

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 20, 1982

Senate called to order by the President.

Prayer by the Reverend Richard E. Wrentzel of the East Auburn Baptist Church of Auburn.

REVEREND WRENTZEL: Let us pray. Lord, I thank You for this privilege that we have of beginning this session today by recognizing You and Your authority. We thank You for the privilege of prayer, and that we live in a land where we still have this privilege of beginning sessions such as this by recognizing Thee.

Lord Jesus, we pray this morning for each senator. We thank You for them. We believe, Lord, that they are here by Your appointment, because You tell us in Your word that You have established government. And so, God, we pray that You would grant them wisdom, and strength, and courage in the deliberations for this session this day.

We pray that each one of us may realize that someday we will give an account to You of the things that we do. And so, God, we pray that You would bless them, and use them, giving them the strength to carry out the responsibility of their place of honor. And we'll be careful to give You their praise, for it is in the name of our blessed Lord and Saviour, Jesus Christ, that we pray. Amen.

Reading of the Journal of Yesterday.

Papers from the House
Joint Orders

ORDERED, the Senate concurring, that the Joint Standing Committee on Local and County Government report out legislation to the House to revise the salaries of county officers and lay the county taxes for the year 1982. (H. P. 1846)

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

Expressions of Legislative Sentiment recognizing:

Cynthia Wescott, of Norway, who has been awarded the Oxford Hills Chamber of Commerce Community Service Award. (H. P. 1852)

Peggy Wolfe, of Buckfield, who has been awarded the Oxford Hills Chamber of Commerce Community Service Award. (H. P. 1853)

Patrick May, of Oxford Hills High School, who has attained the high rank and distinction of Eagle Scout. (H. P. 1854)

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

Senator McBairty of Aroostook was granted unanimous consent to address the Senate, on the Record.

Senator McBREAIRTY: Mr. President and Honorable Members of the Senate, it is very obvious that partisan politics to date have played a key role in this session. It is, also, very obvious that if partisan politics continue at the present level, we all will be losers, including the taxpayers of Maine.

I have never felt that partisan politics at our constituents' expense was very profitable financially or politically. Maybe my feelings come from the fact that I have a bipartisan family. Two of my four children are Republicans, while the other two are Democrats. I can't remember ever trying to influence my children in any way as to what political party they should be affiliated with.

Last year I co-sponsored a bill that I believed in very much, a bill to allow State employees to participate in political fund-raising. My party made the bill a partisan issue, and against my conscience and better judgment, I voted against my own bill. State employees were not the losers, it was I. I lost something that should

be very valuable to all of us. I lost a little bit of my own self-respect.

Last week we had a terrible airplane accident in Washington, D.C. Television coverage of the accident and rescue operation showed many heroic deeds. Without any leadership, rules, or code of ethics, we saw people not only risk their lives, but one middle-aged man gave his life so that five others might continue to live. We may never know the name of the hero or whose constituent he might have been. He could have been yours or mine.

I'm sure that if that plane had crashed in any one of our districts, we all have constituents who are just as committed to helping others as the brave people in Washington, D.C. We should consider it quite an honor to be entrusted with the job of representing such people.

How close are we to being worthy of the trust and responsibility bestowed on us by those good, dedicated people? How close are we following the Joint Rules we have adopted so that we might conduct the people's business in a manner that is fair to all concerned? How close are we living up to the Legislative Code of Ethics adopted by the 100th Legislature? I am going to present to you a few facts, and you be the judge.

Rule 24 sets the first Wednesday in November as cloture date for department, agency, and commission bills. Any department bill submitted after the first Wednesday requires two-thirds vote of the Council for approval. This year not one department bill was submitted before the cloture date. Most department bills were approved by two-thirds or more of the Council, without any screening whatsoever.

If Rule 24 was enforced, it could save the taxpayers thousands of dollars, and at the same time, give us the time necessary to do the job we should on the people's bills. Our Code of Ethics states that any public officeholder is charged with responsible conduct, commensurate with the trust placed in him by the electorate. Is this being done as far as Rule 24 is concerned?

Rule 24A plainly states that a bill or resolve may be filed on behalf of the Governor or Chief Justice under the title of "President of the Senate" or "Speaker of the House." This rule is not being enforced. Not enforcing Rule 24A raises a grave question as to whether our Governor is violating our Code of Ethics by using his position of trust to secure unwarranted privileges for himself or others.

Rule 26 gives leadership the authority to screen legislators' bills, which are the people's bills, the ordinary citizen's bills, which our Code of Ethics encourages us to be mindful of, or otherwise they may go unrepresented.

I have placed on your desks a small sample of how the Legislative Council in their recent screening process treated some of our people's bills, people's bills submitted by the Aroostook County delegation. You all have a copy. The Republican legislators from Aroostook submitted nine bills. We got one through. That one was covered at least four times before it was ever reached by other bills, so by the time they got to it, it wasn't needed anyway.

The average percentage of Democrat votes for Republican bills was 11.1%. The average percentage of Republican votes for Republican bills was 49.9%. You turn the page and look at the Democrat bills submitted. They submitted 21 and 18 were approved. If you look at the averages, the Democrats voted 93.3% for Democrat bills. That compares with 11.1% for Republican. The average vote for Republicans on Democrat bills was 55%, or 6 percentage points more than for our Republican bills. Just look this over and think about it.

Now you might say that Republicans submit poor bills is why this happened. Now, I'm going to compare two of the bills, one Republican, one Democrat. One of the Republican bills I submitted three times, the last time the Attor-

ney General took it to Research, said this has got to be done and submitted it. I went up to sit at the Council hearing and heard them turn it down, again.

Since that time, the committee is coming out with a bill to take its place. So it seemed to me that if the Attorney General, and the committee, and everybody else said that has to be done in order to carry out a law we passed last year, that bill could be considered an emergency. It wasn't. It failed.

I'll take one other bill, and I'll just take one of Speaker Martin's bills. One of Speaker Martin's bills would allow St. John to withdraw from the Maine Forestry District. We checked back to 1909 and St. John has never been in the Maine Forestry District. So you decide whether that is an emergency bill.

Rule 32A deals with removal of signed bills or resolves and plainly states that the presenter or co-sponsor of a bill or resolve shall sign the complete and final form of the bill or resolve in the Office of Legislative Research. The presenter or co-sponsor shall not remove the signed bill or resolve from the Office of Legislative Research. The Director of Legislative Research shall transmit the signed bill or resolve to the Clerk of the House or Secretary of the Senate.

I'm sure we have all seen plenty of evidence around the hall of this Senate and House that this rule has not been enforced.

Our Code of Ethics states that in a free government, the official is entrusted with the security, safety, health, prosperity and general well-being of those whom he serves. With such a trust of high moral and ethical standards producing the public's confidence, the reduction, to a minimum, of any conflict between private interests official duties should be observed. I'll let you be the judge as to whether giving departments, agencies, and commissions preference over our constituents, killing good bills, people's bills, because the sponsor has an "R" or a "D" after their name, and breaking our own rules for political advantage is in compliance with the high moral and ethical standards expected of us in order to insure the confidence of the wonderful, brave, hardworking people we represent.

I am going to suggest to leadership that they carry out one of two options. Screen both department bills and people's bills on their merit rather than on partisan politics, so our constituents won't be unnecessarily deprived of their legislative rights, and enforce the Joint Rules on everyone, including the Governor. Option two, if we don't want to go by the Joint Rules we have, change them or eliminate them. Thank you.

Senator Carpenter of Aroostook was granted unanimous consent to address the Senate, Off the Record.

Senator Conley of Cumberland was granted unanimous consent to address the Senate, Off the Record.

Senate Papers

Senator NAJARIAN of Cumberland (Cosponsors: Senator HUBER of Cumberland, Representative BRENERMAN of Portland and Representative DAVIS of Monmouth) presented, Bill, "An Act Making Additional Appropriations to the Work Incentive Program from the General Fund for the Current Fiscal Year Ending June 30, 1982." (GOVERNOR'S BILL) (Emergency) (S. P. 784)

Reference to the Committee on Appropriations and Financial Affairs suggested.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator McBairty. Senator McBREAIRTY: Mr. President, I question as to whether this Bill is properly before us under Rule 24A.

On motion by Senator Collins of Knox, Tabled for 1 Legislative Day, pending Reference.

Senator SEWALL of Lincoln presented, Bill, "An Act to Amend the Maine Consumer Credit Code Regarding Educational Loans and Cosigner Notices." (Emergency) (S. P. 787)

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

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

Sent down for concurrence.

Senator TROTZKY of Penobscot (Cosponsors: Representative TARBELL of Bangor, Representative DIAMOND of Bangor and Representative KELLEHER of Bangor) presented, Bill, "An Act Authorizing Husson College to Confer a Degree of Bachelor of Science in Nursing." (S. P. 786)

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

Which was referred to the Committee on Education and Ordered Printed.

Sent down for concurrence.

Senator BUSTIN of Kennebec (Cosponsors: Senator COLLINS of Knox and Representative MURPHY of Kennebunk) presented, Bill, "An Act Concerning Municipal Employees under the Employment Practices Act." (S. P. 789)

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

Which was referred to the Committee on Labor and Ordered Printed.

Sent down for concurrence.

Senator TROTZKY of Penobscot presented, Bill, "An Act to Raise the Annual Public Utilities Commission Regulatory Fund Assessments to \$1,300,000. (Emergency) (S. P. 785)

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

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

Sent down for concurrence.

Orders

Expressions of Legislative Sentiment recognizing:

Stephens Memorial Hospital which, on February 4, 1982, will celebrate its 25th anniversary serving the health needs of the greater Oxford Hills area. (S. P. 788) presented by Senator SUTTON of Oxford (Cosponsors: Representative BELL of Paris, Representative JACKSON of Harrison and Representative TWITCHELL of Norway.)

Master Conor Robert Beliveau, who came into this world on January 13, 1982, weighing 10 lbs. 11 oz. and is the third son of his proud parents Cynthia and Severin Beliveau of Augusta. (S. P. 790) presented by Senator CONLEY of Cumberland (Cosponsors: Senator SEWALL of Penobscot, Senator CLARK of Cumberland and Representative KELLEHER of Bangor.)

Which was Read and Passed.

Sent down for concurrence.

Orders of the Day

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

Bill, "An Act to Regulate the Sound Level of Entertainment on Premises Licensed to Sell Liquor." (H. P. 1847) (L. D. 1828)

Tabled—January 19, 1982 by Senator Shute of Waldo.

Pending—Reference

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

Senator PRAY: Mr. President, I'd like to make an inquiry to the Chair as to whether or not this Bill is properly before this Body.

(Senate at Ease)

The Senate called to order by the President.

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

(Off Record Remarks)

Senator Conley of Cumberland was granted unanimous consent to address the Senate, Off the Record.

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

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