

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 17, 1982
Senate Called to order by the President.

Prayer by the Reverend Theodore Hersom of the Spears Corner Baptist Church of Gardiner.

REVEREND HERSOM: May we look to God. Our Lord God, we thank You this day. Lord, we ask You to give us wisdom and strength for the trials and the things that are ahead here today. We thank You for our State, our freedoms, and we humbly ask You to guide us all in all the business that comes to our attention here today. Lord, may we conduct this business for the good of our State and its people.

We thank You for the privilege to come into Thy presence saying: Our Father, which art in heaven, hallowed be Thy name. Thy kingdom come. Thy will be done, in earth as it is on heaven. And 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 the power and the glory, forever. Amen.

Reading of the Journal of yesterday.

(Off Record Remarks)

Senator Collins of Knox was granted unanimous consent to address the Senate, Off the Record.

(Off Record Remarks)

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

Senator COLLINS: Mr. President, I move the Senate stand in Recess until 4:30 p.m. today.

The PRESIDENT: The Senator from Knox, Senator Collins, now moves that the Senate be at Recess until 4:30 this afternoon.

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Aroostook, Senator Violette.

Senator VIOLETTE: I object.

The PRESIDENT: Is it now the pleasure of the Senate?

It is a vote.

On motion by Senator Collins of Knox,

Recessed until 4:30 this afternoon.

Recess

After Recess

The Senate called to order by the President.

(Off Record Remarks)

Papers from the House House Papers

Resolve, to Reimburse the Town of Fort Kent for Loss due to Erroneous Increase in the 1981 State Valuation. (H. P. 2005) (L. D. 1976)

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

On motion by Senator Teague of Somerset, referred to the Committee on Taxation and Ordered Printed, in non-concurrence.

Sent down for concurrence.

Bill, "An Act to Reduce Burdensome Fees for Businesses Incorporating or Expanding with No Par Value Stock." (H. P. 2006) (L. D. 1977)

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 Revisions in the Maine Juvenile Code." (H. P. 2007) (L. D. 1978)

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 Make the State Unemployment Tax Exemption for Individuals Engaged in Fishing Consistent with the Federal Unemployment Tax Exemption for Such Individuals." (Emergency) (H. P. 2008) (L. D. 1979)

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

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

RESOLVE. Authorizing the Director of the Bureau of Public Lands to Convey Certain Lands of the State in Gorham, Cumberland County. (H. P. 2009) (L. D. 1980)

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.

Study Report — Business Legislation

The Committee on Business Legislation to which was referred by the Legislative Council the study relative to Competitive Pricing in Workers' Compensation Insurance, have had the same under consideration, and ask leave to Submit its Findings and to report that the accompanying bill, "An Act to Promote Competitive Pricing in Workers' Compensation Insurance", (H. P. 2017) (L. D. 1981) 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 Business Legislation.

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

Joint Orders

Expressions of Legislative Sentiment recognizing:

Joe Quinn, of Bangor, who has been named to the 1981 Maine Class AA All-State Football Team. (H. P. 2018)

Jeff Fahey, of Bangor, who has been named to the 1981 Maine Class AA All-State Football Team, second team. (H. P. 2019)

Gabby Price, of Bangor, coach of the 1981 State Champion Bangor High School Football Team. (H. P. 2020)

Come from the House, Read and Passed.

Which were Read and Passed, in concurrence.

Senate Papers

Senator COLLINS of Knox (Cosponsor: Representative POST of Owls Head) presented, Bill, "An Act to Accept Relinquishment of Exclusive Federal Jurisdiction Over Marshall Point Light Station in the Town of St. George." (S. P. 655)

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

Which was referred to the Committee on State Government and Ordered Printed.

Sent down for concurrence.

Senator TRAFTON of Androscoggin presented, Bill, "An Act to Facilitate the Removal of Clouds of Titles to Proposed Unaccepted Streets in Subdivisions." (S. P. 854)

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

Reference to the Committee on Transportation suggested.

On motion by Senator Devoe of Penobscot, referred to the Committee on Judiciary and Ordered Printed.

Sent down for concurrence.

Order

On motion by Senator COLLINS of Knox, WHEREAS, the Secretary of State transmitted to the Legislature on February 2, 1982, an initiated bill, "AN ACT to Repeal the Control of Milk Prices at the Wholesale and Retail Levels," and the results of the examination by his office of the respective initiative petitions; and

WHEREAS, on February 4, 1982, certification of that bill designated by the Legislature as Initiated Bill Number 3, Legislative Document Number 1935 was rescinded by communication from the Secretary of State; and

WHEREAS, a ruling was made by the Superior Court on February 12, 1982, that the Secretary of State could lawfully rescind that certification; now, therefore, be it

ORDERED, the House concurring, that this bill designated as I.B. 3, L.D. 1935, plus all accompanying papers and certification be returned forthwith to the Secretary of State.

(S. P. 856)

Which was Read.

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

Senator COLLINS: Mr. President, I call the Senate's attention to Supplemental Senate Journal #1, which is the communication from the Secretary of State in which he rescinded his certification of the Milk Commission Petition Bill. I have, in my hands, received from the Office of the Attorney General this afternoon a copy of the order from the Superior Court in Cumberland County. The essence of it is that the Secretary of State's certification has been rescinded and is, therefore, void and of no effect. Therefore, orderly procedure would seem to indicate that these papers should be returned to the Secretary of State so that he may follow his procedures that he has announced about further time, and then making a new decision about certification.

Which was Passed.

Sent down forthwith for concurrence.

(Off Record Remarks)

Committee Reports House Ought to Pass

The Committee on Judiciary on, Bill, "An Act to Repeal the Sunset Provision of the Family Abuse Law." (H. P. 1828) (L. D. 1810)

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.

Ought to Pass — As Amended

The Committee on Legal Affairs on, Bill, "An Act to Change the 30-day Notice concerning State Agency Liquor Stores." (H. P. 1829) (L. D. 1811)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-592).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A".

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:

House

Bill, "An Act Allowing Variations on Interest Reflecting Conventional Interest Rates on Overdue Employer Contributions to the Bureau of Employment Security." (H. P. 1741) (L. D.

1730)

Bill, "An Act to Authorize Lincoln County to Withdraw from the Maine State Retirement System." (Emergency) (H. P. 1820) (L. D. 1805)

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

House — As Amended

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

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

Enactors

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

AN ACT Concerning Annuity Agreements with the University of Maine. (S. P. 751) (L. D. 1754)

AN ACT to Eliminate a Mandatory Public Hearing for Permits to Locate Solid Waste Disposal Areas Closer than 300 Feet to a Classified Body of Surface Water. (H. P. 1721) (L. D. 1706)

Which were Passed to be Enacted and having been signed by the President were by the Secretary presented to the Governor for his approval.

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 12, 1982 by Senator COLLINS of Knox

Pending—Placing on File.

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

Senator COLLINS: Mr. President, I move that all these papers be transmitted to the Secretary of State in accordance with the Joint Order already passed.

The PRESIDENT: The Senator from Knox, Senator Collins, now moves that these papers be transmitted to the Secretary of State in accordance with the Joint Order which was passed earlier this afternoon.

Is this the pleasure of the Senate?

It is a vote.

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

Bill, "An Act to Allocate Funds from the Low-level Waste Siting Fund." (H. P. 1751) (L. D. 1741)

Tabled—February 16, 1982 by Senator COLLINS of Knox

Pending—Passage to be Engrossed

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

Senator MINKOWSKY: Mr. President and Members of the Senate, in the spirit of compromise this afternoon, I'm going to propose an amendment to this particular Bill, since I am a member of the Low-level Waste Siting Commission, along with Senator Trotzky. It's being done primarily for one reason. That is to follow what I consider the intent of the law as designed and passed last year.

For the record, I think it's of paramount importance to insert in there some of the provisions of the Low-level Waste Siting Commission. Number one, when this Commission was formed, they did start with an appropriation for 1981 to 1982 of \$5,000, and in 1982 and 1983, another \$5,000 as of last year. This is the law I hold in my hand.

Also, it's important to bring out, under Duties of the Commission, number 5, Compensation. Members, except State employees, shall receive reimbursement for the necessary

actual expenses incurred in carrying out their duties. The only ones who have received travel are the members of the Legislature on the Commission. We do not get per diem.

Number two, Assistance. The Commissioner of Environmental Protection shall assist the Commission in the conduct of its business, which has transpired during the interim period of time when the Legislature is not in session, with Commissioner Henry Warren as Vice-Chairman of the Low-level Waste Siting Commission.

Under Section 176, Low-level Waste Siting Fund, it's important to insert in the record, this Fund shall be administered by the Commissioner of Environmental Protection in accordance with established budgetary procedures.

Finally, in Section 3, Allocation. The expense for the administration of the Commission in carrying out the duties as set forth in the subchapter shall be paid for with such funds as the Legislature, I emphasize, as the Legislature, may allocate from the revenues in the Low-level Waste Siting Fund. That's just what I'm doing this afternoon. I'm going to what I consider Legislative Intent.

The original Bill itself called for a \$10,000 appropriation in the year 1981 and 1982, and another \$10,000 appropriation in 1982 and 1983. In my estimation, it's ridiculous to ask for this kind of revenue. I think, basically, that if anybody wants to travel and investigate this matter further, more than the Commission itself at the present time has done, it's incumbent upon then to appear, as I mentioned previously, before Legislative Council and request the additional monies. But to appropriate this money blindly, I think, is a very serious mistake.

The Amendment I propose this afternoon, Mr. President and Members of the Senate, takes off the Emergency, and according to staff, again I emphasize, according to staff, the maximum amount or appropriation they came up with that could be utilized during 1982 and 1983 is \$2,500, not \$10,000.

I hope, Mr. President and Members of the Senate, you do Adopt this Amendment and send this Bill forthwith.

The PRESIDENT: The Chair understands that the Senator from Androscoggin, Senator Minkowsky, offers Senate Amendment "A" to L. D. 1741 and moves its Adoption.

Senate Amendment "A" (S-383) Read and Adopted. The Bill, as amended, Passed to be Engrossed, in non-concurrence.

Sent down for concurrence.

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

Communication Office of Secretary of State

February 4, 1982

To the Honorable 110th Legislature of the State of Maine

Attention: House of Representatives, Clerk Pert

Info: Senate, Secretary Ross

With your indulgence, my certification of 2 February 1982 concerning "AN ACT to Repeal the Control of Milk Prices at the Wholesale and Retail Levels" is hereby rescinded. I expect the again certify this petition to you within the statutory 25 days permitted by law.

I am withdrawing my previous communication so that all interested parties may have a sufficient time to review the petitions in detail. My decision in no way implies any deficiency or any impropriety in the petitions; it is simply and wholly in the interest of equity.

Respectfully,

S/RODNEY S. QUINN
S/JAMES S. HENDERSON

A true copy,

Attest Deputy Secretary of State.

Which was Read and Ordered Placed on File.

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

House Papers

Bill, "An Act to Promote Local Control of Hazardous Waste Facilities." (H. P. 2014) (L. D. 1984)

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 a Comprehensive Career and Occupational Information System." (H. P. 2015) (L. D. 1985)

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

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

Bill, "An Act Relating to the Board of Harbor Commissioners and its Powers for the Harbor of Portland." (H. P. 2016) (L. D. 1987)

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

On motion by Senator Gill of Cumberland referred to the Committee on Transportation and Ordered Printed, in non-concurrence.

Sent down for concurrence.

Bill, "An Act to Authorize the Treasurer of State to Issue Tax Exempt Commercial Papers." (H. P. 2021) (L. D. 1986)

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.

Orders

Expressions of Legislative Sentiment recognizing:

Earl L. Ormsby, Sr., of Brunswick, who was honored by American Legion Post 202 as its first annual Outstanding Citizen or Patriot. (S. P. 857) presented by Senator CLARK of Cumberland (Cosponsors: Representative MARTIN of Brunswick and Representative LIVESAY of Brunswick).

Conrad M. McDuff, of Brunswick, upon his retirement after 40 years as a Maine Street Merchant. (S. P. 858) presented by Senator CLARK of Cumberland (Cosponsors: Representative MARTIN of Brunswick and Representative LIVESAY of Brunswick).

Dr. Peter H. Mason of Millinocket, who was chosen the 1981-82 Citizen of the Year by the Millinocket Chamber of Commerce. (S. P. 859) presented by Senator PRAY of Penobscot (Cosponsors: Representative CLARK of Millinocket and Representative MICHAUD of East Millinocket).

Which were Read and Passed.

Sent down for concurrence.

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

Senate Paper

Senator PERKINS of Hancock (Cosponsors: Senator BROWN of Washington, Senator PRAY of Penobscot and Senator SUTTON of Oxford) presented, Bill, "An Act to Authorize Municipalities to Establish and Maintain Employment Offices." (S. P. 860)

(Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27).

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

Sent down for concurrence.

Committee Reports

Senate

Leave to Withdraw

Senator SHUTE for the Committee on

Marine Resources on. Bill, "An Act to Prohibit the Molesting of Fixed Fishing Gear." (S. P. 818) (L. D. 1922)

Reported that the same be granted Leave to Withdraw.

Senator TRAFTON for the Committee on Public Utilities on. Bill, "An Act to Expand the Territorial Limits of Van Buren Light and Power District." (S. P. 772) (L. D. 1843)

Reported that the same be granted Leave to Withdraw.

Which Reports were Read and Accepted.

Sent down for concurrence.

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

Committee Report

House

Ought to Pass

The Committee on Business Legislation on. Bill, "An Act to Conform the Effective Date of the Maine Consumer Credit Code-Truth in Lending (Article VIII) and Certain Other Statutes to Federal Law." (Emergency) (H. P. 1967) (L. D. 1942)

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. Under Suspension of the Rules, the Bill Read a Second Time and Passed to be Engrossed, in concurrence.

Sent down forthwith to the Engrossing Department.

Senator Collins of Knox was granted unanimous consent to address the Senate. On the Record.

Senator COLLINS: I am pleased to announce that this has been a very productive day for the Legislature, and I think a lot of it is due to the good work of members of this Chamber.

Fourteen committees met this forenoon and in a brief survey this afternoon I found at least six of those committees saying that they had made good accomplishments in voting out bills. Which I think bodes well for a more productive calendar in the days ahead.

I think that this justifies our perhaps trying it one more day. There are still a few committees that are not quite caught up although several have made real progress. Thank you, Mr. President.

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

On motion by Senator Pierce of Kennebec. Adjourned until 9 o'clock tomorrow morning.