.

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

Senator MCBREAIREY: Mr. President, Honorable Members of the Senate, LD 744, as amended, would allow anyone to apply for a permit for the development of energy resources without a complete rezoning of an area in the Land Use Regulation Commission's territory, unless, it's in a shoreland zoning area, or in a town that has zoned against such development.

Applications can be applied for in the organized territory now, if they apply to D.E.P.

This would allow people who wished to develop energy resources to at least apply. This doesn't mean that they would have to honor that application. They would have to seriously look it over and decide, but it would allow them to apply.

The PRESIDENT: The Chair will order a Division.

Will all those Senators in favor of Accepting the Minority Ought to Pass, as amended, 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.

19 Senators having voted in the affirmative, and 13 Senators having voted in the negative, the Minority Ought to Pass, as amended, Report of the Committee was Accepted.

The Bill Read Once. Committee Amendment "A" (S-92) was 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

Bill, "An Act to Ensure the Rights of Privacy of Recipients of Public Assistance." (H. P. 820) (L. D. 974)

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

House — As Amended

Bill, "An Act Relating to the Availability of Joint Life Insurance in Connection with Real Estate Mortgage Loans." (H. P. 517) (L. D. 583)

Bill, "An Act to Require Equitable Treatment of Electric Charges for Common Areas of Multi-unit Rental Dwellings." (H. P. 558) (L. D. 633)

Bill, "An Act to Provide the Employment Security Commission Flexibility in Handling Administrative Appeals." (H. P. 667) (L. D. 771)

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

Bill, "An Act to Allow for the State's Collection of Aircraft Excise Taxes and to Reimburse these Funds." (H. P. 996) (L. D. 1184)

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

Bill, "An Act to Amend the Lien Law for Sewer Districts." (Emergency) (H. P. 222) (L. D. 259)

Which was Read a Second Time.

On motion by Senator Violette of Aroostook, the Senate voted to Reconsider its action whereby it Adopted House Amendment "A" to LD 259.

The PRESIDENT: The Senator has the floor.

Senator VIOLETTE: Mr. President, I offer Senate Amendment "A" to House Amendment "A" and move its adoption.

The PRESIDENT: The Senator from Aroostook, Senator Violette, now offers Senate Amendment "A" to House Amendment "A" and moves its adoption.

Senate Amendment "A" (S-98) to House Amendment "A" was Read.

The PRESIDENT: The Senator has the floor.

Senator VIOLETTE: Thank you, Mr. President, all that my amendment does is that it allows the treasurer of the sewer district to use a stamp instead of having to sign each individually with his own hand, that is all. Thank you.

Senate Amendment "A" to House Amendment "A" Adopted. House Amendment "A", as amended, by Senate Amendment "A" was Adopted, in non-concurrence. The Bill, as amended, Passed to be Engrossed, in non-concurrence.

Sent down for concurrence.

Senate — As Amended

RESOLVE, Authorizing the Bureau of Public Lands to Convey the State's Interest in a Certain Parcel of Land in Dixmont." (S. P. 290) (L. D. 816)

Bill, "An Act Authorizing Mid-State Business School to Confer Associate Degrees." (S. P. 208) (L. D. 573)

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

Sent down for concurrence.

Enactors

The Committee on Engrossed Bills reported as truly and strictly engrossed the following: AN ACT Relating to Eligibility for World

War Assistance. (H. P. 699) (L. D. 824)

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

AN ACT to Improve Marketing of Maine Agricultural Products. (H. P. 308) (L. D. 380)

AN ACT to Describe, Define and Officially Adopt a System of Coordinates for Designating the Geographic Position of Points on the Surface of the Earth within the State of Maine. (S. P. 346) (L. D. 989)

AN ACT Relating to the Issuance of Motorboat Racing Permits. (H. P. 396) (L. D. 439)

AN ACT Relating to Cash Reserve Requirements. (S. P. 197) (L. D. 565)

AN ACT to Adopt a Lead Emission Standard under the Laws for Protection and Improvement of Air. (S. P. 103) (L. D. 216)

AN ACT to Revise the Law Concerning Discharges into Certain Lakes. (S. P. 102) (L. D. 215)

AN ACT Relating to Loans to Purchase Foreclosed Properties. (H. P. 518) (L. D. 584)

AN ACT to Amend the Manufactured Housing Act. (S. P. 63) (L. D. 90)

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

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

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

Orders of the Day

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

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

Tabled—April 1, 1981 by Senator COLLINS of Knox.

Pending—Passage to be Engrossed.

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

Senator AULT: Mr. President and Members of the Senate, I am the sponsor of LD 461, and it went before the Committee on Energy and Natural Resources with a simple little one line bill, that required all sub-division plates and plans required under the municipal sub-division law to be signed and sealed by a registered surveyor.

The Energy Committee was not too receptive to the idea, because I believe that they were concerned about the unregistered surveyors who also do excellent work. They put out a rather lengthy amendment that completely changed the Bill and as a result of that, surveyors throughout the State became upset. So I propose to do away with that amendment and present another amendment that is satisfactory to all surveyors in the State as well as the Energy Committee, I understand.

Mr. President, I move that we Suspend the Rules, for the purpose of Reconsideration.

On motion by Senator Ault of Kennebec, the Senate voted to Suspend its Rules.

On motion by Senator Ault of Kennebec, the Senate voted to Reconsider the Adoption of Committee Amendment "A".

On motion by Senator Ault of Kennebec, the Senator voted to Indefinitely Postpone Committee Amendment "A".

The PRESIDENT: The Senator has the floor.

Senator AULT: I present Senate Amendment "A" to LD 461 and move its adoption.

The PRESIDENT: The Senator from Kennebec, Senator Ault, now offers Senate Amendment "A" to LD 461 and moves its adoption.

Senate Amendment "A" (S-94) Read and Adopted.

The Bill, as amended, Passed to be En-

grossed.

Sent down for concurrence.

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

Bill, "An Act to Create an Environmental Health Program." (H. P. 804) (L. D. 914)

Tabled—April 2, 1981 by Senator MINKOWSKY of Androscoggin.

Pending—Passage to be Engrossed.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President, and Members of the Senate, this particular Bill, LD 914, "An Act to Create an Environmental Health Program," was going very rapidly through the Legislature. It went so fast that I thought it might be worthwhile to slow it down a little bit to find out exactly the ramifications of this particular piece of legislation.

I realize it has had sub-committee hearings, and reports being made up by the private sector, or people involved in these committees. I realize there has been much press on this particular matter. After analyzing, at least as an individual, from my own point of view, the emergency preamble, which I understand will be taken off, and there's a cost saving of \$22,000 or so involved in this particular Bill, I first tried to assess it from the viewpoint that really, it created, in some areas, a fear syndrome for the people of the State of Maine.

As I read on further in that preamble, I came to realize that this particular Bill creates false security in the eyes of the general public, that prevalent health problems would be alleviated, or would produce remedies to rectify what the preamble says.

Will those new bureaucratic lair solve the problems of atmospheric nuclear blasts that take place around the world with fallout coming over the State of Maine, as is obvious from China a very few short years back?

Will this new body be able to offer cures for the problems associated with acid rain, that have contaminated our water and food chain?

Will this Environmental Health Program control or find solutions to these ticking time bombs on our roads and in our freight yards, regarding chlorine gas, liquified petroleum gas, and liquified natural gas?

Will this particular august body be able to address the devastating effects of nuclear warheads at our military installations in eastern and southeastern Maine, in a case of unexpected error on their particular part, or of the 50,000 nuclear warheads standing by around the world?

Will this elite battery of individuals, or experts, have instant solutions for Maine people, as to the genuine health effects from the effluence of a massive explosion of gasoline or other petrochemicals in those tank farms outside of Maine's largest city?

Expert evaluations that are costly to the taxpayers change so very rapidly from day to day, if you look at the press, or look at the national news, insofar as finding other mechanisms, solutions to their particular problems.

Can Maine people afford this expensive, elite boondoggle, with no solutions, only general statements, such as "this problem is now being studied, but we don't have any guaranteed solutions to them"?

Can Maine people, or should our taxpayers, spend almost a quarter of a million dollars on a pilot program, and no doubt that it will grow, when presently we are facing an estimated \$75 million deficit here in the State of Maine?

I have asked my constituents about this particular piece of legislation. This is the basic reason why I held this up, to make the people in the Senate cognizant of what we are dealing with.

Basically what you're hearing throughout the State of Maine, even as a few years back, on Proposition 13, or Proposition 2 1/2, they were

looking for less programs, better accountability.

In essence, one of the final statements as rendered to me, in reference to this particular Bill, is "bureaucracy is the enemy of efficiency". This particular measure, as popular as it appears to be, there seems to be a wide gap exactly the type of efficiency it will bring to the people of the State of Maine.

Which was Passed to be Engrossed, in concurrence.

The Chair laid before the Senate: Joint Order, Relative to the Committee on Business Legislation reporting out a Bill, (H. P. 1309), Tabled earlier in today's session, by the Senator from Knox, Senator Collins, pending Passage.

On motion by Senator Collins of Knox (H. P. 1309) was Indefinitely Postponed, in non-concurrence.

Sent down for concurrence.

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

Papers from the House House Paper

Bill, "An Act to Recodify the Maine Guarantee Authority Laws." (H. P. 1302) (L. D. 1515)

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

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

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

Papers from the House Joint Order

An Expression of legislative sentiment recognizing:

Helen K. Atchison, of Houlton, an outstanding leader in library services, on the eve of her marriage;

(H. P. 1312)

Comes from the House, Read and Passed.

Which was Read.

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

Senator CARPENTER: Mr. President, Ladies and Gentlemen of the Senate, first of all, this is not my Order. I had absolutely nothing to do with this. I didn't know about it until about 15 minutes ago. I've got to tell you, I think that my home town is losing a really outstanding citizen, in Mrs. Atchison, after her marriage. She will be moving to New York. I want you all to know that she and I are very good friends, even though she's worked against me consistently in every campaign, for the last four, I think. She's a very good Republican. At least part of the blame for me going astray years and years ago, has to fall to the feet of Helen Atchison, as she was my den mother in Cub Scouts.

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

Senator CONLEY: Mr. President, I'd like to praise Mr. Atchison at the same time.

Which was Passed, in concurrence.

Senator Pray of Penobscot was granted unanimous consent to address the Senate, Off the Record.

The PRESIDENT: The Chair will appoint on the part of the Senate as conferees on, Bill, "An Act to Establish a Kennebec River Future Commission." (H. P. 1141) (L. D. 1285) the following Senators:

Senator DEVOE of Penobscot

Senator REDMOND of Somerset

Senator O'LEARY of Oxford

On motion by Senator Pierce of Kennebec,

Adjourned until Monday, April 6, at 5:00 o'clock in the afternoon.