

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 23, 1982

Senate called to order by the President.

Prayer by the Reverend Stephen D. Edington of the First Universalist Church of Rockland.

REVEREND EDINGTON: May we pray. To that eternal spirit which sustains and nurtures all life, we would direct our prayer this morning. May the deliberations that go forth here be done with an awareness and an appreciation of the tasks and the duties that have been entrusted to us.

As we seek to fulfill the responsibilities of office, may we continue to remain faithful to a vision of a just and humane and compassionate society, and may even the most difficult of choices proceed from our concern for the common good.

Our prayer today is also one of gratitude. We give thanks for the gifts of life, for the opportunities we have to enhance it. May the quality of life that the citizens of this State know and can come to know be due in some measure to decisions made here.

In this spirit we gather, and in this spirit we pray. Amen.

Reading of the Journal of yesterday.

(Off Record Remarks)

**Papers from the House
Non-Concurrent Matter**

Bill, "An Act to Prohibit Drinking on School Premises Without Requiring Prior Warning by a Law Enforcement Officer." (H. P. 1929) (L. D. 1912)

In the House, March 10, 1982, Passed to be Enacted.

In the Senate, March 12, 1982, Bill and accompanying Papers Indefinitely Postpone, in non-concurrence.

Comes from the House, that Body Having Adhered.

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

Senator HICHENS: I move the Senate Recede and Concur with the House.

The PRESIDENT: The Senator from York, Senator Hichens, moves that the Senate Recede and Concur with the House.

The Chair recognizes the Senator from Androscoggin, Senator Charette.

Senator CHARETTE: Mr. President, I would ask a Division on that motion, and would hope that this Body votes as it did the last time, to Adhere on this Bill. Thank you.

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

Senator HICHENS: I request a Roll Call.

The PRESIDENT: A Roll Call has been requested. Under the Constitution, in order for the Chair to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

Will all those Senators in favor of ordering a Roll Call, please rise and remain standing until counted.

Obviously more than one-fifth having arisen a Roll Call is ordered.

The Chair recognizes the Senator from Aroostook, Senator McBreaireity.

Senator MCBREAIRTY: Mr. President and Members of the Senate, I would hope that you would not Recede and Concur. If we can give people from Canada, out-of-state, and all over, a warning, if we can give our own selves a warning, in the hall of the Senator Motel, I would hope that we could give these youngsters a warning on school premises. Thank you.

The PRESIDENT: Is the Senate ready for the question?

The pending question before the Senate is the

motion by the Senator from York, Senator Hichens, that the Senate Recede and Concur with the House.

A Yes vote will be in favor of the motion of Recede and Concur.

A No vote will be opposed.

The Doorkeepers will secure the Chamber. The Secretary will call the Roll.

ROLL CALL

YEA—Bustin, Clark, Collins, Dutremble, Hichens, Huber, Kerry, Pierce, Shute, Sutton, Wood.

NAY—Brown, Charette, Conley, Devoe, Emerson, Gill, McBreaireity, Minkowsky, Najarian, Perkins, Pray, Redmond, Sewall, C.; Teague, Trotzky, Usher, Violette.

ABSENT—Ault, Carpenter, O'Leary, Traf-ton.

A Roll Call was had.

11 Senators having voted in the affirmative and 17 Senators in the negative, with 4 Senators being absent, the motion to Recede and Concur with the House does not prevail.

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

It is a vote.

Joint Orders

Expressions of Legislative Sentiment recognizing:

The Sanford High School Wrestling Team, coached by John Caramihalis, which won the 1981-82 State Class A Wrestling Championship, its 13th State Championship. (H. P. 2202)

Andy Caramihalis, a member of the Sanford High School Wrestling Team, who won the 1981-82 State Championship at 132 pounds. (H. P. 2203)

Harry Winslow, of Harrison, upon his retirement from public service as Public Works Foreman for the community. (H. P. 2204)

Come from the House, Read and Passed.

Which were Read and Passed, in concurrence.

**Communications
Senate Chamber
President's Office**

March 19, 1982

Honorable Charlotte Sewall

Honorable Edith Beaulieu

Chairmen

Joint Standing Committee on Labor

State House

Augusta, Maine

Dear Committee Chairmen:

Please be advised that Governor Joseph E. Brennan is nominating Harold S. Noddin of Augusta and Russell A. Webb of Clinton for reappointment to the Maine Labor Relations Board. Mr. Noddin is being nominated to the position of Primary Employee Member and Mr. Webb is being nominated to the position of First Alternate Employee Member.

Pursuant to Title 26 MRSA Section 968, this nomination will require review by the Joint Standing Committee on Labor and confirmation by the Senate.

Sincerely,

S/JOSEPH SEWALL
President of the Senate

S/JOHN L. MARTIN

Speaker of the House

(S. P. 943)

Which was Read and referred to the Committee on Labor.

Sent down forthwith for concurrence.

**Senate Chamber
President's Office**

March 19, 1982

Honorable Thomas M. Teague

Honorable Daniel B. Hickey

Chairmen

Joint Standing Committee on

Aging, Retirement & Veterans

State House

Augusta, Maine

Dear Committee Chairman:

Please be advised that Governor Joseph E. Brennan is nominating Patricia M. McDonough of South Portland for reappointment to the Maine State Retirement System Board of Trustees.

Pursuant to Title 5 MRSA Section 1031, this nomination will require review by the Joint Standing Committee on Aging, Retirement and Veterans and confirmation by the Senate.

Sincerely,

S/JOSEPH SEWALL

President of the Senate

S/JOHN L. MARTIN

Speaker of the House

(S. P. 944)

Which was Read and referred to the Committee on Aging, Retirement and Veterans.

Sent down forthwith for concurrence.

**Department of Environmental Protection
March 17, 1982**

THE HONORABLE JOSEPH SEWALL

President of the Senate

Maine State Legislature

State House Station #3

Dear Mr. President:

I am submitting herewith the annual report of the Commissioner of Environmental Protection to the Legislature in accordance with the action of the Legislature in enacting Public Law 478 requiring that I report yearly regarding the status of "Hazardous Waste Management."

As you are aware, P.L. 478 has been effective only since September 1981. Because of this fact, it was not possible to obtain all information necessary to completely satisfy the requirements of the law. I felt it would be appropriate, however, to offer a report outlining the status of the data collection and monitoring program to January 1, 1982.

Sincerely,

S/HENRY E. WARREN, Commissioner
DEPARTMENT OF ENVIRONMENTAL
PROTECTION

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

**Committee Reports
House
Leave to Withdraw**

The Committee on Business Legislation on, Bill, "An Act to Prevent Abuses in Certain Land Installment Contracts." (H. P. 2073) (L. D. 2016)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Energy and Natural Resources on, Bill, "An Act to Require Safety Information with Wood Stoves and Furnaces." (H. P. 2079) (L. D. 2021)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Labor on, Bill, "An Act to Revise the Workers' Compensation Laws Relating to Occupational Hearing Loss." (H. P. 1981) (L. D. 1952)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

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

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.

Ought to Pass

The Committee on Public Utilities on, Bill, "An Act to Amend the Charter of the Lincoln Water District." (H. P. 2119) (L. D. 2041)

Reported that the same Ought to Pass.
Comes from the House, the Bill Passed to be Engrossed.

The Committee on Taxation on, Bill, "An Act to Establish the Discount Rate for the Tree Growth Tax Law." (H. P. 2177) (L. D. 2069)

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 Oxford County for the year 1982 (Emergency) (H. P. 2199) (L. D. 2078)

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

Comes from the House, the Resolve 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 Public Utilities on, Bill, "An Act to Revise the Charter of the Brunswick Sewer District." (H. P. 2097) (L. D. 2031)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H. 665).

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.

Ought to Pass in New Draft

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

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 2198) (L. D. 2077)

Comes from the House, the Bill in New Draft, Passed to be Engrossed.

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

Divided Report

The Majority of the Committee on Election Laws on, Bill, "An Act Relating to the Collection of Signatures at Polling Places." (H. P. 2118) (L. D. 2039)

Reported that the same Ought Not to Pass.
Signed:

Senator:

PIERCE of Kennebec

Representatives:

WILLEY of Hampden

WENTWORTH of Wells

WEYMOUTH of West Gardiner

ROBERTS of Buxton

HANSON of Kennebunkport

CAHILL of Woolwich

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

Signed:

Senators:

PRAY of Penobscot

CARPENTER of Aroostook

Representatives:

NADEAU of Lewiston

PARADIS of Augusta

DIAMOND of Bangor

MARTIN of Van Buren

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

Which Reports were Read.

On motion by Senator Pierce of Kennebec, the Majority Ought Not to Pass Report of the Committee Accepted, in concurrence.

Senate

Leave to Withdraw

Senator McBREAIRTY for the Committee on Energy and Natural Resources on, Bill, "An Act Concerning Solid Waste Disposal Sites" (S. P. 887) (L. D. 2033)

Reported that the same be granted Leave to Withdraw.

Which Report was Read and Accepted.

Sent down for concurrence.

Ought to Pass

Senator PERKINS for the Committee on Appropriations and Financial Affairs on, Bill, "An Act Appropriation Funds for the Agent Orange Information Committee." (S. P. 945) (L. D. 2084)

Reported that the same Ought to Pass pursuant to Joint Order (S. P. 798).

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

Ought to Pass — As Amended

Senator WOOD for the Committee on Agriculture on, Bill, "An Act Relating to Harness Racing at Agricultural Fairs, the State Stipend and Pari-mutuel Pools." (Emergency) (S. P. 864) (L. D. 2006)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S. 424).

Which Report was Read.

On motion by Senator Hichens of York, Tabled until later in today's session, pending Acceptance of the Committee Report.

Senator USHER for the Committee on Transportation on, Bill, "An Act to Revise the Allocation of Funds to Provide Photographic Nonalterable Driver's Licenses and Identification Cards." (Emergency) (S. P. 823) (L. D. 1923)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S. 423).

(Rep. HUNTER of Benton abstained)

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.

Ought to Pass in New Draft

Senator SUTTON for the Committee on Business Legislation on, Bill, "An Act to Amend the Banking Code Regarding the Investment and Lending Powers of Thrift Institutions and Regarding Service Corporations." (S. P. 825) (L. D. 1928)

Reported that the same Ought to Pass in New Draft under Same Title. (S. P. 942) (L. D. 2083)

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

Senator PERKINS for the Committee on Appropriations and Financial Affairs on, Bill, "An Act Making Authorizations and Allocations Related to Federal Block Grants for the Expenditures of State Government for the Fiscal Years Ending June 30, 1983." (Emergency) (S. P. 833) (L. D. 1941)

Reported that the same Ought to Pass in New Draft Under New Title; Bill, "An Act Making Appropriations, Authorizations and Allocations Relating to Federal Block Grants for the Expenditures of State Government for the Fiscal Years Ending June 30, 1982, June 30, 1983 and June 30, 1984." (Emergency) (S. P. 946) (L. D. 2085)

Which Report was Read.

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

On motion by Senator Pierce of Kennebec, the Majority Ought Not to Pass Report of the Committee Accepted, in concurrence.

(Off Record Remarks)

Second Readers

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

House

Bill, "An Act Converting Grand Lake Stream Plantation into the Town of Grand Lake Stream." (Emergency) (H. P. 2068) (L. D. 2009)

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

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

House — As Amended

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)

Bill, "An Act to Provide that Procedures Covered by the Maine Medical Assistance Program (Medicaid and Catastrophic Illness) Shall be Reimbursable Whether Performed by a Physician or Dentist." (H. P. 1838) (L. D. 1835)

Bill, "An Act to Authorize the Repair, Maintenance and Improvement of the Building and Grounds of the Statehouse." (H. P. 2144) (L. D. 2050)

Bill, "An Act to Clarify the Requirement that an Estimate of Debt Service Accompany Bond Issues Presented to the Voters." (H. P. 1973) (L. D. 1948)

Bill, "An Act to Regulate the Materials, Construction and Installation of Chimneys, Fireplaces, Vents and Solid Fuels Burning Appliances." (H. P. 1733) (L. D. 1718)

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

Bill, "An Act to Clarify the Regulation of Sewer Districts." (H. P. 1791) (L. D. 1781)

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

Bill, "An Act to Ensure Continuance of the Residential Conservation Services." (H. P. 1936) (L. D. 1916)

Which was Read a Second Time.

On motion by Senator Minkowsky of Androscoggin, Tabled until later in today's session, pending passage to be Engrossed.

Bill, "An Act Concerning Revisions in the Maine Juvenile Code." (H. P. 2007) (L. D. 1978)

Which was Read a Second Time.

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

Senate — As Amended

Bill, "An Act to Require Municipal Approval Prior to Issuing Permits to Discharge Petroleum Products into the Tidal Waters of the State." (S. P. 762) (L. D. 1820)

Bill, "An Act to Provide Financial Assistance to Students of Osteopathic Medicine." (S. P. 831) (L. D. 1939)

Bill, "An Act to Amend the Maine Medical Compact." (S. P. 766) (L. D. 1824)

Bill, "An Act to Facilitate Acquisition, Improvement and Construction of Housing Financed through the Maine State Housing Authority." (Emergency) (S. P. 867) (L. D. 2015)

Bill, "An Act to Provide for the Storage and Disposal of Illegal and Obsolete Pesticides and Handling Empty Pesticide Containers." (Emergency) (S. P. 905) (L. D. 2047)

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

Sent down for concurrence.

There being no objections all items previous-

acted upon were sent forthwith.

Enactors

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:
AN ACT to Amend the Medical Practice Act. (H. P. 2070) (L. D. 2011)

AN ACT to Permit Physician's Assistants to Take Blood Samples in Cases Involving Operating Under the Influence. (H. P. 2028) (L. D. 2004)

AN ACT to Provide a Directional Sign at Exit 11 of the Maine Turnpike Indicating Mt. Abram Ski Area and Sunday River Ski Resort. (H. P. 1800) (L. D. 1790)

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

Emergency

AN ACT to Amend the Maine Consumer Credit Code Regarding Educational Loans and Cosigner Notices. (S. P. 787) (L. D. 1852)

On motion by Senator Collins of Knox, Tabled until later in today's session, pending Enactment.

Emergency

AN ACT to Amend the Maine Consumer Credit Code Regarding First Mortgages and Mobile Homes. (S. P. 7590) (L. D. 1817)

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 Governor for his approval.

(Off Record Remarks)

Orders of the Day

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

SENATE REPORTS—from the Committee on Education—"Bill, An Act Authorizing Husson College to Confer a Degree of Bachelor of Science in Nursing." (S. P. 786) (L. D. 1851)
MAJORITY REPORT—Ought to Pass as Amended by Committee Amendment "A" (S-410); MINORITY REPORT—Ought Not to Pass.

Tabled—March 18, 1982 by Senator COLLINS of Knox.

Pending—Acceptance of Either Report

On motion by Senator Clark of Cumberland, the Majority Ought to Pass, as amended, Report of the Committee was Accepted. The Bill Read Once. Committee Amendment "A" Read.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Devoe.

Senator DEVOE: Thank you, Mr. President. Mr. President, before we act on the acceptance of this Amendment, I wonder if someone on the Committee could explain what the thrust of this Amendment is. It seems to me to be rather innocuous. I really don't quite appreciate why it was felt it was necessary to be added to the Bill.

Looking at it, it simply seems to say that the nursing program shall be prescribed within the accreditation guidelines of the New England Association of Schools and Colleges, and the National League of Nursing.

I wonder if someone on the Committee can explain to the Senate which of these groups has stricter guidelines? If one group has guidelines which are more strict than another, do you mean that you have to comply with simply the least restrictive set of guidelines, or the heaviest set of guidelines, the more serious set of guidelines? Can someone on the Committee provide the Senate with some information, please. Thank you, Mr. President.

The PRESIDENT: The Senator from Penobscot, Senator Devoe, has posed a question

through the Chair.

The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Thank you, Mr. President. Mr. President, Men and Women of the Senate, I will attempt to respond to the concerns as expressed by the good Senator from Penobscot, Senator Devoe, in that both of the agencies, the accrediting agencies, were included in the Amendment, at the request of those who testified before the Committee on Legislation, at the public hearing and extensive work sessions on this Bill.

The National League of Nursing as represented by the nursing profession in the State of Maine is the accrediting agency for nursing programs at the baccalaureate level in post-secondary institutions across the nation.

The New England Association of Secondary Schools and Colleges is the accrediting agency that all post-secondary and secondary schools and colleges utilize to seek accreditation.

It was felt by the Committee on Education that embodying both of these accrediting agencies in the Amendment, which is, in fact, the Bill, would insure and put to rest the concerns that were expressed at the public hearing. It isn't an either or situation. It is both.

I can assure the good gentleman from Penobscot that Husson College of Bangor, Maine is working consistently and will continually work with both accrediting agencies. Husson College currently enjoys accreditation from the New England Association of Secondary Schools and Colleges, and is currently in a consulting process, has been and will be, for the next four years, to seek additional accreditation from the National League of Nursing, in the proposed program which is incorporated in this Bill.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Devoe.

Senator DEVOE: Thank you, Mr. President. Mr. President, I have one more question that is prompted by the response by the Senator from Cumberland, Senator Clark. Is it possible that if one were to, if the program to be put forward by Husson College were to follow strictly the guidelines of the New England Association of Schools and Colleges, it might still be possible for that program, for some reasons, not to comply with the criteria established by the National League of Nursing?

In other words, the Senator from Cumberland attempted to tell us it's not an either-or situation, but unless she can categorically tell this Body that the guidelines established by the New England Association of Schools and Colleges are at least as high as those established by the National League of Nursing in every respect, then I am going to have a problem with this Bill, because I could see where the program could be accredited by the regional group, which I take it is the New England Association of Schools and Colleges, and yet for some reason, not receive accreditation from the National League of Nursing.

I would like to have the Senator from Cumberland, or some other Member of the Body, or some Member of the Committee, explain other Member of the Body, or some Member of the Committee, explain to the Senate exactly which set of guidelines is going to apply, and especially, which set of guidelines is a higher set of guidelines or are they equal?

Thank you very much, Mr. President.

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

Senator CLARK: Mr. President, I'm a wee bit confused by the concerns expressed by the good Senator from Penobscot, Senator Devoe, for I'm sure that he understands that Husson College already enjoys accreditation for the programs that it offers currently.

The Bill before us is an extension, a Charter revision, of Husson college, enabling that institution in cooperation with the Eastern Maine Medical Center, to provide or offer a four year

baccalaureate program in nursing, to citizens of this State and others.

The nursing program as proposed, is a proposed nursing program at Husson College and Eastern Maine Medical Center that is being developed and, should this Bill pass, be offered in the fall of 1983. Representatives of both agencies, Husson College Eastern Maine Medical Center, and the National League of Nursing consultants are working and developing the program that will be offered in nursing at this time.

The New England Association of Secondary Schools and Colleges, as I said, is the accrediting agency and has already accredited the current Husson College program. I feel sure, absolutely unequivocally sure, that the program that will be offered at Husson College, not only will be incorporated into the accreditation which Husson College currently enjoys, but that the accreditation which Husson College, I feel sure, will earn with its first graduating class a nursing, which is a different process that establishing the program in nursing, the national accreditation from the League of Nursing will be in addition, and an achievement that Husson College will attain with its first graduating class.

Why do I say this? Because number one, I have faith in Husson College, which is a non-profit, private institution in Bangor, Maine, because it already has accreditation from the accrediting agency in this part of our great nation.

Furthermore, I believe that I can accurately reflect the commitment of the staff and personnel of both the Eastern Maine Medical Center and Husson College, in that they are going to provide and are currently developing in consultation with the National League of Nursing, a nursing program that will achieve accreditation with its first graduating class.

I hope that puts the concerns or the fears as expressed by the good Senator from Penobscot to rest.

Committee Amendment "A" was Adopted, and the Bill, as Amended, Tomorrow Assigned for Second Reading.

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

Bill, "An Act to Adjust the Eating, Lodging and Recreational Place Licensing Fees. (S. P. 811) (L. D. 1907)

Tabled—March 18, 1982 by Senator McBreaity of Aroostook.

Pending—Motion of Senator McBreaity of Aroostook to Reconsider Passage to be Engrossed.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator McBreaity.

Senator MCBREAIRTY: Mr. President, I Withdraw my motion to Reconsider Passage to be Engrossed.

The PRESIDENT: Senator McBreaity of Aroostook now requests Leave of the Senate to Withdraw his motion to Reconsider.

Is it the pleasure of the Senate to Grant this Leave?

It is a vote.

Senator Redmond of Somerset was granted unanimous consent to address the Senate, On the Record.

Senator REDMOND: Thank you, Mr. President. I would like to make a few remarks with regards to L. D. 1907, concerning some articles which I read in the newspapers, in view of my consistent concern regarding the tourist business, where we spend quite a bit of money advertising for tourists and so forth. There was an article in the Lewiston paper regarding added strange things in our soup.

Now last year, we did not give the Department the increase they wanted to add on to the help, to visit all these restaurants. Now, well, they're asking for a fee increase. I see where they've changed their rule, made it simpler. so

they could do without all this help.

One of the rules I noticed is reserving food. The Department claims that food is covered under rules prohibiting the serving of contaminated food, and the practice was rarely, if ever, reported.

I don't really approve of this because we boast the best eating places on the Atlantic seaboard here in this State. Having a law that eases an eating place's regulations so they can reserve food that has already been served, I don't think that's a very good regulation.

I would hope that the Senate would take these things into consideration before they finally vote on this.

(Off Record Remarks)

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

JOINT ORDER—relative to Taxation Committee reporting out a Bill regarding the State Tax Code. (S. P. 922)

Tabled—March 19, 1982 by Senator COLLINS of Knox

Pending—Consideration.

On motion by Senator Collins of Knox, Retabled until later in today's session.

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

SENATE REPORTS—from the Committee on Health and Institutional Services—"Bill, 'An Act to Require Mandatory Reporting of Elderly Abuse.'" (S. P. 779) (L. D. 1847)—MAJORITY REPORT—Ought to Pass as amended by Committee Amendment "A" (S-414); MINORITY REPORT Ought to Pass as amended by Committee Amendment "B" (S-415)

Tabled—March 19, 1982 by Senator COLLINS of Knox

Pending—Acceptance of Either Report

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

Senator GILL: Mr. President and Members of the Senate, I'm going to ask you this morning to Accept the Majority Report "A". I did sign out Minority Report "B", but there are inconsistencies in both of the Reports.

We were privileged on Friday to hear from Commissioner Michael Petit about a situation that occurred in Auburn, an abusive situation in the Odd Fellows Home up there.

We have on our books at the present time some language that deals with situations like that in establishing rights for the residents of nursing and boarding homes. In those rights, it does declare that people in viewing abuse, or suspecting abuse, should report it to the Department.

For some reason, that was delayed for quite a long time, even though it is on our statutes at this point in time.

One of the things I would like to see in this Amendment "A", plus dealing with the inconsistency that is present in that law, is the fact that we should have some outreach or some education or some publicity to allow people to know what abuse is, and when it should be reported to the Department.

We can put all kinds of laws on our books. Laws are not going to stop abuse. I think it's important to let those people out there know what we expect in an abuse situation.

Therefore, I would ask that we Accept Report "A", and I will ask, if that is Accepted, that someone Table so we can deal with the inconsistencies in Report "A".

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

Senator HICHENS: Mr. President, I would oppose Adoption of Report "A". The good Senator from Portland signed the Report "B" along with myself and other members of the Committee. I don't think her explanation of why she has changed is that well expressed, just because there are so many inconsistencies in this Bill that she has referred to that I voted

along with the Minority to Accept Report "B".

I am certainly not against the elderly of our State. I think these things should be reported. I do not think it should be a mandatory issue. I think it can be abused so many, many times if we put a mandatory clause on that. This, Report "B", grants immunity from liability of anybody that does report. I think that covers the situation very well.

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

Senator BUSTIN: Mr. President and Members of the Senate, I'd like to commend the good Senator from Cumberland, Senator Gill, for her change in position. I think it takes a lot of strength of character to realize they voted one way and then be able to stand before a body and say that they would like to vote another way.

I think her explanation is a very reasonable one. You should know that in Committee we worked long and hard on this Bill. We debated all of the issues. It was a very hard issue for all of us. Nobody likes to mandate anybody to do anything. You always hope that what is going to happen is that those kinds of things are going to be reported anyway. You always hope that our society is so structured that those things will be reported, and that the citizens of this State will be protected.

The fact of the matter is that isn't what happens. It isn't what happens particularly in elderly abuse. The members of this Body will probably remember that we had a child abuse law that went through these Chambers a few years ago, that is working well. I think that an elderly abuse law will work well, also.

The mandatory feature of this Bill is for the health professionals. It does not mandate that the general public report abuse. That takes care of what my concern was, that everybody is just going to tell tales on their neighbors. I don't think that is going to happen.

I think we have lots of protections in this Bill. I urge the Majority Report to pass.

The PRESIDENT: The Senator from Cumberland, Senator Gill, has moved that the Senate Accept the Majority Ought to Pass, as amended, Report of the Committee.

Is this the pleasure of the Senate?

The Chair recognizes the Senator from York, Senator Hichens.

Senator HICHENS: I would ask for a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Cumberland, Senator Gill, that the Senate Accept the Majority Ought to Pass, as amended, 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.

26 Senators having voted in the affirmative, and 2 Senators in the negative, the motion to Accept the Majority Ought to Pass, as amended, Report of the Committee does prevail. The Bill Read Once. Committee Amendment "A" was Read.

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

Senator COLLINS: I now move that this matter be Tabled pending Adoption of Committee Amendment "A".

The PRESIDENT: The Senator from Knox, Senator Collins, now moves that L. D. 1847 be Tabled, pending Adoption of Committee Amendment "A".

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, a parliamentary inquiry. Did the good Senator from Knox specify a time period?

The PRESIDENT: The Chair would answer in the negative.

On motion by Senator Conley of Cumberland, Tabled until later in today's session, pending

Adoption of Committee Amendment "A".

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

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

Tabled—March 19, 1982 by Senator COLLINS of Knox

Pending—Enactment

On motion by Senator Collins of Knox, Retabled until later in today's session.

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

Bill, "An Act to Establish the Cost of the Maine Forestry District in Fiscal Year 1982—83" (S. P. 842) (L. D. 1965) (Emergency)

Tabled—March 19, 1982 by Senator PRAY of Penobscot

Pending—Enactment

On motion by Senator Teague of Somerset, Retabled for 1 Legislative Day.

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

Papers from the House Joint Order

ORDERED, the Senate concurring, that the Joint Standing Committee on Local and County Government report out a bill to adjust the salaries for Knox and Hancock Counties for 1981. (H. P. 2180)

Comes from the House, Read and Passed.

Which was Read and Passed, in concurrence.

(Senate At Ease)

The Senate called to order by the President.

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

(Off Record Remarks)

On motion by Senator Pierce of Kennebec, Recessed until 3 o'clock this afternoon.

Recess

After Recess

The Senate called to order by the President.

(Off Record Remarks)

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

Papers from the House Joint Orders

Expressions of Legislative Sentiment recognizing:

The Lewiston Blue Devils' Hockey Team for their winning of the State Class A Hockey Championship. (H. P. 2201)

Dr. Donald S. Skilling, of Old Orchard Beach, selected Citizen of the Year for 1982 by the Old Orchard Beach Historical Society. (H. P. 2205)

Bangor High School Girls' Basketball Team for winning the Eastern Maine Class A Championship. (H. P. 2006)

Frank and Ida Bruno, of Hebron, who has been selected as the Oxford County Outstanding Conservation Farmers. (H. P. 2207)

The Wells Junior High School Girls' Basketball Team for winning its first invitational tournament. (H. P. 2208)

Robert L. Littlefield, who is retiring after 12½ years as Town Manager of Wells. (H. P. 2209)

State Deputy Richard D. Blanchard, the officers and members of the Maine State Council of the Knights of Columbus on the 100th anniversary of the founding of that order by Rev. Michael J. McGivney. (H. P. 2210)

The USS Stephen W. Groves, which will be

commissioned on April 17, 1982. (H. P. 2211)

Paul Savoie, of Boy Scout Troop #190 of Madawaska, for successfully attaining the high rank and distinction of Eagle Scout. (H. P. 2212)

The Cape Elizabeth Boys' Hockey Team for winning the State Class B Ice Hockey Championship. (H. P. 2213)

Presque Isle High School, which was runner-up in the Aroostook County Telequiz. (H. P. 2214)

Dewey Wyatt, a member of the Greeley High School Swim Team, who set a new state record in the 200-yard breast stroke. (H. P. 2215)

The Greeley High School Boys' Swim Team, coached by Bill Pullis, which won the 1982 State Class A Swimming Championship. (H. P. 2216)

Lee Jay Feldman, of Auburn, who has been named to the National Association of Intercollegiate Athletics Alpine All Star Ski Team for 1982. (H. P. 2217)

State Senator Nancy Randall Clark, who was named the 1982 Woman of the Year by the Brunswick Business and Professional Womens Club. (H. P. 2220)

Dr. Myrna Bouche, a well-known educator and Maine Poet, for a decade of service to higher education in Down East Maine as an Associate Professor of English at the University of Maine at Machias. (H. P. 2221)

Fred Ricker, of Turner, who attended his 75th consecutive meeting of the town, March 13, 1982 (H. P. 2222)

Ralph and Irene Griffin, of South Windham, on their 50th wedding anniversary. (H. P. 2224)

Come from the House, Read and Passed.

Which was Read and Passed, in concurrence.

Enactors

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

AN ACT Relating to Informed Consent and Determination of Best Interest for those Unable to Give Informed Consent for Sterilization. (H. P. 2179) (L. D. 2065)

On motion by Senator Huber of Cumberland, placed on the Special Appropriations Table, pending Enactment.

AN ACT to Amend the Charter of Coburn Classical Institute. (H. P. 2193) (L. D. 2073)

AN ACT to Ensure Consistency in State and Federal Laws Concerning Job Opportunities for Welfare Recipients. (H. P. 1811) (L. D. 1796)

AN ACT to Amend the Charter of St. Mark's Home in Augusta. (H. P. 2192) (L. D. 2072)

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

Emergency

RESOLVE, Reimbursing Certain Municipalities on Account of Taxes Lost Due to Lands Being Classified under the Maine Tree Growth Tax Law. (H. P. 2194) (L. D. 2074)

This being an emergency measure and having received the affirmative vote of 25 Members of the Senate, with No Senators having voted in the negative, was Finally Passed 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:

Communication

Maine State Compensation Commission

March 18, 1982

Honorable Joseph Sewall,

President of the Senate

Honorable John L. Martin,

Speaker of the House of Representatives
State of Maine 110th Legislature

Dear Mr. President and Mr. Speaker:

We herewith transmit to you the report of the

Maine State Compensation Commission. It contains findings and recommendations on legislative, constitutional officer and legislative staff compensation in accordance with the mandate of Public Law 498 of the 110th Legislature and your requests.

The Commission also considered your request to review and make recommendations on compensation for the Governor. We could not address that issue in time for a report to this session of the Legislature and recommend that it be referred to the next Compensation Commission.

In the course of our work we were made aware of apparent problems with the present level of compensation for Maine's judges. We recommend that the question of judiciary compensation be included in the charge to the next Compensation Commission.

We appreciate the privilege you afforded us in undertaking the work of the Commission. We could not have fulfilled our responsibilities without the invaluable assistance of Mr. Kenneth Allen, Executive Assistant to the Speaker, who served as principal staff to the Commission, and Mr. William Garside, Administrative Director of the Legislature, who contributed for his wealth of experience and knowledge. As noted in the report, we also gained from the services of the State Planning Office and the State Department of Personnel. We were grateful for the testimony and information provided by legislators, constitutional officers, legislative staff and private citizens.

We are prepared to discuss the report with you and your colleagues.

Sincerely,

S/DONALD E. NICOLL

Chairman

John Grant, Bangor

Robert Smith, Bath

Wallace Haselton, Augusta

Rand Stowell, Dixfield

Donald E. Nicoll, Portland

Chairman (H. P. 2226)

Come from the House, Read, and with accompanying Report, Ordered Placed on File.

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

Committee Report 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 Repeal the Control of Milk Prices at the Wholesale and Retail Levels." (I. B. 3) (L. D. 1935)

Bill, "An Act to End the Use of Nuclear Power for Producing Electricity in Five Years." (I. B. 4) (L. D. 1989)

Leave to Withdraw

The Committee on Public Utilities on, Bill, "An Act to Amend the Charter of the Strong Water District." (H. P. 1971) (L. D. 1946)

Reported that the same be granted Leave to Withdraw.

Come from the House, the Report Read and Accepted.

The Committee on Public Utilities on, 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)

Reported that the same be granted Leave to Withdraw.

Come from the House, the Report Read and Accepted.

Which Reports were Read and Accepted, in concurrence.

Ought to Pass

The Committee on Local and County Government on, Resolve, for Laying of the County Taxes and Authorizing Expenditures of Franklin County for the Year 1982. (Emergency) (H.

P. 2219) (L. D. 2081)

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

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

The Committee on Local and County Government on, Resolve, for Laying of the County Taxes and Authorizing Expenditures of Somerset County for the Year 1982. (Emergency) (H. P. 2218) (L. D. 2080)

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

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

The Committee on Marine Resources on, Resolve, Authorizing the Commissioner of Marine Resources to Convey an Easement over Certain State Land. (H. P. 2159) (L. D. 2059)

Reported that the same Ought to Pass. Come from the House, the Resolve Passed to be Engrossed.

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

Ought to Pass — As Amended

The Committee on Appropriations and Financial Affairs on, Bill, "An Act Enabling the Department of Educational and Cultural Services to Administer the Education Block Grant Program." (H. P. 2086) (L. D. 2028)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-668).

Come 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 Make Additional Allocations from the Regulatory Fund, Public Utilities Commission for the Fiscal Year Ending June 30, 1983." (Emergency) (H. P. 1908) (L. D. 1897)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-669).

Come 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 Amendment "A" were Read and Adopted, in concurrence, and the Bills, as amended, Tomorrow Assigned for Second Reading.

Ought to Pass in New Draft

The Committee on Business Legislation on, Bill, "An Act to Amend the Law Establishing the Maine Self-insurance Guarantee Association." (H. P. 1810) (L. D. 1795)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 2223) (L. D. 2082)

Come from the House, the Bill, in New Draft, Passed to be Engrossed.

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

The Committee on Fisheries and Wildlife on, Bill, "An Act Pertaining to Inland Fisheries and Wildlife Laws." (H. P. 1731) (L. D. 1716)

Reported that the same Ought to Pass in New Draft under New Title, "An Act to Clarify and Make Corrections in the Inland Fisheries and Wildlife Laws", (H. P. 2200) (L. D. 2079).

Come from the House, the Bill, in New Draft, Passed to be Engrossed as amended by House Amendment "A" (H-670).

Which Report was Read.

On motion by Senator Pray of Penobscot, Tabled for 1 Legislative Day, pending Acceptance of the Committee Report.

(Off Record Remarks)

Divided Report

The Majority of the Committee on Fisheries and Wildlife on, Bill, "An Act to Regulate the Harvest of Antlerless Deer Within the Western Deer Zone." (H. P. 1754) (L. D. 1744)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-653).

Signed:

Senators:

REDMOND of Somerset
USHER of Cumberland
HICHENS of York

Representatives:

MacEACHERN of Lincoln
DAMREN of Belgrade
JACQUES of Waterville
PETERSON of Caribou
PAUL of Sanford

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

Signed:

Representatives:

CLARK of Millinocket
GILLIS of Calais
CONNERS of Franklin
SMITH of Island Falls
ERWIN of Rumford

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-653).

Which Reports were Read, and the Majority Ought to Pass, as amended, Report of the Committee Accepted, in concurrence. The Bill Read Once. Committee Amendment "A" was Read.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President, I present Senate Amendment "A" to Committee Amendment "A", and move its adoption.

The PRESIDENT: The Senator from Penobscot, Senator Pray, now offers Senate Amendment "A" to Committee Amendment "A" and moves its adoption.

Senate Amendment "A" (S-429) to Committee Amendment "A" was Read.

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

Senator REDMOND: Thank you, Mr. President. Mr. President, I oppose this Amendment. This was a unanimous report out of the Committee on Inland Fisheries and Wildlife. It came from the House, where it passed overwhelmingly. It is a compromise, after weeks of hard work on the part of the Committee members and the members who represent the entire State.

I can't see any reason why we should make any changes at this eleventh hour.

I request a Division.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President, Ladies and Gentlemen of the Senate, I am slightly confused by the remarks of the Chairman of the Committee. I hope he understands that we are on LD 1744, which is a Divided Report. It is not unanimous by the Committee.

In reference to the eleventh hour, this is the Committee Report, thus the Bill has just come out of Committee. This is the first opportunity that many of those of us, in the Senate, had a chance to see this proposal.

I would point out to the members of the Committee that the original title of the Bill, the original Bill, LD 1744, was An Act to Regulate the Harvesting of Antlerless Deer in the Western Deer Zone. Now the Committee Amendment, which we would be adopting without my Senate Amendment, would apply to the entire State. Thus clearly we have changed the direction of the intent of the sponsor of the Bill, who was here just a few moments ago, and said he was concerned about the western zone. That's how he put the Bill originally, to care of that area. Now we're talking about all the way

from Kittery to Fort Kent, and all the places in between.

The reason I have offered the Amendment is because I talked to a member of the Fisheries and Wildlife Committee in this Chamber, who assured me that the northern zone would never come under this regulation. Thus I said, well, if the northern zone isn't going to come under the regulation, then why do we have the northern zone included in the regulation to start with?

So since the Senator from Cumberland, Senator Usher, gave me that great idea, I rushed down to the Legislative Research and said, let's make sure it's in black and white in the law books that we know that the northern zone, which is a very remote area, a very large area, would not apply to this antlerless deer restriction that we're going to allow the Commissioner the opportunity of turning onto the people of this State, even though the Bill does have some safety specifications, such as there would have to be a hearing held in the county that would be affected.

If we're talking about Game Management Units 1 and 2, we're talking about Somerset, Piscataquis, Penobscot, Aroostook, and I'm not positive, but possibly the northern part of Washington County as well. Thus, the Commissioner, if he wanted to apply it to the northern zone, or to either Game Management Units 1 and 2, he would have to hold public hearings in those four counties.

Then, of course, there are no guidelines or specifications that the Commissioner has to follow the wishes of the people who turn up at a public hearing.

Thus my Amendment is to follow suit with the intent of the original sponsor to apply it to a narrow, specific area of the State where they perceive a problem, and to assure that that other area of the State, which is large and remote, and did not have the problems, even as members of the Committee have expressed to me, would not be included in that regulation.

I would hope you would support the Amendment. Thank you.

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

Senator HICHENS: Mr. President and Members of the Senate, I would support the good Senator from Somerset, Senator Redmond, in his opposition to this Amendment. When the Bill was heard, there was quite a lot of opposition to it, because we were picking on one section of the State.

As the Committee had their work sessions with the Department of Inland Fisheries and Game, it was explained to us that there were problems of overkill in all sections of the State, not just the western zone.

So as had been said, we had many work sessions on this. We came up with this Amendment. I sent this Amendment to everyone interested in the Fish and Game laws in my own area. They were unanimous in their returns that this was a good Bill. I do not see any reason why we should start exempting one area of the State over the others.

(Off Record Remarks)

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

Senator REDMOND: Thank you, Mr. President. Members of the Senate, still I don't understand how come the most honorable Senator from Penobscot, Senator Pray. I feel at loss after such an elaborate explanation where he defined all the reasons why we shouldn't pass this Bill.

However, I would like to remind this Senate that this management tool has come after five or six years of study and a task force, which has experts on it and the Sportsman's Alliance of Maine have really worked hard at that. They have tried in vain. A couple of years ago, I introduced a bill similar to that here. We recognized the problem at the time.

The way this Bill was introduced for the western zone, all I can answer to the good Senator from Penobscot is that some of the members from Washington County and from the southern part of the State came and convinced our Committee that they had problems there, too, in some of those areas.

The people from the western zone, many of them opposed the Bill. They didn't feel that there was any justification to have in the statutes a law that allowed the Commissioner to practice conservation only in the western zone. So, we came to a compromise. The Commissioner will have the authority to decide on the areas that have problems. He's going to apply this only in problem areas, no matter what zone it is.

Very obviously, I would like to state that the five northern tier of states have enacted this Bill before, this law, and are using it very successfully. The only problem that one had, I believe, was New York State, in the initial, they had enacted it, and it stayed in the statutes. They had too many deer. That was their problem, until the Legislature corrected that.

So, the Committee, in this Amendment, has planned to see to it that this does not happen in this great State, because this is going to sunset itself in three years. Then we'll take another look at it.

I urge the Senate to go along with this Bill the way the Committee amended it, and to pass it that way, and not go with Senator Pray's Amendment, because this is a good Bill.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President, I'd like to pose a question through the Chair to a member of the Fisheries and Wildlife Committee as to whether or not the Department stated that there was a problem in either the Game Management Unit number one, or number two, that they felt as if they needed a buck season only, District Unit 1 and 2?

The PRESIDENT: The Senator from Penobscot, Senator Pray, has posed a question through the Chair.

The Chair recognizes the Senator from Somerset, Senator Redmond.

Senator REDMOND: Mr. President, Members of the Senate, as I have stated before, it was proven, the testimony we had before us in the Committee, and this Bill is geared to troubled areas, no matter what zone it is, regardless of the zone. They have troubled areas. They've proven it to us. This is the authority that we would be giving the Commissioner in this Bill.

It's a conservation measure to be applied in troubled areas.

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

Senator USHER: Thank you, Mr. President. Mr. President and Members of the Senate, this is a conservation management tool. In order for it to be effective, the Commissioner has to have leeway State-wide, because part of the northern zone and the southern zone goes through Washington County. The CPR Railroad is the boundary line, and that goes through Washington County and some portion of it.

So, if they do have a problem in that area, I'd hate to see this Amendment adopted, and that would cut off that section of Washington County. They were very concerned with the Washington County area. We did hear from that area, and other parts of the State are concerned, too.

In order for the Commissioner to work effectively on this program, he should have a free hand.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Brown.

Senator BROWN: Mr. President, thank you. Members of the Senate, it seems to be a question of fairness that enters into this issue now when we're talking about what happens to Washington County in this process.

If we're going to start exempting certain portions of the State from this Bill that has come out of this Committee, whether it be the northern zone or whatever, we're destroying the effectiveness of the Bill.

I urge you to support the good Senator from Somerset, Senator Redmond. Let's kill this Amendment to take out this special exemption this few people up in northern Maine, let's continue on. Thank you, Mr. President.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President, Ladies and Gentlemen of the Senate, my good seatmate, Senator Conley, many sessions ago, once said that we should have a session where we deal with all the matters of the State except for fish and game. Then we'd have another session, after the other session was over, to deal just with the matters of fisheries and wildlife. Usually, it's always one that causes a great deal of debate.

I have found over my years of talking to my constituency a great feeling of hopelessness in the ability to control or affect matters that deal with more pertinent issues in the State. They always say one thing very clearly. Don't mess around with my recreation. To these people, it's usually hunting and fishing.

The question I asked a few moments ago was as to whether or not the Department or the biologists in the Department had actually stated that Game Management 1 or 2, or 1 and 2, that there was a problem with those areas, that they needed such regulatory authority. The three individuals that spoke after I asked that question never answered that question. There's a reason why they didn't answer that question. It is because the answer is no, and they don't want to state it.

As a matter of fact, the Fisheries and Wildlife Department has a report which states that they do not harvest enough deer in the northern zone now. I have that report. I'm sure that the Committee, if they request it from the Department, they'll find it in their Deer Management Report, that they say there are not enough deer taken out of the northern zone.

I talked to the head biologist, the head of the deer program this summer at a campground in my area. We had some problems with some bear. I won't get into that issue. While we were waiting for the mother and the three cubs to come out and ransack the campground again, I started talking to the head biologist on the deer study.

I asked him, in reference to this report, as to why they don't ask for a longer season in the northern zone if this is what he feels that they should have. He said, because we'd never be able to sell it in Augusta. The anti-hunting crowd is so big, we're happy keeping the four week season.

Now we have a little Amendment here, which is going to give the Commissioner the authority to regulate a little bit further the harvesting of a natural resource in this State. Well, I have no problems with the existing Commissioner, most of the time. I do have concern as to the fact that we are continuously giving away that authority which we have held for so long and so dear to us, because we feel that the value of this resource is something that should come back before these Bodies within the Legislative Halls.

I'm concerned that a Bill that comes in for one area of the State, has all of a sudden come out in a Committee redraft to apply to the entire State. It would be similar to a question of having a bill in here to deal with the tree growth tax, and the next thing you know, we put an amendment on there that deals with the State-wide property tax. I'm sure my good seatmate, the Senator from Portland, would be up raving about that one, if we were going to all of a sudden change that type, (I like picking on you, Senator Conley,) in reference to a topic such as that.

That's basically what has happened here. We come in with an intent to solve a problem in this State, which we had a Bill that went through here last year. It ended up on the Governor's desk and was vetoed, dealing with the western area of the State. The Senate and the House recognized that there was a problem in the western zone, and they acted appropriately. Though we did fail, or those who supported the proposal failed to carry it over, override the veto, the Legislature spoke that there was a problem in the western zone. I don't deny that.

There is not a problem State-wide, and you're going to create a problem State-wide when you follow the charades that we've gone through in the legislative process of one dealing with the western zone of this State, and now all of a sudden we're talking about the entire State. Let's be fair.

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

Senator HICHENS: Mr. President and Members of the Senate, contrary to the remarks of the good Senator from Millinocket, the Commissioner said that there are problems all over the State, and by having one area rather than all of the State regulated we would create more problems.

I'll bring your attention to the Amendment, that the majority of the Committee passed out. It says:

"The demarcation of any area shall follow recognizable physical boundaries such as rivers and railroad rights-of-way;

The determination is made and published prior to September 1st of any year;

The hearings to receive comment on proposed regulations shall be held within the county in which the area is located;

The effective date of this paragraph shall be January 1, 1983; and

This paragraph shall be repealed on March 31, 1986."

The third paragraph here says "the hearings to receive comment on proposed regulations shall be held within the county in which the area is located."

I think that that is fair to every county within the State, and this Amendment that has been presented by the good Senator from Millinocket should be defeated.

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

Senator REDMOND: I request permission to speak a fourth time.

The PRESIDENT: The Senator from Somerset, Senator Redmond, asks Leave of the Senate to speak a fourth time.

Is there objection?

The Senator has the floor.

Senator REDMOND: Thank you, Mr. President. Mr. President, and Members of the Senate, the good Senator from Penobscot, as you probably have remarked, he likes to eat the peanuts and throw the shells at me.

I would like to, in view of his insistence on getting an answer to the question which he posed, with regards to the northern zone, I would like to express the reason why I have not answered his question and that is that out of courtesy to the good Senator, I understand that we are supposed to be courteous to each other.

I would like to state my reasons why I did not answer, it is because in the northern zone there are so few there and the herd is diminishing, and it is a natural, and you carry that a little further up into Canada and they have practically no deer here. Up in Canada it is moose that they hunt there. As you know in the northern zone we are more concerned about the moose.

It is cold weather and all these cold winters that seem to drive the deer away. This comes from a lot of research from our biologists and from experienced people, natives of Aroostook County, who give use these reports.

This is the reason why I did not think that it would be proper to tell the good Senator from Penobscot the real answer to his question.

The PRESIDENT: Is the Senate ready for the question?

A Division has been requested.

Will all those Senators in favor of the Adoption of Senate Amendment "A" (S-429) to Committee Amendment "A", please rise in their places to be counted.

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

4 Senators having voted in the affirmative, and 23 Senators having voted in the negative, Senate Amendment "A" Failed of Adoption.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President, a Parliamentary Inquiry.

The PRESIDENT: The Senator may state his inquiry.

Senator PRAY: Mr. President, having had the opportunity and the distinct honor of serving on the Legislative Council we dealt with a number of proposals which we specifically narrowed the title of the bill to guarantee that amendments would relate to the matter at hand.

I would question as to the germaneness of Committee Amendment "A" in reference to the original bill, which is: To Regulate the Harvesting of Antlerless Deer within the Western Deer Zone

Senate at Ease

The Senate called to order by the President.

On motion by Senator Conley of Cumberland, Tabled until later in today's session, pending Adoption of Committee Amendment "A".

Divided Report

The Majority of the Committee on Labor on, Bill, "An Act Excluding Wages of Certain Temporary Alien Workers from Unemployment Compensation Tax." (H. P. 1972) (L. D. 1947)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-664).

Signed:

Senators:

SEWALL of Lincoln
DUTREMBLE of York
SUTTON of Oxford

Representatives:

BEAULIEU of Portland
MARTIN of Brunswick
ARMSTRONG of Wilton
FOSTER of Ellsworth
JACKSON of Harrison
LEWIS of Auburn
TUTTLE of Sanford
LAVERRIERE of Biddeford

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

Signed:

Representatives:

BAKER of Portland
McHENRY of Madawaska

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-664).

Which Reports were Read and the Majority Ought to Pass, as amended, Report of the Committee Accepted, in concurrence and the Bill Read Once, Committee Amendment "A" Read and Adopted, in concurrence. The Bill, as amended, Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Energy and Natural Resources on, Bill, "An Act Concerning the On-Site Storage of Spent Nuclear Fuel." (H. P. 1928) (L. D. 1911)

Reported that the same Ought to Pass.

Signed:

Senators:

McBREAIRTY of Aroostook

REDMOND of Somerset
Representatives:

HALL of Sangerville
DAVIES of Orono
MICHAEL of Auburn
JACQUES of Waterville
HUBER of Falmouth
MITCHELL of Freeport

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

Signed:

Senator:

O'LEARY of Oxford

Representatives:

DEXTER of Kingfield
KIESMAN of Fryeburg
AUSTIN of Bingham
MICHAUD of East Millinocket

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

Which Reports were Read.

The PRESIDENT: Is it the pleasure of the Senate to Accept the Majority Ought to Pass Report?

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Senator TROTZKY: Mr. President, are we on L. D. 1911?

The PRESIDENT: The Chair would answer in the affirmative.

Senator TROTZKY: I would urge the Senate to oppose, and to accept the Minority Ought Not to Pass Report of the Committee.

This, again, is another Bill which deals with spent nuclear fuel, I think that is arbitrary, it is saying that you can't store after 1992, can't store nuclear fuel on-site for more than 3 years, or a period exceeding 3 years.

This issue of storage of nuclear fuel is a federal issue. I do not think that these bills do anything to help move the federal government in any direction. I believe they are totally unnecessary.

On motion by Senator Redmond of Somerset, Tabled for 1 Legislative Day, pending Acceptance of the Majority Ought to Pass Report.

Divided Report

The Majority of the Committee on Business Legislation on, Bill, "An Act Relating to Assigned Risk Plans in Workers' Compensation Insurance." (H. P. 1995) (L. D. 1971)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-659).

Signed:

Representatives:

BRANNIGAN of Portland
MARTIN of Van Buren
POULIOT of Lewiston
PERKINS of Brooksville
FITZGERALD of Waterville
RACINE of Biddeford
TELOW of Lewiston
GWADOSKY of Fairfield

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

Signed:

Sensors:

SUTTON of Oxford
CLARK of Cumberland
SEWALL of Lincoln

Representatives:

JACKSON of Yarmouth
GAVETT of Orono

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-659).

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

Sent down for concurrence.

Senate

Leave to Withdraw

Senator HUBER for the Committee on Ap-

propriations and Financial Affairs on, Bill, "An Act Appropriating Funds and Setting Wage Reimbursement Levels for Employees of Intermediate Care Facilities for the Mentally Retarded." (S. P. 800) (L. D. 1880)

Reported that the same be granted Leave to Withdraw.

Which Report was Read and Accepted.

Sent down for concurrence.

Ought to Pass

Senator TROTZKY for the Committee on Education on, RESOLUTION, Proposing an Amendment to the Constitution of Maine to Authorize the Credit of the State to be Loaned to Secure Funds for Loans to Parents of Maine Students Attending Institutions of Higher Education. (S. P. 920) (L. D. 2061)

Reported that the same Ought to Pass.

(Senator PIERCE of Kennebec abstained).

Which Report was Read and Accepted, and the Resolution Read Once and Tomorrow Assigned for Second Reading.

Orders of the Day

The President laid before the Senate:

SENATE REPORT—from the Committee on Agriculture—"Bill, An Act Relating to Harness Racing at Agricultural Fairs, the State Stipend and Pari-mutuel Pools." (Emergency) (S. P. 864) (L. D. 2006) — Ought to Pass as Amended by Committee Amendment "A" (S-424)

Tabled—Earlier in the day by Senator HICHENS of York

Pending—Acceptance of Report

On motion by Senator Hichens of York, Retabled for 1 Legislative Day.

The PRESIDENT laid before the Senate:

SENATE REPORT—from the Committee on Appropriations and Financial Affairs—"Bill, An Act Making Appropriations and Allocations Related to Federal Block Grants for the Expenditures of State Government for the Fiscal Years Ending June 30, 1983." (Emergency) (S. P. 833) (L. D. 1941)—Ought to Pass in New Draft Under New Title, "An Act Making Appropriations, Authorizations and Allocations Related to Federal Block Grants for the Expenditures of State Government for the Fiscal Years Ending June 30, 1982, June 30, 1983 and June 30, 1984" (S. P. 946) (L. D. 2085)

Tabled—Earlier in the Day by Senator COLLINS of Knox

Pending—Acceptance of Report.

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

Senator COLLINS: Mr. President, just a point of inquiry. Are we dealing with the corrected copy of L. D. 2085, as just delivered to our desks?

The PRESIDENT: The Chair would answer the Senator in the affirmative.

Which Report was Accepted, and the Bill, in New Draft, Read Once. Under Suspension of the Rules, the Bill, in New Draft, Read a Second Time and Passed to be Engrossed.

Sent down forthwith for concurrence.

The President laid before the Senate:

Bill, "An Act to Ensure Continuance of the Residential Conservation Service." (H. P. 1936) (L. D. 1916)

Tabled—Earlier in the Day by Senator MINKOWSKY of Androscoggin

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: The basic reason why I had this Bill Tabled this morning, I guess, was for further clarification which I was hoping to obtain sometime during the course of the day from other people very cognizant of the residential conservation service as implemented by the federal government at the present time.

In this particular Bill, as stated, they just

bring forth one particular factor. That is in the event the residential conservation service, as established by the United States National Energy and Conservation Policy Act, is repealed, we will implement this particular policy in the State of Maine.

I have no objections at all, with energy conservation or its policies, the service to the people of the State of Maine. I wonder, really, if an in-depth evaluation was conducted on this particular thing to know exactly how far we are going.

At the present time, in the State of Maine, under the Energy Residential Conservation Program, these audits that are requested by consumers are on the average of costing between \$100 to \$135. The consumer is paying \$15 for a Class A audit, and zilch, or nothing, for a class B audit. This is perfectly well and good, but most of the people who are the recipients of these particular audits are not the ones who are in the low income bracket, or the indigent, or the senior citizens. It amounts to the people who fall in the middle income bracket, who well can afford the \$15.

My biggest concern about this, at the present time, is the total cost of each audit is pumped into the rate base of the electric bill.

Now if you look at the present applicable measures designed by the federal government, for the residential conservation service, there are 15 separate items. I'd like to read just three for the record, in here. The first three, a program measure is applicable in a residence if, with respect to replacement furnaces or boilers, the existing furnace is approximately 5 years old or older. At the present time, if you find a furnace that is 5 years old or older, you make a recommendation for replacement. This is going to benefit the oil dealers. My concern now, since the State of Maine is going to accept this particular thing, why don't the oil dealers accept part of the responsibility of the energy audits, and bear the cost?

Or if the State of Maine feels that it's that important, take up part of the cost for these energy audits.

Number two, a program measure is applicable in a residence if, with respect to replacement of central air conditioners, the residential building has a central air conditioner that is approximately 5 years old or older. Again, zeroing in upon the people who are selling central air conditioners.

Thirdly, a program measure is applicable in a residence if, with respect to water heater insulation, the remaining useful life of the water heater appears to the auditor to be at least 3 years old, and space is available around the water heater to install insulation.

So, if the water heater has less than 3 years life, it is up to the auditor to make the determination that, that water heater be replaced.

I don't know, at the present time, if the State of Maine wants to accept fully the federal government regulations under the residential conservation program, or if they prefer to implement their own.

When we go further into this, if the oil dealers in the State of Maine are that concerned, and would be the beneficiaries of many of these recommendations, if the gas companies who sell natural gas would be the beneficiaries of replacement of units, if the electric companies will be selling additional baseboard radiation, is really questionable.

My point about this whole thing is, if the State is going to mandate it, then the Committee should have come up with something to say exactly how important it is that the State will participate in paying the cost of those audits, and send out further responsibility other than the utilities of running these audits to the gas companies, and to the oil dealers.

To me, this is of significant value if Maine is going to put themselves in this particular position.

One final point, those energy audits also

cover recommendations insofar as solar panels on the home. They cover recommendations for pool, heating pools, solar greenhouses, if you're using wood and to what degree, and what is the cost of wood, and what is the BTU equivalency of wood versus oil.

I call your attention to something which I felt was of significant value, a report that was put out not too long back by a Professor Richard C. Hill of the University of Maine, on the investigation of power supply planning and purchasing, PUC document number 81-114 for the record. On this particular report, it shows exactly what the feasibility is in the State of Maine, of windpower, solar power, how we have reached our saturation point with wood utilization in the State of Maine.

If you correlate this report with what we intend to do in this particular measure, it leaves a great deal to be desired exactly how far we can actually assess more people in the State of Maine to pay for these audits.

It may sound very simple to pay \$15 for an audit, but the end result is you are paying the excess cost of that in your electric bill.

I would hope, Mr. President, that somebody might Table this item for one more Legislative Day, so that further evaluation of the assessment could be rendered on this particular issue.

The Bill, as amended, Passed to be Engrossed, in concurrence.

The President laid before the Senate:

Bill, "An Act Concerning the Revisions in the Maine Juvenile Code." (H. P. 2007) (L. D. 1978)

Tabled—Earlier in the Day by Senator HICHENS of York

Pending—Passage to be Engrossed.

The Bill, as amended, Passed to be Engrossed, in concurrence.

The President laid before the Senate:

Bill, "An Act to Amend the Maine Consumer Credit Code Regarding Educational Loans and Cosignor Notices." (Emergency) (S. P. 787) (L. D. 1852)

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

Pending—Enactment

On motion by Senator Sewall of Lincoln, the Senate voted to Suspend the Rules.

On motion by Senator Sewall of Lincoln, the Senate voted to Reconsider its action whereby L. D. 1852 was Passed to be Engrossed.

On motion by Senator Sewall of Lincoln, the Senate voted to Reconsider Adoption of Committee Amendment "A".

The PRESIDENT: The Senator has the floor.

Senator SEWALL: Thank you, Mr. President. I present Senate Amendment "A" to Committee Amendment "A" under filing number S-425 and move its adoption.

The PRESIDENT: The Senator from Lincoln, Senator Sewall offers Senate Amendment "A" to Committee Amendment "A" and moves its adoption.

Senate Amendment "A" (S-425) to Committee Amendment "A" was Read and Adopted. Committee Amendment "A" as amended, by Senate Amendment "A" thereto was Adopted, in non-concurrence. The Bill, as amended, Passed to be Engrossed, in non-concurrence.

Sent down for concurrence.

The President laid before the Senate:

JOINT ORDER—relative to Taxation Committee reporting out a Bill regarding the State Tax Code. (S. P. 922)

Tabled—Earlier in the Day by Senator COLLINS of Knox

Pending—Consideration.

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

The President laid before the Senate:

Bill, "An Act to Require Mandatory Reporting of Elderly Abuse." (S. P. 779) (H. P. 1847)

Tabled—Earlier in the Day by Senator CONLEY of Cumberland

Pending—Adoption of Committee Amendment "A" (S-414)

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

The President laid before the Senate:

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

Tabled—Earlier in the Day by Senator COLLINS of Knox

Pending—Enactment

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

The President laid before the Senate:

Bill, "An Act to Regulate the Harvest of Antlerless Deer Within the Western Deer Zone" (H. P. 1754) (L. D. 1744), Tabled earlier in today's session by Senator Conley of Cumberland, pending Adoption of Committee Amendment "A".

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

(Senate at Ease)

The Senate called to order by the President.

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

Paper from the House Joint Order

An Expression of Legislative Sentiment recognizing:

The Edward Little High School Girls' Gymnastics Team for winning the Maine State Girls' Gymnastics Championship. (H. P. 2227)

Comes from the House, Read and Passed.

Which was Read.

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

Senator CONLEY: Mr. President and Members of the Senate: I am so pleased and delighted to have waited around this Chamber for 45 minutes to take some action on this very important Joint Order memorializing the Edward Little High School Girls' Gymnastics Team.

The PRESIDENT: The Chair thanks the Senator.

Which was Passed, in concurrence.

On motion by Senator Collins of Knox, Adjourned until 9 o'clock tomorrow morning.