

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

INDEX

FOURTH SPECIAL SESSION

April 28, 1982 and April 29, 1982

INDEX

FIFTH SPECIAL SESSION

May 13, 1982

INDEX

SECOND CONFIRMATION SESSION

July 16, 1982

INDEX

STATE OF MAINE
One Hundred and Tenth Legislature
Second Regular Session
JOURNAL OF THE SENATE

Augusta, Maine
February 18, 1982
Senate called to order by the President.

Prayer by the Reverend Russell M. Chase of the United Church of Monmouth in Monmouth.
REVEREND CHASE: O God, our heavenly Father, we thank You for the beauty of this day, and for the opportunity of experiencing it. We thank You for Your love, which is seen in so many ways.

Bless us as we go about our duties and our responsibilities, that we would ask Your grace and Your love, so that we may do justly with that business, that is before us. And we ask Thy blessings upon all of those that help this body to function smoothly. We pray for each and every one of them, especially Jim. Help us and keep us steadfast, as we would realize Thy love, and as we share that love with others, by the decisions that we make day by day. For we pray in the Master's name. Amen.

Reading of the Journal of yesterday.

(Off Record Remarks)

Papers From the House
House Paper

Bill, "An Act Relating to the Provision of Rehabilitation as Part of the Workers' Compensation Law." (H. P. 2029) (L. D. 1988)

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.

Joint Orders

An Expression of Legislative Sentiment recognizing:

Mrs. Rose Allain, of Madison, Maine Mother of the Year for 1982. (H. P. 2025)

Comes from the House, Read and Passed.

Which was Read.

On motion by Senator Redmond of Somerset, Tabled until later in today's session, pending Passage.

Expressions of Legislative Sentiment recognizing:

Kelly Bourbon, of North Berwick, a junior at Noble High School and a member of the Girls' Basketball Team, for reaching the 1000 point scoring mark in 3 years. (H. P. 2022)

Noble High School Girls' Basketball Team for their undefeated 1982 season. (H. P. 2023)

William Follis, of Buxton and formerly of Eastport, who celebrated his 100th birthday on January 20, 1982. (H. P. 2024)

Norman R. McPherson, of Mars Hill, who has been selected the 42nd Civil Engineering Squadron's Civilian of the Year at Loring Air Force Base. (H. P. 2032)

Harley W. "Wally" Clark of Calais, who has scored 1,000 points in his basketball career at Calais High School. (H. P. 2033)

Come from the House, Read and Passed.

Which were Read and Passed, in concurrence.

Communication

Committee on Health and Institutional Services

February 17, 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 Health & Institutional Services has had under consideration the nomination of Ron

Tardif, as a member of the Health Facilities Cost Review Board.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee clerk called the roll with the following result:

YEAS:

Senators — 3

Representatives — 9

NAYS: — 0

ABSENT: 1 (Rep. Ketover of Portland)

Twelve members of the Committee having voted in the affirmative and none in the negative it was the vote of the Committee that the nomination of Ron Tardif as member of the Health Facilities Cost Review Board be confirmed.

S/Sen. BARBARA GILL, Senate Chairwoman
S/Rep. MERLE NELSON, House Chairwoman
Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Health and Institutional Services has recommended that the nomination of Ronald G. Tardif be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on Health and Institutional Services 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—Brown, Bustin, Carpenter, Clark, Collins, Conley, Devoe, Dutremble, Emerson, Gill, Hichens, McBreairty, Najarian, O'Leary, Perkins, Pierce, Pray, Redmond, Teague, Usher, Violette, Wood, The President.

ABSENT—Ault, Charette, Huber, Kerry, Minkowsky, Sewall, C.; Shute, Sutton, Trafton, Trotzky.

No Senators having voted in the affirmative and 23 Senators in the negative, with 10 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 Ronald G. Tardif is confirmed.

Senate Papers

Senator PIERCE of Kennebec presented, Bill, "An Act to Provide for New Home Construction and Development." (Emergency) (S. P. 862)

(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.

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 Recodifying the Law Regarding Exceptional Students in Residential Placements", (S. P. 861) (L. D. 1990) 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.

Committee Reports
House
Ought to Pass

The Committee on Local and County Government on, RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Kennebec County for the Year 1982. (H. P. 2000) (L. D. 1958)

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

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.

Divided Report

The Majority of the Committee on Transportation on, Bill, "An Act Providing Greater Flexibility on the Use of State Public Transportation Funds for Operating Assistance to Public Transportation Providers." (H. P. 1747) (L. D. 1736)

Reported that the same Ought to Pass.

Signed:

Senators:

EMERSON of Penobscot

O'LEARY of Oxford

USHER of Cumberland

Representatives:

CARROLL of Limerick

REEVES of Pittston

FOWLIE of Rockland

MACOMBER of South Portland

MOHOLLAND of Princeton

LISNIK of Presque Isle

The Minority of the same Committee on the same subject matter reported that the same Ought Not to Pass.

Signed:

Representatives:

HUTCHINGS of Lincolnville

HUNTER of Benton

STROUT of Corinth

McPHERSON of Eliot

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

Which Reports were Read.

The Majority Ought to Pass Report of the Committee Accepted, in concurrence. The Bill Read Once and Tomorrow Assigned for Second Reading.

Senate

Divided Report

The Majority of the Committee on Legal Affairs on, Bill, "An Act to Permit the Establishment of Additional Agency Stores on a Seasonal Basis." (S. P. 760) (L. D. 1818)

Reported that the same Ought Not to Pass.

Signed:

Senator:

SHUTE of Waldo

Representatives:

COX of Brewer

McSWEENEY of Old Orchard Beach

TREADWELL of Veazie

STOVER of West Bath

SWAZEY of Bucksport

PERRY of Mexico

DUDLEY of Enfield

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as amended by Committee Amendment "A" (S-382).

Signed:

Senators:

VIOLETTE of Aroostook

CHARETTE of Androscoggin

Representatives:

SOULAS of Bangor

BOISVERT of Lewiston

STUDLEY of Berwick

Which Reports were Read.

On motion by Senator Collins of Knox, Tabled until later in today's session, pending Acceptance of either Committee Report.

Second Readers

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

House

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

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

House-As Amended

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

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

There being no objections all items previously acted upon were sent forthwith.

On motion by Senator Collins of Knox, Recessed until 4:30 o'clock this afternoon.

Recess**After Recess**

The Senate called to order by the President.

(Off Record Remarks)

Enactors

The Committee on Engrossed Bills reported as truly and strictly engrossed the following: AN ACT Regulating the Taking of Mahogany Quahogs." (H. P. 1841) (L. D. 1836)

AN ACT to Clarify and Make Corrections in the Labor Laws of Maine. (H. P. 1724) (L. D. 1709)

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)

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)

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

AN ACT to Clarify the Certificate of Approval Holder and Maine Wholesale Licensee Agreement Act. (S. P. 768) (L. D. 1826)

On motion by Senator Conley of Cumberland, Tabled for 2 Legislative Days, pending Enactment.

Emergency

AN ACT to Permit the Town of Mechanic Falls to Withdraw from the Group Life Insurance Program under the Maine State Retirement System. (H. P. 1768) (L. D. 1758)

Emergency

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. (H. P. 1892) (L. D. 1884)

These being emergency measures and having received the affirmative vote of 27 members of the Senate, with No Senators having voted in the negative, 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:

JOINT ORDER—relative to Mrs. Rose Allain, of Madison, Maine Mother of the Year for 1982. (H. P. 2025)

Tabled—Earlier in the Day by Senator REDMOND of Somerset

Pending—Passage.

Which was Read.

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

Senator REDMOND: Mr. President, Mem-

bers of the Senate: I'd like to speak to the Order. Our Mother of the Year, Rose Allain, is from the community of Madison. She has been involved with children and providing leadership for many years. Her respect from her associates is well known throughout the State.

Rose has been a Girl Scout and involved in scouting for over 46 years. She is a member of the Daughters of Isabella and the Knights of Columbus Auxiliary. In October of 1981, she was named to the Board of Directors for the United People's Home, which houses mentally retarded adults in Madison.

Throughout the years, Rose has cared for her two sons and many other children. Her main contribution, however, has been the operation of a day-care center for nearly 36 years. The success at which she was daytime mother to numerous youngsters is shown in many letters. Children she cares for have all come to know her as Auntie Rose. The name is known to children of children she has cared for and is synonymous with being a loving and caring person. The children she cared for long ago always stop in to visit Auntie Rose when returning to the area, and can all relate the vivid memories of time spent with her through the years.

Rose was not only a daytime Mother, but a guidance director and advisor to many, many people, and recognized expert at the art of taking care of children. Rose's activities have earned her recognition from her peers, scouting associates, as well as various service organizations.

Girl Scouting has recognized her efforts in many ways, most notably the Thanks Badge and the coveted St. Anne Award. In 1969, she was awarded the Community Service Award by the local American Legion Post. The next year she was honored by coming in second as the American of the Year by the Madison Veterans of Foreign Wars. Rose's church contributions also led to her being nominated as diocesan representative for the State of Maine.

This past year has been especially rewarding for Rose. She was selected as co-parade marshal for the annual Father Raoul Festival Parade. In a related event, she was nominated for the annual Knights of Columbus Citizen of the Year Award. The Knights of Columbus recognized both Rose, her son Gary, and his wife Joan, as recipients of the Family of the Year Award in 1981. The Award was presented in special recognition of her continuing contribution to family life, even though the children are grown and no longer at home.

Mrs. Allain's influence and inspiration on the elected officials such as myself and others continuously brings about the awareness of the needs of youth programs in these changing times. It's noteworthy that on today's calendar we have a Bill, "An Act to Repeal the Sunset Provision of the Family Abuse Law." Rose, and others like her, fulfill a major role in family life, which is the backbone of our society.

Rose will very well represent this great State at the national level and competition in Salt Lake City next April.

Which was Passed, in concurrence.

(Off Record Remarks)

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

SENATE REPORTS—from the Committee on Legal Affairs—Bill, "An Act to Permit the Establishment of Additional Agency Stores on a Seasonal Basis." (S. P. 760) (L. D. 1818) MAJORITY REPORT Ought Not to Pass MINORITY REPORT — Ought to Pass as Amended by Committee Amendment "A" (S-382)

Tabled—Earlier in the Day by Senator COLLINS of York

Pending—Acceptance of Either Report.

The PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: Mr. President, I move the

Majority Ought Not to Pass Report.

The PRESIDENT: The Senator from Waldo, Senator Shute, moves that the Senate Accept the Majority Ought Not to Pass Report of the Committee.

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Androscoggin, Senator Charette.

Senator CHARETTE: Mr. President, I'd like to speak on L. D. 1818, in favor of the Minority Report. I'd like to address myself to the women and men of the Senate.

This Legislation, L. D. 1818, as amended by S-382, simply allows the Commission to establish additional agency stores on a seasonal basis in areas where there is a great influx of people and traffic during peak tourist periods.

Our current State stores, as well as agency stores, are almost without exception, located on U. S. Route 1, while the bulk of the facilities providing public accommodations are located in areas east of U.S. Route 1.

Seasonal businesses are a way of life in our tourist-oriented State. What we are attempting here is to orient our business to the needs of our tourists, as well as the citizens of our State.

Some of the key points, this will provide a needed service in our tourist communities, alleviate traffic congestion, and provide additional revenues for the State, and gosh, we need that, estimated to the tune of about \$200,000.

The Committee Amendment, S-382, addressed some of the problems that came up in the hearing. I'd like to point out what this Amendment will do. It will, one, limit to ten stores. It will, also, give a limitation of one agency store in any municipality. Also, the definition of seasonal is to include only the period from Memorial Day weekend to the day after Labor Day.

Now, not only tourists from out-of-state visit Maine during this particular season, I, for one, as a Maine resident, do travel Maine quite a bit. We do have a beautiful coastline, and from York to Cadillac Mountain, certainly there is a lot of traffic and an increase of population that is far beyond what our stores can handle during this period of the season.

I believe that Kittery on from York, Old Orchard, Camden, Bar Harbor, Boothbay Harbor, up Cadillac Mountain, who knows. This is why the limit of ten stores, this is a trial basis. I'm not sure that as I've heard, or through discussions, that this is the way to open up the doors to becoming a State with just agency stores.

We're talking here about a season. We're talking about tourism. We're talking about as many as 100,000 people in one community. We ought to be able to provide this kind of service to those tourists, as well as, our citizens of Maine.

And so, I hope that you vote for the Minority Report. Thank you.

The PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: Mr. President, Ladies and Gentlemen of the Senate, the reason the Legal Affairs Committee, the majority of the Committee, took the position on this Bill that it did, is, we had a bill in here last session that supposedly would do away with all State liquor stores, and have agency stores. That was soundly defeated, I think it was near unanimous in both Houses.

Now it looks, to the majority of the Committee, that if the seasonal stores are opened, the original Amendment called for 15 now its down to 10. If the seasonal stores are opened, and you take a place like Camden, or Bar Harbor, or Kennebunkport, or Falmouth, of any other places, Rangeley, if the profits drop in those stores, and certainly they will if they put an agency store in that town, next year, at least in one year, the State stores in those towns will be closed. Then you will be running with merely agency stores. I don't think this is a direction the people of the State would like to have things

go.

Just this fall, the Commissioner of Liquor Control closed a store in Winslow, a State store, a State store that was making a good profit, and intended to open another agency store in that town. After he got the State store closed, he said he was closing it, then he found out that he couldn't open an agency store because there was another State store within a 10 mile radius. And still he says that he does not want to open a State store in that town. He'd like to have an agency store. So he's had legislation put in to that effect, that would open up the State stores within 10 miles of existing State stores and agency stores.

So, if you think the extra consumption of liquor in the State would be a benefit to the State, and the welfare system and the AFDC system, and the other things that go with it, probably you should vote for the Minority Report.

I read a report here a short while ago that the \$32 million that we collect in liquor revenue, costs the State several hundreds of millions of dollars in broken homes, AFDC, institutions and everything else. So, I think it might be wise to keep the State liquor industry under control. If we're not going to provide a service for people like Winslow, our Maine residents, I think maybe we shouldn't be quite so concerned about the non-residents coming in the State, because usually you can get liquor if you want it. There are an adequate number of stores, I think.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President and Members of the Senate: I always enjoy listening to my good friend, the Senator from Waldo, express his beliefs on the free capital system within this State and country. And one, being a convert and a true believer in that system, I was one of those who supported getting the State out of the liquor business last year.

Seeing the fact that the Legislature chose the road of not doing that, it seems to me that we are in the liquor business, and if we're going to continue to be in that business, then we should at least provide a service for those individuals who wish to purchase alcohol.

I think the point that has been made here is that populations in Maine generally swell tenfold during our so-called recreational months in that period of the summertime. It seems to me that if we are interested in making all of our tourists happy, then we should make some means, through that period, making the purchase of alcohol a little more accessible.

If the concerns of the good Senator from Waldo, Senator Shute, are that of the regular State liquor stores, their business would drop off significantly, and the stores would close, perhaps it might be a good idea to sunset this particular Bill for a year, just to take a look at it and see how things would respond in the trade of alcohol.

I know that there are many in this Chamber, at least sitting around this morning in Room 327, there was a great deal of concern about the number of dollars that was going to be generated through the so-called "premium tax." I'm sure everyone is waiting at the bits now to be able to shovel out some of that money in all directions as to who can yell the loudest to get it, but the fact is that this might even bring in additional revenues, as the good Senator from Androscoggin has stated.

Unless we're ready to vote for prohibition, we're going to continue to have those problems. At least I think it's the intent of those who are interested in this Bill, that those problems may leave the State, particularly after we close these agency stores down on Labor Day.

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

Senator MINKOWSKY: Mr. President and Members of the Senate: after listening to the good Senator from Waldo, Senator Shute I certainly hope that the Senate is not misled into believing that the only ones who have a problem with alcohol are the AFDC cases or people on welfare. If that was the interpretation I got from it, I think it's entirely erroneous. Some of the finest people I know, Senator, are on welfare, that do not partake in the spirits.

I was involved in the Bill last year that was defeated. The only reason that it was defeated is because the State wanted to maintain the same level of profit instead of giving the agency stores a fair profit, so they could operate.

During that segment of time, we also checked into one other factor, the history of the agency stores presently operational in the State of Maine. It's totally amazing to me that there was not at that particular segment of time, there was not one single violation against any operational agency stores insofar as selling to minors or anything else, where we had several cases of State employees in our State-operated stores selling to minors.

I think from the viewpoint of revenues, at least for a limit of time that it calls for in this particular bill, is a very, very feasible, and a practical approach to people who visit our State, who possibly can obtain liquor, as they have in the past, from the State of New Hampshire, and leave their profits with them and still consume their booze in the State of Maine.

I really believe that Maine should be somewhat open along these lines, change its somewhat antiquated philosophies, and allow this to materialize. If we are going to be known as "Vacationland," and as a tourist state, then I think we should actually open it to that particular area.

It's ironic to think that we have not progressed to this particular point, where we have recognized the job that the agency stores have accomplished so far in the State of Maine. I'm sure from their limited history, had they gone astray, there would have been a bill in this session or the previous session to abolish agency stores in the State of Maine.

This has not been the case. They have been a very, very viable store, a very, very convenient store. I think basically we should look upon this, at least, as a mechanism at the present time, in which to allow this to materialize as is proposed in this particular LD by Senator Charette.

I certainly hope that you do Accept the Minority Report, as amended.

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

Senator HICHENS: Mr. President and Members of the Senate: a few years ago, the Legislature bought the idea that we should have agency stores throughout the State to make liquor more accessible for people, and to cut down the costs of the State-controlled stores. We were told we were going to have a limited amount to test it out. Before that time period was up, the Commissioner took it upon himself to open up several more agency stores. So, we put the brakes on.

As the good Senator from Waldo has stated, last year it was turned down as far as going out of State liquor business, monopoly State, which was a very wise decision, I believe. Here we have another foot in the door, so to speak.

We've been told by two Senators from Androscoggin that we need the extra revenues. Again, the good Senator from Waldo has stated that these extra revenues are not really extra revenues. It costs the State more for every dollar that we take in, to take care of the problems that arise from it.

This last session we passed a Bill that gives the State of Maine the honorable distinction of having the toughest liquor laws as far as drunken drivers are concerned. We also passed a public drinking bill. We also passed a bill to

allow for greater rehabilitation programs and so forth.

Now, we want to increase the sales so that those problems will increase. To me, it is like throwing gasoline onto a fire to put it out.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: Mr. President and Ladies and Gentlemen of the Senate: somehow the good Senator from Androscoggin, Senator Minkowsky, has a way of not quite knowing what I'm talking about on this Bill. I hope I didn't give the impression that the only people that have trouble with alcohol are AFDC, mothers or fathers or children, or anything like that, because I know some very well-to-do people who also have some trouble with it.

Last year, as the good Senator from York said, we did pass a strong law concerning drunken driving. Ordinarily our State stores close at 6:00 at night, or I think the latest is around 9:00 at night. Now, you would like to have the agency store in those areas, the vacation areas, stay open until 1:00 in the morning, for those people that can't get what they need by 9:00 at night, then they can go down after the beach closes up and they can go get their liquor and have their party.

I think the one thing that should be understood here is that if you put agency stores in all the recreation areas in the State, and there's no criteria whatsoever for a recreation area, it can be Bangor, or Waterville, or Millinocket, or Presque Isle, or wherever. It doesn't have to be Kennebunk, or Camden, or Bar Harbor. Those State stores will be closing in those areas, because the Commissioner just closed a State store in Winslow, which was running a good profit. Now if your State stores drop in profit, certainly they're going to be closed by the Commissioner.

As far as sunseting this Bill, this Bill sunsets every day after Labor Day. I'm sure the Commissioner would never close stores as long as there's a sunset on this Bill. Once it's removed, he certainly would close stores.

Of course it might be a way of getting rid of State employees, if that's the object of the thing, but that's not really what I'm over here for.

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

Senator NAJARIAN: Mr. President and Members of the Senate: the Executive Director of the Liquor Commission just happened to be before my Committee this afternoon, and he was asked about what happened in Winslow with the State liquor store.

He explained that the lease was up on the store in Winslow and that they couldn't negotiate with the owner of the property who wanted to raise the lease rent by about triple or quadruple and there was another party who was interested who outbid them and the State was not going to be held over that kind of a barrel. There was no other property available in downtown Winslow and that is why the store is being closed out.

The PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: Mr. President, I do not want to belabor the Winslow store, but I think that if we are going to talk about the Winslow store that we might as well set it straight.

The Commissioner came before the Legal Affairs Committee and he was 45 days late in getting his letter to the Committee that he was closing the Winslow store. We got it 9 days before he wanted to close it, it is supposed to be 60 or 90 days.

We had urged him through two letters to keep that store open. We had written letters to the Appropriations Committee and certainly the Appropriations Committee got a copy of the letter, all the members.

Two weeks ago he was in our Committee

room and we asked him what he was going to do about the Winslow store? He said, as much as I hate to tell you, I guess that I am going to have to look for a place to open a State store. Prior to this he had told us that he did not have money enough to pay the new rent.

So we wrote letters to the Appropriations Committee urging them to appropriate more money for the Liquor Commission.

Today I heard that he was now waiting to see what happens to the bill on the agency stores because he would like to change the law so that he could put agency stores within a 10 mile radius of other State and agency stores.

As I understand it he said today that he had plenty of money to operate a store up there. That is what the House Chairman of the Committee told me.

The PRESIDENT: The Chair will order a Division.

Will all those Senators in favor of the motion by the Senator from Waldo, Senator Shute, that the Senate Accept the Majority Ought Not to Pass Report of the Committee, please rise in their places to be counted.

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

14 Senators having voted in the affirmative and 11 Senators having voted in the negative, the motion to Accept the Majority Ought Not to Pass Report does prevail.

Sent down for concurrence.

(Off Record Remarks)

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

Orders

Expressions of Legislative Sentiment recognizing:

The Sanford Lions Club for their recognition of Sanford's Franco-American heritage by their sponsorship of the 3rd Annual Franco-American Night. (S. P. 863) presented by Senator WOOD of York (Cosponsors: Representative TUTTLE of Sanford, Representative PAUL of Sanford and Representative RIDLEY of Shapleigh).

Pauline Gwadosky, who has served for 27 years as Mother Advisor of Waterville Assembly #21, of the International Order of Rainbow for Girls. (S. P. 865) presented by Senator TEAGUE of Somerset (Cosponsor: Representative GWADOSKY of Fairfield).

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:

Papers from the House

House Papers

Bill, "An Act to Authorize Sagadahoc County to Withdraw from the Maine State Retirement System." (Emergency) (H. P. 2026) (L. D. 1994)

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

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

Bill, "An Act to Establish the Cost of 1982 Spruce Budworm Spray Project." (Emergency) (H. P. 2049) (L. D. 1997)

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 Concerning the Chasing of Wild Animals by Dogs." (Emergency) (H. P. 2027) (L. D. 1995)

Comes from the House, referred to the Com-

mittee on Fisheries and Wildlife and Ordered Printed.

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

Bill, "An Act Concerning Maine Emergency Medical Services." (H. P. 2050) (L. D. 2000)

Comes from the House, referred to the Committee on Health and Institutional Services and Ordered Printed.

Which was referred to the Committee on Health and Institutional Services and Ordered Printed, in concurrence.

Bill, "An Act to Prevent Utilities from Excessive Recovery of Costs of Electric Plants in which they have Cancelled or Abandoned Participation." (H. P. 2052) (L. D. 1998)

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 Permit Persons Employed by Games of Chance Licensees as Bartenders to Operate and Conduct Licensed Games of Chance." (H. P. 2030) (L. D. 1996)

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.

Bill, "An Act to Allow for Industrial Development Improvements Utilizing Tax Increment Financing." (H. P. 2053) (L. D. 1999)

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.

Joint Orders

Expressions of Legislative Sentiment recognizing:

Leonard M. Nelson, Esq., of Portland, who saved members of the Maine Legislature from a potentially embarrassing oversight. (H. P. 2034)

Mal Sibulkin, who has been chosen as the Maine Small Businessperson of the year for 1981, by the United States Small Business Administration. (H. P. 2035)

Daniel R. O'Neil, of Fryeburg, who has been chosen by the Guy Gannett Publishing Company, as the winner of the Young Columbus XXVI carrier contest, as the outstanding newspaper carrier of Maine. (H. P. 2036)

Vernon D. Burke, of Troop 432, in Skowhegan, who has attained the high rank and distinction of Eagle Scout. (H. P. 2037)

Fire Chief Earle A. Blake, of Pownal, upon his retirement following 23 years of outstanding and dedicated service to his community. (H. P. 2038)

That February 7th to 13th, 1982, has been proclaimed United States Jayceette Week in recognition of that organization's volunteer service to its fellowman, communities and country. (H. P. 2039)

Dolly Gardiner, of Presque Isle, who has been chosen as an Outstanding Young Woman of America for 1981. (H. P. 2040)

Nancy Lougee, a sophomore at Penquis Valley High School, for her first place finish in the school's 14th annual science fair. (H. P. 2041)

Robert Zozuz, a senior at Penquis Valley High School, for his first place finish in the school's 14th annual science fair. (H. P. 2042)

Jackie Dunham, a freshman at Penquis Valley High School, for her first place finish in the school's 14th annual science fair. (H. P. 2043)

Pam Mayo, a junior at Penquis Valley High School, for her first place finish in the school's 14th annual science fair. (H. P. 2044)

Sheila Jepson, of Caribou, who has been chosen Miss Caribou for 1982. (H. P. 2045)

Frances Mealey, who has devoted many years of service to Waterville Assembly #21, of the International Order of Rainbow for Girls. (H. P. 2046)

Florence Milton, who has devoted many years of service to Waterville Assembly #21, of the International Order of Rainbow for Girls. (H. P. 2047)

Come from the House, Read and Passed.

On motion by Senator Pray of Penobscot Read and Passed, in concurrence.

Joint Resolution

A Joint Resolution in Memoriam:

WHEREAS, the Legislature has learned with deep regret of the death of Dr. Millard E. "Doc" Nickerson, a well-loved chiropractor in Sanford since 1923. (H. P. 2048)

Comes from the House, Read and Adopted.

Which was Read and Adopted, in concurrence.

Communication Department of State

Division of Public Administration

February 17, 1982

To the Honorable 110th Legislature of the State of Maine

Attention: House of Representatives, Clerk Pert

Info: Senate, Secretary Ross

I have the honor to transmit herewith an initiated bill, "AN ACT to End the Use of Nuclear Power for Producing Electricity in Five Years," and the results of the examination by this office of the initiative petitions relative to it.

The minimum number of valid signatures required to initiate this legislation is 37,026. On December 23, 1981, January 15, 22 and February 1, 1982, our office received 4,834 petitions said to contain 50,387 signatures. After extensive review we have determined the number of valid signatures to be 50,263.

In view of the foregoing determination, I hereby certify that these petitions have met the constitutional requirements of the minimum 37,026 valid signatures. Since the petitions have previously satisfied the constitutional requirements in all other respects, under the provisions of Article IV, Part Third, Section 18, of the Constitution of Maine, I do hereby declare this initiative petition to be valid.

In the event the Legislature rejects this initiative proposal, a referendum election will be called for November, 1982.

Respectfully,

S/JAMES S. HENDERSON

Deputy Secretary of State

(H. P. 2054)

Comes from the House, Read and Ordered Placed on File.

Which was Read and Ordered Placed on File, in concurrence.

The accompanying Bill "An Act to End the Use of Nuclear Power for Producing Electricity in Five Years" (IB 4) (L. D. 1989) comes from the House, referred to the Committee on Public Utilities.

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

Committee Reports

House

Leave to Withdraw

The Committee on Labor on, Bill, "An Act to Modify the Base Period for Purposes of Determining Eligibility for Unemployment Compensation Benefits." (H. P. 1903) (L. D. 1888)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Local and County Govern-

ment on, Bill, "An Act Relating to the Frequency of Payments by Certain County Officials to County Treasurers." (H. P. 1871) (L. D. 1865)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Local and County Government on, Bill, "An Act to Authorize a Self-Liquidating Bond Issue for Kennebec County for the Construction of a New Detention Facility." (H. P. 1813) (L. D. 1798)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Marine Resources on, Bill, "An Act to Require the Department of Environmental Protection to Obtain the Approval of the Commissioner of Marine Resources Prior to Issuing a License to Discharge Waste Waters to Tidal Waters." (H. P. 1786) (L. D. 1776)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Public Utilities on, Joint Resolution to Establish a State Emergency Electrical Energy Conservation Plan." (H. P. 1958) (L. D. 1931)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

Which Reports were Read and Accepted, in concurrence.

Change of Reference

The Committee on Public Utilities on, Bill, "An Act Relative to the Theft of Utility Services." (H. P. 1821) (L. D. 1806)

Reported that the same be referred to the Committee on Judiciary.

Comes from the House, the Report Read and Accepted and the Bill referred to the Committee on Judiciary.

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

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

Senate Paper

Senator KERRY of York (Cosponsors: Senator SHUTE of Waldo, Representative MAHANY of Easton and Representative TARBELL of Bangor) presented, Bill, "An Act Relating to Harness Racing at Agricultural Fairs, the State Stipend and Pari-mutuel Pools." (Emergency) (S. P. 864)

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

Reference to the Committee on Agriculture suggested.

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

Senator TEAGUE: I move that this item be referred to the Committee on Taxation.

The PRESIDENT: The Senator from Somerset, Senator Teague moves that S. P. 864 be referred to the Committee on Taxation and Ordered Printed and sent down for concurrence.

The Chair recognizes the Senator from York, Senator Kerry.

Senator KERRY: I would request a Division and request it go to Agriculture.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Somerset, Senator Teague, to refer S. P. 864 to the Committee on Taxation, please rise in their places to be counted.

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

The Chair is in doubt and would ask the affirmative votes to rise in their places until counted once more. The Chair apologizes.

14 Senators having voted in the affirmative and 10 Senators having voted in the negative, the motion that S. P. 864 be referred to the Committee on Taxation and Ordered Printed, does prevail.

Sent down for concurrence.

Enactor

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

Emergency

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." (H. P. 1967) (L. D. 1942)

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.

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

Committee Reports

Senate

Ought to Pass - As Amended

Senator VIOLETTE for the Committee on State Government on, RESOLUTION, Proposing an Amendment to the Constitution of Maine to Limit the Life of Bond Issues. (S. P. 753) (L. D. 1756)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-385).

Senator CLARK for the Committee on Business Legislation on, Bill, "An Act Concerning Grandfather Provisions with Oil Burnerman's Licensing Law." (S. P. 767) (L. D. 1825)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-386).

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

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