

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Tenth

Legislature

OF THE

STATE OF MAINE

SECOND REGULAR SESSION

January 6, 1982 to April 13, 1982

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FOURTH SPECIAL SESSION

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July 16, 1982

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

Augusta, Maine
January 14, 1982

Senate called to order by the President.

Prayer by the Reverend Larry Fairbanks of the First Church of the Nazarene of Augusta.

REVEREND FAIRBANKS: Let us pray. Almighty God, it is with grateful hearts that we pause this morning to thank You for Your love and Your many blessings to each of us. It is while we are remembering these blessings that we are reminded that while we are enjoying the warmth of this building, there are many in our State who are cold because of lack of heat. There are many who are hungry because of lack of food. There are many who are lonely because of lack of love.

Grant, O God, that we who enjoy warm homes, good food, and the love of family and friends will do all that is within our power to solve these problems for the people of this great State.

At the same time, I pray You will make us more thankful for Your provisions for us.

Give special guidance this day to our President as he leads our nation, to our Governor as he leads this State, and to each Senator and Representative as they represent the people of this great State.

When this day is over, may we have peace in our minds and hearts, that we have served the people of Maine with the best of our ability, and have done what is pleasing in the sight of God. Amen.

Reading of the Journal of yesterday.

Out of Order and Under Suspension of the Rules:

On Motion by Senator COLLINS of Knox.

ORDERED, the House concurring, that when the House and Senate adjourn, the House adjourns to Tuesday, January 19, 1982, at ten o'clock in the morning; and the Senate adjourns to Tuesday, January 19, 1982, at eleven o'clock in the morning. (S. P. 777)

Which was Read and Passed.

Sent down forthwith for concurrence.

Papers From the House
House Papers

Bill, "An Act to Authorize Lincoln County to Withdraw from the Maine State Retirement System." (Emergency) (H. P. 1820) (L. D. 1805)

Comes from the House, referred to the Committee on Aging, Retirement and Veterans and Ordered Printed.

Which was referred to the Committee on Aging, Retirement and Veterans and Ordered Printed, in concurrence.

Bill, "An Act to Increase the Working Capital of the State Liquor Commission." (H. P. 1807) (L. D. 1792)

Comes from the House, referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Which was referred to the Committee on Appropriations and Financial Affairs and Ordered Printed, in concurrence.

Bill, "An Act to Provide Emergency Powers to the Superintendent of the Bureau of Banking to Expedite Mergers and Consolidations of Financially Troubled State-chartered Financial Institutions." (Emergency) (H. P. 1808) (L. D. 1793)

Bill, "An Act to Adjust Fees for Licenses Issued by the Real Estate Commission." (H. P. 1809) (L. D. 1794)

Bill, "An Act to Amend the Law Establishing the Maine Self-Insurance Guarantee Association." (H. P. 1810) (L. D. 1795)

Come from the House, referred to the Committee on Business Legislation and Ordered Printed.

Which were referred to the Committee on Business Legislation and Ordered Printed, in concurrence.

Bill, "An Act to Ensure Consistency in State and Federal Laws Concerning Job Opportunities for Welfare Recipients." (H. P. 1811) (L. D. 1796)

Comes from the House, referred to the Committee on Health and Institutional Services and Ordered Printed.

Which was referred to the Committee on Health and Institutional Services and Ordered Printed, in concurrence.

Bill, "An Act to Permit the Attorney General to Authorize his Deputies to Act in his Place in Certain Situations." (H. P. 1812) (L. D. 1797)

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

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

Bill, "An Act to Authorize a Self-liquidating Bond Issue for Kennebec County for the Construction of a New Detention Facility." (H. P. 1813) (L. D. 1798)

Bill, "An Act to Permit Counties to Charge a Service Fee for Use of the County Jail." (H. P. 1814) (L. D. 1799)

Come from the House, referred to the Committee on Local and County Government and Ordered Printed.

Which were referred to the Committee on Local and County Government and Ordered Printed, in concurrence.

Bill, "An Act to Amend the Law Enabling the Supply of Water to the City of Bangor." (Emergency) (H. P. 1815) (L. D. 1800)

Bill, "An Act Relative to the Theft of Utility Services." (H. P. 1821) (L. D. 1806)

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

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

Bill, "An Act to Remove Winterville Plantation from the Maine Forestry District." (H. P. 1816) (L. D. 1801)

Bill, "An Act to Remove Allagash Plantation from the Maine Forestry District." (H. P. 1817) (L. D. 1802)

Bill, "An Act to Remove West Forks Plantation from the Maine Forestry District." (H. P. 1818) (L. D. 1803)

Come from the House, referred to the Committee on Taxation and Ordered Printed.

Which were referred to the Committee on Taxation and Ordered Printed, in concurrence.

Bill, "An Act to Require the Towing of Unauthorized Vehicles from Parking Areas Designated for Handicapped Persons' Vehicles." (H. P. 1819) (L. D. 1804)

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

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

Joint Orders

Expressions of Legislative Sentiment recognizing:

Michelle Hallett, of Mars Hill, winner of the 1981 AAU Junior Olympic Cross Country Championship in Amarillo, Texas for 17 and 18-year-old girls. (H. P. 1822)

Keith Estes, upon attaining the high rank and distinction of Eagle Scout. (H. P. 1823)

Roger Legere, of South Portland, who rescued four stranded Legislators on their journey home from Maine Maritime Academy after the State of Maine Cruise. (H. P. 1824)

Come from the House, Read and Passed.
Which were Read and Passed, in concurrence.

Senate Papers

Senator BUSTIN of Kennebec (Cosponsors: Senator HICHENS of York, Representative HICKEY of Augusta and Representative MURPHY of Kennebunk) presented, Bill, "An Act to Permit the Superintendent of Insurance to Promulgate Rules Requiring Provisions in Group Health Contracts Providing for Conversion to Individual Coverage Upon Termination of Group Coverage." (Governor's Bill) (S. P. 774)

Reference to the Committee on Business Legislation suggested.

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

Senator COLLINS: I move this matter be Tabled 1 Legislative 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 Knox, Senator Collins, that S. P. 774 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.

8 Senators having voted in the affirmative, and 11 Senators having voted in the negative, the motion to Tabled for 1 Legislative Day does not prevail.

Which was referred to the Committee on Business Legislation and Ordered Printed.

Sent down forthwith for concurrence.

Senator VIOLETTE of Aroostook (Cosponsor: Representative MARTIN of Van Buren) presented, Bill, "An Act to Expand the Territorial Limits of Van Buren Light and Power District." (S. P. 772)

(Approved for introduction by the Legislative Council pursuant to Joint Rule 26.)

Senator CARPENTER of Aroostook (Cosponsor: Senator PRAY of Penobscot) presented, Bill, "An Act to Prohibit Public Utilities From Including Uncompleted Construction Work Costs in Their Rates." (S. P. 773)

(Approved for introduction by the Legislative Council pursuant to Joint Rule 26.)

Which were referred to the Committee on Public Utilities and Ordered Printed.

Sent down forthwith for concurrence.

Order

An Expression of Legislative Sentiment recognizing:

January 15th, which has been set aside and designated by the Legislature, in honor and memory of Martin Luther King, Jr. (S. P. 775) presented by Senator CONLEY of Cumberland (Cosponsors: Senator NAJARIAN of Cumberland, Representative BAKER of Portland and Representative CONNOLLY of Portland).

Which was Read and Passed.

Sent down forthwith for concurrence.

Joint Resolution

A Joint Resolution in Memoriam:

WHEREAS, the Legislature has learned with deep regret of the death of Dr. Lincoln A. Sennett, of Machias, an outstanding educator and former president of the University of Maine at Machias. (S. P. 776) presented by Senator BROWN of Washington (Cosponsor: Representative RANDALL of East Machias).

Which was Read.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Brown.

Senator BROWN: Mr. President, I'd like to say a comment or two about Dr. Lincoln A. Sennett, one of the outstanding leaders of Washington County. He has died at the age of

79.

Dr. Sennett has had a 46 year career in education. A recent newspaper article has said the following about Dr. Sennett: "Sennett was a career educator who received his first college degree in 1925. He started teaching and coaching athletic activities at Washington State Normal School, now U.M.M., that same year. In 1946 he became a principal. In 1952, he was named the first president of Washington State Teacher's College. In 1965 the institution became Washington State College. In 1968 it became the University of Maine at Machias.

He was dedicated to his institution on the hill. Mac, as he was known to his friends, was an institution and a bit of a character in the best sense of the word. He possessed an indomitable spirit and was a hallmark of his manifold challenges as an educator, a civic-leader, and a businessman. Combined with the clarity of vision, this spirit made him an uncommon leader who worked with equal effectiveness in unseen ways in public efforts to advance his community and college."

We in Washington County feel very badly that Dr. Lincoln A. Sennett has died.

Which was Adopted.

Sent down forthwith for concurrence.

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

Papers From the House House Paper

Bill, "An Act to Provide for the Appointment of a Provisional County Treasurer." (Emergency) (H. P. 1850) (L. D. 1830)

Reference to the Committee on Local and County Government suggested.

Comes from the House, Passed to be Engrossed without Reference to Committee and Ordered Printed.

The PRESIDENT: Is it the pleasure of the Senate that Under Suspension of the Rules LD 1830 be given its first Reading at this time without Reference to Committee?

It is a vote.

Under Suspension of the Rules, the Bill Read Twice and Passed to be Engrossed without Reference to Committee and Ordered Printed in concurrence.

Sent forthwith.

Joint Resolution

A Joint Resolution in Memoriam:

WHEREAS, the Legislature has learned with deep regret of the death of the Honorable Cecil H. McNally, of Ellsworth, a distinguished member of this great body during the 103rd, 104th, 105th, 106th, 107th and 108th legislative sessions. (H. P. 1849)

Comes from the House, Read and Adopted.

Which was Read.

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

Senator PERKINS: Mr. President, Ladies and Gentlemen of the Senate, I rise today with sadness to speak of a former colleague and a five term legislator, who served two terms in this Body, and three in the other Body, and who has served his State as well as his County well. The people of Hancock County will live in sadness because of the loss of one great statesman and a fine person.

I ask that when we adjourn today, we adjourn in memory of Cecil McNally.

The PRESIDENT: The Chair would ask the Senate to stand and observe a moment of silence and prayer for our departed colleague, who was such a fine gentleman. (A moment of silence.)

Which was Adopted, in concurrence.

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

Papers From the House House Papers

Bill, "An Act to Authorize Governmental En-

ties to Provide Self-insurance." (H. P. 1825) (L. D. 1807)

Bill, "An Act Concerning Annual Report of Filings for Profit and Nonprofit Corporations." (H. P. 1826) (L. D. 1808)

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

Which were referred to the Committee on Business Legislation and Ordered Printed, in concurrence.

Bill, "An Act to Permit Municipalities to Adopt Contract Zoning Under the Maine Zoning Laws." (H. P. 1827) (L. D. 1809)

Comes from the House, referred to the Committee on Energy and Natural Resources and Ordered Printed.

Which was referred to the Committee on Energy and Natural Resources and Ordered Printed, in concurrence.

Bill, "An Act to Repeal the Sunset Provision of the Family Abuse Law." (H. P. 1828) (L. D. 1810)

Reference to the Committee on Health and Institutional Services suggested.

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

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

Bill, "An Act to Change the 30-day Notice concerning State Agency Liquor Stores." (H. P. 1829) (L. D. 1811)

RESOLVE, Authorizing David Condon to Bring Suit Against the State. (H. P. 1830) (L. D. 1812)

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

Which were referred to the Committee on Legal Affairs and Ordered Printed, in concurrence.

RESOLVE, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Real Estate in the Unorganized Territory. (H. P. 1831) (L. D. 1813)

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

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

Orders of the Day

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

Bill, "An Act to Adjust the Rates of Reimbursement for Adult Foster Homes and to Adopt a Cost Reimbursement Payment System for Boarding Care Facilities." (S. P. 770)

Tabled—January 13, 1982 by Senator Hichens of York.

Pending—Motion of Senator Huber of Cumberland to refer to Committee on Appropriations and Financial Affairs.

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

Senator HICHENS: I will now defer to the Senator from Cumberland, Senator Huber.

On motion by Senator Huber of Cumberland, referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Sent down forthwith for concurrence.

(Off Record Remarks)

(Senate At Ease)

The Senate called to order by the President.

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

ENACTOR

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

Emergency

AN ACT to Provide for the Appointment of a

Provisional County Treasurer. (H. P. 1850) (L. D. 1830)

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

Senator TEAGUE: What this Bill does, is in the event of concurrent vacancies in the offices of county treasurer and deputy treasurer, the county commissioner shall appoint a provisional treasurer, who shall serve until a treasurer is chosen and qualified in accordance with Section 601.

The provisional treasurer shall have all the authority granted to treasurers under this Subchapter, and be subject to all the requirements of this Subchapter.

This Bill came into being because Somerset County's county treasurer resigned last Friday. We do not have a deputy treasurer, therefore, there was no one to sign the checks for the employees of the county.

Unless this Bill is passed, and we have the 22 votes, I mean the county's employees will not have a paycheck this week.

This being an emergency measure and having received the affirmative votes of 23 Members of the Senate, with No Senators voting in the negative, was Passed to be Enacted and having been signed by the President, was by the Secretary presented to the Governor for his approval.

The Adjournment Order having been returned from the House, Read and Passed, in concurrence, on motion by Senator Pierce of Kennebec, Adjourned until Tuesday, January 19, at 11 o'clock in the morning.