

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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FIFTH SPECIAL SESSION
May 13, 1982
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SECOND CONFIRMATION SESSION
July 16, 1982
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STATE OF MAINE
One Hundred and Tenth Legislature
Second Regular Session
JOURNAL OF THE SENATE

Augusta, Maine

February 2, 1982

Senate called to order by the President.

Prayer by the Reverend Truman Bray of the Penney Memorial Baptist Church of Augusta.

REVEREND BRAY: Let us pray. Our Father, Who art in heaven, hallowed be Thy name. Thy kingdom come, Thy will be done, on earth as it is in heaven. Give us this day our daily bread, and forgive us our debts, as we forgive our debtors. And lead us not into temptation, but deliver us from evil. For Thine is the kingdom and power and glory, forever.

O God, it is with the simplicity and comprehensiveness of that prayer that we come to You this morning. Help us to know we are not the masters of our own fate, but rather the recipients of Your providential love and care, that even the bread upon our tables is there because of Your great mercy to us. Help us to live and act today in response to that love.

Bless the members of this Chamber with wisdom and understanding of the issues before them. Help them to decide and to act in the ways that are pleasing to You. Grant them that sense of responsibility both to You and to the people of this State, that will bring from them the very best of leadership.

We commit them to You, and may Your mercy and justice, Your love and your guidance by their full portion this day. Through Christ, our Lord, we pray. Amen.

Reading of the Journal of yesterday.

Papers from the House
House Papers

Bill, "An Act to Remove the Interstate Business Exemption from the Unfair Trade Practices Act." (H. P. 1920) (L. D. 1902)

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 Governing the Closing of Public Elementary and Secondary School Buildings." (H. P. 1912) (L. D. 1898)

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

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

Bill, "An Act to Strengthen the Fire Control Laws." (H. P. 1913) (L. D. 1899)

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 Provide for the Use of Major Credit Cards at the Kittery Liquor Store." (H. P. 1914) (L. D. 1900)

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

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

(See Action Later Today.)

Bill, "An Act Requiring Public Utilities Commission Approval for the Purchase of Portions of Electrical Generating Facilities by Electrical Companies or Fuel Conversion in Electrical Generating Facilities." (H. P. 1915) (L. D. 1901)

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 to Make Additional Allocations from the Regulatory Fund, Public Utilities Commission for the Fiscal Year Ending June 30, 1983." (Emergency) (H. P. 1908) (L. D. 1897)

Reference to the Committee on Public Utilities suggested.

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 Relating to the Compensation of Public Utilities' Commissioners." (H. P. 1921) (L. D. 1903)

Reference to the Committee on State Government suggested.

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

On motion by Senator Ault of Kennebec, referred to the Committee on State Government and Ordered Printed, in non-concurrence.

Sent down for concurrence.

RESOLVE, Authorizing the Maine Forest Service to Convey by Bid Sale of the State's Interest in Certain Real Estate in the Maine Forestry District and to Use the Proceeds for Energy-saving Improvements to Other Existing Fire Control Buildings." (H. P. 1922) (L. D. 1904)

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.

Bill, "An Act Making Adjustments to the Allocations from the Highway Fund for the Fiscal Year Ending June 30, 1982 and June 30, 1983." (Emergency) (H. P. 1925) (L. D. 1905)

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.

Study Report-Energy and Natural Resources and Public Utilities

The Committee on Energy and Natural Resources and Public Utilities to which was referred by the Legislative Council, the study relative to voluntary certification for building energy auditors, have had the same under consideration, and ask leave to submit their findings and to report that the accompanying bill, "An Act to Establish Voluntary Certification for Building Energy Auditors", (H. P. 1916) (L. D. 1893) be referred to the Committee on Energy and Natural Resources 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 Energy and Natural Resources.

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

Study Report-Legal Affairs

The Committee on Legal Affairs to which was referred by the Legislative Council the study relative to the Equalization of Liquor Prices, have had the same under consideration, and ask leave to submit its findings and to report that the accompanying bill, "An Act to Equalize the Price of Liquor throughout the State", (H. P. 1918) (L. D. 1895) 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.

Study Report-Legal Affairs

The Committee on Legal Affairs to which was referred by the Legislative Council the study relative to the Regulation of Transactions in Precious Metals, Jewelry, and Precious and Semi-Precious Gems for Resale and Scrap have had the same under consideration, and ask leave to submit its findings and to report that the accompanying bill, "An Act to Regulate Dealers in Used Goods for Resale, Trade or Scrap", (H. P. 1917) (L. D. 1894) 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 Reports were Read and Accepted and the Bills referred to the Committee on Legal Affairs, in concurrence.

Study Report-Taxation

The Committee on Taxation to which was referred by the Legislative Council the study relative to the Maine Forestry District Tax have had the same under consideration, and ask leave to submit its findings and to report that the accompanying bill, "An Act to Revise the Procedure for Municipalities Withdrawing from the Maine Forestry District", (H. P. 1911) (L. D. 1883) 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 Taxation.

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

On motion by Senator Pierce of Kennebec, the Senate voted to Reconsider its action of earlier in today's session whereby Bill, "An Act to Provide for the Use of Major Credit Cards at the Kittery Liquor Store" (H. P. 1914) (L. D. 1900), was referred to the Committee on Legal Affairs.

On motion by Senator Pierce of Kennebec, Tabled until later in today's session, pending Reference.

Joint Orders

Expressions of Legislative Sentiment recognizing:

Timothy S. Fallon, of Thorndike, who has been selected as a delegate to the 20th Anniversary United States Senate Youth Program. (H. P. 1893)

Mark Jumper, of Lewiston High School, who has been selected to represent the Lewiston-Auburn Chapter of Junior Achievement at the Regionals in the Catskills. (H. P. 1909)

The Honorable Ralph H. Ross, of Sanford, who has resigned because of ill health after 14 years of service as Judge in the Maine District Court. (H. P. 1910)

Charles Michaud, of Millinocket, commander of the Fifth Legion District of Maine, who has been named outstanding district commander. (H. P. 1919)

Frank Hussey, of Presque Isle, who has been chosen to receive the Outstanding Citizens Award by the Presque Isle Chamber of Commerce. (H. P. 1923)

Yvonne Hall, of Houlton, who has been named Miss Maine National Teenager for 1981. (H. P. 1924)

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

Communications
Senate Chamber
President's Office

January 28, 1982

Honorable Barbara Gill
Honorable Merle Nelson
Chairmen
Joint Standing Committee on
Health & Institutional Services

State House
Augusta, Maine
Dear Chairmen:

Please be advised that Governor Joseph E. Brennan is nominating Ronald G. Tardif of Gorham for reappointment to the Health Facilities Cost Review Board.

Pursuant to Title 22 MRSA Section 353, this nomination will require review by the Joint Standing Committee on Health and Institutional Services and confirmation by the Senate.

Sincerely,
S/JOSEPH SEWALL
President of the Senate
S/JOHN L. MARTIN
Speaker of the House
(S. P. 816)

Which was Read and referred to the Committee on Health and Institutional Services.
Sent down for concurrence.

**Senate Chamber
President's Office**

January 28, 1982

Honorable David R. Ault
Honorable Judy C. Kany
Chairmen

Joint Standing Committee
on State Government

State House
Augusta, Maine

Dear Chairmen:

Please be advised that Governor Joseph E. Brennan has withdrawn his nominations of Roderick E. Farnham of Hampden and Cynthia Murray-Beliveau of Augusta for appointment as members of the State Personnel Board as these individuals were unable to be present at the public hearing on their nominations.

Pursuant to Title 5 MRSA Section 591, these nominations are currently pending before the Joint Standing Committee on State Government.

Sincerely,
S/JOSEPH SEWALL
President of the Senate
S/JOHN L. MARTIN
Speaker of the House
(S. P. 815)

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

**Maine Department of Agriculture, Food and
Rural Resources**

January 25, 1982

The Honorable Joseph Sewall
President of the Senate
Maine State Legislature
State House, Station No. 3
Augusta, Maine

Dear Mr. President:

I am submitting herewith the annual report of the Commissioner of Agriculture, Food and Rural Resources to the Legislature in accordance with the action of the Legislature in enacting P.L. 1975, Chapter 584 requiring that I report yearly on "Methods of Stimulating and Encouraging the Growth and Modernization of Agricultural Enterprises."

Sincerely,
S/STEWART N. SMITH
Commissioner

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

Senate Paper

Senator DEVOE of Penobscot presented, Bill, "An Act to Implement the Single Trial Law." (Emergency) (S. P. 814)

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

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

Sent down for concurrence.

**Committee Report
Senate**

Ought to Pass — As Amended

Senator CLARK for the Committee on Business Legislation on, Bill, "An Act to Authorize One Corporation to Permit its Name to be Used by Another Corporation." (S. P. 750) (L. D. 1753)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S. 379).

Which Report was Read and Accepted and the Bill Read Once. Committee Amendment "A" was Read and Adopted and the Bill, as amended, Tomorrow Assigned for Second Reading.

Second Readers

The Committee on Bills in the Second Reading reported the following:

Senate

Bill, "An Act Concerning Annuity Agreements with the University of Maine." (S. P. 751) (L. D. 1754)

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

Sent down for concurrence.

Orders of the Day

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

Bill, "An Act to Amend the Charter of the East Eddington Public Hall Company." (S. P. 792) (L. D. 1868)

Tabled—January 28, 1982 by Senator Collins of Knox

Pending—Consideration.

On motion by Senator Collins of Knox, the Senate voted to Recede and Concur with the House.

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

Bill, "An Act Amending the Charter of the Boothbay-Boothbay Harbor Community School District." (H. P. 1902) (L. D. 1887)

Tabled—January 28, 1982 by Senator Collins of Knox.

Pending—Reference

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

The Chair laid before the Senate, Bill, "An Act to Provide for the Use of Major Credit Cards at the Kittery Liquor Store." (H. P. 1914) (L. D. 1900), Tabled earlier in today's session by Senator Pierce of Kennebec, pending Reference.

On motion by Senator Pierce of Kennebec, Retabled for 1 Legislative Day.

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