

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
March 8, 1982

Senate called to order by the President.

Prayer by Mr. Paul Cates of the Friends Meeting House of East Vassalboro.

Mr. CATES: Let us pray. Dear God, as the members of this Senate gather for their day of deliberations, we thank You for Your presence. We recognize the awesome nature of our responsibilities, as citizens of this State, of interesting and furthering the well-being of this State. We see the need to develop the resources that this State possesses, and at the same time, leave a wealth for coming generations. We see the need to work for justice for everybody, no coddling of the criminal classes and, also, no classes of special privilege in this society. We see the need to develop programs of taxes and welfare which will encourage individual initiative, and which will be meeting basic human needs.

Dear God, we pray that You will help us this day to look at all these things, and other problems we face, not in the glare of partisan politics, but in the illumination of Your spirit. We ask this on behalf of all the people in this great State. Amen.

Reading of the Journal of yesterday.

Papers From the House
Joint Orders

Expressions of Legislative Sentiment recognizing:

Central Aroostook High School Cheerleaders selected for All Eastern Tournament Classes C and D. (H. P. 2134)

Central Aroostook Boys' Basketball Team, winners of the Eastern Maine Class C Sportsmanship Award. (H. P. 2135)

Ray and Phyllis Lemieux, who as volunteers, have provided untiring leadership and devotion to the development of hockey and youth in the Waterville area. (H. P. 2145)

The Senior Citizens' Choral Group, of the Multi-purpose Center in Lewiston, Maine, and their director Paul Emile Belanger, for the groups' 14 years of service to the public. (H. P. 2146)

Dan Simoneau, of Livermore Falls, who led the U.S.A. to an 8th place finish in the World Nordic Ski Championship in Oslo, Norway. (H. P. 2147)

Caribou High School, which placed 1st in the Aroostook County Telequiz. (H. P. 2148)

The Wells High School Boys' Basketball Team, for winning the overall Sportsmanship Award in the Western Class B Championship Playoffs. (H. P. 2150)

Come from the House, Read and Passed.

Which were Read and Passed, in concurrence.

Committee Reports
House

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

Bill, "An Act to Appropriate \$5,000 for the National Guard Scholarship Program at Vocational-technical Institutes." (H. P. 1834) (L. D. 1831)

Leave to Withdraw

The Committee on Appropriations and Financial Affairs on, Bill, "An Act Appropriating Funds to the Department of Labor to Operate Offices of the Maine Job Service for Federal Fiscal Year 1982." (H. P. 1866) (L. D. 1860)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

Which Report was Read and Accepted, in concurrence.

Ought to Pass

The Committee on Legal Affairs on, Bill, "An Act to Permit Persons Employed by Games of Chance Licensees as Bartenders to Operate and Conduct Certain Licensed Games of Chance." (H. P. 2030) (L. D. 1996)

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.

The Committee on Energy and Natural Resources on, Bill, "An Act to Establish Voluntary Certification for Building Energy Auditors." (H. P. 1916) (L. D. 1893)

Reported that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed, as amended by House Amendment "A" (H-628).

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

Ought to Pass — As Amended

The Committee on State Government on, Bill, "An Act to Repeal the Maine Bid Preference Law." (H. P. 1904) (L. D. 1889)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-624).

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

The Committee on State Government on, Bill, "An Act Relating to the Publication of a Consolidated Map of the State." (Emergency) (H. P. 1843) (L. D. 1838)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-623).

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

The Committee on State Government on, Bill, "An Act Relating to the Compensation of Public Utilities' Commissioners." (H. P. 1921) (L. D. 1903)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-626).

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

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

Senate

Ought to Pass in New Draft

Senator CLARK for the Committee on Education on, Bill, "An Act to Revise the Education Laws" (Emergency) (S. P. 561) (L. D. 1554)

Reported that the same Ought to Pass in New Draft under Same Title. (S. P. 897) (L. D. 2042)

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

Second Readers

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

House

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. 1966)

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

Enactors

The Committee on Engrossed Bills reported as truly and strictly engrossed the following: AN ACT to Provide the District Courts with Concurrent Jurisdiction Over Mechanics Lien Actions. (S. P. 746) (L. D. 1749)

AN ACT Relating to Guide Dogs for Handicapped Persons. (S. P. 765) (L. D. 1823)

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 Tabled and specially assigned matter:

JOINT ORDER—Relative to Recall of RESOLVE, Authorizing the Exchange of Certain Public Reserved Lands (H. P. 1739) (L. D. 1728) from the Governor's Desk (S. P. 909)

Tabled—March 5, 1982 by Senator COLLINS of Knox.

Pending—Passage

On motion by Senator Conley of Cumberland. Retabled until later in today's session.

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

On motion by Senator Pierce of Kennebec. Recessed until 4:30 o'clock this afternoon.

Recess

After Recess

The Senate called to order by the President.

(Off Record Remarks)

Senator Hichens of York was granted unanimous consent to address the Senate. On the Record.

Senator HICHENS: Thank you, Mr. President.

March 8th—The day is balmy, and skies above are blue
And will ever be special—to many amongst you.

Famous people down through history were born on this special date
Names like Holme's and Hichens about whom I could relate.

Spring is busting out all over—snow is melting fast
And the gloomy days of winter are thoughts of the past

And the Legislative Session is fast drawing to an end
With many special issues with which we must all contend.

But I must bring to your attention that one of our members here

Has come to that time in her life—which most of us count dear

Yet with perhaps mixed emotions for if the truth were told

This event brings realization that one is growing old

When they become Grandparents and although their hearts are glad

To have a grandchild to love—deep within they feel sad

To think their youth has left them as a new title they bear

From now on it is Grandma—oh where's the rocking chair.

But all kidding aside—its great to have Grandkids around

And with the first we look ahead when more of them abound.

So join with me this afternoon as I congratulate The newest Grandma in our midst—and remember long the date

That she joined the favored ranks—for long which she's been lustin
And give a well resounding hand to Grandma Beverly Bustin.
P.S. It's a girl.

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

Committee Reports House

Ought to Pass

The Committee on Appropriations and Financial Affairs on, Bill, "An Act to Increase the Working Capital of the State Liquor Commission." (H. P. 1807) (L. D. 1792)

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, Resolve, for Laying of the County Taxes and Authorizing Expenditures of Sagadahoc County for the Year 1982." (H. P. 2149) (L. D. 2052)

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

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

The Committee on Public Utilities on, Bill, "An Act to Revise the Lubec Water and Electric District Charter to Modify the Requirements for Issuance of Bonds." (Emergency) (H. P. 1976) (L. D. 1951)

Reported that the same Ought to Pass.

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

Which Reports were Read and Accepted, in concurrence, and the Bills and Resolve Read Once and Tomorrow Assigned for Second Reading.

Ought to Pass — As Amended

The Committee on Aging, Retirement and Veterans on, Bill, "An Act to Establish Procedures for Withdrawal of Participating Local District from the Maine State Retirement System." (H. P. 1953) (L. D. 1924)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-629).

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

The Committee on Appropriations and Financial Affairs on, Bill, "An Act to Fund and Implement Collective Bargaining Agreements Relating to Vocational-Technical Institute Employees." (H. P. 2084) (L. D. 2023)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-630).

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

The Committee on Business Legislation on, Bill, "An Act to Revise the Fair Credit Reporting Act and to Conform to Recent Maine Judicial Decisions." (H. P. 1727) (L. D. 1712)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-631).

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

The Committee on Fisheries and Wildlife on, Bill, "An Act to Clarify the Statutes Pertaining to Search and Rescue." (H. P. 1837) (L. D. 1834)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-632).

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

Which Reports were Read and Accepted, in concurrence, and the Bills Read Once. Committee Amendments "A" were Read and Adopted, in concurrence, and the Bills, as

amended, Tomorrow Assigned for Second Reading.

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

Orders

Expressions of Legislative Sentiment recognizing:

Laura Bouchard, of Caribou, a senior at the University of Maine at Presque Isle and captain of the Women's Basketball Team, for being the first woman to be named "Athlete of the Month" by the University. (S. P. 917) presented by Senator McBREAIRTY of Aroostook (Cosponsors: Representative PETERSON of Caribou and Representative MATTHEWS of Caribou.)

Ron Doody, of Fairfield, a senior center on the Lawrence Bulldogs Basketball Team, for reaching the 1000 point scoring mark, only the second person in Lawrence High school history to do so. (S. P. 918) presented by Senator TEAGUE of Somerset (Cosponsor: GWADOSKY of Fairfield.)

Which were Read and Passed.
Sent down for concurrence.

Committee Report Senate

Divided Report

The Majority of the Committee on Health and Institutional Services on, Bill, "An Act to Adjust the Eating, Lodging and Recreational Place Licensing Fee." (S. P. 811) (L. D. 1907)

Reported that the same Ought to Pass.

Signed:
Senators:

BUSTIN of Kennebec
HICHENS of York

Representatives:

NELSON of Portland
MANNING of Madison
RICHARD of Madison
McCOLLISTER of Portland
KETOVER of Portland
BRODEUR of Auburn

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-401).

Signed:

Senator:

GILL of Cumberland

Representatives:

HOLLOWAY of Edgecomb
WEBSTER of Farmington
MacBRIDE of Presque Isle
RANDALL of East Machias

Which Reports were Read.

On motion by Senator Conley of Cumberland, Tabled for 1 Legislative Day, pending Acceptance of Either Committee Report.

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

Committee Reports

Senate

Ought to Pass

Senator GILL for the Committee on Health and Institutional Services on, Bill, "An Act to Abolish the Mandatory Reporting of Alcoholism Section of the Board of Registration in Medicine Act." (S. P. 830) (L. D. 1938)

Reported that the same Ought to Pass.

Senator DEVOE for the Committee on Public Utilities on, Bill, "An Act Relating to the Installation of Utility Poles." (S. P. 839) (L. D. 1962)

Reported that the same Ought to Pass.

Senator DEVOE for the Committee on Public Utilities on, Bill, "An Act to Amend the Terms of the Directors of the Auburn Water and Sewerage Districts." (S. P. 868) (L. D. 2013)

Reported that the same Ought to Pass.

Senator DEVOE for the Committee on

Public Utilities on, Bill, "An Act Relating to Fuel Adjustment Clause of Natural Gas Utilities." (S. P. 817) (L. D. 1921)

Reported that the same Ought to Pass.

Which Reports were Read and Accepted, and the Bills Read Once and Tomorrow Assigned for Second Reading.

Ought to Pass — As Amended

Senator DEVOE for the Committee on Public Utilities on, Bill, "An Act to Raise the Annual Public Utilities Commission Regulatory Fund Assessments to \$1,300,000." (S. P. 785) (L. D. 1850)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-402).

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.

Committee Report Senate

Divided Report

The Majority of the Committee on State Government on, Resolution, Proposing an Amendment to the Constitution of Maine to Prevent Combining more than One Bond Issue Item on a Single Bond Issue Bill." (H. P. 1793) (L. D. 1783)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-606)

(Speaker ruled Committee Amendment "A" not germane.)

Signed:

Senators:

AULT of Kennebec
GILL of Cumberland

Representatives:

KANY of Waterville
BELL of Paris
DILLENBACK of Cumberland
DIAMOND of Bangor
GWADOSKY of Fairfield
MASTERTON of Cape Elizabeth
BOYCE of Auburn
SMALL of Bath

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

Signed:

Senator:

VIOLETTE of Aroostook

Representatives:

PARADIS of Augusta
McGOWAN of Pittsfield

Comes from the House, the Bill and accompanying Papers, Indefinitely Postponed.

Which Reports were Read.

On motion by Senator Violette of Aroostook, the Bill and accompanying papers Indefinitely Postponed, in concurrence.

Enactor

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

Emergency

AN ACT to Incorporate the Farmington Falls Water District." (H. P. 2142) (L. D. 2051)

This being an emergency measure and having received the affirmative votes of 28 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 Government for his approval.

Orders of the Day

The President laid before the Senate:

JOINT ORDER—Relative to Recall of RESOLVE, Authorizing the Exchange of Certain Public Reserved Lands (H. P. 1739) (L. D. 1728) from the Governor's Desk (S. P. 909)

Tabled—Earlier in the Day by Senator CONLEY of Cumberland

Pending—Passage.

On motion by Senator Conley of Cumberland,
Retabled for 1 Legislative Day.

Senator Hichens of York was granted unanimous consent to address the Senate, Off the Record.

Senator Wood of York was granted unanimous consent to address the Senate, Off the Record.

Senator Hichens of York was granted unanimous consent to address the Senate, Off the Record.

On motion by Senator Pierce of Kennebec,
Adjourned until 8:30 o'clock tomorrow morning.