

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

April 28, 1982 and April 29, 1982

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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 19, 1982

Senate called to order by the President

Prayer by the Reverend Bruce Hudson of Highland Avenue Methodist Church of Gardiner.

REVEREND HUDSON: Be in the spirit of prayer. Lord of the universe, we are grateful for another day to be alive in this marvelous yet complex world of Yours. We are thankful for the privilege of living in a society with a goal of liberty and justice for all. We are thankful for the privilege of serving people in the representative process of government.

We come this day to seek Your guiding hand for the deliberations before us. We acknowledge our fallibility in dealing with the everyday decisions of government. The tasks before us are greater than we are, thus we need guidance from beyond ourselves. Teach us to place the needs of the people we serve as the number one priority of our decision-making process, not forgetting that justice and righteousness are the goals of Your will for us. Amen.

Reading of the Journal of yesterday.

**Papers from the House
Joint Order**

ORDERED, the Senate concurring, that the Legislative Finance Officer be authorized and directed to pay each member of the Legislature prior to February 1, 1982, a \$200 allowance for constituent services as authorized in the Maine Revised Statutes, Title 3, section 2. (H. P. 1833)

Comes from the House, Read and Passed.
Which was Read and Passed, in concurrence.

House Papers

Bill, "An Act to Appropriate \$5,000 for the National Guard Scholarship Program at Vocational-Technical Institutes." (H. P. 1834) (L. D. 1831)

Bill, "An Act to Allow Priority Social Service Program Funds to Match Appropriate Federal Funds." (H. P. 1835) (L. D. 1832)

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

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

Bill, "An Act to Exempt Portions of the Central Maine Air Quality Control Region from Petroleum Liquids Transfer Vapor Recovery Requirements." (H. P. 1836) (L. D. 1833)

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 Clarify the Statutes Pertaining to Search and Rescue." (H. P. 1837) (L. D. 1834)

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

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

Bill, "An Act to Provide that Procedures Covered by the Maine Medical Assistance Program (Medicaid and Catastrophic Illness) Shall be Reimbursable Whether Performed by a Physician or Dentist." (H. P. 1838) (L. D. 1835)

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. (See Action Later Today)

Bill, "An Act to Amend the Child Support Laws to Conform with Federal Statutes." (H. P. 1839) (L. D. 1839)

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 Regulating the Taking of Mahogany Quahogs." (H. P. 1841) (L. D. 1836)

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

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

Bill, "An Act to Provide that Corporate Reorganization by Public Utilities be Subject to Approval by the Public Utilities Commission." (H. P. 1842) (L. D. 1837)

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

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

Bill, "An Act Relating to the Publication of a Consolidated Map of the State." (Emergency) (H. P. 1843) (L. D. 1838)

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

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

Bill, "An Act to Establish Municipal Cost Components for Services to be Rendered in Fiscal Year 1982-83." (Emergency) (H. P. 1845) (L. D. 1841)

RESOLVE, Reimbursing Certain Municipalities on Account of Taxes Lost Due to Lands being Classified under the Maine Tree Growth Tax Law. (Emergency) (H. P. 1844) (L. D. 1840)

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

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

On motion by Senator Perkins of Hancock, the Senate voted to Reconsider its action of earlier in today's session whereby Bill, "An Act to Provide that Procedures Covered by the Maine Medical Assistance Program (Medicaid and Catastrophic Illness) Shall be Reimbursable Whether Performed by a Physician or Dentist" (H. P. 1838) (L. D. 1835) was referred to the Committee on Health and Institutional Services.

On motion by Senator Perkins of Hancock, referred to the Committee on Appropriations and Financial Affairs and Ordered Printed, in non-concurrence.

Sent down for concurrence.

Study Report - Audit and Program Review

The Committee on Audit and Program Review to which was referred the study and review of the Maine Sunset Law, pursuant to Title 3, Section 505, have had the same under consideration, and ask leave to submit its findings and report that the accompanying Bill, "An Act Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Law" (H. P. 1832) (L. D. 1814) be referred to this Committee for public hearing and printed pursuant to Joint Rule 17.

Comes from the House, the Report Read and Accepted, and the Bill referred to the Committee on Audit and Program Review.

Which Report was Read and Accepted and

the Bill referred to the Committee on Audit and Program Review, in concurrence.

Study Report - Labor

The Committee on Labor to which was referred the Study Order relative to Occupational disease and hearing loss, pursuant to Joint Order H. P. 1629, have had the same under consideration, and ask leave to submit its findings and to report that the accompanying Bill, "An Act to Change the Time Limitations for Filing a Claim for Compensation of Occupational Disease" (H. P. 1848) (L. D. 1829) be referred to this Committee for Public Hearing and printed pursuant to Joint Rule 18.

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

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

Study Report - Labor

The Committee on Labor to which was referred the Study Order relative to Occupational disease and hearing loss, pursuant to Joint Order H. P. 1629, have had the same under consideration, and ask leave to submit its findings and to report that the accompanying Bill, "An Act to Regulate the Sound Level of Entertainment on Premises Licensed to Sell Liquor" (H. P. 1847) (L. D. 1828) be referred to this Committee for Public Hearing and printed pursuant to Joint Rule 18.

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

Which Report was Read and Accepted in concurrence.

On motion by Senator Shute of Waldo, Tabled for 1 Legislative Day, pending Reference.

**Communications
Department of
Educational and Cultural Services**

January 12, 1982

TO: May Ross, Secretary of the Senate
Edwin H. Pert, Clerk of the House
FROM: Harold R. Reynolds, Jr., Commissioner

RE: Report on Actions Taken Regarding the Education for Habitual Truants

I am pleased to transmit herein my report on the number of habitual truants identified during the past school year along with the actions that have been taken regarding alternative education programs and other referral actions at the local level:

	AGE	AGE
	7-13	14-16
1. Number of Truants Identified	156	989
A. Resolved administratively at the local level	105	504
B. Referred to alternative program within the school system	16	213
C. Referred to alternative program offered by another school system	1	35
D. Referred to alternative program offered by an existing agency external to the school system	2	21
E. Not resolved or referred to date		
Total of all reasons	28	216
2. Number Referred to School Board	36	299
A. Parents instructed of legal responsibility	36	126
B. Compulsory education waived		165
C. Special work permit issued		8
3. Number of Parents Referred to Court Action	9	8
A. Number of parents fined or confined		3
B. Number of parents referred to counseling	9	5
Continuing Programs which are Permanent—	33	
Continuing Programs which are not Permanent—	21	
Programs new this year which are Permanent—	11	

Programs new this year which are not Permanent—5

Additional information regarding the above statistics as well as more detailed information describing some of the alternative programs being offered may be obtained by contacting the Division of Curriculum Resources (289-2033)

These figures do not include approximately 1500 students now attending unapproved non-public schools.

Which was Read and Ordered Placed on File.

Office of Energy Resources

January 15, 1982

The Honorable Joseph Sewall
President of the Senate
Dear Senator Sewall:

As required by 5 MRSA, section 5005, I am pleased to transmit to you the 1982 Comprehensive Energy Resources Plan.

This plan provides a review of historical energy consumption and prices, a discussion of energy use and prices as they relate to the State's economy and projections of energy prices and demand to the year 2000.

Sincerely,

S/GORDON L. WEIL

Which was Read and, with accompanying report, Ordered Placed on File.

Bureau of Taxation

January 15, 1982

The Honorable Joseph Sewall
President of the Senate
Maine State Senate
State House Station #3
Augusta, Maine
Dear President Sewall:

The accompanying report of State-owned real estate is submitted in accordance with the provisions of Title 36, M.R.S.A. § 1283.

This report includes twelve properties or interest acquired through liens maturing since the last Regular Session of the Legislature. A description of each property is provided and recommendations for disposition are included.

This report shows the entire amount of outstanding tax, interest and costs that have accrued on each property. The outstanding tax is determined by calculating the total tax that is due with regard to the particular property as though it remained taxable after the State's lien matured.

Respectfully submitted,
S/R.L. HALPERIN
State Tax Assessor

Which was Read and, with accompanying report, Ordered Placed on File.

Senate Chamber President's Office

January 15, 1982

Honorable Andrew J. Redmond
Honorable Robert A. MacEachern
Chairmen
Joint Standing Committee on
Fisheries and Wildlife
State House
Augusta, Maine
Gentlemen:

Please be advised that Governor Joseph E. Brennan is nominating Marc S. Plourde of Eagle Lake for appointment to the Advisory Council of Inland Fisheries and Wildlife.

Pursuant to Title 12 MRSA Section 7033, this nomination will require review by the Joint Standing Committee on Fisheries and Wildlife and confirmation by the Senate.

Sincerely,
S/JOSEPH SEWALL
President of the Senate
S/JOHN L. MARTIN

Speaker of the House
(S. P. 783)

Which was Read and Referred to the Committee on Fisheries and Wildlife.
Sent down for concurrence.

Senate Papers

Senator DEVOE of Penobscot presented, Bill, "An Act to Establish the Uniform Take-over Act." (S. P. 778) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26.)

Senator CONLEY of Cumberland (Cosponsors: Senator O'LEARY of Oxford, Representative DIAMOND of Bangor and Representative NELSON of Portland) presented, Bill, "An Act to Require Mandatory Reporting of Elderly Abuse." (S. P. 779) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26.)

Senator DEVOE of Penobscot presented, Bill, "An Act to Allow the Transfer of Venue of Civil Action Without the Agreement of the Parties." (S. P. 780) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26.)

Which were referred to the Committee on Judiciary and Ordered Printed.
Sent down for concurrence.

Senator CARPENTER of Aroostook (Cosponsors: Senator DEVOE of Penobscot, Representative MARTIN of Eagle Lake and Representative MASTERMAN of Milo) presented, Bill, "An Act to Amend the Maine Guarantee Authority Act." (S. P. 781) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26.)

Which was referred to the Committee on State Government and Ordered Printed.
Sent down for concurrence.

Order

An Expression of Legislative Sentiment recognizing:

That January 18th marks the eighth anniversary of the passage of the Equal Rights Amendment by the State of Maine. (S. P. 782) presented by Senator NAJARIAN OF Cumberland (Cosponsors: Senator CLARK of Cumberland, Representative BERUBE of Lewiston and Representative NELSON of Portland).

Which was Read.

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

Senator NAJARIAN: Mr. President and Members of the Senate, today we remember the eighth anniversary of the day when the Maine Legislature ratified the Equal Rights Amendment. While ERA has not yet been added to the U.S. Constitution, this is a good occasion for us to remember the wisdom of the Legislature's action in 1974 and to reiterate the need for an amendment to the U.S. Constitution.

The Equal Rights Amendment is still necessary because thousands of state laws and many federal laws still discriminate against women solely on the basis of sex. Women are hurt by these laws in employment opportunities, in wage discrimination; in the manner in which the laws treat property and support in marriage and divorce; in social security, pensions, disability insurance; and in educational opportunities.

In economic terms we find the most graphic measure of this inequality. Women still earn - on the average - only 59¢ for the \$1.00 that men earn. This gap affects all of us. It means a working couple really takes home 1 1/2 salaries when both work full time. It means that women on welfare find it extremely difficult to get off welfare because the laws work against them. And it means that as women reach the age of 65, they can look forward to joining the multitudes of elderly women who live below the poverty line.

The work incentive program, for example, is

required by statute to give priority to the placement of unemployed fathers, even though 3/4's of those eligible for the program are women. When women are placed by win, their average entry wage is only \$2.97 an hour while the average entry wage earned by men placed by the program is \$4.00 an hour.

But ERA is not just an economic issue. It is an issue of simple justice - of ridding our laws of outdated and unfair legal assumptions and practices. Only a constitutional amendment to the federal constitution can shatter this presumption. We earnestly hope that the Legislators in the remaining unratified states come to see this issue more clearly, and join us in support of the ERA.

In the meantime, though, I am proud to be a member of a legislature that eight years ago took its stand for equal rights. I am glad that in Maine we recognize that the women and men of America deserve no less than a secure, constitutional guarantee of equal rights and equal dignity under the law.

Which was Passed.

Sent down for concurrence.

(Off Record Remarks)

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

Paper from the House Joint Resolution

A Joint Resolution in Memoriam:

WHEREAS, the Legislature has learned with deep regret of the death of Marie-Anne Gilbert, of Waterville, mother of Fr. Valmont Gilbert. (H. P. 1851)

Comes from the House, Read and Adopted.
Which was Read and Adopted, in concurrence.

On motion by Senator Pierce of Kennebec, Adjourned until 10 o'clock tomorrow morning.