

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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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 12, 1982

Senate called to order by the President.

Prayer by The Honorable Samuel W. Collins, Jr., of Rockland.

Senator COLLINS: Today we celebrate the birthday of one whose portrait hangs on the north wall of this Chamber. A student, railsplitter, storekeeper, river boatman, lawyer, militiaman, legislator, congressman, president, emancipator, martyr. That masterful man of the ages, the first Republican president of our Nation, Abraham Lincoln.

Let us remember these words that he gave us:

"A house divided against itself can not stand."

"No branch can bear fruit by itself."

"We shall nobly save or meanly lose the last best hope of earth."

"With malice toward none, with charity for all."

"It is for us rather to be here dedicated to the great task remaining before us — that this Nation, under God, shall have a new birth of freedom."

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, February 16, 1982, at ten o'clock in the morning; and the Senate adjourns to Tuesday, February 16, 1982, at eleven o'clock in the morning. (S. P. 848)

Which was Read and Passed.

Sent down forthwith for concurrence.

**Papers From the House
Non-concurrent Matter**

Bill, An Act making Allocations Related to the Alcoholism Prevention, Education Treatment, and Research Fund for the Expenditures of State Government for the Fiscal year ending June 30, 1983. (S. P. 832) (L. D. 1940)

In the Senate, February 9, 1982, referred to the Committee on Appropriations and Financial Affairs.

Comes from the House, referred to the Joint Select Committee on Alcoholism Services, in non-concurrence.

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

Senator COLLINS: I move that the Senate Recede and Concur with the House.

The PRESIDENT: The Senator from Knox, Senator Collins, moves that the Senate Recede and Concur with the House.

Is this the pleasure of the Senate?

The motion prevailed.

House Papers

Bill, An Act Relating to State Entitlement of Certain School Administrative Districts. (H. P. 1984) (L. D. 1956)

Bill, An Act to Provide for the Direct Election of Community School District School Committees. (Emergency) (H. P. 1983) (L. D. 1955)

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

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

Bill, An Act to Incorporate the Farmington Falls Water District. (Emergency) (H. P. 1985) (L. D. 1954)

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:

Lt. Joseph Thomas and Firefighter Louis DeRice for actions above and beyond the call of duty in rescuing 2 persons trapped in a fire. (H. P. 1988)

Comes from the House, Read and Passed.

Which was Read and Passed, in concurrence.

Joint Resolutions

Joint Resolution in Memoriam:

WHEREAS, the Legislature has learned with deep regret of the death of Dr. Judson P. Lord, of Warren, a family doctor who served the town and area for over 40 years. (H. P. 1999)

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

A Joint Resolution in Memoriam:

WHEREAS, the Legislature has learned with deep regret of the death of Kermit S. Nickerson, of Waterville, former State Commissioner of Education and an outstanding educator who was widely recognized and honored for his "Distinguished Service to Education in Maine". (H. P. 1998)

Comes from the House, Read and Adopted.

Which was Read.

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

Senator PIERCE: Mr. President and Members of the Senate, I think we would be remiss here today if we didn't pause for a moment to note the passing of a good friend of the State of Maine and a good friend of education, Kermit Nickerson, my friend and neighbor for most of my lifetime.

He was really a unique individual. Whereas most of us end our careers in education as students, high school and maybe go on to college and graduate school, Kermit went far beyond that. There were few roles in the educational field that he did not play out. He went on beyond college to become a teacher, then a principal, and a superintendent of schools. He later became a Deputy Commissioner of Education, and finally the Commissioner of Education for the State of Maine.

His affiliations with educational societies and various committees are much too lengthy to note here, but let it be known that there were few of any importance that Kermit did not serve on. He was, also, the author of more than two or three books, I believe.

I remember in my first term on the Education Committee, Kermit, then retired for some time, would nevertheless attend almost every public hearing. It was really great to have the perspective of somebody who had served in so many roles in education, who had no axes to grind, and was just there in the public interest. He did provide us with a great deal of guidance through those many difficult times, especially during the 108th Legislature when so much was happening in the field of education.

I guess I would just sum up Kermit's career by saying if there ever were, in the State of Maine, a complete educator it would be Kermit Nickerson. He was, also, certainly an outstanding citizen of the State of Maine. So, on this day, I certainly would like to say on behalf of the Legislature and on behalf of the State of Maine thank you to Kermit Nickerson for your service to this State and country.

Which was Adopted, in concurrence.

Senate Paper

Senator TROTZKY of Penobscot presented, Bill, An Act to Provide State Funding for Literacy Volunteers. (S. P. 847)

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

Which was referred to the Committee on Ap-

propriations and Financial Affairs and Ordered Printed.

Sent down for concurrence.

Orders

Expressions of Legislative Sentiment recognizing:

Bangor High School "Ram" Swim Team, winners of the Penobscot Valley Conference Swimming Championship for 1981. (S. P. 846) presented by Senator TROTZKY of Penobscot (Cosponsors: Representative ALOUPIS of Bangor, Representative DIAMOND of Bangor and Representative KELLEHER of Bangor).

Willard Kane, of Surry, who has celebrated the 90th anniversary of his birth. (S. P. 849) presented by Senator PERKINS of Hancock (Cosponsor: Representative SWAZEY of Bucksport).

Which were Read and Passed.

Sent down for concurrence.

**Committee Reports
House**

Leave to Withdraw

The Committee on Transportation on, Bill, "An Act to Provide Directional Signs on the Maine Turnpike for Westbrook College." (H. P. 1798) (L. D. 1788)

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 Local and County Government on,

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Lincoln County for the Year 1982. (H. P. 2001) (L. D. 1959)

Reported that the same Ought to Pass pursuant to Joint Order (H. P. 1846).

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

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

Ought to Pass — As Amended

The Committee on Business Legislation on, Bill, "An Act to Clarify the Deposit Authority and Conversion Procedures of Savings and Loan Associations." (H. P. 1773) (L. D. 1763)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-584)

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendments "A" (H-586) and "C" (H-589), Thereto.

Which Report was Read and Accepted, in concurrence, and the Bill Read Once. Committee Amendment "A" was Read.

On motion by Senator Conley of Cumberland, Tabled for 1 Legislative Day, pending Adoption of Committee Amendment "A".

**Senate
Ought to Pass**

Senator WOOD for the Committee on Agriculture on, Bill, "An Act to Transfer Certain Responsibilities for Insect Nuisance Identification from the Department of Conservation to the Department of Agriculture, Food and Rural Resources." (S. P. 741) (L. D. 1726)

Reported that the same Ought to Pass.

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

Senator HUBER for the Committee on Appropriations and Financial Affairs on, 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) (L. D. 1878)

Reported that the same Ought to Pass.

Which Report was Read and Accepted and the Bill Read Once. Under Suspension of the Rules, the Bill Read a Second Time and Passed to be Engrossed.

Sent down forthwith for concurrence.

Senator KERRY for the Committee on Judiciary on, Bill, "An Act to Allow the Transfer of Venue of Civil Actions Without the Agreement of the Parties." (S. P. 780) (L. D. 1848)

Reported that the same Ought to Pass.

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

Ought to Pass — As Amended

Senator AULT for the Committee on Local and County Government on, Bill, "An Act to Clarify the Fees for the Registry of Deeds." (S. P. 761) (L. D. 1819)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-381).

Senator USHER for the Committee on Transportation on, Bill, "An Act to Retain Weight Tolerance for Certain Vehicles Under the Motor Vehicle Law." (S. P. 757) (L. D. 1815)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-380).

Which Reports were Read and Accepted and the Bills Read Once. Committee Amendments "A" were Read and Adopted and the Bills, as amended, Tomorrow Assigned for Second Reading.

Second Readers

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

House

Bill, "An Act to Permit the Town of Mechanic Falls to Withdraw from the Group Life Insurance Program under the Maine State Retirement System." (Emergency) (H. P. 1768) (L. D. 1758)

Bill, "An Act Adjusting Appropriations and Allocations Related to Federal Block Grants for the Department of Human Services and the Department of Mental Health and Mental Retardation for the Fiscal Year Ending June 30, 1982." (Emergency) (H. P. 1892) (L. D. 1884)

Bill, "An Act to Permit the Attorney General to Authorize his Deputies to Act in his Place in Certain Situations." (H. P. 1812) (L. D. 1797)

Bill, "An Act to Clarify and Make Corrections in the Labor Laws of Maine." (H. P. 1724) (L. D. 1709)

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

Which were Read a Second Time and Passed to be Engrossed, in concurrence.

House-As Amended

Bill, "An Act to Amend the Employment Security Law to Include Federal Requirements and Other Options Available to the State." (H. P. 1753) (L. D. 1743)

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

Orders of the Day

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

COMMUNICATION — From the Secretary of State relative to certification of petition regarding Initiated Bill, "An Act to Repeal the Control of Milk Prices at the Wholesale and Retail Levels." (H. P. 1940)

Tabled—February 10, 1982 by Senator HICHENS of York

Pending—Placing on File

On motion by Senator Collins of Knox, Retabled for 2 Legislative Days.

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

HOUSE REPORT—from the Committee on Energy and Natural Resources—Bill, "An Act to Allocate Funds from the Low-level Waste Siting Fund." (H. P. 1751) (L. D. 1741)—Ought to Pass

Tabled—February 11, 1981 by Senator COLINS of Knox

Pending—Motion of Senator MINKOWSKY of Androscoggin to Indefinitely Postpone Bill and Accompanying Papers.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President and Members of the Senate, pending a compromise amendment on this particular issue, I would now move that the Senate grant my request to remove my motion for Indefinite Postponement of this particular Bill, and Accept the Committee Report.

The PRESIDENT: Senator Minkowsky of Androscoggin requests Leave of the Senate to Withdraw his motion to Indefinitely Postpone L. D. 1741.

Is it the pleasure of the Senate to grant this Leave?

It is a vote.

The Bill Read Once and Tomorrow Assigned for Second Reading.

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 Reduce Discrimination by Allowing Employees of Local Districts which Participate in the Social Security System the Option of Withdrawal from the Maine State Retirement System." (H. P. 1990) (L. D. 1996)

Bill, "An Act to Permit Maine Employees from the Town of Orono to Withdraw from the Maine State Retirement System." (H. P. 1991) (L. D. 1967)

Come from the House, referred to the Committee on Aging, Retirement and Veterans and Ordered Printed.

Which were referred to the Committee on Aging, Retirement and Veterans and Ordered Printed, in concurrence.

Bill, "An Act to Provide for Matching Funds for Gypsy Moth Control." (H. P. 1992) (L. D. 1968)

Come 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 Regulating Certain Practices Between Television, Radio and Phonograph Manufacturers and Repair Facilities." (H. P. 1993) (L. D. 1969)

Come 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 to Establish Priorities for the Aid to Families with Dependent Children Program in Response to Federal Cutbacks." (H. P. 1994) (L. D. 1970)

Reference to the Committee on Health and Institutional Services suggested.

Come 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 Assigned Risk Plans to Workers' Compensation Insurance." (H. P. 1995) (L. D. 1971)

Reference to the Committee on Labor Suggested.

Come from the House, referred to the Committee on Business Legislation.

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

Bill, "An Act Relating to the Closing of State Liquor Stores in Communities with One Store." (Emergency) (H. P. 1996) (L. D. 1972)

Come 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.

Bill "An Act to Provide for Fuel Use Identification Decals." (Emergency) (H. P. 1997) (L. D. 1973)

Come 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.

(Senate at Ease)

The Senate called to order by the President.

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

The Adjournment Order having been returned from the House, Read and Passed, in concurrence, on motion by Senator Pierce of Kennebec, Adjourned until Tuesday, February 16, 1982, at eleven o'clock in the morning.