

# 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**

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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 19, 1982

Senate called to order by the President.

Prayer by the Reverend Robert E. Canfield of the Free Methodist Church of Gardiner.

REVEREND CANFIELD: Let us bow our heads in prayer. Almighty God, we thank You for this, another opportunity that we have to seek divine guidance. You never turned us away. You never considered us unimportant. In each matter of business and deliberation of this day, may our guidance come from You. May we not seek our own counsel, but may we seek the counsel that is from above, who gives to all men liberally as they would ask. We ask of You these moments, guide and direct. We ask this in the name of our Saviour, Jesus Christ. 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, they adjourn to Tuesday, February 23, 1982, at ten o'clock in the morning. (S. P. 866)

Which was Read and Passed.

Sent down forthwith for concurrence.

(Off Record Remarks)

Papers from the House  
House Paper

Bill, "An Act to Amend the Concealed Weapons Law." (H. P. 2051) (L. D. 2001)

Reference to the Committee on Legal Affairs suggested.

Comes from the House, Indefinitely Postponed.

On motion by Senator Shute of Waldo, the Bill was Indefinitely Postponed, in concurrence.

Joint Orders

Expressions of Legislative Sentiment recognizing:

Douglas Adams, of Boy Scout Troop III, of Auburn, who has achieved the high rank and distinction of Eagle Scout. (H. P. 2056)

Allen Bell, of Boy Scout Troop III, of Auburn, who has achieved the high rank and distinction of Eagle Scout. (H. P. 2057)

Come from the House, Read and Passed.

Which was Read and Passed, in concurrence.

Communications  
Department of Transportation

February 18, 1982

Governor Joseph E. Brennan and Members of the 110th Legislature

I am pleased to transmit herewith the proposed Highway Maintenance Paving and Federal Light Resurfacing Programs for Fiscal Year 1983.

Sincerely,  
S/GEORGE N. CAMPBELL, Jr.  
Commissioner

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

COMMITTEE ON STATE GOVERNMENT  
February 18, 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 State Government has had under consid-

eration the nomination of John A. Seigny to the position of Commissioner of the Maine State Housing Authority.

After public hearing and discussion of this nomination, the Committee proceeded to vote on the motion to recommend to the Senate of the 110th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee Clerk called the roll with the following result:

YEAS: Senators: 2

NAYS: Representatives: 9

ABSENT: Sen. Violette of Aroostook, Rep. McGowan of Pittsfield.

11 members of the Committee having voted in the affirmative and 0 in the negative, it was the vote of the Committee that the nomination of John A. Seigny to the position of Commissioner of the Maine State Housing Authority be confirmed.

Sincerely,  
S/DAVID R. AULT  
Senate Chairman  
S/JUDY C. KANY  
House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on State Government has recommended that the nomination of John A. Seigny be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on State Government 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—Bustin, Carpenter, Charette, Clark, Collins, Conley, Dutremble, Emerson, Gill, Hichens, Najarian, Perkins, Pierce, Pray, Redmond, Sewall, C.; Shute, Sutton, Teague, Usher, Wood, The President.

ABSENT—Ault, Brown, Devoe, Huber, Kerry, McBreairty, Minkowsky, O'Leary, Trafton, Trotzky, Violette.

No Senators having voted in the affirmative and 22 Senators in the negative, with 11 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 John A. Seigny is confirmed.

Committee Reports  
House

Divided Report

The Majority of the Committee on Legal Affairs on, Bill, "An Act to Regulate the Sound Level of Entertainment on Premises Licensed to Sell Liquor." (H. P. 1847) (L. D. 1828)

Reported that the same Ought Not to Pass.

Signed:

Sensors:

SHUTE of Waldo

CHARETTE of Androscoggin

VIOLETTE of Aroostook

Representatives:

McSWEENEY of Old Orchard Beach

TREADWELL of Veazie

STOVER of West Bath

SWAZEY of Bucksport

PERRY of Mexico

STUDLEY of Berwick

DUDLEY of Enfield

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass.

Signed:

Representatives:

COX of Brewer  
SOULAS of Bangor  
BOISVERT of Lewiston

Comes from the House, the Majority Ought Not to Pass Report Read and Accepted.

Which Reports were Read and the Majority Ought Not to Pass Report of the Committee Accepted, in concurrence.

Senate

Ought to Pass — As Amended

Senator CLARK for the Committee on Business Legislation on, Bill, "An Act to Adjust the Fees for Licenses Issued by the Arborist Examining Board." (S. P. 793) (L. D. 1724)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-388).

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

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Kennebec County for the Year 1982. (Emergency) (H. P. 2000) (L. D. 1958)

Which was Read a Second Time.

On motion by Senator Collins of Knox, Tabled until later in today's session, pending Passage to be Engrossed.

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)

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

Senate — As Amended

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Limit the Life of Bond Issues. (S. P. 753) (L. D. 1756)

Bill, An Act Concerning Grandfather Provisions with the Oil Burnerman's Licensing Law. (S. P. 767) (L. D. 1825)

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

Sent down for concurrence.

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

On motion by Senator Collins of Knox, Referred until 12:30 this afternoon.

Recess

After Recess

The Senate called to order by the President.

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 Provide Staggered Expiration Dates for Terms of Inland Fisheries and Wildlife Advisory Council Members. (Emergency) (H. P. 2055) (L. D. 2002)

Comes from the House, referred to the Committee 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 to Permit Physicians' Assistants to Take Blood Samples in Cases Involving Operating Under the Influence." (H. P. 2028) (L. D. 2004)

Reference to the Committee on Judiciary

suggested.

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 Amend the Concealed Weapons Law." (H. P. 2060) (L. D. 2005)

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.

#### (Off Record Remarks)

#### Committee Reports House

The following **Ought Not to Pass** reports shall be placed in the legislative files without further action pursuant to Rule 22 of the Joint Rules:

Bill, "An Act to Prohibit County Departments from Overspending their Budgets." (H. P. 1785) (L. D. 1775)

RESOLVE, Authorizing Ian M. Walker to Bring Suit Against the State. (H. P. 1930) (L. D. 1913)

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

Senator SHUTE: Mr. President, a question?

The PRESIDENT: The Senator may state his question.

Senator SHUTE: Is it possible to Table LD 1913 for one day?

The PRESIDENT: The Chair would advise the Senator that these items are simply on the calendar, on the journal, to inform the Senate of their disposition, they, in fact, are not before the Body. There's nothing to Table.

Senator SHUTE: Thank you.

#### Leave to Withdraw

The Committee on Judiciary on, Bill, "An Act to Permit the Juvenile Court to Impose Parental Financial Support Orders in Certain Cases Under the Juvenile code." (H. P. 1778) (L. D. 1768)

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 Agriculture on, Bill, "An Act to Provide Assistance in the Marketing of Maine Agricultural Products." (H. P. 1900) (L. D. 1885)

Reported that the same Ought to Pass.

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

The Committee on Judiciary on, Bill, "An Act to Clarify the Term "Account" in the Probate Code." (H. P. 1780) (L. D. 1770)

Reported that the same Ought to Pass.

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

The Committee on Local and County Government on, Bill, "An Act to Clarify the Boundary Between the Town of Waterford and the Township of Albany." (H. P. 1864) (L. D. 1858)

Reported that the same Ought to Pass.

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

The Committee on Taxation on, RESOLVE, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Real Estate in the Unorganized Territory. (H. P. 1831) (L. D. 1813)

Reported that the same Ought to Pass.

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

The Committee on Taxation on, RESOLVE, Reimbursing Certain Municipalities on Account of Taxes Lost Due to the Veterans' Property

Tax Exemption. (H. P. 1737) (L. D. 1722)

Reported that the same Ought to Pass.

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

The Committee on Taxation on, RESOLVE, Reimbursing Great Pond on Account of Taxes Lost due to Lands being Classified under the Maine Tree Growth Tax Law. (H. P. 1736) (L. D. 1721)

Reported that the same Ought to Pass.

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

Which Reports were Read and Accepted, in concurrence, and the Bills and Resolves 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

Expressions of Legislative Sentiment recognizing:

Heather D. Larlee, of Southern Aroostook Community School District, Daughter of Mr. and Mrs. George Larlee, of Oakland, who has been chosen as a DAR Good Citizen for 1981-1982. (H. P. 2058)

Charles Bubar, of Hodgdon High School, son of Mr. and Mrs. Ralph Bubar, Sr., of Linneus, who has been chosen as a DAR good citizen for 1981-1982. (H. P. 2059)

Bryan Courtois, of Millinocket, who recently earned the high rank and distinction of Life Scout, the last step before Eagle Scout. (H. P. 2061)

The members of the Auburn Middle School Ski Team for their winning both the Boys' and Girls' State Junior Ski Championship. (H. P. 2062)

The Town of East Millinocket which, on February 21, 1982, will celebrate the 75th anniversary of its incorporation. (H. P. 2063)

Albert Bradford, of Turner, for his distinguished career as a dairy farmer which has included the winning of numerous awards, most notably the Maine Dairyman of the Year and the New England Green Pastures awards. (H. P. 2065)

Come from the House, Read and Passed.

Which was Read and Passed, in concurrence.

#### Committee Report Senate

##### Ought to Pass — As Amended

Senator EMERSON for the Committee on Transportation on, Bill, "An Act Establishing a Directional Sign at Exit 8 of the Maine Turnpike Indicating St. Joseph's College." (S. P. 771) (L. D. 1821)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-389).

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

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

#### Senate Papers

Senator CARPENTER of Aroostook (Cosponsors: Representative NELSON of New Sweden, Representative MAHANY of Easton and Representative LISNIK of Presque Isle) presented, Bill, "An Act to Provide for Identifying Seed Potatoes." (S. P. 869)

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

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

Sent down for concurrence.

Senator TRAFTON of Androscoggin presented, Bill, "An Act to Amend the Terms of the Directors of the Auburn Water and Sewer-

age Districts." (Emergency) (S. P. 868)

(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 CONLEY of Cumberland (Cosponsor: Senator AULT of Kennebec, Representative MARTIN of Eagle Lake and Representative MURPHY of Kennebec) presented, Bill, "An Act to Facilitate Acquisition, Improvement and Construction of Housing Financed through the Maine State Housing Authority." (Emergency) (S. P. 867)

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

Sent down for concurrence.

#### Orders of the Day

The President laid before the Senate: RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Kennebec County for the Year 1982.

Tabled—Earlier in the Day by Senator Collins of Knox.

Pending—Passage to be Engrossed.

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

Senator PIERCE: Mr. President and Members of the Senate, I present an Amendment under filing number S-387 and move its adoption.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, offers Senate Amendment "A" to L. D. 1958 and moves its adoption.

Senate Amendment "A" (S-387) Read and Adopted and the Resolve, as amended, Passed to be Engrossed, in non-concurrence.

Sent down for concurrence.

Senator Teague of Somerset 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 23, 1982 at 10 o'clock in the morning.