

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 21, 1981
Senate called to order by the President.

Prayer by the Reverend Reginald Couture of the Union Congregational Church in Ellsworth.

REVEREND COUTURE: This is the day which the Lord hath made. Let us rejoice and be glad in it. O'God, our Eternal Father, we thank You for the opportunity that we have this day, the health and the ability to deal with the matters and issues that are important to all the people of the great State of Maine, let us rejoice that we can accomplish these facts, as we legislate for the good of our entire State. Let us be glad that we have the mind and the heart to accomplish these facts. We do all these things in the name of our Lord and Savior, Jesus Christ. Amen.

Reading of the Journal of yesterday.

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

RESOLVE, Requiring the State Planning Office to Conduct an Educational Program on Manufactured Housing, and Directing the Committee on Local and County Government to Monitor and Report on the Program. (Emergency) (H.P. 892) (L.D. 996)

In the Senate, May 19, 1981, Majority Ought Not to Pass Report Read and Accepted, in non-concurrence.

Comes from the House, Passed to be Engrossed as amended by House Amendment "A" (H-444), in non-concurrence.

On motion by Senator Perkins of Hancock, Tabled until later in today's session, pending Consideration.

Non-concurrent Matter

Bill, "An Act to Limit the Amount of State Expenditures which may be made from Undedicated Revenues without Voter Approval." (S. P. 377) (L. D. 1135)

In the Senate, May 19, 1981, Passed to be Engrossed as amended by Committee Amendment "A" (S-227).

Comes from the House, the Bill and Papers Indefinitely Postponed, in non-concurrence.

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

Senator HUBER: I move that the Senate Adhere.

The PRESIDENT: The Senator from Cumberland, Senator Huber, moves that the Senate Adhere.

Is this the pleasure of the Senate?

The motion prevailed.

Non-concurrent Matter

Bill, "An Act to Add a Class Size Adjustment to the School Finance Act." (H.P. 1176) (L.D. 1400)

In the House, May 19, 1981, Passed to be Engrossed as amended by Committee Amendment "A" (H-413).

In the Senate, May 19, 1981, Minority Ought Not to Pass Report Read and Accepted, in non-concurrence.

Comes from the House, that Body Having Insisted and Asked for a Committee of Conference.

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

Senator PIERCE: Mr. President, I move that the Senate Insist and Join in a Committee of Conference.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, moves that the Senate Insist and Join in a Committee of Conference with the House.

Is this the pleasure of the Senate?

The motion prevailed.

**Communication
House of Representatives**

May 20, 1981

Honorable May M. Ross
Secretary of the Senate
110th Legislature
Augusta, Maine
Dear Madam Secretary:

The Speaker appointed the following Conferrees to the Committee of Conference on the disagreeing action of the two branches of the Legislature of Bill "An Act to Establish a Consolidated Map of the State." (H.P. 1158) (L.D. 1379)

Representative CARTER of Winslow
Representative FOWLIE of Rockland
Representative BELL of Paris

Respectfully,
S/EDWIN H. PERT,
Clerk of the House

Which was Read and Ordered Placed on File.

The PRESIDENT: The Chair will appoint as conferees on the part of the Senate, on Bill, "An Act to Establish a Consolidated Map of the State." (H.P. 1158) (L.D. 1379).

Senators:

AULT of Kennebec
HUBER of Cumberland
PRAY of Penobscot

**Committee Reports
House**

Ought to Pass — Amended

The Committee on Education on, Bill, "An Act Concerning Teacher Certification." (H.P. 1106) (L.D. 1311)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-437).

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

The Committee on Public Utilities on, Bill, "An Act to Authorize the Public Utilities Commission to Adopt Filing Requirements for Utility Rate Changes." (H.P. 527) (L.D. 593)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-438).

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

The Committee on Education on, Bill, "An Act to Create a Blue Ribbon Commission to Study the Public Education Delivery System." (H.P. 1178) (L.D. 1402)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-436).

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

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

The Committee on Labor on, Bill, "An Act to Amend the Definition of State Employee under the State Employee Labor Relations Act." (H.P. 1431) (L.D. 1582)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-440).

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" Read.

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

Senator COLLINS: Mr. President, I support the Adoption of Committee Amendment "A". I simply wanted to observe for the Record that my first concerns about this Bill have been met

by Committee Amendment "A". It appeared to me at first that we were reaching down into the ranks of our State employees a little too far.

As I now understand that effect of Committee Amendment "A", it will simply remove some of the truly managerial people, policy making people, from the collective bargaining process. It will not remove them from the classification system, or from the merit pay program.

Understanding that, I support the Adoption of Committee Amendment "A".

Committee Amendment "A" Adopted, in concurrence. The Bill, as amended, Tomorrow Assigned for Second Reading.

The Committee on Marine Resources on, Bill, "An Act Relating to Aquaculture." (H.P. 1128) (L.D. 1345)

Reported that the same Ought to Pass as amended by Committee Amendment "A". (H-434).

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

The Committee on Transportation on, Bill, "An Act to Require the Licensing of Escort Vehicles." (H.P. 956) (L.D. 1132)

Reported that the same Ought to Pass as amended by Committee Amendment "A". (H-432).

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

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

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

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

On motion by Senator Collins, 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 Appropriations and Financial Affairs on, Bill, "An Act Establishing the Women's Training and Employment Program." (H.P. 568) (L.D. 644)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-406).

Signed:

Senators:

HUBER of Cumberland
PERKINS of Hancock
NAJARIAN of Cumberland

Representatives:

CARTER of Winslow
KELLEHER of Bangor
CHONKO of Topsham
BRENERMAN of Portland

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

Signed:

Representatives:

PEARSON of Old Town
LANCASTER of Kittery
DAVIS of Monmouth
ALOUPIS of Bangor
SMITH of Mars Hill
JALBERT of Lewiston

Comes from the House, Passed to be En-

grossed as amended by House Amendment "A" (H-443).

Which Reports were Read.

The Majority Ought to Pass, as amended, Report of the Committee Accepted, in concurrence, and the Bill Read Once. Committee Amendment "A" Read.

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

Senator NAJARIAN: Mr. President, I now move that Committee Amendment "A" be Indefinitely Postponed.

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

Senator COLLINS: I wonder if a member of the Committee would enlighten the Senate as to the difference it would make in the Bill?

The PRESIDENT: The Senator from Knox, Senator Collins, has posed a question through the Chair.

The Chair recognizes the Senator from Cumberland, Senator Najarian.

Senator NAJARIAN: Mr. President and Members of the Senate, this Bill and the Committee Amendment has had quite a stormy history. The original Bill would have put four people, added four positions, not added four positions, because there are already eight positions in the Division of Women's Employment and Training in the Manpower Affairs Department, which will lose federal funding.

The original Bill was to place four positions, in that Department, in the Division, to aid in the training and assisting women who could not otherwise find employment, and were on public assistance, or in danger of being on public assistance.

There was apparently some feeling among those who were interested in this legislation, that no money go for position. So, the other Body has offered an Amendment, which I hope that the Senate will Adopt, which provides for all the money to go into the Displaced Homemakers Program, and will not fund any positions in the Division of Manpower Affairs.

On motion by Senator Najarian of Cumberland, Committee Amendment "A" Indefinitely Postponed, in concurrence.

House Amendment "A" Read and Adopted, in concurrence. The Bill, as amended. Tomorrow Assigned for Second Reading.

Senate

Ought to Pass — As Amended

Senator TRAFTON for the Committee on Public Utilities on, Bill, "An Act Concerning Utility Deposits." (S.P. 422) (L.D. 1243)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-261).

Senator TRAFTON for the Committee on Public Utilities on Bill, "An Act Relating to Compensatory Telecommunication Toll Call Rates for Deaf and Hearing Impaired Persons." (S.P. 191) (L.D. 492)

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

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

Ought to Pass in New Draft

Senator TRAFTON for the Committee on Public Utilities on, Bill, "An Act to Increase Local Control of Water Districts." (S.P. 471) (L.D. 1327)

Reported that the same Ought to Pass in New Draft under Same Title (S.P. 629) (L.D. 1638).

Senator TRAFTON for the Committee on Public Utilities on, Bill, "An Act to Authorize Municipal and Quasi-municipal Water Districts to Set Rates." (S.P. 214) (L.D. 579)

Reported that the same Ought to Pass in New Draft under Same Title (S.P. 628) (L.D. 1637).

Which Reports were Read and Accepted and

the Bills, in New Draft, 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 Relating to Retirement for Justices and Judges." (H.P. 1497) (L.D. 1617)

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

House — As Amended

Bill, "An Act Concerning Drug Abuse by Registered Pharmacists." (H.P. 1117) (L.D. 1334)

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

Bill, "An Act to Promote the Maine Potato Industry by Improving the Quality of Packing and Marketing Maine Potatoes." (H.P. 1486) (L.D. 1613)

Which was Read a Second Time.

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

Senator PIERCE: Mr. President and Members of the Senate, I present Senate Amendment "A" under filing number S-265 and move its adoption.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, offers Senate Amendment "A" to LD 1613 and moves its adoption.

Senate Amendment "A" (S-265) Read and Adopted.

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

Senator MCBREAIRTY: Mr. President, Honorable Members of the Senate, LD 1613 is the result of a lot of hard work and cooperation by the Maine Potato Industry, the Agriculture Committee, the Commissioner of Agriculture, Commissioner Smith, and myself. I strongly feel that if this Bill is finally passed and funded, it will be a giant step forward in helping to solve some of the problems of the Maine Potato Industry.

I wish to make a statement into the record to clarify the legislative intent of House Amendment "C".

House Amendment "C" provides that if a violation is found in the packing house, then the person packing the potatoes shall be responsible. If a violation is found at any other place, then the person whose name appears on the container shall be responsible. The amendment then states that despite these provisions, the person enforcing this law retains the discretion he currently has under section 952 to prosecute other persons who sell, transport, or have in their possession potatoes in containers that bear false or misleading statements.

I am deeply concerned that the new words in Amendment "C" may lead to abuse. Often, the person packing potatoes or the person whose name appears on the bag is not, in fact, responsible for the grade. If my name is on the bag, but you, a shipper, treat them roughly in transport, am I responsible for these being out of grade because they are bruised? No! If my name is on the bag and you, retailer, retain the potatoes too long under bad conditions, am I responsible for these being out of grade because they have sprouts 4 inches long? No!

It is the intent of the Legislature that this Amendment be administered in such a way:

1. That persons enforcing it make a diligent effort to determine who, in fact, not in legal fiction, is responsible for the potatoes being out of grade, and then enforce the law against that person; and

2. That the law **not** be enforced against a person whose name appears on the bag where there is no evidence that he is responsible, in fact, for these being out of grade.

The Amendment is to be enforced against a guilty party, and not against one who is not guilty. Thank you.

The Bill, as amended, Passed to be Engrossed, in non-concurrence.
Sent down for concurrence.

Bill, "An Act to Prevent Gear Conflicts." (H.P. 1191) (L.D. 1415)

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

Bill, "An Act to Adjust Annually Individual Income Tax Laws to Eliminate Inflation Induced Increases in Individual State Income Taxes." (H.P. 907) (L.D. 1074)

Which was Read a Second Time.

On motion by Senator Pierce of Kennebec, the Senate voted to Reconsider its action whereby it Adopted Committee Amendment "A".

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

Senator PIERCE: Mr. President, I now present Senate Amendment "A" to Committee Amendment "A" under filing number S-264 and move its adoption.

The PRESIDENT: The Senator from Kennebec, Senator Pierce offers Senate Amendment "A" to Committee Amendment "A" and moves its adoption.

Senate Amendment "A" to Committee Amendment "A", (S-264) Read and Adopted.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Teague.

Senator TEAGUE: I move that this Bill and all its accompanying papers be Indefinitely Postponed.

The PRESIDENT: The Chair would request the Senator to defer his motion for a moment until we dispose of Committee Amendment "A", as amended.

Committee Amendment "A", as amended, by Senate Amendment "A", Adopted, in non-concurrence.

The PRESIDENT: The Chair understands that the Senator from Somerset, Senator Teague, now moves that this Bill and all its accompanying papers be Indefinitely Postponed.

The Chair recognizes the Senator from Oxford, Senator Sutton.

Senator SUTTON: Mr. President, we debated this bill yesterday. There are those of us who support indexing in its concept wholeheartedly. The Report that we accepted yesterday is not indexing in the manner that those of us who support it wanted to see. It does not address the problem as far as bracketing is concerned.

Therefore, Ladies and Gentlemen of the Senate, I would urge that we defeat the Bill that we passed yesterday, so that we can let the referendum process take its course and see if we get the type of indexing that we want.

On motion by Senator Pierce of Kennebec, Tabled until later in today's session, pending the motion by the Senator from Somerset, Senator Teague.

Senate

Bill, "An Act to Protect Persons with Children against Discrimination in Fair Housing." (S.P. 620) (L.D. 1625)

Which was Read a Second Time.

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

Bill, "An Act to License Community and Home Health Agencies." (S.P. 618) (L.D. 1624)

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

Sent down for concurrence.

Senate — As Amended

Bill, "An Act to Authorize the Eastern Maine Vocational Technical Institute to Operate a Program for Practical Nursing in Ellsworth." (S.P. 426) (L.D. 1248)

Bill, "An Act to Amend the Petroleum Liquids Transfer Vapor Recovery Law." (Emer-

gency) (S.P. 602) (L.D. 1600)

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 Boarding Cost Payments and Transportation Accounts for Secondary School Pupils in Remote Units under the Education Laws. (H.P. 818) (L.D. 972)

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

AN ACT Amending the Electricians Licensing Statute. (S.P. 285) (L.D. 810)

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

Orders of the Day

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

Bill, "An Act to Give Leaseholders Option to Purchase Lands Acquired by the State in Exchange with Paper Companies." (H.P. 1477) (L.D. 1609)

Tabled—May 19, 1981 by Senator COLLINS of Knox

Pending—Passage to be Engrossed

On motion by Senator Ault of Kennebec, Retabled for 2 Legislative Days.

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

Bill, "An Act to Improve the Efficiency of County Government." (H.P. 1094) (L.D. 1291)

Tabled—May 20, 1981 by Senator COLLINS of Knox

Pending—Passage to be Engrossed

The Bill, as amended, Passed to be Engrossed, inconcurrence.

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

Bill, "An Act to Amend, Revise and Codify the Landlord-Tenant Laws." (H.P. 1476) (L.D. 1608)

Tabled—May 20, 1981 by Senator COLLINS of Knox

Pending—Passage to be Engrossed

The Bill, as amended, Passed to be Engrossed, in concurrence.

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

SENATE REPORT—from the Committee on Labor—Bill, "An Act to Require the Workers' Compensation Commission to Conduct a Data Systems Study." (S.P. 189) (L.D. 491) Ought to Pass as Amended by Committee Amendment "A" (S-244)

Tabled—May 20, 1981 by Senator COLLINS of Knox

Pending—Acceptance of Report

On motion by Senator Conley of Cumberland, Retabled for 1 Legislative Day.

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

Bill, "An Act Concerning Minimum Limits Required under the Financial Responsibility Law." (H.P. 1455) (L.D. 1596)

Tabled—May 20, 1981 by Senator SUTTON of Oxford

Pending—Enactment

On motion by Senator Conley of Cumberland, Retabled for 1 Legislative Day.

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

Bill, "An Act to Clarify the Inland Fisheries and Wildlife Laws of Maine." (H.P. 1423) (L.D. 1577)

Tabled—May 20, 1981 by Senator PRAY of

Penobscot

Pending—Enactment

On motion by Senator Pierce of Kennebec, Retabled until later in today's session.

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

SENATE REPORTS—from the Committee on Labor—Bill, "An Act to Establish a Direct Payment System under the Workers' Compensation Law." (S.P. 218) (L.D. 605) REPORT "A" Ought to Pass in New Draft (S.P. 621) (L.D. 1626) ; REPORT "B" Ought to Pass in New Draft (S.P. 622) (L.D. 1627) ; REPORT "C" Ought Not to Pass

Tabled—May 20, 1981 by Senator PRAY of Penobscot

Pending—Motion of Senator SEWALL of Lincoln to Accept Report "B"

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

Senator PRAY: I move this item lie on the Table 1 Legislative Day.

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

Senator SEWALL: I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Penobscot, Senator Pray, that LD 605 be Tabled for 1 Legislative Day, please rise in their places to be counted.

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

The Chair recognizes the Senator from Penobscot, Senator Pray.

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 Penobscot, Senator Pray, that LD 605 be Tabled for 1 Legislative Day.

A Yes vote will be in favor of the motion to Table for 1 Legislative Day.

A No vote will be opposed.

The Doorkeeper will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Brown, Bustin, Charette, Clark, Conley, Dutremble, Kerry, Minkowsky, O'Leary, Pray, Trafton, Usher, Violette.

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

ABSENT—Carpenter, Najarian, Wood.

A Roll Call was had.

13 Senators having voted in the affirmative and 16 Senators in the negative, with 3 Senators being absent, the motion to Table LD 605 for 1 Legislative Day does not prevail.

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

(Off Record Remarks)

Senator Bustin of Kennebec was granted unanimous consent to address the Senate, Off the Record.

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

SENATE REPORTS—from the Committee on Labor—Bill, "An Act to Stabilize the Maximum Weekly Benefits under the Workers' Compensation Act." (S.P. 225) (L.D. 613) REPORT "A" Ought Not to Pass; REPORT "B" Ought to Pass

Tabled—May 20, 1981 by Senator CONLEY of

Cumberland

Pending—Motion of Senator SEWALL of Lincoln to Accept Report "B"

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

Senator PRAY: I move this item lie on the Table 1 Legislative Day.

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

Senator SEWALL: Thank you, 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 Penobscot, Senator Pray, that LD 613 be Tabled for 1 Legislative Day, please rise in their places to be counted.

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

13 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion to Table LD 613 for 1 Legislative Day, does not prevail.

Is it now the pleasure of the Senate to Accept Report "B", the Ought to Pass Report of the Committee?

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: I request 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 Lincoln, Senator Sewall, that the Senate Accept Report "B", the Ought to Pass Report of the Committee.

A Yes vote will be in favor of the motion to Accept the Ought to Pass Report "B" of the Committee.

A No vote will be opposed.

The Doorkeeper will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

NAY—Bustin, Charette, Clark, Conley, Dutremble, Kerry, O'Leary, Pray, Usher, Violette.

ABSENT—Carpenter, Najarian, Wood.

A Roll Call was had.

19 Senators having voted in the affirmative and 10 Senators in the negative, with 3 Senators being absent, the motion to Accept the Ought to Pass Report "B" of the Committee does prevail.

The Bill Read Once. On motion by the Senator from Penobscot, Senator Pray, under Suspension of the Rules, the Bill given its Second Reading, and Passed to be Engrossed.

Sent down for concurrence.

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

Bill, "An Act Relating to the Employment of Minors and Overtime Pay" (S.P. 188) (L.D. 490)

Tabled—May 20, 1981 by Senator PRAY of Penobscot

Pending—Adoption of the Committee Amendment "A" (S-162)

On motion by Senator Pray of Penobscot, Retabled until later in today's session.

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

Bill, "An Act to Prohibit Hunting of Bear with Bait." (S.P. 64) (L.D. 91)

Tabled—May 20, 1981 by Senator PIERCE of Kennebec

Pending—Motion of Senator CARPENTER of Aroostook to Indefinitely Postpone

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Redmond.

Senator REDMOND: Mr. President, Members of the Senate, I urge that you support the motion by Senator Carpenter of Aroostook to Indefinitely Postpone this Bill. First, I will reiterate once more, I want to be brief, that it's absolutely not enforceable. There is no way that any warden can prove in court that that bait was placed there to catch, or to attract the bear, or to attract the coyote, or the porcupine, or anything else. There is no way whatsoever he can prove that.

There are ways that the Department of Inland Fisheries and Wildlife, they told us in Committee, that they are going to upgrade the quality of the manner in which they do the baiting.

If this Bill goes through, we're going to have to return to the old system of paying bounties to those people who take care of bear that do damage to our farmers. We would have more problems than we have now.

I would like, if you want to bear with me, I will read a small excerpt from a magazine here. "By all means, bait hunting, just about everything we hunt or harvest is done with bait. All lobster fishing is done by baiting. Baiting, a hook or using a lure for fish, is baiting. How many partridge hunters do we know that stock corn fields for their birds? How many duck hunters do you know who hunt in the pine thicket for ducks?"

Of course, you and I would never think of deer hunting in an old apple orchard, or the back side of a clover field, would we? Traps are set with bait and scented lures.

Speaking of attractors, bait and scented lure, how about the little woman of the house, who buys her perfume, which in itself is a multi-million dollar industry?"

I could recite pages on this matter, however, I'll close and ask your help to keep many of us from being dictated to on how we can and can not hunt.

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

Senator CONLEY: Mr. President, I think the good Senator from Franklin, Senator Redmond, is baiting me. I honestly can't believe what I'm hearing here today. The Department has said they're going to improve the quality of baiting bear. What are they going to do, start serving them filet mignon? Instead of rotten cows and everything else they can come up with? How inhumane can society be? How inhumane can we be? We're talking about the wildlife in Maine's woods.

These people won't be happy until they get every living creature on a rack. I hope the Senate supports the Enactment of this Legislation, and bring one of the most archaic forms of hunting, if that's what you call it. It certainly is not sportsmanship. Let's do away with it, once and for all.

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

Senator HICHENS: Mr. President, in response to some of the statements made by the good Senator from Somerset, Senator Redmond. He mentioned about the corn fields attracting pheasants, and the underbrush attracting other animals. I think that's just what we're trying to maintain now, that there are enough lures to attract bear without putting bait out for them.

As far as the Department is concerned, they are not in favor of continuing the bear baiting. I've talked to Mr. Manuel about it. He said they're taking a hands off attitude on this altogether. They would go along with the prohibition of bear baiting, if that was the way Legislature wanted to go.

As far as getting bear which are destroying property, we have a perfect right to do so now. That is no argument on that case.

I hope you will go along and Enact this Bill. The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Sutton.

Senator SUTTON: I have been baited, sir. Ladies and Gentlemen, if we don't, if the good Senator from Cumberland doesn't stop attacking all these hunting and fishing game, the moose, and the bear, and the salmon, and what have you, by golly, he's going to find out what it's like to have them on Munjoy Hill.

(Off Record Remarks)

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.

The Chair recognizes the Senator from York, Senator Dutremble.

Senator DUTREMBLE: Mr. President, I wish permission to pair my vote with the gentleman from Aroostook, Senator Carpenter. If he were here, he would be voting Yea and I would be voting Nay.

The PRESIDENT: The Senator from York, Senator Dutremble, Requests Leave of the Senate to pair his vote with the gentleman from Aroostook, Senator Carpenter. If he were here, he would be voting Yea and the Senator from York, Senator Dutremble, would be voting Nay.

Is it the pleasure of the Senate to grant this leave?

It is a vote.

The pending question before the Senate is the motion by the Senator from Aroostook, Senator Carpenter, that the Senate Indefinitely Postpone L. D. 91.

A Yes vote will be in favor of the motion to Indefinitely Postpone L. D. 91.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Brown, Charette, Clark, Collins, Devoe, Emerson, Gill, Kerry, McBreairey, O'Leary, Perkins, Pray, Redmond, Sewall, C.; Sutton, Teague, Usher, Violette.

NAY — Ault, Bustin, Conley, Hichens, Huber, Minkowsky, Najarian, Pierce, Trafton, Trozky.

ABSENT — Shute, Wood.

Senator Clark of Cumberland was granted permission to change her vote from Yea to Nay.

A Roll Call was had.

17 Senators having voted in the affirmative and 11 Senators in the negative, with 2 Senators being absent and 2 Senators having paired their votes, the motion to Indefinitely Postpone LD 91, in non-concurrence, does prevail.

The Chair recognizes the Senator from Somerset, Senator Redmond.

Senator REDMOND: Having voted on the prevailing side, I move Reconsideration and hope that the Senate votes against it.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Somerset, Senator Redmond, that the Senate Reconsider its action whereby LD 91 was Indefinitely Postponed.

The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator TRAFTON: I move this be Tabled until later in today's session.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Redmond.

Senator REDMOND: 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 Androscoggin, Senator Trafton, that LD 91 be Tabled until later in

today's session, please rise in their places to be counted.

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

11 Senators having voted in the affirmative and 17 Senators having voted in the negative the motion to Table does not prevail.

Will all those Senators in favor of Reconsideration, please say "Yes." Will all those Senators opposed, please say "No."

A Viva Voce Vote being had, the motion to Reconsider does not prevail.

Sent down for concurrence.

(Off Record Remarks)

The PRESIDENT: The Chair laid before the Senate, Resolve, Requiring the State Planning Office of Conduct an Educational Program on Manufactured Housing, and Directing the Committee on Local and County Government to Monitor and Report on the Program (H. P. 892) (L. D. 996)

Tabled—Earlier in today's session by Senator Perkins of Hancock.

Pending—Consideration.

The Chair recognizes the Senator from Hancock, Senator Perkins.

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

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

The Chair recognizes the Senator from Penobscot, Senator Emerson.

Senator EMERSON: I move we Recede and Concur.

The PRESIDENT: The Chair will order a Division.

Will all those Senators in favor of the motion by the Senator from Penobscot, Senator Emerson, 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.

The Chair recognizes the Senator from Hancock, Senator Perkins.

Senator PERKINS: I request 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 Chair recognizes the Senator from York, Senator Hichens.

Senator HICHENS: Mr. President and Members of the Senate.

Several opponents to this measure will argue that, "Maine Municipal Association should educate their members, that is their job and not the State Planning Office."

Anyone who has been a member of an association or its President can tell you that such is not the case. Any association is a voluntary matter unless membership is necessary for one reason or another. Even then; every organization has a certain percentage of members whose degree of involvement and compliance with the goals and objectives of the association is limited or virtually non-existent. Even organizations with strict codes of ethics, grievance committees and other methods for obtaining compliance with codes or standards have problems with certain types of individuals who, will take whatever they can from an organization, but refuse to go along with its goals or purposes.

There are hundreds of examples where the State has stepped into pass a law setting up licensing and "prohibited practices" because the association for a particular industry or group was unable to prevent a problem being

caused by some of its members or group.

Those types of members view the organization as their servant and regard any attempt to correct a problem as unwarranted interference in their affairs. It requires persuasion from other authorities to change their minds.

Maine Municipal Association has, over the past ten years, tried in a number of ways, to correct this problem of exclusionary zoning but has been unable to. In fact, some members have criticized the Association severely for attempting to do it. The proof is in the fact that more, not less municipalities have enacted such ordinances following the lead of some of its larger members rather than the guidance and counsel of the Association attorneys and staff.

Any education program is only going to succeed if there is a clear indication to those in need of it that other authorities are involved and it is no longer just a question between the member and the organization he chooses to belong to and also chooses what part of that organization's programs he will accept or reject.

This Resolve brings those other authorities into the situation. It also indicates that our authority is involved too. That we want to see this problem resolved by them on their own terms in this case or if not on our terms later on.

The persons who opposed this measure represented those members who are not following the lead to Maine Municipal Association. They want to go along doing what they are doing. They know Maine Municipal can't and won't do anything to prevent it or discourage it. They also realize that if they stop anyone else from getting involved—they can go on doing what they choose to do even if it's wrong.

If we don't enact this resolve giving them a direction and a time to correct the problem another year or two from now we'll have to enact a law prohibiting them from doing what they're doing now. Then everyone loses.

I hope that you will support the Enactment. The PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Perkins.

Senator PERKINS: Mr. President, Ladies and Gentlemen of the Senate, this was as you will recall, a Majority Ought Not to Pass Bill which was passed in the other Body. Our contention is, that while there was a study, and we appreciate the need for a study, that the need for the study has indeed been accomplished and if we give it time now, then it will indeed solve itself.

To give special dispensation, or special privileges to a separate business entity, we believe is an unfounded and an unwarranted practice for this Senate to be getting into. The State Planning Office and the Maine Municipal Association are now accomplishing, the fact and the cause of the study. To force this on the people, or make the people pay this, give special dispensation to an industry, to a separate industry, which is not required.

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

Senator EMERSON: It's just been said that this is special interest legislation. Maybe it is. If you consider the retired couple who have found that their home might be too large to live in and too expensive to maintain, and they want to live in a mobile home, which would be smaller and easier to maintain; or if you consider the younger couple, who want to have their own home, but can't manage financing for a \$40,000 to \$60,000 stick built home, but maybe can handle the payments on a \$15,000 or \$20,000 mobile home; or if you consider the couple with two or three kids, who can't find rental housing, and must have some place to live; or if you consider the couple that might qualify for subsidized housing, but they'd rather live in their own home. If these people can't place their mobile home in a town or city near their work, or where they want to live, because of restrictive zoning ordinances, such as providing that all mobile homes should be in a park, but

not providing for a park, or by having a set back which would be 150 yards from the road, as some zoning ordinances are, which makes for a very big front lawn.

If you consider these people as special interest groups, then this is a Bill for special interest groups, because this Resolve is designed to help these people. For that reason, I would hope you would support my position.

The PRESIDENT: Is the Senate ready for the question?

The pending question before the Senate is the motion by the Senator from Penobscot, Senator Emerson, that the Senate Recede and Concur with the House.

A Yes vote will be in favor of the motion to Recede and Concur with the House.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Brown, Bustin, Clark, Conley, Emerson, Hichens, Kerry, McBreaity, Minkowsky, Najarian, O'Leary, Pierce, Pray, Redmond, Sewall, C.; Sutton, Trafton, Trotzky, Usher, Violette.

NAY — Ault, Charette, Collins, Devoe, Dutremble, Gill, Huber, Perkins, Shute, Teague.

ABSENT — Carpenter, Wood.

A Roll Call was had.

20 Senators having voted in the affirmative and 10 Senators in the negative, with 2 Senators being absent, the motion to Recede and Concur with the House does prevail.

There being no objections all items previously acted upon, with the exception of those items previously held, were sent forthwith.

(Off Record Remarks)

On motion by Senator Pierce of Kennebec, Recessed until 4:30 o'clock this afternoon.

Recess

After Recess

The Senate called to order by the Secretary.

Madam SECRETARY: In accordance with Senate Rule 5, Senator Collins of Knox, will serve as President Pro-Tem.

The Sergeant-at-Arms will escort the Senator from Knox, Senator Collins, to the rostrum to assume the duties of President Pro-Tem.

The Sergeant-at-Arms escorted the Senator from Knox, Senator Collins, to the rostrum where he served as President Pro-Tem.

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

Papers From the House Joint Orders

Expressions of Legislative Sentiment recognizing:

David Cox II, of Brewer, who has achieved the high rank and distinction of Eagle Scout. (H. P. 1521)

Jane Longfellow, daughter of Mr. & Mrs. Alden Longfellow of Farmingdale, valedictorian of Hall-Dale High School, class of 1981. (H. P. 1522)

Margaret Arsenault, daughter of Leo Arsenault of Farmingdale, salutatorian of Hall-Dale High School, class of 1981. (H. P. 1523)

Sandra Palmer, daughter of Mr. & Mrs. James Palmer of West Gardiner, valedictorian of Gardiner Area High School, class of 1981. (H. P. 1524)

Michele James, daughter of Mr. & Mrs. Glendon James, of Randolph, salutatorian of Gardiner Area High School, class of 1981. (H. P. 1525)

Come from the House, Read and Passed.

Which were Read and Passed, in concur-

rence.

Enactors

The Committee on Engrossed Bills reported as truly and strictly engrossed the following: AN ACT Relating to State-municipal Revenue Sharing. (H. P. 444) (L. D. 523)

The PRESIDENT Pro-Tem: The Chair recognizes the Senator from Cumberland, Senator Huber.

Senator HUBER: Mr. President, I move that LD 523 be placed on the Special Appropriations Table.

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

Senator CONLEY: I request a Division.

The PRESIDENT Pro-Tem: A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Cumberland, Senator Huber, that LD 523 be placed on the Special Appropriations Table, please rise in their places to be counted.

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

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President, I request a Roll Call.

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

Senator PIERCE: Mr. President, I move this item lie on the Table 1 Legislative Day.

The PRESIDENT Pro-Tem: The Chair would advise the Senator that his motion is not in order at this time.

The pending question before the Senate is the motion by the Senator from Cumberland, Senator Huber, that LD 523 be placed on the Special Appropriations Table.

A Yes vote will be in favor of the Motion to place LD 523 on the Special Appropriations Table.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

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

ABSENT — Devoe, The President, J. Sewall.

A Roll Call was had.

16 Senators having voted in the affirmative and 15 Senators in the negative, with 2 Senators being absent, the motion to place L. D. 523 on the Special Appropriations Table, pending Enactment, does prevail.

AN ACT to Increase the Licensing Fee for Beano. (S. P. 32) (L. D. 35)

AN ACT to Amend the Law Relating to the Public Reserved Lands. (S. P. 412) (L. D. 1216)

AN ACT Recommending Changes in the Maine Juvenile Code and Related Provisions. (H. P. 1183) (L. D. 1407)

AN ACT Relating to the Maine Sardine Council. (H. P. 1192) (L. D. 1416)

AN ACT to Incorporate the Cobscook Bay Tidal Power District. (H. P. 1467) (L. D. 1603)

AN ACT to Require the County Commissioners to Oversee the Hiring and Dismissal of County Employees. (H. P. 1487) (L. D. 1614)

AN ACT to Require a Bond in Certain Suits Seeking to Enjoin School Construction Projects. (H. P. 922) (L. D. 1093)

AN ACT to Enable the State of Maine to Fund Waste Water Treatment Systems in the Event Federal Funds are not Included or Limited in Future Federal Budgets. (S. P. 573) (L. D. 1542)

AN ACT Concerning the Rate of Return on Investment Factor under the Railroad Excise Tax. (H. P. 580) (L. D. 660)

AN ACT Relating to Student Expulsion. (H. P. 594) (L. D. 671)

AN ACT to Facilitate the Leasing of Existing Subsidized Housing Units. (H. P. 809) (L. D. 970)

AN ACT to Revise the Debtor-Creditor Laws to Facilitate the Legal Collection of Debts. (H. P. 1039) (L. D. 1258)

AN ACT to Clarify the Authority of Councils of Governments. (H. P. 710) (L. D. 835)

AN ACT Concerning Access by Adopted Children to Biological Family Medical Files. (H. P. 1108) (L. D. 1313)

AN ACT Relating to Compulsory School Attendance and the Enforcement of Truancy. (H. P. 1177) (L. D. 1401)

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 Governor, Acting on Behalf of the State, to Execute Certain Quitclaim Deeds. (S. P. 605) (L. D. 1604)

On motion by Senator Pierce of Kennebec, Tabled for 1 Legislative Day, pending Final Passage.

Emergency

AN ACT to Make Allocations from the Department of Inland Fisheries and Wildlife for the Fiscal Years Ending June 30, 1982 and June 30, 1983. (H. P. 317) (L. D. 383)

Emergency

AN ACT to Protect Public and Private Property from Ice Jams. (S. P. 479) (L. D. 1362)

These being emergency measures and having received the affirmative votes of 25 members of the Senate, with 3 Senators having voted 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.

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

Paper From the House Non-concurrent Matter

Bill, "An Act to Permit Appointment of Deputies for the Purpose of Registering Voters Under the Election Laws." (H. P. 135) (L. D. 162)

In the House May 18, 1981, the Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-363) as amended by House Amendment "B" (H-417) Thereto.

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

Comes from the House, that Body having Adhered.

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

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

The PRESIDENT Pro Tem: The Senator from Kennebec, Senator Pierce, moves that the Senate Adhere.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: I request a Division.

The PRESIDENT Pro Tem: A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Kennebec, Senator Pierce,

that the Senate Adhere, please rise in their places to be counted.

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

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: I request a Roll Call.

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

Senator CONLEY: Mr. President and Members of the Senate, earlier this Session we had bills dealing with the voter Registration and the problems of registering of people on election days.

This bill before you, presently, is one that will solve that problem by giving the assistance to town clerks, all over the State, that is needed.

Now, it seems to me as long as we're going to continue to have registration on election day, then we should Recede and Concur, which will give the registrars the opportunity to put additional deputies in to assist them in the registering of voters. This will take care of the problems that were raised earlier in the Session.

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

Senator CARPENTER: Mr. President, in the hopes of expediting the Session, I move the Senate Recede and Concur. I would ask for a Roll Call.

The PRESIDENT Pro Tem: The Chair will advise the Senator that a Roll Call has already been ordered on the motion to Adhere.

Is the Senate ready for the question?

The pending question before the Senate is the motion by the Senator from Kennebec, Senator Pierce, that the Senate Adhere.

A Yes vote will be in favor of the motion to Adhere.

A No vote will be opposed.

The Doorkeeper will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

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

ABSENT — The President, J. Sewall.

A Roll Call was had.

16 Senators having voted in the affirmative, and 16 Senators in the negative, with 1 Senator being absent, the motion to Adhere does not prevail.

On motion by Senator Pierce of Kennebec, Tabled for 1 Legislative Day, pending the motion by the Senator from Aroostook, Senator Carpenter.

Communication House of Representatives

May 21, 1981

Honorable May M. Ross

Secretary of the Senate

110th Legislature

Augusta, Maine

Dear Madam Secretary:

The House today voted to Insist and Join in a Committee of Conference on Bill "An Act to Undedicate Funds Received from Public Reserved Lands" (S. P. 92) (L. D. 208)

Respectfully,

S/EDWIN H. PERT
Clerk of the House

Which Was Read and Ordered Placed on File.

Committee Reports House

Leave to Withdraw

The Committee on Taxation on, Bill, "An Act to Provide Partial Reimbursement to Municipalities for Revenue Loss due to Property Tax Exemptions on State and County Property." (H. P. 611) (L. D. 688)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

Which Report was Read and Accepted, in concurrence.

Ought to Pass

The Committee on Local and County Government on, RESOLVE, to Revise the Salaries of Certain County Officers. (H. P. 1508) (L. D. 1622)

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

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

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

The Committee on Local and County Government on, RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Kennebec County for the Year 1981. (H. P. 1516) (L. D. 1629)

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

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

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

Ought to Pass — As Amended

The Committee on Judiciary on, Bill, "An Act to Establish the Procedure for Payment for Attorney's Fees Awards Against the State." (H. P. 1251) (L. D. 1475)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-446).

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

The Committee on Taxation on, Bill, "An Act to Clarify the Definition of Resident Individual in the Income Tax Law." (H. P. 21) (L. D. 14)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-451).

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

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

The Committee on Legal Affairs on, Bill, "An Act to Increase the Licensing Fee for Games of Chance." (H. P. 184) (L. D. 199)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-15).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" (H-439) Thereto.

Which Report was Read and Accepted, in concurrence, and the Bill Read Once. Committee Amendment "A" Read. House Amendment "A" to Committee Amendment "A" Read and Adopted, in concurrence. Committee Amend-

ment "A" as amended by House Amendment "A" Adopted, in concurrence. The Bill, as amended, Tomorrow Assigned for Second Reading.

Ought to Pass in New Draft

The Committee on Energy and Natural Resources on, Bill, "An Act Assuring Legislative Participation in Nuclear Waste Repository Research and Development Activity within the State." (H. P. 1322) (L. D. 1522)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 1526) (L. D. 1636)

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

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

Divided Report

Six Members of the Committee on Labor on, Bill, "An Act to Amend the Law Concerning Inherited Liability of Certain Business Firms for Severance Pay." (H. P. 1187) (L. D. 1411)

Reported in Report "A" that the same Ought to Pass as amended by Committee Amendment "A" (H-448).

Signed:

Sensors:

SEWALL of Lincoln
DUTREMBLE of York

Representatives:

BEAULIEU of Portland
TUTTLE of Sanford
FOSTER of Ellsworth
MARTIN of Brunswick

Three Members of the same Committee on the same subject matter reported in Report "B" that the same Ought Not to Pass.

Signed:

Representatives:

McHENRY of Madawaska
LAVERRIERE of Biddeford
BAKER of Portland

Three Members of the same Committee on the same subject matter reported in Report "C" that the same Ought to Pass.

Signed:

Sensor:

SUTTON of Oxford

Representatives:

LEWIS of Auburn
DAMREN of Belgrade

One Member of the same Committee on the same subject matter reported in Report "D" that the same Ought to Pass as amended by Committee Amendment "B" (H-449).

Signed:

Representative:

HAYDEN of Durham

Comes from the House, Report "A" Read and Accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-448).

Which Reports were Read.

The PRESIDENT Pro-Tem: The Chair recognizes the Senator from York, Senator Dutremble.

Senator DUTREMBLE: I move that this Bill and all its accompanying papers be Indefinitely Postponed.

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

Senator SEWALL: Thank you, Mr. President, I'd like to speak in support of the motion to Indefinitely Postpone this Bill.

I do not believe this Legislation is at all necessary under existing Maine laws. Certain employers who either terminate or relocate business establishments are required to pay their employees severance pay. The amount of severance pay is one week's wages for each year that the individual worked for that employer.

This severance pay liability can be very sub-

stantial. For large employers it can amount to hundreds of thousands or even millions of dollars.

The question that this Legislature addresses is whether an employer who makes a good-faith arms length purchase of a business of another employer becomes liable for the severance pay liability which is incurred by his predecessor. In other words, if the predecessor employer was in business for 20 years and had workers in his employ for that period, does the successor employer inherit that 20 potential liability for those employees?

I believe that the answer to that question is definitely, No. When the Legislature enacted that existing severance pay law, it was never intended to impose that set of liability on successor employers.

The reason is clear. To impose liability on the successor employer would discourage the purchase of a troubled business. This in turn would increase the likelihood of a plant closing and result in unemployment. I do not believe this was ever intended.

This Bill as originally drafted sought only to make it clear that a successor employer does not inherit liability of this predecessor, that is, it only sought to state more clearly the intention of the original law.

I think the present law is clear enough that a successor employer does not, by making a good-faith purchase of a business become liable to severance pay liability incurred by his predecessor.

That being the case, this legislation is unnecessary, therefore, I would urge you to support Senator Dutremble.

On motion by Senator Dutremble of York, LD 1411 was Indefinitely Postponed, in non-concurrence.

Sent down for concurrence.

Divided Report

The Majority of the Committee on Public Utilities on, Bill, "An Act to Authorize the Public Utilities Commission to Purchase Electric Energy for Resale on a Nonprofit Basis to Electric Utilities Serving this State." (H. P. 865) (L. D. 1026)

Reported that the same Ought to Pass in New Draft under same Title, (H. P. 1513) (L. D. 1632).

Signed:

Sensors:

TROTZKY of Penobscot
TRAFTON of Androscoggin

Representatives:

DAVIES of Orono
WEYMOUTH of West Gardiner
KANY of Waterville
McGOWAN of Pittsfield
BOISVERT of Lewiston
RIDLEY of Shapleigh
McKEAN of Limestone
BORDEAUX of Mount Desert
VOSE of Eastport

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

Signed:

Sensor:

DEVOE of Penobscot

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

Which Reports were Read.

The Majority Ought to Pass, in New Draft, Report of the Committee Adopted, in concurrence. The Bill, in New Draft, Read Once, and Tomorrow Assigned for Second Reading.

Senate

Ought to Pass — As Amended

Senator TROTZKY for the Committee on Public Utilities on, Bill, "An Act Creating the Rangeley Water District." (S. P. 322) (L. D. 912)

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

269)

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

Ought to Pass in New Draft

Senator DEVOE for the Committee on Judiciary on, Bill, "An Act Concerning the Protection of Incapacitated and Dependent Adults." (S. P. 268) (L. D. 750)

Reported that the same Ought to Pass in New Draft under Same Title (S. P. 630) (L. D. 1639)

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

The President Pro Tem requested the Sergeant-at-Arms to escort the Senator from Penobscot, Senator Sewall to the rostrum where he assumed his duties as President.

The Sergeant-at-Arms escorted the Senator from Penobscot, Senator Sewall to the rostrum where he assumed his duties as President.

The Sergeant-at-Arms escorted the Senator from Knox, Senator Collins, to his seat on the floor of the Senate.

The PRESIDENT: The Chair would thank the President Pro Tem, Senator Collins.

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

Communications

Local and County Government

May 21, 1981

The Honorable Joseph Sewall

President of the Senate

State House

Augusta, Maine 04333

Dear President Sewall:

The Joint Standing Committee on Local and County Government is pleased to report that it has completed all business placed before it by the First Regular Session of the 110th Legislature.

Bills received in Committee	58
Unanimous Reports	50
Ought to Pass	5
Ought to Pass as Amended	17
Ought to Pass in New Draft	2
Ought Not to Pass	8
Leave to Withdraw	17
Referral	1
Divided Reports	7
Recommitted	1

Respectfully submitted,

S/THOMAS R. PERKINS

Senate Chairman

Which was Read and Ordered placed on file.

Committee on Legal Affairs

May 21, 1981

The Honorable Joseph Sewall

President of the Senate

State House

Augusta, Maine

Dear President Sewall:

The Committee on Legal Affairs is pleased to report that it has completed all business placed before it by the first regular session for the 110th Legislature.

Total number of bills received	65
Unanimous reports	51
Leave to Withdraw	14
Ought Not to Pass	10
Ought to Pass	12
Ought to Pass as Amended	15
Divided Reports	14

Respectfully Submitted,

S/MELVIN A. SHUTE

Chairman

Which was Read and Ordered placed on file.

Order

An Expression of Legislative Sentiment rec-

ognizing:

The University of Maine School of Law, its faculty, students and staff for assisting the 110th Legislature through its class in legislative drafting. (S. P. 631) presented by Senator CARPENTER of Aroostook.

Which was Read and Passed.
Sent down for concurrence.

Orders of the Day

On motion by Senator Huber of Cumberland, the Senate voted to remove from the Special Appropriations Table the Bill "An Act to Create the Charleston Correctional Facility within the Department of Mental Health and Corrections" (H. P. 217) (L. D. 604)

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

On motion by Senator Huber of Cumberland, the Senate voted to remove from the Special Appropriations Table the bill, "An Act Relating to Law Libraries" (S. P. 562) (L. D. 1532)

On motion by Senator Huber of Cumberland, Under Suspension of the Rules, the Senate voted to Reconsider its action whereby L. D. 1532 was Passed to be Engrossed.

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

Senator HUBER: I present Senate Amendment "A" to the Bill under filing number S-271 and move its adoption.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now offers Senate Amendment "A" to L. D. 1532 and moves its adoption.

Senate Amendment "A" (S-271) Read and Adopted.

The Bill, as amended, Passed to be Engrossed, in non-concurrence.

Sent down for concurrence.

The President laid before the Senate:

Bill, "An Act to Adjust Annually Individual Income Tax Laws to Eliminate Inflation Induced Increases in Individual State Income Taxes." (H. P. 907) (L. D. 1074)

Tabled—Earlier in the Day by Senator PIERCE of Kennebec.

Pending—Motion of Senator TEAGUE of Somerset to Indefinitely Postpone.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Teague.

Senator TEAGUE: Mr. President, I request permission to Withdraw my motion to Indefinitely Postpone L. D. 1074.

The PRESIDENT: The Senator from Somerset, Senator Teague, Requests Leave of the Senate to Withdraw his motion to Indefinitely Postpone L. D. 1074.

Is it the pleasure of the Senate to Grant this Leave?

It is a vote.

The Bill, as amended, Passed to be Engrossed, in non-concurrence.

Sent down for concurrence.

The President laid before the Senate.

Bill, "An Act to Clarify the Inland Fisheries and Wildlife Laws of Maine." (H. P. 1423) (L. D. 1577)

Tabled—Earlier in the Day by Senator PIERCE of Kennebec.

Pending—Enactment.

On motion by Senator O'Leary of Oxford, the Senate voted to Suspend its Rules, for the purpose of Reconsideration.

On motion by Senator O'Leary of Oxford, the Senate voted to Reconsider its action whereby L. D. 1577 was Passed to be Engrossed.

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

Senator O'LEARY: Mr. President, I now present Senate Amendment "B" under filing number S-268 and move its adoption.

The PRESIDENT: The Senator from Oxford,

Senator O'Leary, offers Senate Amendment "B" to L. D. 1577 and moves its adoption.

Senate Amendment "B" to (S-268) Read and Adopted.

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

Senator CONLEY: Mr. President, did the Senate just Adopt the Amendment?

The PRESIDENT: The Chair would answer in the affirmative.

Senator CONLEY: Are we now in the Engrossment stage of this Bill?

The PRESIDENT: The Chair would answer in the affirmative.

Senator CONLEY: Mr. President and Members of the Senate, I, as one member of this Body, have a great deal of concern with respect to errors and inconsistencies, dealing with the Fisheries and Wildlife Department. The reason I have grave concerns is because of the Amendment that was just adopted by the Senate. It was a law that was defeated. I can't recall whether the good Senator from Oxford said in this Session or the last Session, but the fact is that this is a matter of substantive change. It's not an error. It's not an inconsistency. I deplore that the Department would even consider presenting such an amendment to the Joint Standing Committee on Fisheries and Wildlife. I would hope that in the future, any amendment such as this would be carefully examined by the Joint Standing Committee.

The Bill, as amended, Passed to be Engrossed, in non-concurrence.

Sent down for concurrence.

The President laid before the Senate.

Bill, "An Act Relating to the Employment of Minors and Overtime Pay." (S. P. 188) (L. D. 490)

Tabled—Earlier in the Day by Senator PRAY of Penobscot.

Pending—Adoption of Committee Amendment "A" (S-162)

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

Senator PRAY: Thank you, Mr. President. Mr. President, I present Senate Amendment "B" under filing number S-270 and move its adoption.

The PRESIDENT: The Senator from Penobscot, Senator Pray, offers Senate Amendment "B" to Committee Amendment "A" and moves its adoption.

Senate Amendment "B" (S-270) to Committee Amendment "A" Read and adopted.

Committee Amendment "A", as amended by Senate Amendment "B", Adopted. The Bill, as amended, Passed to be Engrossed.

Sent down for concurrence.

On motion by Senator Pierce of Kennebec, Adjourned until 9:30 o'clock tomorrow morning.