

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 15, 1982
Senate called to order by the President.

Prayer by Pastor Ken Dutille of the Calvary Bible Baptist Church of North Whitefield.

Pastor DUTILLE: Let us pray. Our heavenly Father, life is so wondrous we can scarcely comprehend its meaning.

This minute belongs to Thee, O'Lord, and we keep it in acknowledgement of Thy ownership.

Give us Thy presence today that we may have a sense of moral standards. Give us Thy guidance that we may have a sense of true direction. Give us Thy power that we may manifest the way of God in the life of man.

We thank Thee this morning for your personal salvation that you give to those who ask for it.

Be Thou by our side to help us this day to fight the good fight of faith. Renew our strength daily for the task that Thou has committed to our care. In the name of our Redeemer, we beseech Thee. Amen.

Reading of the Journal of yesterday.

On motion by Senator Collins of Knox, out of order and Under Suspension of the Rules.

ORDERED, the House concurring that when the House and Senate adjourn they adjourn to Thursday, March 18, 1982, at eleven o'clock in the morning. (S. P. 926)

Which was Read and Passed.

Sent down forthwith for concurrence.

(Off Record Remarks)

Papers From the House
Joint Orders

Expressions of Legislative Sentiment recognizing:

The East Branch Snow Rover Club, of East Millinocket, which has been named the number one snowmobile club in the State by the Maine State Snowmobile Association. (H. P. 2166)

Julius Sussman, of Augusta, a recipient of the 1982 Jefferson Award for Outstanding Public Service for the joy he has brought to young, retarded, handicapped and elderly persons through his love of life and dedication to humanity. (H. P. 2167)

Vena Merrill, of Wiscasset, winner of the Jefferson Award for Outstanding Public Service for greatest public service benefiting local communities. (H. P. 2168)

The Garland Street Junior High School's 1981 Girls Soccer Team on winning the Central Division Championship. (H. P. 2169)

Ralph Cammack, of Bangor, who has been named to the 1981 Maine Class AA All-State Football Team. (H. P. 2170)

Linda Mae Lauer, of Bridgton, who has distinguished herself in her home, her profession and her community, and therefore is included in the 1981 edition of Outstanding Young Women of America. (H. P. 2171)

Paul Bellavance, Mary Jo Thompson and others of the Scarborough Elementary School Unit, for bringing national recognition to the school in arts education and a \$10,000 grant from the Rockefeller Brothers Fund. (H. P. 2172)

Wayne Proctor, of Windham, on attaining the high rank and distinction of Eagle Scout. (H. P. 2173)

J. Robert Feeley, M.D., of Brewer, for his distinguished career in medical service to the people of Maine. (H. P. 2174)

Hollis Ingalls, of Machias, winner of the Jefferson Award for public service. (H. P. 2175)

Mae Winslow, of Randolph, the oldest resident of that town, who will celebrate the 100th anniversary of her birth on April 12, 1982. (H.

P. 2176)

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 Equalize the Price of Liquor Throughout the State and to Determine an Appropriate Price Level." (H. P. 1933) (L. D. 1915)

Leave to Withdraw

The Committee on Transportation on, Bill, "An Act Relating to Interstate Signing." (H. P. 1725) (L. D. 1710)

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 Health and Institutional Services on, Bill, "An Act to Amend the Medical Practice Act." (H. P. 2070) (L. D. 2011)

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 Judiciary on, Bill, "An Act to Eliminate Discrimination in Cases of Prostitution." (H. P. 2121) (L. D. 2040)

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, on motion by Senator Conley of Cumberland, the Bill Read a Second Time and Passed to be Engrossed, in concurrence.

Ought to Pass — As Amended

The Committee on Transportation on, Bill, "An Act to Provide a Directional Sign at Exit 11 of the Maine Turnpike Indicating Sunday River Recreational Area." (H. P. 1800) (L. D. 1790)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-647).

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

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

Divided Report

The Majority of the Committee on Legal Affairs on, Bill, "An Act to Provide for the Use of Major Credit Cards at the Kittery Liquor Store." (H. P. 1914) (L. D. 1900)

Reported that the same Ought to Pass as amended by Committee Amendment "B" (H-645).

Signed:

Senators:

CHARETTE of Androscoggin
VIOLETTE of Aroostook

Representatives:

SWAZEY of Bucksport
BOISVERT of Lewiston
McSWEENEY of Old Orchard Beach
STUDLEY of Berwick
PERRY of Mexico
SOULAS of Bangor

The Minority of the same Committee on the

same subject matter reported that the same Ought Not to Pass.

Signed:

Senator:

SHUTE of Waldo

Representatives:

COX of Brewer
DUDLEY of Enfield
TREADWELL of Veazie
STOVER of West Bath

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

Which Reports were Read.

On motion by Senator Shute of Waldo, the Minority Ought Not to Pass Report of the Committee Accepted, in concurrence.

Second Reader

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

House

Bill, "An Act to Increase the Sardine Tax." (H. P. 2157) (L. D. 2057)

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

Enactor

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:
AN ACT Prohibiting Bond Issues of Less than \$2,000,000. (H. P. 1792) (L. D. 1782)

Comes from the House, Failed of Enactment.

The PRESIDENT: Is it now the pleasure of the Senate that L. D. 1782 be Passed to be Enacted?

The Chair recognizes the Senator from Cumberland, Senator Huber.

Senator HUBER: Mr. President, I request a Division and would speak briefly on my motion.

The PRESIDENT: The Senator has the floor.

Senator HUBER: I would move that this Bill be Indefinitely Postponed. I think that this Bill is unnecessary, and although, I appreciate the reasoning behind its introduction I do not think that we can legislate judgment in these matters, and come out with a reasonable answer.

I think there may be bond issues smaller than \$2,000,000 which would be appropriate for bonding, perhaps depending on the condition of the General Fund should be bonded.

I do not think that this is a wise measure. I do think that it eliminates legislative judgment. I hope that the Senate will see fit to Indefinitely Postpone it.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Cumberland, Senator Huber, that L. D. 1782 be Indefinitely Postponed, please rise in their places to be counted.

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

26 Senators having voted in the affirmative and No Senators having voted in the negative. L. D. 1782 was Indefinitely Postponed.

Orders of the Day

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

Bill, "An Act to Permit Physicians' Assistants to Take Blood Samples in Cases Involving Operating Under the Influence." (H. P. 2028) (L. D. 2004)

Tabled—March 11, 1982 by Senator MINKOWSKY of Androscoggin

Pending—Adoption of Committee Amendment "A", (H-634)

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

Senator MINKOWSKY: Mr. President and Members of the Senate: over the weekend, I have had ample time to discuss this with several people. I'm still not fully satisfied with the intent of giving the physician's assistants this type of immunity from liability.

I guess under the circumstances, we don't

have much of a choice in the matter since there has been some untimely deaths due to traffic accidents and driving under the influence of liquor.

I'd like to call to the attention of the Senate that in this particular document, we were giving this immunity of liability to the physicians' assistants because they were going to piggyback on the physician himself. You may recall just last week, or a week and a half ago, we looked at the physicians and the very serious problems they were having with alcohol as well as with drugs. I'm just wondering exactly how they can really get this type of immunity on this particular issue.

I guess the only answer to this particular problem this morning would be to move that this particular Bill be Engrossed.

House Amendment "A" to Committee Amendment "A" was Read and Adopted, in concurrence. Committee Amendment "A" as amended by House Amendment "A" Thereto, was Adopted, in concurrence, and the Bill, as amended, Tomorrow Assigned for Second Reading.

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

HOUSE REPORTS—from the Committee on Legal Affairs—Bill, "An Act Relating to the Closing of State Liquor Stores in Communities with One Store," (Emergency) (H. P. 1996) (L. D. 1972) — MAJORITY REPORT Ought to Pass as amended by Committee Amendment "A" (H-641); MINORITY REPORT Ought to Pass as amended by Committee Amendment "B" (H-642)

Tabled—March 12, 1982 by Senator COLLINS of Knox

Pending—Acceptance of Either Report.

On motion by Senator Collins of Knox, Retabled for 1 Legislative Day.

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

**Communication
Senate Chamber
President's Office**

March 15, 1982

Honorable Dana C. Devoe

Honorable Barry J. Hobbins

Chairmen

Joint Standing Committee on Judiciary

State House

Augusta, Maine

Dear Committee Chairmen:

Please be advised that Governor Joseph E. Brennan is nominating Millard E. Emanuelson of Machias for reappointment to the District Court for the Judge-at-Large seat.

Pursuant to Title 4 MRSA Section 157, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,

S/JOSEPH SEWALL

President of the Senate

S/JOHN L. MARTIN

Speaker of the House

(S. P. 927)

Which was Read and referred to the Committee on Judiciary. Sent down forthwith for concurrence.

(Senate at Ease)

The Senate called to order by the President.

(Off Record Remarks)

The Adjournment Order having been returned from the House, Read and Passed, in concurrence, on motion by Senator Collins of Knox, Adjourned until Thursday, March 18, at 11 o'clock in the morning.