

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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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 3, 1982

Senate called to order by the President.

Prayer by the Honorable Walter W. Hichens of Eliot.

Senator HICHENS: May we pray. Our heavenly Father, we bow before Thee this morning, thanking Thee for safe traveling mercies for those who have been able to get into this Session. We are praying for those who are still on the way in on the roads.

Will Thou protect them, and bless them. We pray for the highway crews as they try to keep up with this storm. Will Thou give them wisdom and guidance, as they proceed along with their duties.

We pray, Lord, for each one of us today in our deliberations, that Thou will give us wisdom and understanding, and help us to abide by Thy will. We ask in Thy name. Amen.

(Off Record Remarks)

Reading of the Journal of yesterday.

Paper from the House
House Paper

Study Report — Public Utilities

The Committee on Public Utilities to which was referred by the Legislative Council the study relative to Electric and Gas Energy Forecasts, have had the same under consideration, and ask leave to submit its findings and report that the accompanying Bill, "An Act to Require Electric and Gas Energy Forecasts," (H. P. 1927) (L. D. 1896) 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 Public Utilities.

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

Communications
Senate Chamber
President's Office

February 2, 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 is nominating John A. Sevigny of Bangor for appointment as a Commissioner of the Maine State Housing Authority.

Pursuant to Title 30 MRSA Section 4602, this nomination will require review by the Joint Standing Committee on State Government and confirmation by the Senate.

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

(S. P. 822)

Which was Read and referred to the Committee on State Government

Sent down forthwith for concurrence.

(Off Record Remarks)

Senate Papers

Senator BROWN of Washington presented, Bill, "An Act to Prohibit the Molesting of Fixed Fishing Gear." (S. P. 818) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26.)

Which was referred to the Committee on Marine Resources and Ordered Printed.
Sent down for concurrence.

Senator NAJARIAN of Cumberland presented, Bill, "An Act Relating to Fuel Adjustment Clause of Natural Gas Utilities." (S. P. 817) (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.

Senator EMERSON of Penobscot presented, Bill, "An Act to Revise the Allocation of Funds to Provide Photographic Nonalterable Driver's Licenses and Identification Cards." (S. P. 823) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

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

Study Report - Education

The Committee on Education to which was referred the Study Order relative to the revision of the education laws, pursuant to Joint Order S. P. 580 of the 108th Legislature, have had the same under consideration, and ask leave to submit its findings and to report that the accompanying Bill, "An Act to Remove Legislators from Membership on Educational Boards Under Multi-State Compacts," (S. P. 820) (L. D. 1917) be referred to this Committee for Public Hearing and printed pursuant to Joint Rule 18.

Which Report was Read and Accepted and the Bill referred to the Committee on Education.

Sent down for concurrence.

Orders

An Expression of Legislative Sentiment recognizing:

That Kristina Caragans Gordon of Yarmouth has been named as Outstanding Young Woman of 1981 by the Maine Jaycees. (S. P. 819) presented by Senator CLARK of Cumberland (Cosponsor: Representative JACKSON of Yarmouth).

Which was Read and Passed.

Sent down for concurrence.

An Expression of Legislative Sentiment recognizing:

Neva S. Cram, and past and present volunteers of the Ingraham Volunteers, Inc., for 12 years of dedicated service to the community. (S. P. 821) presented by Senator GILL of Cumberland (Cosponsors: Representative BRENERMAN of Portland, Representative NELSON of Portland and Representative HIGGINS of Scarborough).

Which was Read.

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

Senator GILL: Mr. President, I'd like to just comment on the recognition that we're paying to Ingraham Volunteers. It has performed a great service to the community of Portland, and as of late, to the State in general, because of the communications that have been received through it by the teletype operators in the deaf community.

I might say that since it was begun in February of 1970, a trained volunteer has been there to answer all crisis calls. There have been over 100,000 hours of hot-line service provided: 3,600 hours of communications with the deaf community, and over 75,000 hours of crisis calls. These are all handled by trained volunteers under the able direction of Neva Cram. Since it has been in operation 12 years, I think it's time that we showed our appreciation to them.

Which was Passed.

Sent down for concurrence.

Joint Resolution

A Joint Resolution in Memoriam:

WHEREAS, the Legislature has learned with deep regret of the death of Marshall Jewell Dodge, III, of Portland, a tragic loss of a great humorist and philosopher, who became endeared to the citizens of Maine. (S. P. 824) presented by Senator SEWALL of Lincoln (Cosponsor: Senator CLARK of Cumberland).

Which was Read and Adopted.

Sent down for concurrence.

(Off Record Remarks)

Committee Reports
House

Leave to Withdraw

The Committee on Aging, Retirement and Veterans on,

Bill, "An Act to Revise the Maine State Retirement Law to Provide Local Participating Districts the Option of Paying Employees' Mandatory Contributions to the Maine State Retirement System. (H. P. 1719) (L. D. 1704)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

Which Report was Read and Accepted, in concurrence.

Ought to Pass

The Committee on Legal Affairs on, Bill, "An Act to Revise the Charter of Hebron Academy." (H. P. 1781) (L. D. 1771)

Reported that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed.

Which Report was Read and Accepted, in concurrence, and the Bill Read Once and Tomorrow Assigned for Second Reading.

Second Readers

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

Senate - As Amended

Bill, "An Act to Authorize One Corporation to Permit Its Name to be Used by Another Corporation." (S. P. 750) (L. D. 1753)

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

Sent down for concurrence.

Orders of the Day

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

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

Tabled—February 2, 1982 by Senator Pierce of Kennebec

Pending—Reference

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

Paper From The House
House Paper

Bill, "An Act to Amend the Maine Potato Quality Control Program." (Emergency) (H. P. 1942) (L. D. 1918)

Reference to the Committee on Agriculture 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 this Bill 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.

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

SENATOR HICHENS: Mr. President, before we take action on this Bill, I have had a request that it be explained because some of the Senators naturally, and quite often I, wonder why we push a Bill through like this. I would like to defer to the good Senator from Aroostook, Senator McBreairty, and ask him if he can explain just what's going on up there in Aroostook County?

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator McBreairty.

SENATOR MCBREAIRTY: Mr. President and Honorable Members of the Senate, in the first Session of the 110th Legislature, we enacted the Maine Potato Quality Control Program. That program became fully operational on February 1, 1982, at which time rules adopted by the Board took effect.

The law establishing that program established certain information be included on any bag subject to the program, called the Maine Bag, and prohibited other information from being included on consumer packed potato bags that were not in the program.

It has since become apparent that many bags currently in inventory will be technically out of compliance with the law, and this will create a hardship on many people in the potato industry.

This Bill will correct these and other technical problems as follows:

Section 1 of the Bill corrects an incorrect reference.

Section 2 of the Bill clarifies the term "consumer packed". It does not include a master container.

Sections 3, 4, and 5 of the Bill changes and clarifies what is and what need not be a Maine bag. A Maine bag is defined to be any consumer pack of potatoes on which appears the word "Maine", or the shape of the State, except as otherwise provided.

Sections 4 and 6 deletes from the law the requirements that Maine bags shall contain a statement that the contents have been inspected and not the grade standards of the Board, and b) a consumer pack potato bag that is not a Maine bag may contain the word "Maine" only in the name and address of the producer, packer, or any other person, at the bottom of the bag in letters not taller than 1/4 of an inch and 2) a bag manufacturer's identification mark, or bag distributor's identification mark is made exempt from this chapter or title.

Section 7 of the Bill clarifies that funds appropriated for potato inspection by the bill establishing the Maine Potato Quality Control Program shall be used only for inspections conducted under the program. Requires the commissioner to separately account for all funds appropriated for the program, and provides that funds for the program, that were appropriated last year, shall not lapse before June 30, 1983.

It is my understanding monies appropriated to carry out the Maine Potato Quality Control Program will not be spent to subsidize inspection on any load shipped prior to February 1, 1982. Thank you.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator CARPENTER: Mr. President, it gives me great pleasure this morning to rise in concurrence with my brother from Aroostook, Senator McBreairty. We've had a problem with this bill ever since it was passed last year. Subsequent to that passage, the Attorney General had some thoughts on it.

It's a good program. It's going to assure anybody buying a bag of Maine potatoes, henceforth, that has either the shape of the State, or the words "State of Maine" on it that they're getting an inspected good quality product

inside.

I had some reservations with the way this compromise was originally drafted. Jim and I worked on it last week and over the weekend, in conjunction with members of the other Body, and this compromise was sort of thrashed out.

We're not taking anything away from the program, I don't think, really, depending on how good a job in promoting this whole program the Department does. I think it's a good program. We need these minor changes in order to get the program off and running. Thank you.

Which was Passed to be Engrossed without Reference to Committee, and Ordered Printed, in concurrence.

Sent down forthwith to the Engrossing Department.

(Off Record Remarks)

(Senate At Ease)

The Senate called to order by the President.

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

Paper from the House

Joint Order

An Expression of Legislative Sentiment recognizing:

Mina Rines, of Warren, on the 102nd anniversary of her birth February 3, 1982. (H. P. 1939)

Comes from the House, Read and Passed.

Which was Read and Passed, in concurrence.

Enactor

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

Emergency

AN ACT to Amend the Maine Potato Quality Control Program. (H. P. 1942) (L. D. 1918)

This being an emergency measure and having received the affirmative votes of 23 Members of the Senate, with No Senators 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.

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