

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 22, 1981

Senate called to order by the President.

Prayer by the Reverend John Dunn, Jr., of the First Baptist Church in Dexter.

REVEREND DUNN: Our Father, we thank You for this new day. We thank You for the health, and strength that allows us to be about our daily tasks today. We thank you for these ladies and gentlemen of the Senate, for the commitment that they have made to the people of this State and to its government.

We ask You to give us direction today, wisdom that is greater than our own, kindness and understanding. We'll thank You for it.

Watch over our loved ones and protect them from harm. Give to them Your guidance and Your grace this day.

Help us in all of our deliberations, that we might do those things that are good and acceptable in Your sight.

We thank You for the commitment that these folks have made to the people of this State, and to themselves, and to its government.

Now we ask for Your grace, through Jesus Christ, our Lord. Amen.

Reading of the Journal of yesterday.

Out of Order and Under Suspension of the Rules:

On Motion by Senator PIERCE of Kennebec, ORDERED, the House concurring, that when the House and Senate adjourn, the House adjourns to Tuesday, May 26, 1981, at 9:30 o'clock in the morning and the Senate adjourns to Tuesday, May 26, 1981, at ten o'clock in the morning. (S. P. 635)

Which was Read and Passed.

Sent down forthwith for concurrence.

(Off Record Remarks)

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

Bill, "An Act Concerning Equivalent Courses Offered at the Various Campuses of the University of Maine." (H. P. 839) (L. D. 1005)

In the House, May 18, 1981, Passed to be Engrossed as amended by Committee Amendment "A" (H-407).

In the Senate, May 20, 1981, the Minority Ought Not to Pass Report Read and Accepted, in non-concurrence.

Comes from the House, that Body Having Adhered.

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

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

The PRESIDENT: The Senator from Penobscot, Senator Trotzky, moves that the Senate Adhere.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I would hate to set the good Senator from Penobscot loose on the Senate this morning after the debate of the other day on this particular Bill. So, I would just move to Recede and Concur, and ask that when the vote is taken, it be taken by the Yeas and Nays.

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 Cumberland, Sen-

ator Conley, 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, Carpenter, Charette, Clark, Conley, Dutremble, Kerry, Minkowsky, Najarian, O'Leary, Pray, Trafton, Usher, Violette, Wood.

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

ABSENT — None.

A Roll Call was had.

16 Senators voted in the affirmative and 17 Senators in the negative, with No Senators being absent, the motion to Recede and Concur with the House does not prevail.

Is it now the pleasure of the Senate to Adhere?

It is a vote.

**Communications
House of Representatives**

May 21, 1981

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

The House voted today to Adhere to its former action whereby it Indefinitely Postponed 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)

Respectfully,

S/EDWIN H. PERT

Clerk of the House

Which was Read and Ordered Placed on File.

House of Representatives

May 21, 1981

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

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Undedicate Funds Received from Public Reserved Lands" (S. P. 92) (L. D. 208)

Representative HALL of Sangerville

Representative JACQUES of Waterville

Representative MARTIN of Eagle Lake

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Add a Class Size Adjustment to the School Finance Act" (H. P. 1176) (L. D. 1400)

Representative ROLDE of York

Representative THOMPSON of South Portland

Representative MURPHY of Kennebunk

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Provide a Special Muzzle-loading Hunting Season" (H. P. 281) (L. D. 255)

Representative JACQUES of Waterville

Representative CLARK of Millinocket

Representative DAMREN of Belgrade

Respectfully,

S/EDWIN H. PERT

Clerk of the House

Which was Read and Ordered Placed on File.

Office of the Governor

May 21, 1981

TO: The Honorable Members of the Senate and

House of the 110th Maine Legislature:

I am returning without my signature of approval S. P. 303 - L. D. 847, AN ACT Promoting the Availability of Health Care Services.

The stated purpose of this Legislature is to prohibit the Department of Human Services from taking any action which would affect the registration or licensing of health professionals by reason of their number or location.

The Department of Human Services does not now have the authority to limit the registration or licensing of health professionals by reason of their number or location, nor does it contemplate seeking the authority to do so.

In fact, the Department discussed this bill with health care providers, who expressed their concern that the Department would seek and acquire that authority, and would use it to establish quotas for numbers of physicians and particular specialists in given areas around the state. In response, the Department drafted language to ensure that this would not happen.

The Department's good faith effort was rejected; L. D. 847 was enacted. It reaches far beyond the legitimate concerns of the health care community, and attacks and undermines the state's legitimate interest in encouraging adequate health care for all citizens regardless of where they live.

Studies have shown that, while Maine does not face an overall shortage in health care providers, there are many locations throughout the state which are served by an inadequate number of doctors and nurses. To deal with this problem, the Department does undertake some activities which may affect the registration or licensing of health care professionals with specific emphasis on the location of these professionals. L. D. 847 would prevent the Department from encouraging health care professionals to practice in those areas where they are needed.

Let me offer two examples of how the state's obligation to help serve the health needs of its people would be handcuffed by this bill. First, it appears that President Reagan has agreed to allow states flexibility to administer their Medicaid programs in a manner which would encourage professionals to locate in underserved areas and provide them with the financial support needed to sustain their practices. This would mean that the Department could pay an incentive premium to physicians who agree to serve in Jackman or Lubec, for example, in order to provide those areas with the health care which they need. But if L. D. 847 becomes law, the state would be unable to take advantage of this flexibility.

Second, the state may designate areas where provider shortages exist. This designation entitles an area to special consideration by the federal government, which can assign a public health service doctor to that area. If the state were unable to make that designation, we would therefore be unable to take advantage of these physicians because taking steps to attract them does, indeed, affect registration of physicians by reason of location, and this is prevented by L. D. 847.

The Department must have the flexibility to address the overall health care needs of the state. We do not intend to give the Department licensing or registration authority. The Department does not and will not seek to limit licensing or registration of health care professionals by reason or number or location.

I cannot allow this legislation to become law to the detriment of those citizens of our state who need additional health care services and whose hopes of obtaining those services would be diminished by my signature upon L. D. 847.

For these reasons I respectfully request that you sustain my veto of this bill.

Sincerely,

S/JOSEPH E. BRENNAN

Governor

Which was Read, and Ordered Placed on File.

The accompanying Bill:

AN ACT Promoting the Availability of Health Care Services. (S. P. 303) (L. D. 847)

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

Senator GILL: Mr. President, I would request that this item be Tabled, pending Consideration, for 1 Day.

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

Senator CONLEY: I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Cumberland, Senator Gill, that L. D. 847 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.

17 Senators having voted in the affirmative, and 16 Senators having voted in the negative, L. D. 847 is Tabled for 1 Legislative Day, pending Consideration.

Committee Reports

House

Ought to Pass — As Amended

The Committee on Energy and Natural Resources on, RESOLVE, Providing for Standards to Achieve Erosion Control on Roads in Organized Areas under the Site Location of Development Law. (Emergency) (H. P. 1365) (L. D. 1550)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-454).

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

Which Report was Read and Accepted, in concurrence, and the Resolve Read Once. Committee Amendment "A" Read and Adopted, in concurrence. Under Suspension of the Rules, the Resolve given its Second Reading, and Passed to be Engrossed, as amended, in concurrence.

The Committee on Public Utilities on, Bill, "An Act to Amend the Charter of the York Sewer District." (H. P. 290) (L. D. 334)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-456).

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 and Adopted, in concurrence. Under Suspension of the Rules, the Bill given its Second Reading, and Passed to be Engrossed, as amended, in concurrence.

The Committee on State Government on, Bill, "An Act to Require Periodic Reapportioning of District Election of Representatives to Congress." (H. P. 1120) (L. D. 1317)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-370).

Comes from the House, the Bill Passed to be Engrossed as amended by House Amendment "A" (H-460).

Which Report was Read and Accepted, in concurrence, and the Bill Read Once. Committee Amendment "A" Read.

On motion by Senator Ault of Kennebec, Committee Amendment "A" Indefinitely Postponed, in concurrence.

House Amendment "A" Read and Adopted, in concurrence. Under Suspension of the Rules, the Bill given its Second Reading and Passed to be Engrossed, as amended, in concurrence.

Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act to Require Fire Detectors in All Multiapartment Dwellings and New Single-

family Residences." (H. P. 1409) (L. D. 1573)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-452).

Signed:

Senators:

DEVOE of Penobscot
CONLEY of Cumberland
KERRY of York

Representatives:

HOBBINS of Saco
DRINKWATER of Belfast
LIVESAY of Brunswick
LUND of Augusta
O'ROURKE of Camden
JOYCE of Portland

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

Signed:

Representatives:

REEVES of Newport
CARRIER of Westbrook
SOULE of Westbrook

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-452).

Which Reports were Read.

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

Senator MINKOWSKY: Mr. President, before the Report is Accepted, there was one concern that was advanced to me by people who own multi-dwelling apartments. Maybe the members of the Committee could address this. If, in the event, that the smoke detector is not operational, and the owner of the apartment does not live in the State of Maine, and the building burns, causing an unfortunate death, would this automatically in any way cancel the insurance on that particular building, since he would not be in compliance with an operational smoke detector?

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, has posed a question through the Chair.

The Chair recognizes the Senator from Penobscot, Senator Devoe.

Senator DEVOE: Thank you very much, Mr. President. I will attempt to answer the question that the good Senator has raised.

If you will look at Committee Amendment "A" which is filing number H-452, this is now the Bill. Section 6 in the liability section provides, that the owner must conduct an inspection of the smoke detectors immediately after they are installed in order to determine that they are working, and each time a new tenant occupies an apartment, he must check the smoke detector in that apartment unit, at that time, to determine that it is then working. From that point on he is not required on a daily, weekly, or monthly basis, to check to see that the smoke detector is working.

My opinion, if the smoke detector works at the time it was checked by the landlord, that is the extent of the landlord's obligation. From that point on, if the smoke detector becomes non-functional, or it is tampered, or tinkered with in any way by the tenant, in my opinion, that's not going to destroy fire insurance coverage.

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

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President, I would request the Yeas and Nays.

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 Acceptance of the Majority Ought to Pass, as amended, Report of the Committee.

A Yes vote will be in favor of Acceptance of the Majority Ought to Pass, as Amended, Report of the Committee.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Brown, Bustin, Carpenter, Charette, Clark, Collins, Conley, Devoe, Dutremble, Emerson, Gill, Huber, Kerry, Najarian, O'Leary, Perkins, Pray, Trafton, Trotzky, Usher, Violette, Wood.

NAY — Ault, Hichens, McBreaity, Minkowsky, Pierce, Redmond, Sewall, C.; Shute, Sutton, Teague.

ABSENT — None.

A Roll Call was had.

22 Senators having voted in the affirmative and 10 Senators in the negative, with No Senator being absent, the Majority 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.

Senate

Leave to Withdraw

Senator EMERSON for the Committee on Taxation on, Bill, "An Act to Provide a Tax Exemption for the First \$3,000 of Savings for Individuals who Invest Money in a Housing Development Account." (S. P. 538) (L. D. 1497)

Reported that the same be granted Leave to Withdraw.

Which Report was Read and Accepted.

Sent down for concurrence.

Ought to Pass — As Amended

Senator WOOD for the Committee on Taxation on, Bill, "An Act Concerning the Use Tax on Used, Damaged or Returned Merchandise Donated to Charitable Organizations." (S. P. 287) (L. D. 813)

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

Senator EMERSON for the Committee on Taxation on, Bill, "An Act to Equalize the Tax Burden of Rural Community Health Centers." (S. P. 261) (L. D. 743)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-273).

Senator WOOD for the Committee on Taxation on, Bill, "An Act Relating to Veterans' Tax Exemptions." (S. P. 236) (L. D. 654)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-272).

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 MCBREAIRTY for the Committee on Energy and Natural Resources on, Bill, "An Act to Amend the Site Location of Development Law to Protect Ground Water." (S. P. 583) (L. D. 1559)

Reported that the same Ought to Pass in New Draft under Same Title. (S. P. 632) (L. D. 1647)

Senator HICHENS for the Committee on Health and Institutional Services on, Bill, "An Act to Establish the Dental Practice Act." (S. P. 298) (L. D. 860)

Reported that the same Ought to Pass in New Draft under same Title. (S. P. 633) (L. D. 1648)

Which Reports were Read and Accepted, and the Bills, in New Draft, Read Once and Tomorrow Assigned for Second Reading.

row Assigned for Second Reading.

Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act Providing for a Volunteer Lawyers' Board." (S. P. 521) (L. D. 1451)

Reported that the same Ought to Pass in New Draft under New Title, "An Act to Provide for a Commission to Propose a Method of Providing Volunteer Legal Services." (Emergency) (S. P. 634) (L. D. 1649)

Signed:

Sensors:

DEVOE of Penobscot
CONLEY of Cumberland
KERRY of York

Representatives:

HOBBS of Saco
SOULE of Westport
LIVESAY of Brunswick
O'ROURKE of Camden
JOYCE of Portland
BENOIT of South Portland

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

Signed:

Representatives:

LUND of Augusta
REEVES of Newport
DRINKWATER of Belfast
CARRIER of Westbrook

Which Reports were Read.

The Majority Ought to Pass, in New Draft, Report of the Committee Accepted. The Bill, 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 to Authorize the Public Utilities Commission to Purchase Electric Energy for Resale on a Nonprofit Basis to Electric Utilities Serving this State." (Emergency) (H. P. 1513) (L. D. 1632)

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

Bill, "An Act to Revise the Salaries of Certain County Officers." (H. P. 1508) (L. D. 1622)

Which was Read a Second Time.

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

Sensor PERKINS: Mr. President, I present Senate Amendment "A" to L. D. 1622, under filing number S-277 and move its adoption.

The PRESIDENT: The Senator from Hancock, Senator Perkins, offers Senate Amendment "A" to L. D. 1622 and moves its adoption.

Senate Amendment "A" (S-277) Read.

On motion by Senator Conley of Cumberland, Tabled for 1 Legislative Day, pending the Adoption of Senate Amendment "A".

Bill, "An Act Assuring Legislative Participation in Nuclear Waste Repository Research and Development Activity within the State." (H. P. 1526) (L. D. 1636)

Which was Read a Second Time.

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

Sensor PIERCE: Mr. President, I present Senate Amendment "A" under filing number S-276 and move its adoption.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, now offers Senate Amendment "A" to L. D. 1636 and moves its adoption.

Senate Amendment "A" (S-276) Read.

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

Sensor PRAY: Mr. President, I move this item lie on the Tabled for 1 Legislative Day.

The PRESIDENT: The Senator from Penobscot, Senator Pray, moves that L. D. 1636 be Tabled for 1 Legislative Day, pending Adoption of Senate Amendment "A".

On motion by Senator Pierce of Kennebec, Tabled until later in today's session, pending the adoption of Senate Amendment "A".

House — As Amended

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

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

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

Bill, "An Act Relating to Aquaculture." (H. P. 1128) (L. D. 1345)

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

Bill, "An Act Establishing the Women's Training and Employment Program." (H. P. 568) (L. D. 644)

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

Bill, "An Act to Increase the License Fee for Games of Chance." (H. P. 184) (L. D. 199)

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

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

Which was Read a Second Time.

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

Sensor MINKOWSKY: Mr. President and Members of the Senate: Looking over the House Amendment H-436, "An Act to Create a Blue Ribbon Commission to Study the Public Education Delivery System", in Maine, it appears to me that all the, so-called, "Blue Ribbon Committees" we've ever started in the past, always have been comprised of people who have lobbied the Bill or designed the thing originally.

The questions I have relevant to this, would be somewhat as follows, to members of the Education Committee if they so care to answer the particular item.

Usually such studies are the responsibility of the State Board of Education, and I wonder why, in this particular case, that they have not consulted with the State Board of Education, and designed this particular study?

Secondly, when you look at the House Amendment, it gives me the impression that this particular legislation is unnecessary, since the results are predictable.

Thirdly, the funding of \$15,000, I was wondering how that particular figure was arrived at? It appears the way studies are being conducted today, at least with the magnitude and scope that's requested in this particular type of Legislation, that \$15,000 would never cover the entire cost.

I would pose that as, maybe a series of questions, Mr. President, to the members of the Education Committee.

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, has proposed several questions through the Chair to any member of the Education Committee that may care to answer.

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

Sensor TROTZKY: Mr. President and Members of the Senate, I think there've been, you've seen many articles that have come out, one recently in a series in Newsweek Magazine, talking about the public's lack of confidence in public education, whether that's accurate or not, I can't really say.

There are private schools springing up all over the State, and all over the county. The feeling of the Committee was that we ought to find out from the public, what their feelings are towards education? What's going on in the

schools? How our schools can be made better?

A Committee is appointed to take a look at this, but it must report its findings to the State Board of Education. The State Board of Education can then evaluate the findings of the committee, and then the committee's report and the State Board's evaluation is then submitted to the Governor and the Legislature.

We felt that it probably is an appropriate time to take a look at education with the idea of trying to build-up the confidence of the public in public education and to better the school system.

The \$15,000 figure, no question, is a small figure. We wish it could be more, however, we know the limitations in State Funding right now and hope that this amount will serve to, at least, pay the expenses of the people who will be going around the State. Public hearings will be conducted, so we hope this amount will be adequate.

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

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

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.

Sensor PIERCE: Mr. President, I now present Senate Amendment "A" to Committee Amendment "A" under filing number S-275 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-275) Read and Adopted. Committee Amendment "A", as amended, by Senate Amendment "A" Adopted, in non-concurrence. The Bill, as amended, Passed to be Engrossed, in non-concurrence.

Sent down for concurrence.

Senate

Bill, "An Act to Authorize Municipal and Quasi-municipal Water Districts to Set Rates." (S. P. 628) (L. D. 1637)

Bill, "An Act to Establish a Direct Payment System under the Workers' Compensation Law." (S. P. 622) (L. D. 1627)

Bill, "An Act Concerning the Protection of Incapacitated and Dependent Adults." (S. P. 630) (L. D. 1639)

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

Sent down for concurrence.

Bill, "An Act to Increase Local Control of Water Districts." (S. P. 629) (L. D. 1638)

Which was Read a Second Time.

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

Sensor TRAFTON: Mr. President, I now offer Senate Amendment "A" under filing number S-278 and move its adoption.

The PRESIDENT: The Senator from Androscoggin, Senator Trafton, offers Senate Amendment "A" to L. D. 1638 and moves its adoption.

Senate Amendment "A" (S-278) Read.

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

Sensor PIERCE: Mr. President, I wonder if the good Senator might explain the meaning of her Amendment?

The PRESIDENT: The Senator from Kennebec, Senator Pierce, has posed a question through the Chair.

The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator TRAFTON: Mr. President and Men and Women of the Senate, this is simply clarifying language, as the Statement of Fact says.

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

Sent down for concurrence.

Senate — As Amended

Bill, "An Act Concerning Utility Deposits." (S. P. 422) (L. D. 1243)

Bill, "An Act Relating to Compensatory Telecommunications Toll Call Rates for Deaf and Hearing Impaired Persons." (S. P. 191) (L. D. 492)

Bill, "An Act Creating the Rangeley Water District." (Emergency) (S. P. 322) (L. D. 912)

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 to Abolish the Position of Elected County Treasurer in Aroostook County and Replace it with an Appointed Treasurer. (H. P. 881) (L. D. 1050)

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

AN ACT to Permit the Abolition of the Position of Elected County Treasurer and Allow the Appointment of a Treasurer by the County Officers. (H. P. 1488) (L. D. 1615)

On motion by Senator Perkins of Hancock, Tabled for 1 Legislative Day, pending Enactment.

There being no objections all items previously acted upon were sent forthwith.

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

On motion by Senator Collins of Knox, Recessed until the sound of the Bell.

Recess

After Recess

The Senate called to order by the President.

Orders of the Day

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

SENATE REPORTS—from the Committee on Labor — Bill "An Act to Revise Workers' Compensation Disability Payments." (S. P. 358) (L. D. 1033) MAJORITY REPORT Ought Not to Pass; MINORITY REPORT Ought to Pass.

Tabled—May 20, 1981 by Senator COLLINS of Knox.

Pending—Acceptance of Either Report.

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

Senator SEWALL: Mr. President, I would move we Accept the Minority Ought to Pass Report and would speak briefly.

The PRESIDENT: The Senator has the floor.

Senator SEWALL: Thank you, Mr. President, This Bill contains a entire package of things having to do with Workers' Comp. I would hope that although I do not support all the parts in this, I'm going to present a substantial amendment which will be printed and on your desks and in your books by Monday. I would hope you'd let this pass today, and then consider my amendment, which takes out everything except one section in the entire Bill. Let it go today, and see what you think of my amendment on Tuesday.

On motion by Senator Sewall of Lincoln, the Minority Ought to Pass Report of the Commit-

tee Accepted, The Bill Read Once, and Tomorrow Assigned for Second Reading.

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

SENATE REPORTS—from the Committee on Labor — Bill, "An Act to Standardize Death Benefits under the Workers' Compensation Laws." (S. P. 359) (L. D. 1034) MAJORITY REPORT Ought Not to Pass; MINORITY REPORT Ought to Pass.

Tabled—May 20, 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 third Tabled and specially assigned matter:

Bill "An Act to Promote the Maine Pototo Industry." (S. P. 517) (L. D. 1439)

Tabled—May 20, 1981 by Senator COLLINS of Knox.

Pending—Passage to be Engrossed.

The Bill, as amended, Passed to be Engrossed.

Sent down for concurrence.

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

Bill, "An Act to Make Allocations from the Highway Fund and Appropriations from the General Fund for the Fiscal Years Ending June 30, 1982, and June 30, 1983, and to Establish a Local Road Assistance Program. (Emergency) (S. P. 609) (L. D. 1607)

Tabled—May 20, 1981 by Senator COLLINS of Knox.

Pending—Passage to be Engrossed.

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

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

Bill, "An Act Establishing the Bonding and Excess Insurance Requirements for Self-insuring Workers' Compensation Employers." (H. P. 834) (L. D. 1001)

Tabled—May 20, 1981 by Senator COLLINS of Knox.

Pending—Motion of Senator SEWALL of Lincoln to Reconsider Adoption of Committee Amendment "A" (H-388)

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

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

Joint Order — Relative to the Committee on Audit and Program Review reporting out a bill (H. P. 1515)

Tabled—May 20, 1981 by Senator COLLINS of Knox.

Pending—Motion of Senator MINKOWSKY of Androscoggin to Reconsider.

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

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

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

Tabled—May 21, 1981 by Senator COLLINS of Knox.

Pending—Passage to be Engrossed.

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

Senator CONLEY: Mr. President, I presently have an amendment that's being prepared for this Bill. I would appreciate it if somebody would Tabled it 1 Legislative Day.

On motion by Senator Pray of Penobscot, Retabled for 1 Legislative Day.

The President laid before the Senate the eighth 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 21, 1981 by Senator CONLEY of Cumberland.

Pending—Acceptance of Report.

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

Senator COLLINS: Mr. President, in reading this Bill, we have noted that it was introduced in the Senate, and that it contains the word "tax" in the third line. It seems to assess a tax, and therefore, would be in violation of Constitutional Procedures. I would think that this ought to be recognized at this time.

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

Senator CONLEY: Mr. President and Members of the Senate, in order to preserve and keep sacred the Constitution of this State, I move the Indefinite Postponement of this Bill.

On motion by Senator Conley of Cumberland, (L. D. 491) was Indefinitely Postponed.

Sent down for concurrence.

The President laid before the Senate the ninth 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 21, 1981 by Senator CONLEY of Cumberland.

Pending—Enactment.

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

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

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

Tabled—May 21, 1981 by Senator PIERCE of Kennebec.

Pending—Final Passage.

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

The President laid before the Senate the eleventh Tabled and specially assigned 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)

Tabled—May 21, 1981 by Senator PIERCE of Kennebec.

Pending—Motion by Senator CARPENTER of Aroostook to Recede and Concur.

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

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

The PRESIDENT: The Chair would advise the Senate that the pending question before the Senate is the motion by the Senator from Aroostook, Senator Carpenter, that the Senate Recede and Concur with the House.

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.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I just can't allow this Bill to go unanswered. It seems to me that, at least on two different bills that we have had before this Session, dealing with the same issue. The great noise, and hue and cry, that was being raised that the registration on Election Day, created a very severe problem for our registrars throughout the State.

It is my understanding that this Bill is one that will give the assistance that is needed to the registrars, to make the registration of voters on Election Day more orderly, one that would allow the registrars to appoint deputies

to assist them for that day, or the time that is needed to bring about some relief to them.

I'd be very interested in knowing why the good Senator from Kennebec, Senator Pierce, is moving so strenuously to defeat this bill.

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

Senator PIERCE: Mr. President and Members of the Senate, not surprisingly, Senator Conley and I disagree on the solution to what we both say is a problem. Again, not surprisingly, Senator Conley's answer is to spend more money, put more people into a disorderly process. I don't think that's the way to go at all. I would hope that the Senate would defeat the pending motion.

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

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

I think there's a few misleading statements have been just made. This bill would allow, permit, municipalities to appoint deputies. It doesn't mandate that they do it. It gives them the local option, if they feel as if the workload, or the pressure, upon them on Election Day is so great that they need assistance, that they would be allowed to appoint those deputies.

I'm afraid what the Senator from Kennebec, Senator Pierce, his concern is, is on Election Day being allowed to register to vote, and vote. He's opposed to that. That issue's been before us previously. He was not successful on it.

I would hope that his attempts to defeat this Bill, which is before us at this time, is a carryover from an earlier defeat. To say that he would favor making the process as hard as possible, because he didn't get his way on another issue.

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

Senator CONLEY: Mr. President, I know that the good Senator from Kennebec, Senator Pierce, might be a little upset, but I'll gladly volunteer my services, along with the good Senator from Penobscot, Senator Trotzky, who is another individual who seems to want to give the rights to the people to be able to register and to vote on Election Day.

A couple of years ago, I think the good Senator from Penobscot, Senator Trotzky, wanted people just about to be able to go into the voting booth with someone.

I don't think this is a very restrictive measure. It's enabling. It's going to bring a lot, as I say, disorder to an orderly process.

We have many J. P.'s, and Justices throughout the State, who work in many campaigns, certainly also, people who would be delighted to offer their services on a voluntary manner. Some people want the minimum wage involved in this Bill. I think that people can do it on a voluntary basis to give assistance to our town halls all throughout the State.

The PRESIDENT: 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 Aroostook, Senator Carpenter, that the Senate Recede and Concur.

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, Carpenter, Charette, Clark, Conley, Dutremble, Kerry, Minkowsky, Najarian, O'Leary, Pray, Trafton, Usher, Violette, Wood.

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

ABSENT — None.

A Roll Call was had.

16 Senators having voted in the affirmative and 16 Senators in the negative, with No Senators being absent, the motion to Recede and Concur with the House does not prevail.

Is it now the pleasure of the Senate to Adhere?

It is a vote.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: I move Reconsideration.

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

Senator CONLEY: I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Kennebec, Senator Pierce, that the Senate Reconsider its action whereby it voted to Adhere, please rise in their places to be counted.

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

16 Senators having voted in the affirmative, and 17 Senators having voted in the negative, the motion to Reconsider does not prevail.

(Off Record Remarks)

Senator Hichens of York was granted unanimous consent to address the Senate, On the Record.

Senator HICHENS: Thank you, Mr. President, of the Six Gals among us to grace our chamber here four are becoming veterans—serving their second year. And one we honor here today with hearty birthday wishes has proved herself quite competent both here and doing dishes, for her two little ones at home—along with other chores that she shares with her hubby both in and out of doors. She takes the time to represent her voters very well and of her many helpful deeds—they often freely tell. Vitality's her second name—she has a lot of pep and it is all that some of us can do to keep in step with her as she goes here and there with her committee work and no one ever can accuse her as a gal to shirk responsibility, when she gets up to say her little piece she gets attention from us all until we hear her cease to speak, and then she sits and listens for a likely cue to retaliante a bit with information new. She's one of the two Barbara's that meet here every day and serve aus well, we'll all agree, in their distinctive way. So stand with me while trees outside in breezes soft are wafting, and wish a Happy Birthday to our sweet Barbara Trafton.

Senator Trafton of Androscoggin was granted unanimous consent to address the Senate, Off the Record.

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

Papers from the House Non-concurrent Matter

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

In the House, May 21, 1981, Passed to be Engrossed as amended by Committee Amendment "A" (H-448).

In the Senate, May 21, 1981, the Bill and Accompanying Papers Indefinitely Postponed, 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 York, Senator Dutremble.

Senator DUTREMBLE: Mr. President, I move we Adhere.

The PRESIDENT: The Senator from York, Senator Dutremble, moves that the Senate Adhere.

Is this the pleasure of the Senate?

The motion prevailed.

Non-concurrent Matter

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

In the House, May 20, 1981, Passed to be Enacted.

In the Senate, May 21, 1981, the Bill and accompanying papers Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body having Adhered.

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

Senator CARPENTER: I move the Senate Adhere.

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

Senator HUBER: Mr. President, I move that the Senate Recede and Concur.

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

Senator CARPENTER: 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, I hope that you will vote against the motion, that you'll take the opportunity to, later on, Recede and Concur with the House.

This Bill has been before us several times. It has been well debated, and yesterday we were well informed of all of the "baits" which have been made available, for animals and for fish, and for humans.

I think on this Memorial Day Weekend, that this is a very opportune time for this Bill to be the last one which we consider, which we can prove how humane we really are, and how thoughtful we are against these procedures, of baiting these animals as a token of sportsmanship, and if you can call it sportsmanship, you have a different definition than I have.

You also have the opportunity today of really wishing a Happy Birthday to "Mother" Trafton, and pass this Bill is it has been done by the other Body.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Huber, that the Senate Recede and Concur with the House.

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

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Ault, Bustin, Clark, Conley, Dutremble, Emerson, Hichens, Huber, Minkowsky, Najarian, Pierce, Shute, Trafton, Trotzky, Wood.

NAY—Brown, Carpenter, Charette, Collins, Devoe, Gill, Kerry, McBreaity, O'Leary, Perkins, Pray, Redmond, Sewall, C.; Sutton, Teague, Usher, Violette.

ABSENT—None.

A Roll Call was had.

15 Senators having voted in the affirmative and 17 Senators in the negative, with No Senator being absent, the motion to Recede and Concur does not prevail.

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator CARPENTER: I move the Senate Adhere.

The PRESIDENT: The Senator from Aroostook, Senator Carpenter, moves that the Senate Adhere.

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Pe-

Penobscot, Senator Trotzky.

Senator TROTZKY: I move this be Tabled for 1 Legislative Day.

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

Senator COLLINS: I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Penobscot, Senator Trotzky, that LD 91 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.

12 Senators having voted in the affirmative, and 20 Senators having voted in the negative, the motion to Table does not prevail.

Is it now the pleasure of the Senate to Adhere?

It is a vote.

Orders of the Day

The President laid before the Senate, Bill, "An Act Assuring Legislative Participation in Nuclear Waste Repository Research and Development Activity within the State" (H. P. 1526) (L. D. 1636), Tabled earlier in today's session by Senator Pierce of Kennebec, pending Adoption of Senate Amendment "A".

On motion by Senator Pray of Penobscot, Retabled for 1 Legislative Day.

On motion by Senator Pray of Penobscot, there being no objections all items previously acted upon were sent forthwith.

(Off Record Remarks)

The Adjournment Order having been returned from the House, Read and Passed, in concurrence, on motion by Senator Pierce of Kennebec, Adjourned until Tuesday, May 26, 1981 at 10:00 o'clock in the morning.