

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Eleventh  
Legislature***

OF THE

STATE OF MAINE

**Volume I**

**FIRST REGULAR SESSION**

**December 1, 1982 to May 13, 1983**

STATE OF MAINE  
One Hundred and Tenth Legislature  
First Regular Session  
JOURNAL OF THE SENATE  
Senate Chamber  
Augusta, Maine  
January 14, 1983  
Senate called order by the President.

Prayer by the Honorable Michael Carpenter, Senator of Aroostook.

Senator CARPENTER: Let us pray. Our heavenly Father, as we enter upon this most agonizing kind of day, we ask for Your guidance, for Your wisdom, that we as elected representatives of the State of Maine, do for the people of our great State what we feel in our hearts is the best, that that course of action be the best, and above all, let it be Yours. In Your Name we pray. Amen.

Reading of the Journal of yesterday.

Senator PRAY of Penobscot was granted unanimous consent to address the Senate, Off the Record.

On motion by Senator PRAY of Penobscot, Recessed until the sound of the bell.

**Recess**

**After Recess**

The Senate called to order by the President.

**Communication**

The Following Communication: (S. P. 74)

**The Senate of Maine**

January 12, 1983

The Honorable Gerard P. Conley

President of the Senate

The Honorable John L. Martin

Speaker of the House

Dear President Conley and Speaker Martin:

Please be advised that in accordance with Joint Rule 39 of the 111th Maine Legislature, the Republican members of the Legislative Council have appointed May M. Ross as partisan staff assistant for nominations.

Sincerely,

S/BARBARA A. GILL

Assistant Republican Leader

Which was Read and Passed.

Sent down for concurrence.

**Orders of The Day**

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

BILL, "An Act to Require the City of Caribou to Establish a Voting District in the Unorganized Township of Connor." (H. P. 125) (L. D. 133)

Tabled — January 13, 1983 by Senator PRAY of Penobscot.

Pending — Reference

Committee on Local and County Government suggested.

(In House — Referred to Committee on Local and County Government and Ordered Printed.)

On motion by Senator Pearson of Penobscot, referred to the Committee on Election Laws and Ordered Printed, in non-concurrence.

Sent down for concurrence.

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

BILL, "An Act Concerning Special Telecommunications Equipment for the Deaf and Hearing and Speech Impaired." (H. P. 144) (L. D. 152)

Tabled — January 13, 1983 by Senator BUSTIN of Kennebec.

Pending — Reference

(In House — Referred to Committee on Public Utilities and Ordered Printed.)

Which was referred to the Committee on

Public Utilities and Ordered Printed, in concurrence.

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

**Paper From The House  
Non-concurrent Matter**

BILL, "An Act to Remove the Retroactive Provisions of the Income Tax Indexing Law." (Emergency) (S. P. 34) (L. D. 96)

In the Senate January 13, 1983 Passed to be Enacted.

Comes from the House, Passed to be Engrossed as amended by House Amendment "C", (H-5) in non-concurrence.

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

Senator PRAY: Mr. President, I move that the Senate Recede and Concur.

The PRESIDENT: The Chair will order a Division.

Will all those Senators in favor of the motion by the Senator from Penobscot, Senator Pray, that the Senate Recede and Concur with the House, please rise in their places to be counted.

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

24 Senators having voted in the affirmative, and 3 Senators having voted in the negative, the motion to Recede and Concur prevailed.

Sent forthwith to the Engrossing Department.

Senator PRAY of Penobscot was granted unanimous consent to address the Senate, Off the Record.

Senator GILL of Cumberland was granted unanimous consent to address the Senate, Off the Record.

On motion by Senator CARPENTER of Aroostook, Recessed until the sound of the bell.

**Recess**

**After Recess**

The Senate called to order by the President.

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

**Enactor**

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

**Emergency**

BILL, "An Act to Remove the Retroactive Provisions of the Income Tax Indexing Law." (S. P. 34) (L. D. 96)

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

Senator GILL: Members of the Senate, and Mr. President, I'd like the Senate to know that when I vote this evening, I will be voting as a Senator from Cumberland County, and not as a leader of the Minority Party in this Body, and I just wanted to make that clear before the vote was taken.

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

Senator WOOD: Mr. President, Members of the Senate, before you vote on this matter I think an explanation, a brief explanation, is probably owed everyone here. I would like, for the Record, to point out that the reason we are here at this late hour is not because of the compromise position we are in, it is so that Senator Carpenter could sign all the Joint Orders that we are going to be discussing later in the day.

The bill that is now before us and that we will be, hopefully, passing this evening, accomplishes the two objectives that the Democrats on the Taxation Committee had set as their goals in terms of trying to work out a bill that

would take care of the problem. Those two goals were: one, to repeal retroactivity, and two, to deal with the problem of compounding. This Bill, in essence, does those things, and meets the criteria that I have laid down in terms of what bill made sense for the State.

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

Senator PRAY: Thank you Mr. President. Mr. President, Ladies and Gentlemen of the Senate, I first of all would like to express my appreciation to the Members of this Chamber who have sat out the day for so long. The good Senator from Androscoggin, Senator Charette, earlier pointed out to me when we came in and recessed this morning around 10 o'clock, and we went back in roughly about a half-hour ago to forty-five minutes ago, that we had recessed for ten hours and ten minutes. We are checking now to see if that's a record or not.

More important to the issue at hand, that's before us at this time, we have known that this issue was going to come before us, for a number of days, for a number of months, it is perhaps been the most career discussed issue since the elections in November. The Democratic Party, at that time, expressed a concern for the affects of the retroactivity. Political rhetoric has been played, and the underlying concern of the individuals that were expressing various political positions always said that the most important thing is that cuts do not take place, that these are programs that are for the people of the State of Maine, and it is essential that we have them.

It has been said by all, that the State could not withstand the thirty-two million dollar cut over the last quarter of a biennium budget. If, in fact, you interpreted that the State could find that type of money, than what you'd be talking about, in essence, is the ability of this State to cut one-hundred twenty-eight million dollars over a biennium.

In this Chamber, there are thirty members who served in the 110th Legislature. Each and everyone of them had the opportunities to review the budget during the last session and had their opportunity to vote for it, or against it. It was a proposal that was passed by a Democratic controlled House, and a Republican controlled Senate, it was a proposal that met the approval of both political parties at that time.

Thus, the question, to me, comes down to why we are here so late tonight is an important one. We are not here, because the people of the State of Maine voted for the Indexing issue. We are not here, because of the retroactivity clause of that proposal. We are here at this eleventh hour with individuals in this State who have been in the state of high anxiety since the November elections, and more acutely so in the last several weeks, because of the emergency nature and concerns this political Body has. I believe, though, its taken us awhile to come to this point, we are doing the most responsible thing that we can do.

It's time to put aside the political rhetoric, and I applaud the Senator from Cumberland, Senator Gill, though she is voting not as the party leader but as a Senator, for changing her position, and now supporting the proposal, which basically is the position of the Governor has had all along. Though some of the language has been changed to appease some, the underlying fact of the Democratic Party has been the people of the State of Maine.

And, I appreciate, again, the time you have all spent in the last several days of waiting around for us to come to this point.

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

Senator MINKOWSKY: Mr. President, and Members of the Senate, during the interim period of time today, I had an opportunity to spend a few hours in the State Law Library. And looking over some of the books, I came across a particular phrase, or statement, made by

Daniel Webster, (I don't mean the gentleman in the Department of Transportation, either) that said the following: "a strong conviction, that something must be done, is apparent of many bad measures." I pondered over that particular statement for quite awhile, and after analyzing House Amendment C this evening and listening to this in caucus, and thinking about the remarks I made on the floor of this Senate two nights ago, I came up with one single conclusion, the taxpayers of Maine are paying for the club that the Legislature and the Administration will hit them over the head with. It is as simple as that.

If you look at House Amendment "C" very closely, we refer to it as a washout, and maybe it will be a washout in the long run, but I think the taxpayers of this State are well going to remember this thing for a long-spanned of time.

I intend to vote tonight in favor of this, because of the trying situations that the people of Maine in our institutions, especially, our social service programs and our municipal governments are faced with, but I can assure you that's the only reason I can give you tonight for voting for this compromise.

This being an emergency measure and having received the affirmative votes of 23 Members of the Senate, with 4 Senators having voted in the negative, was Passed to be Enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

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

**Communication**

The Following Communication: (H. P. 163)

**State of Maine  
Department of State  
Augusta, Maine 04333**

January 14, 1983

The Honorable John L. Martin  
Speaker of the House of Representatives  
of the One Hundred and Eleventh  
Legislature

Dear Mr. Speaker:

In accordance with the provisions of Title 30, Section 253, of the Revised Statutes, as amended in 1979, I have the honor to transmit herewith the budget estimates of expenses of the sixteen counties within the State for the year 1983.

Respectfully,  
S/RODNEY S. QUINN  
Secretary of State

Comes from the House Read and referred to the Committee on Local and County Government.

Which was Read and referred to the Committee on Local and County Government, in concurrence.

**Order**

On motion of Senator CARPENTER of Aroostook;

ORDERED, the House concurring, that when the House and Senate Adjourn, they do so until January 31, 1983 at 10:00 a.m. (S. P. 75)

Which was Read and Passed.

Sent down forthwith for concurrence.

(Off Record Remarks)

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

**Papers From the House**

**House Papers**

BILL, "An Act to Require Expiration Dates Be Placed on Prescription Drug Labels." (H. P. 160)

Comes from the House referred to the Committee on Business Legislation and Ordered Printed.

Which was referred to the Committee on Business Legislation and Ordered Printed, in

concurrence.

BILL, "An Act Concerning the Sardine Tax." (H. P. 161)

Comes from the House referred to the Committee on Marine Resources and Ordered Printed.

Which was referred to the Committee on Marine Resources and Ordered Printed, in concurrence.

BILL, "An Act to Permit Trained, Qualified and Uniformed Constables to use Blue Lights on Motor Vehicles." (H. P. 162)

Comes from the House referred to the Committee on Transportation and Ordered Printed.

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

The Adjournment Order having been returned from the House, Read and Passed, in concurrence, on motion by Senator CARPENTER of Aroostook, Adjourned until Monday, January 31, 1983 at 10 o'clock in the morning.