

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 Eleventh Legislature
First Regular Session
JOURNAL OF THE SENATE
Augusta, Maine
March 2, 1983
Senate called to order by the President.

Prayer by Reverend Douglas Morgan Strong of The All Souls Unitarian Church in Augusta.

REVEREND STRONG: As the Women and Men of this Chamber start the efforts of yet another day, let us pause for a moment of remembrance; for the blessings of our lives, our homes, our communities, and our Country; for the privilege of being part of a family, for the privilege of belonging to a neighborhood of people; for the privilege of living in this State and a Country, where freedom is not simply a word but an opportunity for us all.

Help us to realize that everything we call good must be paid for in one way or another; if we love deeply, we must be willing to suffer hurt; if we enjoy friendship, we must make some attempts to sustain and nourish it; if we appreciate citizenship, we must do our part to make it a cooperative thing; if we glory in our freedom, we must be willing to make some personal sacrifices to preserve it.

Help us to remember that we cannot have for ourselves what we are unwilling to grant to others; that there can be no security for some without making sure that all people are able to be safe, also; that we cannot be happy unless we have concern for removing the discriminatory laws that make other people less equal; that we cannot improve the way of our life, without granting the same rights to all others, so everyone will have the chance for improvement.

We are grateful: that people can change; that we can become enlightened and rid ourselves of old notions and outdated beliefs; that we can discover insights and truths that are new to us.

We pray that we may seek those things that are worthy, not simply for ourselves, but that we may share what is truly blessed with one another and with all humankind. Amen.

Reading of the Journal of yesterday.

(Off Record Remarks)

The PRESIDENT: The Chair would once again like to extend its congratulations to all those Members of the Senate and public members who worked so diligently and so hard under, I'm sure, very pressing times, but again meeting the goal, the deadline, for reapportionment. I'm sure, because of their efforts, we may very possibly succeed in getting this legislation through.

Papers From The House House Papers

BILL, "An Act Relating to Posting of and Permits for Signs under the Billboard Law." (H. P. 684) (L. D. 864)

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 Access Roads to Great Ponds and Lakes." (H. P. 685) (L. D. 865)

Comes from the House, referred to the Committee on Energy and Natural Resources and Ordered Printed.

Which was referred to the Committee on Energy and Natural Resources and Ordered Printed in concurrence.

BILL, "An Act Concerning the Beginning Date for the Open Season on Deer." (H. P. 686)

(L. D. 866)

Comes from the House, referred to the Committee on Fisheries and Wildlife and Ordered Printed.

Which was referred to the Committee on Fisheries and Wildlife and Ordered Printed in concurrence.

BILL, "An Act Concerning the Return of Bail After a Defendant Makes an Appearance in Court." (H. P. 687) (L. D. 867)

BILL, "An Act Regarding the Motor Vehicle Offenses of Eluding a Police Officer and Passing a Roadblock." (H. P. 688) (L. D. 868)

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

Which were referred to the Committee on Judiciary and Ordered Printed in concurrence.

BILL, "An Act to Provide for Reapportionment of County Commissioner Districts." (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.) (H. P. 689) (L. D. 869)

Comes from the House, referred to the Committee on Local and County Government and Ordered Printed.

Which was referred to the Committee on Local and County Government and Ordered Printed in concurrence.

BILL, "An Act to Revise the Statutes Relating to Fish Weirs." (H. P. 690) (L. D. 870)

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 Make the Special Motor Vehicle Registration Plate Fee a One-Time Fee." (H. P. 691) (L. D. 871)

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.

(Senate At Ease)

The Senate called to Order by the President

BILL, "An Act to Notify Unemployed Workers of the Availability of Other Forms of Assistance." (S. P. 320) (Presented by Senator BUSTIN of Kennebec)

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

Sent down for concurrence.

BILL, "An Act to Improve and Clarify the Ratesetting Procedures for Municipal and Quasi-municipal Water Companies." (Submitted by the Public Utilities Commission pursuant to Joint Rule 24.) (S. P. 321) (Presented by Senator BALDACCI of Penobscot.) (Cosponsors: Representative VOSE of Eastport, Representative BOST of Orono and Representative WEYMOUTH of West Gardiner.)

Which was referred to the Committee on Public Utilities and Ordered Printed.

Sent down for concurrence.

Committee Reports House

Ought Not to Pass

The following Ought Not to Pass reports shall be placed in the legislative files without further action pursuant to Rule 15 of the Joint Rules:

BILL, "An Act to Clarify the Criteria for Suitable Work in the Unemployment Compensation Program." (H. P. 409) (L. D. 492)

BILL, "An Act to Provide for Special Exception Liquor Stores in Communities of over

30,000 Population." (H. P. 272) (L. D. 332)

RESOLVE, Authorizing Melanie Ann Clark, or her Legal Representative, to Bring Civil Action Against the State of Maine. (H. P. 342) (L. D. 401)

Leave to Withdraw

The following Leave to Withdraw reports shall be placed in the legislative files without further action pursuant to Rule 15 of the Joint Rules:

BILL, "An Act to Preclude Part-time Employees of Nonprofit Organizations from Eligibility under Unemployment Compensation if Employed for less than 3 months." (H. P. 254) (L. D. 304)

BILL, "An Act to Require Employees to Provide Prompt Notice of Disability to Employers." (H. P. 329) (L. D. 388)

BILL, "An Act to Insure Notice Defense is Based on Prejudice to the Employer." (H. P. 335) (L. D. 394)

BILL, "An Act to Adjust the Weekly Benefit Amount for Dependents of Unemployment Compensation Claimants." (H. P. 413) (L. D. 496)

Change of Reference

The Committee on Appropriations and Financial Affairs on BILL, "An Act to Include Poverty Tax Abatements in Net General Assistance Costs." (H. P. 242) (L. D. 289) Reported that the same be referred to the Committee on Health and Institutional Services.

Comes from the House with the Report Read and Accepted and the bill referred to the Committee on Health and Institutional Services.

Which Report was Read and Accepted in concurrence, and the bill referred to the Committee on Health and Institutional Services in concurrence.

Ought to Pass

The Committee on State Government on BILL, "An Act to Provide for an Orderly Transition Period Following the Election of Constitutional Officers." (H. P. 491) (L. D. 588) Reported that the same Ought to Pass.

Comes from the House with the Report Read and Accepted and the Bill Passed to be Engrossed.

Which Report was Read and Accepted in concurrence. The Bill Read Once and Tomorrow Assigned for Second Reading.

The Committee on Education on BILL, "An Act to Amend the Special Education Statutes Providing for the Department's General Supervisory Responsibility for all Educational Programming for Exceptional Students." (H. P. 472) (L. D. 571) Reported that the same Ought to Pass.

Comes from the House with the Report Read and Accepted and the Bill Passed to be Engrossed.

Which Report was Read and Accepted in concurrence. The Bill Read Once and Tomorrow Assigned for Second Reading.

The Committee on Election Laws on BILL, "An Act to Reduce the Mandatory Number of Election Clerks for Each Voting Place." (H. P. 148) (L. D. 156) Reported that the same Ought to Pass.

Comes from the House with the Report Read and Accepted and the Bill Passed to be Engrossed.

Which Report was Read and Accepted in concurrence. The Bill Read Once and Tomorrow Assigned for Second Reading.

The Committee on State Government on RESOLVE, Authorizing the Director of Parks and Recreation to Convey by Deed the Interest of the State of Maine in 3 Certain Parcels of Real Property. (H. P. 526) (L. D. 651) Reported that the same Ought to Pass.

Comes from the House with the Report Read and Accepted and the Bill Passed to be Engrossed.

Which Report was Read and Accepted in concurrence. The Bill Read Once and Tomorrow Assigned for Second Reading.

Ought to Pass — As Amended

The Committee on Health and Institutional Services on BILL, "An Act to Provide Furloughs from County Jails for 3 Days or More if Reason is Consistent with the Rehabilitation of an Inmate or Prisoner." (H. P. 177) (L. D. 206) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-24).

Comes from the House, the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-24).

Which Report was Read and Accepted, in concurrence. The Bill Read Once. Committee Amendment "A" (H-24) was Read and Adopted, in concurrence. The Bill, as Amended, Tomorrow Assigned for Second Reading.

The Committee on Business Legislation on BILL, "An Act to Amend the Banking Code Regarding Directors' Meetings and Regarding Service Corporations." (H. P. 295) (L. D. 354) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-18).

Comes from the House, the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-18) as amended by House Amendment "B" (H-32) thereto.

Which Report was Read and Accepted, in concurrence. The Bill Read Once. Committee Amendment "A" was Read. House Amendment "B" to Committee Amendment "A" was Read and Adopted in concurrence. Committee Amendment "A" as amended by House Amendment "B" thereto was Adopted in concurrence. The Bill, as Amended, Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on State Government on BILL, "An Act Prohibiting Bond Issues of Less than \$2,000,000." (H. P. 277) (L. D. 337)

Reported that the same Ought Not to Pass.

Signed:

Senators:

BALDACCI of Penobscot
VIOLETTE of Aroostook

Representatives:

COOPER of Windham
LaPLANTE of Sabattus
GWADOSKY of Fairfield
KETOVER of Portland
PARADIS of Augusta

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

Signed:

Senator:

HICHENS of York

Representatives:

LEBOWITZ of Bangor
SPROUL of Augusta
HOLLOWAY of Edgecomb
DILLENBACK of Cumberland
SALSBURY of Bar Harbor

Comes from the House, the Majority Report Read and Accepted.

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

Senate

Leave to Withdraw

The following Leave to Withdraw reports shall be placed in the legislative files without further action pursuant to Rule 15 of the Joint Rules:

BILL, "An Act to Include the Municipalities

of Gilead and Upton within Northern Oxford County Vocational Region 9." (Emergency) (S. P. 227) (L. D. 671)

BILL, "An Act to Permit the Use of the Drug Dimethyl Sulfoxide for Human Consumption." (S. P. 211) (L. D. 632)

Second Readers

House

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

BILL, "An Act to Amend the Biannual Meetings Between County and Municipal Law Enforcement Officers." (H. P. 487) (L. D. 584)

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

House — As Amended

BILL, "An Act to Require the Use of Generic Drugs in the Low-cost Drug Program for the Elderly." (H. P. 157) (L. D. 182)

Which was Read a Second Time and Passed to be Engrossed as Amended in non-concurrence.

Sent down for concurrence.

Enactors

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

An Act to Amend the Charter of the Hallowell Water District. (H. P. 345) (L. D. 404)

An Act to Amend the Charter of the Winthrop Water District. (H. P. 346) (L. D. 405)

An Act Concerning Qualifications for Appointment to the Board of Commissioners of the Profession of Pharmacy. (H. P. 653) (L. D. 813)

An Act to Insure an Employee is Notified of his Rights to Workers' Compensation. (H. P. 332) (L. D. 391)

Which were Passed to be Enacted, and having been signed by the President, were 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:

Maine Apportionment Commission

March 1, 1983

Honorable Joy J. O'Brien
Secretary of the Senate
111th Legislature
Augusta, ME 04333
Dear Secretary O'Brien,

I have the honor to submit herewith the Report of the Apportionment Commission established pursuant to the Constitution, Article IV, Part 3, Section 1-A. This report conveys pursuant to the Constitution Article IV, Part 2, Section 2, the Commission's recommended plan for the Maine State Senate and also includes the plans for the First and Second Congressional Districts and the Maine House of Representatives.

Sincerely,

S/ROGER L. MALLAR

Chairman

Apportionment Commission

Which was Read and Ordered Placed On File.

Senator Collins of Knox was granted unanimous consent to address the Senate, Off the Record.

Senator Carpenter of Aroostook was granted unanimous consent to address the Senate, Off the Record.

On motion by Senator Carpenter of Aroostook, Adjourned until 9 o'clock tomorrow morning.