

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 21, 1982

Senate called to order by the President.

Prayer by the Reverend Richard Woodside of Old North Fayette Community Church of Fayette.

REVEREND WOODSIDE: Our heavenly Father, indeed we are grateful to You that we can come, having this privilege to come before the Great Creator of the universe. We praise You and thank You for Your loving kindness, and for answering many of our requests in a positive way in the past.

We ask this morning, Lord, that You will so work in the lives of each of us, that the actions which we do in this life may be to the honor and the glory of Jesus Christ.

Father, we ask that as these senators labor here in this work, that they will accomplish legislation which will meet the need of the people of the State, and Lord, that it will make it more favorable for these our people to serve You according to the Word of God.

Lord, we pray that You will grip each of our hearts to represent our people, giving their true representation here in this place, for Your honor and Your glory.

Lord, indeed we pray that we as human beings will turn away from any evil influence which would be in our lives, because we know that undoubtedly it is in the midst of all men.

Lord, we ask for Your grace and Your mercy to be upon each one of these as they serve You this day, for the sake of our Lord Jesus Christ, in His name we pray. 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, January 26, 1982, at ten o'clock in the morning; and, the Senate adjourns to Tuesday, January 26, 1982, at eleven o'clock in the morning. (S. P. 795)

Which was Read and Passed.

Sent down forthwith for concurrence.

Papers from the House
Joint Orders

WHEREAS, the Legislature recently enacted L.D. 1655, AN ACT Promoting Alcoholism Prevention, Education, Treatment and Research; and

WHEREAS, this Act eliminated the language in previous statutes which said that there should be one office to operate state alcohol abuse services; and

WHEREAS, the Act also established an Alcoholism Prevention, Education, Treatment and Research Fund which in large part derives its funds from the premium on spirits and fortified wines; and

WHEREAS, the Legislature is given the power to make allocations from the fund to any public or private agency or person; and

WHEREAS, the Commissioner of Corrections, the Commissioner of Educational and Cultural Services, the Commissioner of Human Services and the Commissioner of Mental Health and Mental Retardation are directed to prepare and submit a report to the Legislature on alcoholism prevention, education, treatment and research, including their specific recommendations regarding allocations from the fund; and

WHEREAS, the Legislature must afford appropriate opportunity to members of the public to express their concerns or proposals for allocations from the fund; now, therefore, be it,

ORDERED, the Senate concurring, that a

Joint Select Committee on Alcoholism Services be established consisting of 2 members of the joint standing committee having jurisdiction over appropriations and financial affairs, 2 members of the joint standing committee having jurisdiction over education, 2 members of the joint standing committee having jurisdiction over health and institutional services, 2 members of the joint standing committee having jurisdiction over taxation and 5 members at large, who shall be appointed by the Speaker of the House and the President of the Senate, with no more than 4 members being appointed from the Senate; and be it further

ORDERED, that the Joint Select Committee on Alcoholism Services review the plan submitted by the Commissioner of Corrections, the Commissioner of Educational and Cultural Services, the Commissioner of Human Services and the Commissioner of Mental Health and Mental Retardation and report on any accompanying legislation; and be it further

ORDERED, that the committee afford an appropriate opportunity to members of the public to comment on the plan and make recommendations regarding allocations from the fund. (H. P. 1857)

Comes from the House, Read and Passed.

Which was Read.

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

Senator DEVOE: Thank you, Mr. President. Mr. President, before we vote on this, I would like to just ask someone to explain exactly what this Joint Select Committee will do. I recall two or three weeks ago reading in the newspapers what appeared to be somewhat of a furor over a proposal that the funds that were going to be generated by the so-called "premium tax on alcohol" were, also, going to be used, in addition to educating people about alcohol, and that the use was going to be expanded to reach people who had a drug problem. It's not my recollection, in the debate we had last spring on this matter, that we ever talked about substance abuse other than alcoholism.

Would somebody simply clarify, for me, whether this Joint Select Committee is going to have anything to do about using these funds to educate people about a drug problem, separate from the alcohol problem? Because if it does, I intend to vote against this Bill, and I think many members of the Senate will join me. Because the wording of the law, specifically, dealt with alcoholism and not with other substances that were causing people health problems.

Would somebody, or several people, try to clarify this matter, for me, before we have a vote on it? Thank you very much, Mr. President.

The PRESIDENT: The Senator from Penobscot, Senator Devoe, has posed a question through the Chair.

The Chair recognizes the Senator from Kennebec, Senator Bustin.

Senator BUSTIN: Mr. President and Members of the Senate, I'd be happy to try to answer that question. All of the funds that are going to be used for alcohol and drug abuse under that particular program, and not under this Bill, do not come from the alcohol premium bill, other monies come for that. Those other monies would be used for the drug abuse treatment, prevention and education. The alcoholism monies would be used for the alcoholism.

We're setting up the Select Committee so that we can review all of those programs, because it is a one time kind of thing that we've set up. The people that were very involved in that bill would like to see that those programs are adequately funded and that they do follow the letter of that particular law.

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

Senator DEVOE: Thank you, Mr. President. I thank the good Senator for her explanation.

She did say one thing, which, to some extent, raises a little warning flag in my mind, and that is, this Joint Select Committee is going to see or attempt to see that, all of the study efforts are adequately funded. I would just point out to the Members of this Body that with all the debate we had last year on this Alcohol Premium Tax, I think it would be absolutely in contravention of the letter, as well as the spirit of that law, (if I may pun a phrase), for us to do anything that will allow money to be diverted from the alcoholism aspect of that bill into other substance abuses, such as drugs.

Perhaps the good Senator could expand slightly on her answer and tell us what other funds there are available for studying drug abuse problems? Because it is not my intention, nor my desire, nor my hope that money be diverted from this alcoholism program through a circuitous route under the guise of a Joint Select Committee, or report, or recommendation it might make into studying the drug program.

If there is a separate tax or a separate fund of money by which the drug problem is going to be studied, then fine. If the good Senator will simply elaborate on that and tell us that there is no chance for co-mingling, the Alcohol Premium Tax money will be used for funding drug studies, I will be much more satisfied. Thank you very much, Mr. President.

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

Senator BUSTIN: Mr. President and Members of the Senate: I can not offer such a promise that there is not going to be any co-mingling. There are federal funds there, there are General Fund monies there, that are used to fund all of those programs. There is no way I can stand up here and make a promise that that's going to happen. The only thing that I can assure you of is we will make every effort to make some kind of projection that those monies that come from the alcoholism premium bill, will be used to treat alcoholism. The only way that I can assure you of that is after the first year, when we take a rundown of what has happened on those programs, how many people have been treated for alcoholism, and how many have been treated for drug abuse, and then break it down and breakdown the monies.

I guess there's somewhat of a trust level here, and I hope that I can get the vote of the Senate on this Resolution so that we have a chance to test this out. Thank you.

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

Senator GILL: Mr. President and Members of the Senate: I might call your attention to the name of the Committee. It is the Select Committee on Alcoholism Services. It doesn't say drug abuse, or substance abuse. It's strictly alcoholism. There are monies that come into the State from ODAP, the Office of Drug and Alcohol Abuse, that would be used in the drug area.

I think the idea of setting up this Committee to look at where the monies will be spent under the premium bill is strictly for alcoholism. That's where the money was allocated to go. This is why this Committee has been proposed to be setup to look into what areas, within the alcoholism problem areas, the monies would be spent.

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

Senator CONLEY: Mr. President, I agree with the good Senator from Cumberland, Senator Gill. I believe that's the intent of the Resolution. It was the intent of the legislation that was passed in the last session.

Just to clarify the record, I think everyone should be fully aware that alcoholism is the number one drug problem we have in the country today, and perhaps in the world today.

Aside from that, my concern is once this special select commission is established, that it does not contain any membership of those who

are presently employed by these various drug centers or alcoholism centers. One thing we don't want to see is a board of incest, whereas, they're concerned that they make sure they get their dollar, and then the other guy has to go out and fend for himself. That's one of my biggest concerns today with all of these halfway houses detox centers around the State that have to vie, through the public to get funds. All of a sudden they find themselves manipulating to get on boards, such as this one that's being proposed today, just to make sure they take care of their own little back pocketbook, and the heck with the other person.

It would be my hope if this Joint Resolution is Adopted, that when whoever sits down and formulates this group, they make sure it's free of any type of incest such as that.

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

Senator COLLINS: Mr. President, I share the concerns of the Senator from Cumberland, Senator Conley, the Senator from Cumberland, Senator Gill, and the Senator from Penobscot, Senator Devoe. That's the reason I'm the co-sponsor of this Resolution. I attended a public hearing that related to this area in the fall. There was a good deal of discussion of non-alcoholic drugs involved in it.

I would point out that this is a Legislative Committee. It is selected because it isn't in any one standing committee. It is not the kind of committee that draws in from the general populace and bureaucracy.

I think it is a Committee that will try to, in effect, establish a charter for the premium tax. Which was Passed, in concurrence.

Expressions of Legislative Sentiment recognizing:

Martin Morse, of Wells, a certified Maine Tree Farmer since 1976, named Outstanding Forester of 1982 for his fine record as a woodland manager. (H. P. 1855)

Mrs. Maude Adams, of North Newport, who will be celebrating the 80th anniversary of the birth on January 24, 1982. (H. P. 1856)

Otis Smith, of Hodgdon, on being selected Outstanding Conservation Farmer for 1981. (H. P. 1858)

Brian Ireland, of Veazie, who has achieved the high rank and distinction of Eagle Scout. (H. P. 1859)

Mrs. Grace "Faulkie" Gilmore, of Hampden, a very special athlete, scholar and educator, who is fondly admired and respected by a countless number of lives that she has so graciously enriched. (H. P. 1860)

Come from the House, Read and Passed.

Which were Read and Passed, in concurrence.

Communications Committee on State Government

January 20, 1982

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

In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 38 of the 110th Maine Legislature, the Joint Standing Committee on State Government has had under consideration the nomination of Harold L. Gosselin to the position of member of the State Personnel Board.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate of the 110th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee Clerk called the roll with the following result:

YEAS:
Senators: 3
Representatives: 9
NAYS:

Senators: 0
Representatives: 1 Rep. Patrick E. Paradis, Augusta
ABSENT: 0

12 members of the Committee having voted in the affirmative and 1 in the negative, it was the vote of the Committee that the nomination of Harold L. Gosselin to the position of member of the State Personnel Board be confirmed.

Sincerely,
S/DAVID R. AULT
Senate Chairman
S/JUDY C. KANY
House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: the Joint Standing Committee on State Government has recommended that the nomination of Harold L. Gosselin be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on State Government be overridden? In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 38 of the 110th Legislature, the vote will be taken by the yeas and nays. A vote of YES will be in favor of overriding the recommendation of the Committee. A vote of NO will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber. The Secretary will call the Roll.

ROLL CALL

YEA—None.

NAY—Ault, Brown, Bustin, Carpenter, Charrette, Collins, Conley, Devoe, Emerson, Gill, Hichens, Huber, Kerry, McBreairty, Minkowsky, Najarian, O'Leary, Perkins, Pierce, Pray, Redmond, Sewall, C.; Shute, Teague, Trafton, Trotzky, Usher, Violette, Wood, The President-J. Sewall.

ABSENT—Clark, Dutremble, Sutton.

No Senators having voted in the affirmative and 30 Senators in the negative, and 3 Senators being absent, and none being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be accepted. The nomination of Harold L. Gosselin is confirmed.

Committee on State Government

January 20, 1982

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

In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 38 of the 110th Maine Legislature, the Joint Standing Committee on State Government has had under consideration the nomination of Tobie Nathanson to the position of member of the State Personnel Board.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate of the 110th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee Clerk called the roll with the following result:

YEAS:
Senators: 3
Representatives: 10
NAYS:
Senators: 0
Representatives: 0
ABSENT: 0

13 members of the Committee having voted in the affirmative and 0 in the negative, it was the vote of the Committee that the nomination of Tobie Nathanson to the position of member of the State Personnel Board be confirmed.

Sincerely,
S/DAVID R. AULT
Senate Chairman
S/JUDY C. KANY

House Chairman
Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on State Government has recommended that the nomination of Tobie Nathanson be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on State Government be overridden? In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 38 of the 110th Legislature, the vote will be taken by the yeas and nays. A vote of YES will be in favor of overriding the recommendation of the Committee. A vote of NO will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber. The Secretary will call the Roll.

ROLL CALL

YEA—None.

NAY—Ault, Brown, Bustin, Carpenter, Charrette, Collins, Conley, Devoe, Emerson, Gill, Hichens, Huber, Kerry, McBreairty, Minkowsky, Najarian, O'Leary, Perkins, Pierce, Pray, Redmond, Sewall, C.; Shute, Teague, Trafton, Trotzky, Usher, Violette, Wood, The President-J. Sewall.

ABSENT—Clark, Dutremble, Sutton.

No Senators having voted in the affirmative and 30 Senators in the negative, and 3 Senators being absent, and none being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be accepted. The nomination of Tobie Nathanson is confirmed.

Committee on State Government

January 20, 1982

The Honorable Joseph Sewall
President of the Senate of Maine
State House
Dear President Sewall:

In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 38 of the 110th Maine Legislature, the Joint Standing Committee on State Government has had under consideration the nomination of Annalee Z. Rosenblatt to the position of member of the State Personnel Board.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate of the 110th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee Clerk called the roll with the following result:

YEAS:
Senators: 3
Representatives: 10
NAYS:
Senators: 0
Representatives: 0
ABSENT: 0

13 members of the Committee having voted in the affirmative and 0 in the negative, it was the vote of the Committee that the nomination of Annalee Z. Rosenblatt to the position of member of the State Personnel Board be confirmed.

Sincerely,
S/DAVID R. AULT
Senate Chairman
S/JUDY C. KANY
House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on State Government has recommended that the nomination of Annalee Z. Rosenblatt be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on State Government be overridden? In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 38 of the 110th Legislature, the vote will be taken by the yeas and nays. A

vote of YES will be in favor of overriding the recommendation of the Committee. A vote of NO will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—None.

NAY—Ault, Brown, Bustin, Carpenter, Charette, Collins, Devoe, Emerson, Gill, Hichens, Huber, Kerry, McBreairey, Minkowsky, Najarian, O'Leary, Perkins, Pierce, Pray, Redmond, Sewall, C.; Shute, Teague, Trafton, Trotzky, Usher, Violette, Wood, The President-J. Sewall.

ABSENT—Clark, Conley, Dutremble, Sutton.

No Senators having voted in the affirmative and 29 Senators in the negative, and 4 Senators being absent, and none being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be accepted. The nomination of Annalee Z. Rosenblatt is confirmed.

**Senate Chamber
President's Office
Augusta, Maine 04333**

January 20, 1982

The Honorable May M. Ross
Secretary of the Senate
State House
Augusta, Maine
Dear Mrs. Ross:

Pursuant to my authority under Title 1, M.R.S.A. Chapter 25, Sub-section 1002, I am today reappointing Joseph B. Campbell, Esquire, of Augusta, Maine, to the Commission on Governmental Ethics and Election Practices.

Sincerely,
S/J. SEWALL

Which was Read and Ordered Placed on File.

The PRESIDENT: Is it now the pleasure of the Senate to confirm this nomination? According to Title 1, Section 1002 of the Maine Revised Statutes, the confirmation requires the affirmative vote of two-thirds of those Senators present.

Is the Senate ready for the question?

Will all those Senators in favor of the nomination of Joseph B. Campbell, please rise in their places to be counted.

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

27 Senators having voted in the affirmative, and No Senators having voted in the negative, and 27 being more than two-thirds of the Senators present it is the vote of the Senate that the nomination of Joseph B. Campbell is confirmed.

Senate Papers

Senator DEVOE of Penobscot (Cosponsor: Representative ALOUPIS of Bangor) presented, Bill, "An Act Clarifying the Laws Governing Bail in Murder Cases." (S. P. 791)

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

The same Senator presented, Bill, "An Act Relating to the Selection and Services of Traverse and Grand Jurors." (S. P. 793)

(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 DEVOE of Penobscot presented, Bill, "An Act to Amend the Charter of the East Eddington Public Hall Company." (S. P. 792)

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

Which was referred to the Committee on Legal Affairs and Ordered Printed.

Sent down for concurrence.

Orders

Expressions of Legislative Sentiment recognizing:

Roger Michaud, selected by the Maine Jaycees as one of the State's Outstanding Young Men for 1982. (S. P. 794) presented by Senator TRAFTON of Androscoggin (Cosponsors: Senator MINKOWSKY of Androscoggin and Senator CHARETTE of Androscoggin).

Dr. Philip Gray, who has been named Blue Hill "Man of the Year" for 1981. (S. P. 796) presented by Senator PERKINS of Hancock (Cosponsor: Representative BORDEAUX of Mount Desert).

Which were Read and Passed.

Sent down for concurrence.

Orders of the Day

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

Bill, "An Act Making Additional Appropriations to the Work Incentive Program from the General Fund for the Current Fiscal Year Ending June 30, 1982." (S. P. 784)

Tabled—January 20, 1982 by Senator Collins of Knox.

Pending—Reference.

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

The President laid before the Senate the second 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 20, 1982 by Senator Pray of Penobscot.

Pending—Reference.

The PRESIDENT: The Chair will rule that Bill has been properly acted upon by the Committee in question and is properly before the Senate.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President, I take it the pending question, at this time, is Reference to Committee?

The PRESIDENT: The Chair would answer in the affirmative.

Senator PRAY: Mr. President and Members of the Senate, I want to stand here today and join my Republican colleagues and fight to stop government from over-regulating businesses in the State of Maine.

Those of you who see the title of this Bill, it's "An Act to Regulate the Sound Level of Entertainment on Premises Licensed to Sell Liquor." While I share the concern of many individuals in relationship to occupational hearing loss, I'm also concerned about government stepping in where it doesn't belong.

If we are concerned about the sound levels of entertainment, then we should be concerned about it at all places, not just those that are licensed to sell liquor. I understand the argument there is the fact that we have a chance to regulate them because they have to receive a license from the State. For that reason, we can hold that as a threat over those people who sell liquor to keep the noise of the band down.

Well, I think it's kind of a little bit of a local control issue, and a personal choice by individuals as to whether or not they want to go into some place where the music is playing so loud that they can't hear it to start with.

I would hope to stop this process at this time, that we would Indefinitely Postpone this Bill. I'll make that into a motion. I would hope that you would all join me.

The PRESIDENT: The Senator from Penobscot, Senator Pray has moved that LD 1828 be Indefinitely Postponed.

The Chair recognizes the Senator from Lincoln, Senator Sewall.

Senator SEWALL: Thank you, Mr. President and Members of the Senate. This Bill came from a Study from the Committee on Labor, a sub-committee of four members, of which I

was not a member, but I did attend all the meetings.

The problem isn't so much in the people who choose to go to these places. The problem is with the employees who are stuck there for hours and hours. If the good Senator from Penobscot would like to come to the hearing and hear the information which we got from Dr. Bernard Gee, from Yale University, and argue the merits of the Bill, I think maybe that would be the place to do it, rather than now before the public hearing.

It came from a Study and that's why it's before us today.

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

Senator HICHENS: Mr. President, I would opposed the motion to Indefinitely Postpone this Bill. I have had experience in the Town of York, where in the summertime, these bands have not only entertained the people within, who might be immune to all the noise, but they have had the windows open and the residents around the area, and one of the motels claimed before the York selectmen that they'd have to close because they had people coming there that wanted to rest after the day's adventures on the beach and so forth. They couldn't rest with the band music going on till one o'clock in the morning.

I don't think this is an issue that should be postponed today. I think it should come up before a public hearing, and then have an opportunity to take care of it in the regular procedure.

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

Senator PRAY: Mr. President and Members of the Senate, I apologize on the last day of the session to debate this, and delay our departure from the fine City of Augusta.

I, a few years ago, served on the Labor Committee, served on it for six years. I was a sponsor of the occupational hearing loss legislation at that time period, and am well aware, representing the communities of Millinocket and East Millinocket, of what occupational hearing loss is like. Representing those mill towns and, at one time in my life, having worked in those paper mills, I know what the situation is like.

Also, the charge of the Study Committee was to deal with occupational hearing loss.

While it is true that individuals work in these places that are licensed to sell liquor that have entertainment, the music plays rather loud on occasions, the OSHA laws would require if they are over certain decibels, at this time, that they would have to provide ear protection for their employees.

The Bill itself comes into the fact, I would take it, the Bureau of Liquor Inspectors, the Bureau of Alcohol, would do this inspection, which would require the State to have some type of equipment that would be able to go into these places and measure the decibels of sound. This is in addition to enforcing the present liquor laws, because we're putting it into the liquor sections of the Maine Statutes.

If we want to talk about occupational hearing, and you want to do something about the noise levels, then I think it could be done under the labor laws where it belongs, in dealing with noise levels. I think there are presently laws on the books which would deal with the situation which the Senator from York, Senator Hichens, mentioned of an establishment which allows the noise level to interfere with individuals that reside in the neighboring areas.

It's a local control issue. The local enforcement officials of his community should be enforcing the laws of either public nuisance, or public disturbances.

I just think, that at this moment, as I have stood and originally said I wanted to join my Republican colleagues and stop the over-regulation of businesses. So far the speakers, both basically have been Republican who want to regulate all these individuals. It's quite a change,

in fact, to the philosophy or the rhetoric which we heard so often during the campaigns.

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

Senator SEWALL: Thank you, Mr. President. I'd like to thank the Senator from Penobscot for joining with Republicans to save over-regulation. I'd like to, also, have him note that it is the Republicans, I guess, if this is partisan, it wasn't in the Committee, that would join in taking care of the well-being of employees.

The PRESIDENT: Is the Senate ready for the question?

The Chair will order a Division.

Will all those Senators in favor of the motion by the Senator from Penobscot, Senator Pray, that LD 1828 be Indefinitely Postponed, please rise in their places to be counted.

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

4 Senators having voted in the affirmative, and 23 Senators having voted in the negative, the motion to Indefinitely Postpone LD 1828 does not prevail.

Which was referred to the Committee on Legal Affairs and Ordered Printed, 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 Increase Eligibility Levels for the Elderly Householders Tax and Rent Refund Act." (Emergency) (H. P. 1877) (L. D. 1862)

Reference to the Committee on Taxation suggested.

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

The PRESIDENT: Is it the pleasure of the Senate that Under Suspension of the Rules, LD 1862 be given its First Reading at this time without Reference to Committee?

It is a vote.

Under Suspension of the Rules, the Bill Read Once.

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

Senator PIERCE: Mr. President and Members of the Senate, I assume this probably deals with some technicalities, but I wonder if we might have an explanation of exactly what this does, since it is zipping through here rather rapidly?

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

Senator TEAGUE: Mr. President, what this Bill does is, back in our Special Session, when we had the Reagan tax proposal, and had the 1981 extension on that, we had the increase for the eligibility levels for the elderly rent and householders tax along with it.

We brought this Bill back, say, from the last session. The Bill did not have an emergency preamble with it. What we are doing with the Bill right now is adding the emergency preamble, to the Bill, so these people that are eligible will be able to be paid immediately instead of waiting for 90 or 120 days.

Under Suspension of the Rules, the Bill Read a Second Time and Passed to be Engrossed, without Reference to Committee, in concurrence.

Sent forthwith.

Bill, "An Act Appropriating Funds to the Department of Labor to Operate Offices of the Maine Job Service for Federal Fiscal Year 1982. (Emergency) (H. P. 1866) (L. D. 1860)

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

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

Bill, "An Act to Provide for Improved Energy Policy Development Including the Preparation of an Annual Electricity Demand Forecast." (H. P. 1861) (L. D. 1855)

Reference to the Committee on Energy and Natural Resources suggested.

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 Bail Procedures." (H. P. 1862) (L. D. 1856)

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 Amend the Workers' Compensation Act to Permit Rate Deductibles." (H. P. 1863) (L. D. 1857)

Reference to the Committee on Labor suggested.

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

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

Bill, "An Act Concerning the Preservation of Archaeological Sites." (H. P. 1840) (L. D. 1854)

Reference to the Committee on Legal Affairs suggested.

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 Clarify the Boundary Between the Town of Waterford and the Township of Albany." (H. P. 1864) (L. D. 1858)

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

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

Bill, "An Act to Restrict Rate Increase Proposals by Public Utilities." (H. P. 1865) (L. D. 1859)

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.

Joint Order

An Expression of Legislative Sentiment recognizing:

Mr. & Mrs. Forest J. Brown, of Vassalboro, who celebrated the 65th anniversary of their wedding on December 6, 1981. (H. P. 1873)

Comes from the House, Read and Passed.

Which was Read and Passed, in concurrence.

(Senate at Ease)

The Senate called to order by the President.

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.

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 Increase Eligibility Levels for the Elderly Householders Tax and Rent Refund Act. (H. P. 1877) (L. D. 1862)

This being an emergency measure and having received the affirmative votes of 26 members of the Senate, with no Senator having voted 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 26, at 11 o'clock in the morning.