

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Tenth
Legislature***

OF THE

STATE OF MAINE

Volume II

FIRST REGULAR SESSION

MAY 4, 1981 to JUNE 19, 1981

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STATE OF MAINE
One Hundred and Tenth Legislature
First Regular Session
JOURNAL OF THE SENATE
May 4, 1981
Senate called to order by the President.

Prayer by The Honorable Thomas R. Perkins of Blue Hill.

SENATOR PERKINS: Shall we be at prayer. As we face this new week of this new session, give us the strength and understanding, and wisdom to face each issue, and to make them acceptable in Your eyes. Amen.

Reading of the Journal of Yesterday.

Paper from the House Non-Concurrent Matter

Bill, "An Act to Include Services Performed by Chiropractors Under all Health Insurance Policies and Health Care Contracts which Pay Benefits for Those Procedures if Performed by a Physician." (S.P. 329) (L.D. 959)

In the Senate, April 29, 1981, Passed to be Engrossed as amended by Committee Amendment "A" (S-136) as amended by House Amendment "A" (S-145) Thereto.

Comes from the House, Passed to be Engrossed as amended by Committee Amendment "A" (S-136) as amended by House Amendment "A" (H-275) Thereto, in non-concurrence.

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

Senator SUTTON: Mr. President, Ladies and Gentlemen of the Senate, this Bill was before us the other day, and left here in a form a little different than it has returned. The Bill allows for chiropractors to be paid by third party payees, where the services they perform are the same. The Bill that we had before us changed the size of the group from 50 employees to 10 employees.

That Bill came from the Business Legislation Committee with a Majority Report in that fashion, although I signed the Ought Not to Pass portion of the Bill, the Committee, after a long discussion, decided that it was not appropriate to lower the size of the group below 10. The Committee did discuss that in great detail, and decided that it was not appropriate to go down to zero, for a couple of reasons.

Number one, chiropractic service is already available from private insurers. This would affect the Blue Cross, Blue Shield. Actually, there is concern that, as I pointed out to you when I opposed this going down to 10, actuarially, there is a concern that it is going to raise the cost of insurance. I am told that if we go down to zero, it definitely will be more costly and other subscribers will be paying for part of this service.

So I would ask you, although I don't support the Bill in its original form certainly in the form that it's in now, it is not in the best interest of the health community. I would ask that the Senate Adhere.

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

Senator CLARK: Mr. President, I move that the Senate Recede and Concur and would speak briefly.

The PRESIDENT: The Senator has the floor.

Senator CLARK: Mr. President, Men and Women of the Senate, at some risk, and with no disrespect to the honorable Senate Chairman of the Committee on Business Legislation, I would support the motion that I tended a few seconds ago, in light that the condition of LD 1060, as it came back from the other Body, is in conformance with a similar bill, which this Chamber approved, relative to third party payments, and the freedom of choice, and insurance equity, that we granted by this Maine Legislature, by the optometrists of this State.

You may remember that the honorable Senator from Lincoln, Senator Sewall, attached an

amendment in the Senate onto this Bill to conform the language to the optometrist's bill, which we had previously acted upon last week. The other Chamber acknowledged that need for conformity with reference to language, and deemed that it was important that the drop in the number of the group from 50 to 10 was not appropriate insofar as that restriction was not incorporated into the optometrist's language.

It is because of the need, and because we are addressing an area which may fall under the heading of insurance equity, or equality, that I would urge you to join with me in supporting a Recede and Concur motion. Thank you.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Senator TROTZKY: Mr. President, I'd like to pose a question to Senator Clark. If I buy a Blue Cross, Blue Shield policy as an individual, and I let's say, do not seek chiropractors, but yet, just physicians, M.D.'s Is this Bill going to increase the cost for my policy I would buy, where I would not want the chiropractic services?

The PRESIDENT: The Senator from Penobscot, Senator Trotzky, has opposed a question through the Chair to any Senator who may care to answer.

The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Thank you, Mr. President. I would attempt to respond to the gentleman's inquiry. To the extent that experience is used as the basis for rate determination, I would feel that the utilization of chiropractic services, which are reimbursable under third party payment, would indeed have some affect on rates.

I would hasten to remind the Members of this Body, that many business employ less than 10 people. Perhaps those businesses should not be left out, because of the size of the business, or the numbers of the people that they do employ.

The PRESIDENT: Is the Senate ready for the question?

The Chair will order a Division.

Will all those Senators in favor of the motion by the Senator from Cumberland, Senator Clark, 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.

20 Senators having voted in the affirmative, and 8 Senators in the negative, the motion to Recede and Concur with the House does prevail.

Order

An Expression of Legislative Sentiment recognizing:

Catherine Agnes Murphy Conley of Portland on the 83rd Anniversary of her birth. (S.P. 591) presented by Senator CONLEY of Cumberland.

Which was Read.

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

Senator CONLEY: Mr. President and Members of the Senate, Cassie Conley was born on May 4, 1898, 83 years ago. She is probably the most tender, genuine, honest person that, I believe, I've ever met. Upon giving birth to her first child, she lost that child at childbirth, and came very close to losing her life. Her doctor advised her never to have any more children.

My father, being the great Irish practicing Roman Catholic that he was, immediately had his bride in the hospital about nine months later. I can say that, as years passed by, she had five sons and one daughter.

I hope that you will all join with me today in celebrating, what I consider to be probably the most wonderful woman on earth, her 83rd birthday.

The PRESIDENT: The Chair would ask the Senate to rise and give its greetings to the good

Senator's mother.
Which was Passed.
Sent down for Concurrence.

Committee Reports House

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

Bill, "An Act to Increase the Number of County Commissioners in York County." (H.P. 1027) (L.D. 1237)

Leave to Withdraw

The Committee on Marine Resources on, Bill, "An Act to Limit Scallop Dragging." (H.P. 1316) (L.D. 1520)

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 Labor on, Bill, "An Act Relating to the Clarification, Consistency and Improved Administration of the Employment Security Law." (H.P. 950) (L.D. 1126)

Reported that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed, as amended by House Amendment "A" (H-279).

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

Ought to Pass — As Amended

The Committee on Labor on, Bill, "An Act Relating to Unfair Wage Agreements under Employment Practices Law." (H.P. 915) (L.D. 1081)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-274).

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 Agriculture on, Bill, "An Act to Establish Truck Volume Labeling for Certain Wood By-Products." (H.P. 832) (L.D. 999)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-262).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-262) as amended by House Amendment "A" (H-273) Thereto.

Which Report was Read.

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

Divided Report

The Majority of the Committee on Business Legislation on, Bill, "An Act to Prevent Price Mark-ups on Retail Food." (H.P. 1148) (L.D. 1370)

Reported that the same Ought Not to Pass. Signed:

Sensors:

SUTTON of Oxford
SEWALL of Lincoln
CLARK of Cumberland

Representatives:

BRANNIGAN of Portland
POULIOT of Lewiston
JACKSON of Yarmouth
GWADOSKY of Fairfield

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

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

Signed:

Representative:

FITZGERALD of Waterville

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

Which Reports were Read.

The Majority Ought Not to Pass Accepted, in concurrence.

Senate

Leave to Withdraw

Senator WOOD for the Committee on Taxation on, Bill, "An Act to Increase the Benefits of the Elderly Tax and Rent Refund Act on a Sliding Scale According to Income." (S.P. 473) (L.D. 1329)

Reported that the same be granted Leave to Withdraw.

Senator CHARETTE for the Committee on Local and County Government on, Bill, "An Act to Permit Counties to Change their Fiscal Year." (S.P. 363) (L.D. 1062)

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 CHARETTE for the Committee on Local and County Government on, Bill, "An Act to Abolish the Position of County Treasurer in Penobscot County and Replace it with a Full Time Finance Officer." (S.P. 43) (L.D. 44)

Reported that the same Ought to Pass as amended by Committee Amendment "C" (S-159).

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

Divided Report

The Majority of the Committee on Transportation on, Bill, "An Act to Provide a Right-of-way to Pedestrians Against Drivers Entering Private Ways." (S.P. 457) (L.D. 1305)

Reported that the same Ought to Pass.

Signed:

Senators:

EMERSON of Penobscot
O'LEARY of Oxford
USHER of Cumberland

Representatives:

CARROLL of Limerick
REEVES of Pittston
STROUT of Corinth
MOHOLLAND of Princeton
McPHERSON of Eliot
HUTCHINGS of Lincolnville
FOWLIE of Rockland

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

Signed:

Representatives:

HUNTER of Benton
MACOMBER of South Portland
McKEAN of Limestone

Which Reports were Read.

The Majority Ought to Pass Report of the Committee Accepted and the Bill Read Once and Tomorrow Assigned for Second Reading.

Second Readers

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

House

Bill, "An Act to Increase the Minimum Base Salary for Executive, Administrative or Pro-

fessional Employees." (H.P. 430) (L.D. 477)

Bill, "An Act to Clarify that the Contract Bar Rule does not Apply to Unit Clarification Proceedings under the State Employee Labor Relations Act." (H.P. 1253) (L.D. 1477)

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

Bill, "An Act to Amend the Charter of the Kennebunk Light and Power District." (Emergency) (H.P. 951) (L.D. 1127)

Which was Read a Second Time.

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

Senator PIERCE: Mr. President, I present Senate Amendment "A" under filing number S-160 and move its Adoption.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, now offers Senate Amendment "A" to LD 1127 and moves its Adoption.

Senate Amendment "A" (S-160) Read and Adopted. The Bill, as amended, Passed to be Engrossed, in non-concurrence.

Sent down for concurrence.

House — As Amended

Bill, "An Act to Amend the Spruce Budworm Suppression Laws." (H.P. 1334) (L.D. 1530)

Bill, "An Act to Establish an Agricultural Exemption from Workers' Compensation for Certain Wood Lot Operations." (H.P. 937) (L.D. 1107)

Bill, "An Act Relating to Burial Expenses for Veterans." (H.P. 1104) (L.D. 1309)

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

Senate — As Amended

Bill, "An Act to Amend the Criminal Code and Related Criminal Laws." (S.P. 444) (L.D. 1282)

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

Sent down for concurrence.

Enactors

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

AN ACT to Provide Funds for the Provision of the State Cost Sharing of Telecommunication Typewriters for the Hearing Impaired. (S.P. 201) (L.D. 568)

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

AN ACT Relating to the Transport of State Prisoners in Knox County. (H.P. 1152) (L.D. 1373)

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

AN ACT Concerning the Payment of Burial Expense for Certain State Wards. (H.P. 1008) (L.D. 1204)

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

AN ACT to Prohibit the Sale and Use of Drug Paraphernalia. (H.P. 67) (L.D. 104)

AN ACT Relating to Pharmaceutical Services Provided at Rural Health Centers. (S.P. 411) (L.D. 1215)

AN ACT to Make Revenue Losses, Due to Tax Credits, Exemptions and Deductions, Part of the Budget Document. (S.P. 390) (L.D. 1148)

AN ACT to Amend the Laws Relating to Group and Blanket Health Insurance. (S.P. 360) (L.D. 1060)

AN ACT Concerning Certain Estates under the Control of Public Administrators. (H.P. 1122) (L.D. 1339)

AN ACT to Amend the Charter of the Maine Historical Society. (H. P. 1153) (L. D. 1374)

AN ACT Relating to Child Prostitution. (H. P. 1069) (L. D. 1272)

AN ACT Concerning Qualifications of Law enforcement Officials. (H.P. 1125) (L.D. 1342)

AN ACT to Permit Free Licenses to Trap Fur-bearing Animals to Persons 70 Years of Age and Older. (H.P. 772) (L.D. 917)

AN ACT Concerning the Inspection of Ballots on Municipal Questions. (H.P. 56) (L.D. 69)

AN ACT to Amend the Maine Human Rights Act. (S.P. 579) (L.D. 1555)

AN ACT to Permit Additional Polling Places in Municipalities with Large Fluctuations in Voter Turnout. (H.P. 169) (L.D. 222)

AN ACT Concerning Civil Trespass by Motor Vehicle. (H.P. 563) (L.D. 639)

AN ACT to Amend the Law Prohibiting Law Enforcement Officers from Soliciting Funds. (H. P. 938) (L. D. 1108)

AN ACT to Amend the Northern Maine General Hospital Charter. (H.P. 1338) (L.D. 1533)

AN ACT to Promote Greater Efficiency through Alternative Working Hours in State Government. (H.P. 1375) (L.D. 1556)

AN ACT Relating to the Sale of Alcoholic Beverages on Vessels. (H. P. 1274) (L. D. 1489)

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

Emergency

AN ACT to Provide for Deductions of Points from the Driver's License of a Minor Illegally Transporting Liquor. (H.P. 889) (L.D. 1058)

On motion by Senator Conley of Cumberland, Tabled for 1 Legislative Day, pending Enactment.

Emergency

AN ACT to Permit Knox County to Withdraw from the Maine State Retirement System. (H.P. 487) (L.D. 539)

Emergency

AN ACT to Establish an R.B. Hall Day to Honor and Commemorate a Great Maine Composer. (H.P. 1093) (L.D. 1290)

These being emergency measures and having received the affirmative votes of 26 Members of the Senate, with No Senators voting in the negative, were Passed to be Enacted, and having been signed by the President, were by the Secretary presented to the Governor for his approval.

Emergency

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Knox County for the Year 1981. (H.P. 1380) (L.D. 1557)

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 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:

HOUSE REPORTS—from the Committee on State Government — Bill, "An Act to Revise the State Personnel System." (H.P. 687) (L.D. 801) MAJORITY REPORT—Ought to Pass in New Draft with Same Title (H.P. 1395) (L.D. 1566); MINORITY REPORT Ought Not to Pass.

Tabled—April 30, 1981 by Senator COLLINS of Knox.

Pending—Acceptance of Either Report.

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

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

Bill, "An Act to Regulate Entrance Fees

Charged by Mobile Home Parks." (H.P. 779) (L.D. 924)

Tabled—April 30, 1981 by Senator SUTTON of Oxford.

Pending—Passage to be Engrossed.

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

Senator HICHENS: I'd like to request that this Bill and all its papers be Indefinitely Postponed.

The PRESIDENT: The Senator from York, Senator Hichens, moves that LD 924 be Indefinitely Postponed.

The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Thank you, Mr. President, Men and Women of the Senate. Nine Legislative years makes one more sensitive and wise in the ways and the effectiveness of the third House. I would simply say that this issue was debated at length. It does represent a unanimous Committee Report, and that the will of this Chamber, perhaps, may change on this day, 180 degrees from the will which was exhibited one day last week. We'll just leave it at that and see where the chips fall.

Personally, I hope that you do not support the pending motion of Indefinite Postponement.

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

Senator HICHENS: Mr. President, just to add a few remarks to what was said the other day, I would reassert that this Bill won't help the people it claims to help. It will put them in a position of losing money instead of saving it. It's going to cause problems from everyone concerned. It can't even be amended to solve the problems it would cause. If we try to set a limit, we can't be sure the limit will be right. It may be too high or too low because costs vary.

In either case, many parks, I've been informed by a person who knows, don't charge an entrance fee. If we set an amount unto law, many more are apt to do so. Certainly those who charge less than any fee we set will raise theirs to the amount we set.

If we pass the Bill as is, park owners who charge any fees, who make tenants sell their homes and move it out of the park when sold. They will charge the fee to a new tenant moving a new home in.

Few parks are being developed now, unless the developer is also a dealer, that's prompted by new sales because of his park development. If we start restricting revenues to parks, aren't we apt to see less sites instead of more? In Maine, how much more can the tenants pay in rent?

There are too many questions and too many problems here with this Bill.

I would add, as to the remark given by the good Senator from Cumberland last week, she stated that the gentleman whom she approached said that if they pass this Bill, they'll just find another way to circumvent it and get their charges anyway. I don't think we ought to force them to do this.

I think we ought to Indefinitely Postpone this Bill at this time.

The PRESIDENT: Is the Senate ready for the question?

The Chair will order a Division.

Will all those Senators in favor of the motion by the Senator from York, Senator Hichens, that the Senate Indefinitely Postpone LD 924, please rise in their places to be counted.

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

10 Senators having voted in the affirmative, and 17 Senators having voted in the negative, the motion to Indefinitely Postpone does not prevail.

Which was Passed to be Engrossed, in concurrence.

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

Bill, "An Act to Amend the Maine Consumer

Credit Code to Increase the Availability of First Mortgage Residential Loan Funds." (H.P. 719) (L.D. 851)

Tabled—April 30, 1981 by Senator SUTTON of Oxford.

Pending—Passage to be Engrossed.

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

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

Bill, "An Act to Amend the Maine Consumer Credit Code." (H.P. 394) (L.D. 437)

Tabled—April 30, 1981 by Senator CONLEY of Cumberland.

Pending—Passage to be Engrossed.

On motion by Senator Sutton of Oxford, Retabled for 2 Legislative Days.

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

Bill, "An Act to Clarify the Definition of Commercial Applicator in the Maine Pesticides Control Act of 1975." (S.P. 373) (L.D. 1115)

Tabled—April 30, 1981 by Senator COLLINS of Knox.

Pending—Passage to be Engrossed.

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

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

HOUSE REPORTS—from the Committee on Fisheries and Wildlife — Bill, "An Act to Require Persons Being Licensed to Hunt for the First Time to Have Completed a Gun Safety Course." (H.P. 871) (L.D. 1040) — MAJORITY REPORT Ought to Pass as Amended by Committee Amendment "A" (H-269); MINORITY REPORT Ought Not to Pass.

Tabled—May 1, 1981 by Senator REDMOND of Somerset.

Pending—Acceptance of Either Report.

On motion by Senator Pray of Penobscot, the Minority Ought Not to Pass Report of the Committee Accepted, in non-concurrence.

Sent down for concurrence.

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

SENATE REPORT—from the Committee on Agriculture — Bill, "An Act to Provide for Identifying Natural, Nonimitation Food Products Sold in the State." (S.P. 485) (L.D. 1387) OUGHT TO PASS.

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

Pending—Acceptance of Report.

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

Senator HICHENS: Mr. President, Members of the Committee, through an error on the part of the Clerk of the Committee, this bill was sent out without the Committee Amendment. I would now move that it be Recommitted to Committee so that we can get the proper Amendment on the floor.

On motion by the Senator from York, Senator Hichens, Recommitted to the Committee on Agriculture.

Sent down for concurrence.

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

SENATE REPORTS—from the Committee on State Government — Bill, "An Act to Provide for Legislative Review of Agency Rules." (S.P. 505) (L.D. 1432) MAJORITY REPORT Ought to Pass as Amended by Committee Amendment "A" (S-154); MINORITY REPORT Ought Not to Pass.

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

Pending—Acceptance of Either Report.

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

The President laid before the Senate the

ninth Tabled and specially assigned matter:

HOUSE REPORT—from the Committee on Labor — Bill, "An Act to Provide for Recovery of Unemployment Compensation Overpayments over a Reasonable Period of Time." (H.P. 664) (L.D. 768). Ought to Pass as Amended by Committee Amendment "A" (H-215)

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

Pending—Acceptance of Report.

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

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

Bill, "An Act Promoting the Availability of Health Care Services."

Tabled—May 1, 1981 by Senator PIERCE of Kennebec.

Pending—Motion of Senator GILL of Cumberland of Recede and Concur.

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

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

Bill, "An Act to Bring the Maine Traveler Information Services Act into Conformity with the United States Constitution." (S.P. 427) (L.D. 1249)

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

Pending—Passage to be Engrossed.

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

Senator PIERCE: Mr. President and Members of the Senate, I think that we all have been somewhat frustrated this Session, in that there's all too few days left, with all too many important measures having yet to come before us.

I guess that I would like to underscore the fact that we do have one very important one here today.

As a chairman of a committee, I am sure that I do not have a reputation for running a very long hearing on matters. In fact, most lobbyists find it very counter-productive to their cause when in fact, they do deal in repetition and lengthy hearings before committees that I chair.

However, when the first billboard legislation comes before the Business Legislation Committee, some years ago, I was Chairman of that Committee, and I recall that it was the longest hearing, by far, that I have ever chaired. I think, that it started around 1 p.m., and we went right through the dinner hour and ended up somewhere around 10 p.m. Believe me, there wasn't much repetition and I just point to this fact because I think that it does highlight the fact that this is a very complex piece of legislation.

Like all bills, when we did pass it, I fully expected that we would be dealing with it again to fine tune it as we do with most pieces of major legislation.

Today, it is back before us and the Committee has considered it another time. I have some very, very deep concerns about certain aspects of this Bill, that I think are going to come home to roost in an extremely negative way upon the State of Maine, in the not too distant future.

One of the problems with Enacting laws, that are going to be implemented down the line is, that you just never see their effects until perhaps some times it is too late.

In this particular area, I am very concerned about the directional signs. That, too, is a long and complex part of the law. I would suspect that an overwhelming number of us here, in the Legislature, were really repelled by the large billboards with the liquor commercials or

whatever else on them overlooking the scenic areas. Which probably brought this issue to a head in the first place, and I certainly have not changed my mind about where they should go. I am pleased that eventually we will, hopefully, be riding our States of them.

When we do that I am afraid that this is going to be a classic example of there we are going to throw the baby out with the bath water. I really, really believe that. An example, the other day when I talked to a lady up at Eaton Mountain Ski Area, the bottom of the mountain, there was a nice large sign, that says, "Eaton Mountain Ski Area's". All lighted, cement posted, and so forth, and already the department has come to her and said, that you must take this sign down. You have to have a directional sign there. They have taken the sign down, it cost them \$325, for another one. I submit to you that I do not think that that was the intention of this legislation when we put it through.

Just think to yourself what a difference if you owned that ski area. If you wanted to put in an Olympic size swimming pool, or some of the other services that you offer, or you are going to have just a bare directional sign there at the foot of the mountain.

These directional signs, are going to so adversely effect small businesses, businesses in rural Maine, that I think, we will all look at ourselves and say, how did we ever let this piece of legislation pass through here, with out further fine tuning it, and looking at what is going to happen to these businesses.

You know, in China they may all wear blue uniforms and I am all for having some kind of uniformity here in our law, but I think of all people to just mandate the sterility, the blandness, and the monotony that we are doing with this law is way out of line, and I think that it is going to cost businesses a great, great deal in the future.

I have an amendment, hopefully, which would begin to address some of the problems that I see under filing number S-150. We do, because the Bill has proceeded, need to Suspend the Rules in order for us to address that amendment. Whether you agree with the amendment or you don't agree with the amendment, I would hope that you would at least take a look at it. I would hope that you would think that this is such an important piece of legislation for the future of the State of Maine, and the future of many of our businesses, especially the small ones, that you would go along with Suspending the Rules so that we could offer this amendment and discuss it at that time. Thank you.

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

Senator COLLINS: Mr. President, as a sponsor of this Bill, I want to bring to the Senate's attention the prime purpose of it. In 1977, we Enacted the Billboard Law. It was immediately tested in the courts two or three times. Of course, last December, one of those tests was successful to the extent that the circuit court of appeals in the first circuit said, that certain sections were in violation of the United States Constitution.

This Bill was submitted to correct those sections of the Billboard Law that were criticized by the court. We did not try to do any other revising. We simply set out to make the Billboard Law, as we had Enacted it, constitutional.

When the hearing was held before the Committee on Business Legislation, there were, of course, requests for other changes in the Law. I recall the Chairman of the Committee advising some of those who raised questions that their particular concerns might be better addressed in another bill. I believe there was a bill about agricultural signs, and a bill about other particular approaches in signs.

I would hope that the Legislature would let this particular Bill go through with its prime intention, namely, to simply correct the consti-

tutional maladies, and not get into the problem of whether or not we need to tinker with the basic Billboard Law.

I have read the two amendments that have been printed, that would change the original law with respect to certain businesses. I would point out to those that are seeking these changes that there is already in the law a provision that says, that the Commissioner shall issue not more than six licenses for official business directional signs for any one place of business, facility or point of interest, eligible, under another section. Then it goes on to add some other data about ten mile radius and so on.

Beauty is in the eye of the beholder. My good seatmate from Kennebec has expressed a preference for a variety of signs. The idea that this Bill encompassed was that, if we wanted to make our landscape more attractive, that we needed to come to a uniformity of directional signs, to get rid of the big and garish items that blotted our landscape. Yet, to accommodate the public and let the public know where things were, and give business its legitimate notoriety of place and function that there would be a system of signs. If you have vacationed in Vermont or in England, or in some other parts of the world, where this sort of system has been adopted, I think you will appreciate that there can be a great refreshment in a uniformity of signs.

We may all have our separate aesthetic approaches to what type of signs, but if we begin to cut holes in the Billboard Law at this stage, I fear that we will soon make a mince meat out of the very constructed program.

I hope that we will let this Bill go through as it is intended from its inception, and that as time goes on, if we really see a need to change the structure of the Bill, that we will do so with separate legislation. Thank you, Mr. President.

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

Senator SUTTON: Mr. President, I move we Suspend the Rules.

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

Senator CONLEY: Mr. President, I object to Suspending the Rules.

The PRESIDENT: The Chair will order a Division.

Will all those Senators in favor of the motion by the Senator from Oxford, Senator Sutton, that the Senate Suspend its Rules for the purpose of Reconsideration, please rise in their places to be counted.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President, I would ask for a Roll Call.

The PRESIDENT: A Roll Call has been requested. 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 by the Senator from Oxford, Senator Sutton, that the Senate Suspend its Rules.

A Yes vote will be in favor of Suspending the Rules.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Ault, Devoe, Emerson, Hichens, McBrearty, O'Leary, Perkins, Pierce, Redmond, Sewall, C.; Shute, Sutton, Teague.

NAY—Brown, Bustin, Carpenter, Charette, Clark, Collins, Conley, Huber, Kerry, Minikowsky, Najarian, Pray, Trafton, Trotzky, Usher, Violette, Wood.

ABSENT—Dutremble, Gill.

A Roll Call was had.

13 Senators having voted in the affirmative and 17 Senators in the negative, with 2 Senators being absent, the motion to Suspend the Rules does not prevail.

Which was Passed to be Engrossed, as amended.

Sent down for concurrence.

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

Bill, "An Act to Require Fire Detectors in All Multiapartment Dwellings and New Single-family Residences. (H. P. 1409) (L. D. 1573)

Tabled—May 1, 1981 by Senator DEVOE of Penobscot

Pending—Motion of Senator SHUTE of Waldo to Refer to Committee on Judiciary.

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

Senator TROTZKY: Mr. President and Members of the Senate, this Bill was heard, I believe, last year by Legal Affairs. I would hope that the Bill would end up in Legal Affairs with both Houses agreeing.

This is an important Bill. Let me give you an experience that I had yesterday. Somebody came to the house. My wife asked the person if they wanted some tea. It was a rush, a lot of things going on, turned on the stove and turned on the wrong burner. It was after dinner and a bread board was lying on the burner. We were in there talking, and all of a sudden, I hear a fire detector go off. It was in flames on the stove. The house was full of smoke. I went in and we had to put the fire out. That's just a small incident. There was no damage to the house or anything like that.

We're talking about a very important Bill. There are a lot of bills we debate on issues. In any of the apartment buildings, take Augusta here, with these wooden frames, three stories high, where a fire can start because somebody with a cigarette leaves it in a couch or something. We're talking about saving lives with this Bill.

I consider this Bill one of the most important bills in this Legislature, which should have been passed last year in some form. I know in many communities, there are large wooden structures with many families in them. Fire detectors cost \$7 to \$10 today. They're cheap, they're available, and there is absolutely nothing wrong in mandating that they be put in, because they save lives.

If we had had one incident, let's say in a community like Augusta, where a home went up in flames at night, and five people were killed, this Bill would go right through this Legislature very quickly.

I think we're talking about lives here. It's an important Bill. I hope it would not be sent to Judiciary, but to Legal Affairs in concurrence with the House.

(Off Record Remarks)

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

Senator TROTZKY: Mr. President, I have a very real fear here that what may take place is, being late in the Session, this Bill will end up, politically, in non-concurrence between the two branches, and die a death here without a public hearing.

That's my fear, and that's why, even though I know the Chairman of that Committee doesn't want it, at least there are twelve other people on that Committee, and possibly it will get a good hearing.

The PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: Mr. President, Ladies and Gentlemen of the Senate, Legal Affairs did have this Bill last year. I got beat over the head with it all year. I got beat over the head with it here, and the rest of the year.

The Bill we have before us is no better that

the one we had last year. I think, probably, this year where the Judiciary Committee is taking over all these landlord/tenant bills in the Legislature which previously went to Legal Affairs, I think by rights this Bill should go to Judiciary. Prior to that, Legal Affairs did do the landlord/tenant bills, but now this does pertain to apartments, single family dwellings. I think probably Judiciary could handle it better than Legal Affairs.

I have talked to other members of the Legal Affairs Committee. I haven't found anyone yet on that Committee that really was looking forward to this Bill this year.

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

Senator CONLEY: Mr. President, if I may humble myself to speak as a member of the Judiciary Committee, I would be concerned about a fair and impartial hearing, also. As one member of the Judiciary Committee, I don't particularly look forward to seeing this document coming up.

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

Senator SUTTON: Mr. President, this Bill was before the Legislature last time. If it was nearly as important as the good Senator from Penobscot, Senator Trotzky, thought, I can't believe that it wouldn't have been back in here three or four months ago. Right now we're past the deadline for filing bills. We're past the time for having hearings. We're supposed to have all our bills out of the committee, two weeks ago.

I move the Indefinite Postponement of this Bill and all its accompanying papers.

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

Senator TROTZKY: Mr. President, I would request a Division on this. If the Bill is still alive at the end of this, I would then move it be given its First Reading without Reference to Committee.

The PRESIDENT: The Chair would advise the good Senator from Oxford, Senator Sutton, that the motion to Refer has a higher priority than the motion to Indefinitely Postpone.

After the Senate has disposed of the question of Referral, then we may consider the next question.

A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Waldo, Senator Shute to Refer to L. D. 1573 to the Committee on Judiciary, 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 13 Senators having voted in the negative, the L. D. 1573 was Referred to the Committee on Judiciary and Ordered Printed, in non-concurrence, does prevail.

The Chair recognizes the Senator from Oxford, Senator Sutton.

Senator SUTTON: I move this Bill be Indefinitely Postponed.

The PRESIDENT: The Chair would advise the good Senator from Oxford that the motion carried, therefore, the Bill is no longer in front of this Body, unless, of course, the Senator would like to Reconsider.

Sent down for concurrence.

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

Senator HICHENS: Mr. President is LD 1558 An Act to Reimburse Owners of Livestock, Poultry or Beehives which are Destroyed or Damaged by Dogs or Wild Animals, (S.P. 582) is in the possession of the Senate?

The PRESIDENT: The Chair would answer in the affirmative the Bill, "An Act to Reimburse Owners of Livestock, Poultry or Beehives which are Destroyed or Damaged by Dogs or Wild Animals, (S.P. 582) (L.D. 1558) having been held at the Senator's request.

The Chair recognizes the Senator from York, Senator Hichens.

Senator HICHENS: Mr. President, I now move that we Reconsider our action whereby we Adopted Senate Amendment "A".

The PRESIDENT: The Chair would understand that the Senator from York, Senator Hichens, moves that the Senate Reconsider its action whereby LD 1558 was Passed to be Engrossed.

The Chair recognizes the Senator from Aroostook, Senator McBrearty.

Senator MCBREARTY: Mr. President, Honorable Members of the Senate, I'd like this Bill Tabled for 1 Legislative Day.

The PRESIDENT: The Senator from Aroostook, Senator McBrearty, now moves that this Bill be Tabled for 1 Legislative Day, pending the motion of the Senator from York, Senator Hichens, that the Senate Reconsider its action whereby this Bill was Passed to be Engrossed.

The Chair recognizes the Senator from York, Senator Hichens.

Senator HICHENS: Mr. President, I would ask for a Division on the Tabling motion.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Aroostook, Senator McBrearty that LD 1558 be Tabled for 1 Legislative Day, please rise in their places to be counted.

23 Senators having voted in the affirmative and 4 Senators having voted in the negative, the motion to Retabled for 1 Legislative Day, does prevail.

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

Enactors

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

AN ACT in Support of Regional Library Systems. (S.P. 308) (L.D. 864)

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

AN ACT to Separate the Funding of Old System Teachers in the Maine State Retirement System. (H.P. 1145) (L.D. 1367)

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

AN ACT to Appropriate Funds to Support Regional Ride Share Programs. (H.P. 1087) (L.D. 1296)

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

AN ACT to Appropriate Funds to Upgrade Facilities of the Maine Center for the Blind. (H.P. 997) (L.D. 1196)

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

AN ACT Covering Cost-of-Living Increases for Teachers. (H.P. 918) (L.D. 1089)

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

AN ACT to Authorize a School Nursing Health Coordinator in the Department of Educational and Cultural Services. (H.P. 909) (L.D. 1075)

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

AN ACT to Exempt State Mandated Revolving Fund Accounts at the Maine State Museum from the State Cost Allocation Program. (H.P. 867) (L.D. 1036)

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

pending Enactment.

AN ACT to Define Force under the Sex Offense Provisions of the Criminal Code. (H.P. 873) (L.D. 1042)

AN ACT to Prohibit the Sale and Promotion of Halogenated Hydrocarbons as Septic Tank Cleaners. (S.P. 452) (L.D. 1298)

AN ACT to Ensure Worker Access to Information Concerning Hazardous Substances in the Workplace. (S.P. 321) (L.D. 911)

AN ACT to Provide Final Offer Arbitration for Collective Bargaining in the Potato Industry. (S.P. 466) (L.D. 1322)

AN ACT to Permit Open Burning of Brush and Demolition Debris. (H.P. 975) (L.D. 1163)

AN ACT Concerning Property Deposited with Museums and Historical Societies. (H.P. 926) (L.D. 1097)

AN ACT to Clarify and Amend the Investment Provisions of the Maine Insurance Code. (H.P. 343) (L.D. 391)

AN ACT to Require Interagency Licensing of Residential Facilities and Programs for Children. (H.P. 232) (L.D. 269)

AN ACT to Permit Persons who Register Voters on Election Day to Vote by Absentee Ballot. (H.P. 170) (L.D. 192)

AN ACT to Simplify the Due Process Requirements of Special Education. (H.P. 14) (L.D. 8)

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, to Reimburse John W. Churchill of Presque Isle for Property Loss Suffered by John W. Churchill Because of Acts by a Ward of the State. (S. P. 543) (L. D. 1514)

Which was Finally Passed.

(See Action Later Today)

Emergency

AN ACT to Make more Equitable the Computation of the Spruce Budworm Pro-project Excise Tax. (H. P. 1265) (L. D. 1480)

AN ACT to Make Allocations from the Regulatory Fund, Public Utilities Commission, for the Fiscal Years Ending June 30, 1982 and June 30, 1983. (H. P. 1362) (L. D. 1547)

Emergency

AN ACT to Amend the Incorporation of the Town of Poland School District. (H. P. 1118) (L. D. 1335)

These being emergency measures and having received the affirmative votes of 27 Members of the Senate, with No Senators voting in the negative, were Passed to be Enacted, and having been signed by the President, were by the Secretary presented to the Governor for his approval.

Emergency

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Hancock County for the Year 1981. (H. P. 1399) (L. D. 1570)

This being an emergency measure and having received the affirmative votes of 28 Members of the Senate, with No Senators voting in the negative, was Finally Passed, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

Emergency

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Oxford County for the Year 1981. (H. P. 1398) (L. D. 1569)

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

Senator SUTTON: Thank you, Mr. President. Ladies and Gentlemen of the Senate, I don't want to take much of your time on this. It's not a big issue, but by the same token, I think the Record should show that this budget was not

handled in the manner that it should have been handled. I guess we got into bringing all of our county budgets to the floor, we'd be here all Session.

I'm not going to vote for our county budget. There is only a matter of about \$12,000, \$13,000, I'm not going to waste your time by trying to amend it, or a lot of other issues.

The social service question has been addressed for over two or three years, very carefully, in our court house and at a local level. We came into this whole Session all agreed on what we were going to do. The Rules of the game got completely changed at the last minute. I did not sign the county budget.

I'm not going to vote for it, because in a very discriminatory manner, one social service was put back in. I think the Record should show it. If our county doesn't get their act together and prohibit this from happening at another time, I will make it very uncomfortable, as uncomfortable as I can for all concerned. Thank you.

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

Senator O'LEARY: I would urge the Members of the Senate today to support this so that we may have our county budget. I am aware of the concerns of the good Senator from Oxford, Senator Sutton. I share some of his concerns. I'm not exactly happy with the way things have turned out, but I think that the difficulty we had with our county budget really lies with our county commissioners. We've got to find some affirmative way to make our county commissioners more responsive to the wishes of our delegation.

This being an emergency measure and having received the affirmative votes of 26 Members of the Senate, with 3 Senators voting in the negative, was Finally Passed, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

On motion by Senator Huber of Cumberland, the Senate voted to Reconsider its action of earlier in today's session whereby the Resolve, to Reimburse John W. Churchill of Presque Isle for Property Loss Suffered by John W. Churchill Because of Acts by a Ward of the State, (S. P. 543) (L. D. 1514), was Finally Passed.

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

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

Committee Reports House

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

Bill, "An Act to Prohibit the Carrying of Weapons in Places Where Alcohol is Served." (H. P. 824) (L. D. 980)

Leave to Withdraw

The Committee on Local and County Government on, Bill, "An Act to Bring Accountability to the Penobscot Budget." (H. P. 469) (L. D. 520)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on State Government on, Bill, "An Act Concerning Energy Conservation in Projects Funded by Housing Authority Loans." (H. P. 986) (L. D. 1174)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on State Government on, RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide that the

House of Representatives be Reduced from 151 to 132 Members. (H. P. 151) (L. D. 133)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

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

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 Concerning Speed Limits in Urban Compact Areas." (H. P. 1199) (L. D. 1422)

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 Improve Personal Property Tax Collections on Watercraft." (H. P. 1211) (L. D. 1426)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Labor on, Bill, "An Act to Suspend the Annual Escalation in Unemployment Benefits While the State Remains Indebted to the Federal Government." (H. P. 822) (L. D. 976)

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.

On motion by Senator Conley of Cumberland, Adjourned until 10:00 o'clock tomorrow morning.