

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 15, 1983
Senate called to order by the President.

Prayer by Captain Charles Brant of the Salvation Army of Augusta.

CAPTAIN BRANT: Let us pray! Almighty God we ask Thy blessing this day upon this State. We would pray Father, that these Senator's would call upon Thy Holy guidance and wisdom to assist them as they make and deliver the laws of this our State.

Bless each one gathered here, may they always be aware from whom their blessings, wisdom and guidance come from.

We ask this now in Jesus' name. Amen.

Reading of the Journal of yesterday.

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

BILL, "An Act to Conduct a Maine Labor Training Study." (S. P. 352) (L. D. 1026)

In the Senate, March 4, 1983 referred to the Committee on Labor and Ordered Printed.

Comes from the House, referred to the Committee on Education in non-concurrence.

On motion by Senator Pray of Penobscot the Senate voted to Recede and Concur with the House.

Non-concurrent Matter

BILL, "An Act to Permit the Petition of Local Referendum by the State Liquor Commission" (S. P. 224) (L. D. 661)

In the Senate, March 9, 1983 Majority Ought to Pass as Amended Report read and accepted and the bill Passed to be Engrossed as Amended by Committee Amendment "A" (S-19).

Comes from the House, the Minority Ought Not to Pass Report read and accepted in non-concurrence.

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

Senator CARPENTER: I move that the Senate Adhere.

The PRESIDENT: The Senator from Aroostook, Senator Carpenter moves that the Senate Adhere.

The Chair recognizes the Senator from York, Senator Hichens.

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

The PRESIDENT: The Chair will order a Division.

Will all those Senators in favor of the motion by the Senator from York, Senator Hichens 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.

7 Senators having voted in the affirmative and 20 Senators having voted in the negative, the motion to Recede and Concur, Failed.

On motion by Senator Carpenter of Aroostook, the Senate voted to Adhere.

House Papers

BILL, "An Act to Amend the Laws Relating to Transportation or Cutting of Christmas Trees" (Submitted by the Department of Conservation pursuant to Joint Rule 24.) (H. P. 851) (L. D. 1101)

BILL, "An Act to Require Annual Disclosure of Interest in Agricultural Land in Maine." (H. P. 871) (L. D. 1125).

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

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

BILL, "An Act to Establish a Program of

Emergency Assistance to Needy Families with Children." (H. P. 880) (L. D. 1134)

Reference to the Committee on Health and Institutional Services suggested.

Comes from the House, referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Which was referred to the Committee on Appropriations and Financial Affairs and Ordered Printed, in concurrence.

BILL, "An Act to Assist Mediation of Consumer Complaints." (H. P. 872) (L. D. 1126)

BILL, "An Act to Complete the Statewide Coordination System for Preschool Handicapped Children." (H. P. 873) (L. D. 1127)

Comes from the House, referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Which were referred to the Committee on Appropriations and Financial Affairs and Ordered Printed in concurrence.

BILL, "An Act to Ensure the Safe Operation and Installation of Boilers used by Electric Utilities." (Submitted by the Public Utilities Commission pursuant to Joint Rule 24.) (H. P. 861) (L. D. 1124)

Reference to the Committee on Public Utilities suggested.

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 to Revise the Charitable Solicitations Law." (Submitted by the Department of Business Regulation pursuant to Joint Rule 24.) (H. P. 852) (L. D. 1102)

BILL, "An Act Concerning Advertising by Chiropractors." (H. P. 875) (L. D. 1129)

BILL, "An Act to Amend the Standard Valuation Law for Life Insurance and Annuities and the Standard Nonforfeiture Law for Life Insurance." (H. P. 876) (L. D. 1130)

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

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

BILL, "An Act to Prevent Abuses in Certain Land Installment Contracts." (Submitted by the Department of Business Regulation pursuant to Joint Rule 24.) (H. P. 853) (L. D. 1103)

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

On motion by Senator Carpenter of Aroostook, referred to the Committee on Judiciary and Ordered Printed, in non-concurrence.

Sent down for concurrence.

BILL, "An Act to Amend the Laws Pertaining to Dissolution and Withdrawal from School Administrative Districts and Community School Districts." (Submitted by the Department of Educational and Cultural Services pursuant to Joint Rule 24.) (H. P. 854) (L. D. 1104)

BILL, "An Act to Clarify the Education Laws." (Submitted by the Department of Educational and Cultural Services pursuant to Joint Rule 24.) (Emergency) (H. P. 855) (L. D. 1105)

BILL, "An Act to Amend Special Education Statutes Pertaining to the Filing of Allowable Expenditures by Special Purpose Schools, Agencies or Institutions." (Submitted by the Department of Educational and Cultural Services pursuant to Joint Rule 24.) (Emergency) (H. P. 856) (L. D. 1106)

BILL, "An Act to Revise the Truancy Laws." (H. P. 877) (L. D. 1131)

Comes from the House, referred to the Com-

mittee on Education and Ordered Printed.

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

BILL, "An Act to Establish a Commission on Maine's Energy Future." (H. P. 857) (L. D. 1107)

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 to Create a Nonresident Property Owner Fishing License." (H. P. 878) (L. D. 1132)

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 to Permit the Maine Health and Higher Educational Facilities Authority to Issue Hospital Equipment Loan Program Revenue Bonds, to Allow Nonprofit Health Services' Groups to Participate in the Authority's Programs, and for other Purposes." (H. P. 874) (L. D. 1128)

Reference to the Committee on Appropriations and Financial Affairs suggested.

Comes from the House, referred to the Committee on Health and Institutional Services and Ordered Printed.

On motion by Senator Carpenter of Aroostook, Tabled for 1 Legislative Day, pending Reference.

BILL, "An Act Relating to the Education of Dependent Children." (H. P. 879) (L. D. 1133)

BILL, "An Act to Amend the Municipal General Assistance Reimbursement Law." (Emergency) (H. P. 881) (L. D. 1135)

Comes from the House, referred to the Committee on Health and Institutional Services and Ordered Printed.

Which were referred to the Committee on Health and Institutional Services and Ordered Printed in concurrence.

BILL, "An Act to Strengthen the Penalties for Misuse of Narcotics by Health Professionals." (H. P. 858) (L. D. 1108)

Comes from the House, referred to the Committee on Health and Institutional Services and Ordered Printed.

On motion by Senator Carpenter of Aroostook, referred to the Committee on Judiciary and Ordered Printed, in non-concurrence.

Sent down for concurrence.

BILL, "An Act to Amend Certain Provisions of the Laws Defining Sex Offenses." (Submitted by the Department of Educational and Cultural Services pursuant to Joint Rule 24.) (H. P. 864) (L. D. 1113)

BILL, "An Act to Clarify the Rights of Putative Fathers in Adoption Proceedings." (Submitted by the Department of Human Services pursuant to Joint Rule 24.) (H. P. 866) (L. D. 1114)

BILL, "An Act to Amend the Probate Code." (Submitted by the Department of Human Services pursuant to Joint Rule 24.) (H. P. 867) (L. D. 1115)

BILL, "An Act to Extend the Time for Acquiring those Areas which have been Designated Potential Passamaquoddy Indian Territory, and to Designate Certain other Areas as Potential Passamaquoddy Indian Territory." (H. P. 882) (L. D. 1136)

BILL, "An Act to Redefine the Insanity Plea." (H. P. 883) (L. D. 1137)

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 Increase the Minimum Wage." (H. P. 884) (L. D. 1138)

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

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

BILL, "An Act to Amend the Motor Vehicle Racing Law." (Submitted by the Department of Public Safety pursuant to Joint Rule 24.) (H. P. 859) (L. D. 1109)

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

Which was referred to the Committee on Legal Affairs and Ordered Printed in concurrence.

BILL, "An Act to Conform the Requirements for Construction of Generating Facilities or Transmission Lines." (Submitted by the Office of Public Advocate pursuant to Joint Rule 24.) (H. P. 860) (L. D. 1110)

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

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

BILL, "An Act to Amend the Competitive Bidding Procedure to Allow Negotiation for Petroleum Product Procurement." (Submitted by the Department of Conservation pursuant to Joint Rule 24.) (Emergency) (H. P. 862) (L. D. 1111)

BILL, "An Act Relating to Property Disposal by the Department of Transportation." (Submitted by the Department of Transportation pursuant to Joint Rule 24.) (H. P. 863) (L. D. 1112)

BILL, "An Act to Establish a Uniform Maximum Per Diem Allowance for State Boards and Agencies." (H. P. 885) (L. D. 1139)

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

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

BILL, "An Act to Suspend Operation Authority on Motor Vehicles which Fail to Comply with the Gasoline Reporting Law." (H. P. 886) (L. D. 1140)

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.

Communications

The Following Communication: (H. P. 912)

State of Maine
House of Representatives
Augusta 04333

March 9, 1983

John L. Martin
Speaker of the House
111th Legislature
Gerard P. Conley
President of the Senate
111th Legislature

Dear Mr. Speaker and Mr. President:

On March 9, 1983 one Bill was received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 14, this bill was referred to the Joint Standing Committee on Transportation on March 9, 1983.

Transportation

BILL "An Act to Provide for Voluntary Inspection of Trailers and Semitrailers under the Motor Vehicle Laws" (Emergency) (H. P.

911) (L. D. 1161) (Presented by Representative CARROLL of Limerick) (Cosponsor: Representative STROUT of Corinth.) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Sincerely,
S/EDWIN H. PERT
Clerk of the House
S/JOY J. O'BRIEN
Secretary of the Senate

Comes from the House Read and Ordered Placed on File.

Which was Read and Ordered Placed on file in concurrence.

(Off Record Remarks)

The Following Communication:

State of Maine
One Hundred And Eleventh Legislature
Committee on Agriculture

March 14, 1983

The Honorable Gerard P. Conley
President of the Senate
Senate Chambers
State House
Augusta, Maine 04333
Dear President Conley:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 111th Maine Legislature, the Joint Standing Committee on Agriculture has had under consideration the nomination of Vaughn H. Holyoke of Brewer for appointment as the University of Maine at Orono Representative of the Pesticides Control Board.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate of the 111th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee Clerk called the roll with the following result:

YEAS: Senators 3
Representatives 8
NAYS: Senators 0
Representatives 0
ABSENT: Rep. Luman P. Mahany of Easton
Rep. Weston R. Sherburne of
Dexter

Eleven members of the Committee having voted in the affirmative and none in the negative with two being absent, it was the vote of the Committee that the nomination of Vaughn H. Holyoke of Brewer to the position of member of the Pesticides Control Board be confirmed.

Sincerely,
S/EDGAR E. ERWIN
Senate Chairman
S/JOHN M. MICHAEL
Acting House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Agriculture has recommended that the nomination of Vaughn H. Holyoke be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on Agriculture be overridden? In accordance with 3 M.R.S.A., Chapter 6, section 151 and with Joint Rule 38 of the 111th Legislature, the vote will be taken by the yeas and nays. A vote of Yes will be in favor of overriding the recommendation of the Committee. A vote of No will be in favor of sustaining the recommendation of the Committee.

The Chair recognizes the Senator from York, Senator Wood.

Senator WOOD: Mr. President and Men and Women of the Senate, I rise today not to oppose the nomination of Mr. Holyoke or Dr. Lawrence who we will be acting on next, both of these individuals are fine candidates for this board, and I would urge you support for both of them.

It does seem to be an appropriate time to

bring up our concerns regarding the Pesticides Board, and I have several that I would like to express, today, and hope that they will receive that message.

I rise not as an opponent of the Pesticides Board, but rather as one who has worked for the past six years to ensure that the Pesticides Board is a board that can formulate central policy in regards to pesticides.

This summer there occurred an incident in my District in the town of Lebanon in which there was 245T found in the soil, at first glance this doesn't seem to be an unusually occurrence, but when you consider two facts: one that 245T was band in 1979 and that the last time that Lebanon was sprayed was 1978, and that this substance is only supposed to last for six months. It has persisted in the soils in Lebanon since 1978.

The people in that town were upset with reason and they pursued every avenue available to them, to find out why this 245T had persisted. This last weekend the town of Lebanon took the extraordinary step of banding commercial spray, all commercial spraying except non-agriculture in that town, by a vote of seven hundred and four to two hundred and forty. I praise the people of that town for taking that step that was the best available action that they had left.

I can't help but feel that they took that step because the Pesticide Board did not respond in a quick and efficient manner to reach the concerns of the people in Lebanon. I am fearful that if the Pesticide Board does not deal with this issue that the State will not be speaking with one voice, but with many voices as other towns adopt similar ordinances.

I would point out that 245T has been found in the town of Alfred and the town of Wells and the testing has just begun.

The PRESIDENT: The pending question before the Senate is the recommendation by the Committee on Agriculture that Vaughn Holyoke be confirmed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—None.

NAY—Baldacci, Brown, Bustin, Carpenter, Charette, Clark, Collins, Danton, Dow, Du-tremble, Emerson, Erwin, Gill, Hayes, Hichens, Kany, McBreairty, Minkowsky, Najarian, Pearson, Pray, Redmond, Sewall, Shute, Teague, Trafton, Twitchell, Usher, Violette, Wood, The President—Gerard P. Conley.

ABSENT—Diamond, Perkins.

No Senators having voted in the affirmative and 31 Senators in the negative, with 2 Senators being absent, and none being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be accepted.

The nomination of Vaughn Holyoke is confirmed.

The Secretary was directed to inform the Speaker of the House.

The Following Communication:

State of Maine
One Hundred And Eleventh Legislature
Committee on Agriculture

March 14, 1983

The Honorable Gerard P. Conley
President of the Senate
Senate Chambers
State House
Augusta, Maine 04333
Dear President Conley:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 111th Maine Legislature, the Joint Standing Committee on Agriculture has had under consideration the nomination of Frank Lawrence of Yarmouth for appointment as the Medical Community Representative of the Pesticides Control Board.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate of the 111th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee Clerk called the roll with the following result:

YEAS: Senators 3
Representatives 8
NAYS: Senators 0
Representatives 0
ABSENT: Rep. Luman P. Mahany of Easton
Rep. Weston R. Sherburne of
Dexter

Eleven members of the Committee having voted in the affirmative and none in the negative with two being absent, it was the vote of the Committee that the nomination of Frank Lawrence of Yarmouth to the position of member of the Pesticides Control Board be confirmed.

Sincerely,
S/EDGAR E. ERWIN
Senate Chairman
S/JOHN M. MICHAEL
Acting House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Agriculture has recommended that the nomination of Frank Lawrence, be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on Agriculture be overridden: In accordance with 3 M.R.S.A., Chapter 6, section 151 and with Joint Rule 38 of the 111th Legislature, the vote will be taken by the yeas and nays. A vote of Yes will be in favor of overriding the recommendation of the Committee. A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?
The Doorkeepers will secure the Chamber.
The Secretary will call the Roll.

ROLL CALL

YEA—None.

NAY—Baldacci, Brown, Bustin, Carpenter, Charette, Clark, Collins, Danton, Dow, Du Tremble, Emerson, Erwin, Gill, Hayes, Hichens, Kany, McBreairty, Minkowsky, Najarian, Pearson, Pray, Redmond, Sewall, Shute, Teague, Trafton, Twitchell, Usher, Violette, Wood, The President—Gerard P. Conley.

ABSENT—Diamond, Perkins.

No Senators having voted in the affirmative and 31 Senators in the negative, with 2 Senators being absent, and none being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be accepted.

The nomination of Frank Lawrence is confirmed.

The Secretary was directed to inform the Speaker of the House.

Senate Papers

BILL, "An Act to Revise the Wood Measurement Law." (S. P. 390) (Presented by Senator WOOD of York) (Cosponsors: Representative LOCKE of Sebec and Representative CONNOLLY of Portland.)

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

Sent down for concurrence.

BILL, "An Act to Enact a Program of Assistance to the Severely Physically Disabled to Enable them to Work" (Emergency) (S. P. 391) (Presented by Senator GILL of Cumberland.) (Cosponsors: Senator DIAMOND of Cumberland, Senator CARPENTER of Aroostook and Representative KELLEHER of Bangor.)

Which was referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Sent down for concurrence.

BILL, "An Act to Increase the Compensation for Substitute Teachers." (S. P. 392) (Presented by Senator MINKOWSKY of Androscoggin) (Cosponsors: Representative MARTIN of Brunswick and Senator HAYES of Penobscot.)

BILL, "An Act to Change the Name of the University of Maine at Orono to the University of Maine and the University of Maine to the University of Maine System." (S. P. 393) (Presented by Senator HAYES of Penobscot.)

Which were referred to the Committee on Education and Ordered Printed.

Sent down for concurrence.

BILL, "An Act to Establish and Provide Reimbursement for a Hospice Care Program." (S. P. 394) (Presented by Senator BUSTIN of Kennebec) (Cosponsor: Senator GILL of Cumberland.)

Which was referred to the Committee on Health and Institutional Services and Ordered Printed.

Sent down for concurrence.

BILL, "An Act to Revise the Statutes relating to Radiation Control." (S. P. 395) (Presented by Senator KANY of Kennebec) (Cosponsors: Senator BUSTIN of Kennebec, Representative MICHAEL of Auburn and Representative KIESMAN of Fryeburg.)

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

Sent down for concurrence.

Order

Under Suspension of the Rules,

On Motion by Senator DUTREMBLE of York, the following Joint Resolution: (S. P. 396) (Cosponsors: Representative LEHOUX of Biddeford and Representative NORTON of Biddeford)

JOINT RESOLUTION IN HONOR OF NAPOLEON L. NADEAU FORMER STATE REPRESENTATIVE FROM BIDDEFORD

WHEREAS, in the death of Napoleon L. Nadeau, who served 28 years in the Maine House of Representatives, on Sunday, February 27, 1983, at Biddeford, the people of Maine lost an active and well-known, devoted public servant and friend; and

WHEREAS, the dedicated services which Napoleon Nadeau rendered to his community; church; the State of Maine; the many civic organizations in which he actively participated, encouraged and supported; and to the promotion of Franco-American causes to which he devoted much of his life; and

WHEREAS, his unflinching commitment, unselfish dedication and support of those activities and organizations will be greatly missed by those who were privileged to know and serve with him; now, therefore, be it

RESOLVED: That we, the Members of the First Regular Session of the 111th Legislature, pause in our deliberations to acknowledge and recognize the many services and contributions the late Representative Nadeau has made, particularly to his community which he so ably represented for those many years, and as having served the fourth longest term of any State Representative; and express our deep respect and affection for one of our former members; and be it further

RESOLVED: That an engrossed copy of this resolution be immediately transmitted to his bereaved family in testimony of the sympathy and compassion which we share with them in their grief.

Which was Read and Adopted.

Sent down for concurrence.

(Off Record Remarks)

Senator Minkowsky of Androscoggin was granted unanimous consent to address the

Senate, On the Record.

Senator MINKOWSKY: Mr. President and Members of the Senate, yesterday a group of students from the McMann Elementary School in Lewiston, called to my attention that today the State of Maine is celebrating its one hundred and sixty-third birthday, March 15, 1820, and asked me to deliver to the Legislature, as well as, the Governor's Office a token of their appreciation as being citizens of the State of Maine.

These classes are the fourth grade at McMann and their teachers are: Miss Ricker, Mrs. Jordan and Mr. Bishop.

If the Senate would bear with me just a moment, I would like to show you a little bit of the handiwork before I bring it to the Governor's Office. (A poster was shown the Senate of the work of the fourth grade students.)

Mr. President, it goes to shown exactly how viable our school system is here in the State of Maine, whereas, I did not notice anything on our calendar this morning, that we would pay honor to our State on its hundred and sixty-third birthday, that it took fourth grade students to bring it to our attention.

I would like to emphasize it very clearly how proud I am of this particular school and its teachers for the endeavors that they have brought forth to us this morning by recognizing what a fine great State that we live in.

Committee Reports House

Ought Not to Pass

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

BILL, "An Act Relating to Cost of Electric Power Promotions." (H. P. 658) (L. D. 833)

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 Increase Penalties on Minors who Present False Identification Cards to Purchase Liquor." (H. P. 650) (L. D. 818)

BILL, "An Act Relating to Utility Stockholders." (H. P. 448) (L. D. 541)

Ought to Pass as Amended

The Committee on Public Utilities on BILL, "An Act to Amend the Charter of the Augusta Sanitary District" (H. P. 256) (L. D. 306) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-56).

Comes from the House with the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-56).

Which Report was Read and Accepted in concurrence. The Bill Read Once. Committee Amendment "A" (H-56) was Read and Adopted, in concurrence. The Bill, as Amended, Tomorrow Assigned for Second Reading.

The Committee on Taxation on RESOLVE, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Real Estate in the Unorganized Territory (H. P. 430) (L. D. 512) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-55).

Comes from the House, with the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-55).

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

The Committee on Public Utilities on BILL, "An Act Relating to the Industrial Waste Pre-

treatment Program of the Kennebec Sanitary Treatment District." (H. P. 347) (L. D. 406) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-57).

Comes from the House, with the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-57).

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

Ought to Pass in New Draft

The Committee on Public Utilities on BILL, "An Act to Clarify Filing Fee Requirements for Public Utilities Commission Approval of Electric Utilities' Purchase of Electric Power and Conversions." (H. P. 187) (L. D. 229) Reported that the same Ought to Pass in New Draft under same title (Emergency) (H. P. 887) (L. D. 1122).

Comes from the House, the Report Read and Accepted and the New Draft Passed to be Engrossed.

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

The Committee on Labor on BILL, "An Act Relating to General Health Insurance Benefits for Injured Maine Workers and Their Families." (H. P. 327) (L. D. 386) Reported that the same Ought to Pass in New Draft under same title (H. P. 896) (L. D. 1148)

Comes from the House, the Report Read and Accepted and the New Draft Passed to be Engrossed.

Which Report was Read and Accepted in concurrence. 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 the Licensing of Guides." (H. P. 40) (L. D. 45) Reported that the same Ought to Pass in New Draft under same title (H. P. 897) (L. D. 1149).

Comes from the House, the Report Read and Accepted and the New Draft Passed to be Engrossed as amended by House Amendment "A" (H-63).

Which Report was Read and Accepted in concurrence.

The Bill, in New Draft, Read Once.

Committee Amendment "A" Read and Adopted, in concurrence.

The Bill, as amended, Tomorrow Assigned for Second Reading.

Senate

Leave to Withdraw

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

BILL, "An Act Concerning Attorneys' Employees Acting as Private Investigators." (S. P. 154) (L. D. 444)

Ought to Pass in New Draft

Senator NAJARIAN for the Committee on Appropriations and Financial Affairs on BILL, "An Act to Establish the Cost of the 1983 Spruce Budworm Suppression Project." (Emergency) (S. P. 250) (L. D. 796) reported that the same Ought to Pass in New Draft under same title. (S. P. 386) (L. D. 1169)

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

Senator SEWALL for the Committee on Labor on BILL, "An Act to Require the Department of Labor to Make Available to All Claimants for Unemployment Insurance, the Complete Set of All Department of Labor Rules

and Policies Governing the Determinations of Eligibility and Payment of Benefits." (S. P. 190) (L. D. 613) Reported that the same Ought to Pass in New Draft under same title. (S. P. 387) (L. D. 1170).

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

Divided Report

The Majority of the Committee on Labor on BILL, "An Act Relating to Payment by an Employer when a Physician's Certification of Illness is Required." (S. P. 240) (L. D. 682)

Reported that the same Ought to Pass.

Signed:

Senators:

DUTREMBLE of York
HAYES of Penobscot

Representatives:

BEAULIEU of Portland
GAUVREAU of Lewiston
TAMMARO of Baileyville
NORTON of Biddeford
TUTTLE of Sanford
SWAZEY of Bucksport

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

Signed:

Senator:

SEWALL of Lincoln

Representatives:

BONNEY of Falmouth
WILLEY of Hampden
ZIRNKILTON of Mount Desert
LEWIS of Auburn

Which Reports were Read.

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

Senator DUTREMBLE: Mr. President, I move that we Accept the Majority Ought to Pass Report of the Committee.

The PRESIDENT: The Senator from York, Senator Dutremble, moves that the Senate Accept the Majority Ought to Pass Report of the Committee.

The Chair recognizes the Senator from Washington, Senator Brown.

Senator BROWN: Thank you, Mr. President. Ladies and Gentlemen, I would like to pose a question if I may to Senator Dutremble the Chairman of Labor, or any one else who would care to answer concerning L. D. 682. As I read a portion of this Bill it states that the cost of any visit to a physicians' office when the employer requires such a certificate to ensure an absentee's absence from work was due to an illness.

The question that I have concerning that is does this mean that anytime that an employee goes to a doctors' office for a visit, if in fact, the employer requires a certificate to return to work, does that then mean that any visit to a doctors' office can be charged to the employer? And in fact the employer becomes the major payer of that employees visit to a doctors' office?

It seems that that is what the Bill implies, that anytime that an employee becomes ill and goes to a doctors' office, if it is the policy of the employer to require a certificate, then the employer becomes the major payer of that persons medical visit.

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

Senator DUTREMBLE: Mr. President and Ladies and Gentlemen of the Senate, the Bill only requires that the employer pick up the cost of the physicians' certificate when he requires it, when the person misses work.

Now if he requires it every time that, that person misses work then obviously the employer is going to pick up the costs every time that he requires it. That is specifically why this Bill is in here, because you have employers who are requiring that over and over again and it is costing the employee money every time they

miss work, besides the money that they may lose if they do not have sick leave.

So, yes if the employer requires it, he has to pay for it. We are not taking it away from the employer, but if he requires it of the employee, then he should pay for that cost.

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

The Chair recognizes the Senator from Washington, Senator Brown.

Senator BROWN: Mr. President, I am still slightly confused by this particular issue and would like a little more clarification. It still seems to me that if, in fact, the employer requires a certificate of illness, that if I understand what the good Senator from York, Senator Dutremble, is saying that then in fact that employer is having to pay for every single visit the employee makes to a physician. Every single visit that an employee makes to a physician then has to then be paid by the employer unless there is a specific amount that is charged just for that certificate to get back to work. The employer is paying for every single visit to the doctor, it would seem to me, based on this piece of legislation.

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

Senator PRAY: Thank you, Mr. President. Mr. President and Ladies and Gentlemen of the Senate, to perhaps, clarify the concern that the Senator from Washington, Senator Brown has if an individual checked the L. D. that is in the book it is the same as existing statute, in its entity. We are dealing basically with a section of law which requires an employer anytime that they require a charge to the employee, that may incur an expense to the employee, in reference to a visitation of a physician, that that employer would pick up the cost.

Presently under the existing law, if the individual is required to have a medical examination for the purpose of employment, then the employer will pay that cost.

What this Bill goes on to say is that if an employer requires an individual who is absent from work for a day, or a number of days to come in with a physicians' certificate that he will also, pick up that cost of him requiring the employee to go to the doctor.

Now if you are a physician, I would suspect that you are not going to allow anybody to walk in off the street and say, sure here is a piece of paper saying that you were sick. More then likely the physician is going to require some type of examination since he is putting his professional signature on the line saying that you were in fact sick and that is the reason that you missed your day at work or whatever.

So the question clearly comes down to, that if the employer requires that that employee get a physicians' certificate then he will pay the price of that. If he requires it numerous times then he will pay numerous times.

The PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Sewall.

Senator SEWALL: Thank you, Mr. President, and Members of the Senate, the good Senator from Washington County, Senator Brown is absolutely right this shifts the burden of the cost of medical coverage, when there is a policy that an employee must always have a medical certificate, then the employer would pay for those doctors' visits on every account during that time.

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

Senator HAYES: Ladies and Gentlemen of the Maine Senate, this Bill correctly affixes responsibility. If the employer wishes to have the worker visit a physician to validate illness then the employer should bear the costs, and this is the intent of this Legislation.

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

Senator DANTON: Mr. President and Members of the Senate, I am sure that at the hearing

there must have been some testimony as to how much of this is needed? Who requires this? Would you elaborate a little bit on what the need was or who requires it?

The PRESIDENT: The Senator from York, Senator Danton has posed a question through the Chair to any Member of the Senate who may wish to respond.

The Chair recognizes the Senator from York, Senator Dutremble.

Senator DUTREMBLE: At the hearing this year, and in the past when this bill was brought up two years ago, there were instances where some places in the State of Maine required employees who had missed work to get certificates from physicians; they required it of some people and they didn't of other people. So it was used as a form of harassment in some cases.

This was, also, put in because there are some instances where a person is required to get a physician's certificate when he has missed a day's work and he has no sick leave to start with. So not only does he lose a day's pay, but he, also, must pay the doctor's office visit in addition. So, it is really costing the employee much more money and it is used as a form of harassment in this case, also.

On motion by Senator Dutremble of York the Majority Ought to Pass Report of the Committee was Accepted.

The Bill Read Once, and Tomorrow Assigned for Second Reading.

Divided Report

Eight members of the Committee on Marine Resources on, BILL, "An Act to License the Harvest of Seaweeds" (S. P. 173) (L. D. 528)

Reported in Report "A" that the same Ought to Pass in New Draft under same title (S. P. 388) (L. D. 1171)

Signed:

Senators:

MINKOWSKY of Androscoggin
DUTREMBLE of York

Representatives:

MITCHELL of Freeport
MELENDY of Rockland
MANNING of Portland
CROWLEY of Stockton Springs
AINSWORTH of Yarmouth
VOSE of Eastport

Four members of the same Committee on the same subject matter Reported in Report "B" that the same Ought to Pass in New Draft under same title (S. P. 389) (L. D. 1172)

Signed:

Representatives:

CONNERS of Franklin
SCARPINO of St. George
SALSBURY of Bar Harbor
HOLLOWAY of Edgecomb

One member of the same Committee on the same subject matter reported in Report "C" that the same Ought Not to Pass.

Signed:

Senator:

SHUTE of Waldo

Which Reports were Read.

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

Senator MINKOWSKY: Mr. President, I now move that we accept Report "A".

The PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: Mr. President and Ladies and Gentlemen of the Senate, this isn't any real big bill, it only affects about fifty people in the State of Maine. If we have a permit for all of the people that harvest seaweed or sea moss we'll increase the revenue of the State by about fifty dollars if it doesn't cost anything to issue the permits or anything for enforcement. So, it really isn't any big deal, but I wondered if the good Senator from Androscoggin, or some other member might ask if lobster fishermen or clam diggers are exempt from taking seaweed and

putting it on their lobsters or clams when they leave the shores, because if it is not, it would seem to include a lot more than fifty people. I didn't see an exemption in the Bill itself.

The PRESIDENT: The Senator from Waldo, Senator Shute has posed a question through the Chair to any Member of the Senate who may desire to respond.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President prior to answering the good Senator's question, let me recap part of the rationale behind this particular Bill. This was a department bill, and the basic objective is that they presently do license sea moss. There are many other varieties of seaweed that have been harvested by commercial operators along the coast of Maine.

The only intention of the Bill was to create a uniform licensing of attached seaweed harvesters for commercial purposes so that the department may gather data concerning the extent of seaweed harvesting along Maine's coast.

The second reason for the Bill was to aid in the conservation of this resource which provides a habitat for juvenile fish and other several species. Now that was the two basic reasons for this Bill.

After the public hearing was held there came another concern and that I would like to point out to you came out in the Divided Reports of the Committee. There is very little difference between the "A" and "B" Reports. The "A" Report which the majority of the Committee was on, simply addressed a concern by the marine worm dealers, and wholesale seafood licensees from requirement to obtain a seaweed permit. So, I believe that the lobster dealers under Report "A" are exempt from that particular stipulation. Also, the Bill provides a one dollar supplemental permit and reduces the fee for a resident permit from thirteen dollars which it is presently, to three dollars.

The difference between Report "A" and Report "B" simply is we define more clearly what this fee is. Under section 5, under "Fees" three dollars for a resident, and twenty-five dollars for a non-resident and under "C" one dollar for a supplemental permit, these would be people that would be employed by Marine Coralloids Atlantic Laboratories in which to be registered in harvesting seaweed.

It is not a revenue producing measure it is simply a reporting mechanism to identify what parts of the coast of Maine are over harvested. That is just about all that it boils down to.

The only disagreement between Report "A" and Report "B" is section "C" the one dollar fee for the supplemental permit itself.

The PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: Mr. President, Ladies and Gentlemen of the Senate, the wholesale seafood license is not a lobster license, and the marine dealers license certainly doesn't cover lobster licenses, and it doesn't cover clam diggers.

So, I would say that the Bill did not exempt either lobstermen or clam diggers, therefore, I move Indefinite Postponement of the Bill.

The PRESIDENT: The Senator from Waldo, Senator Shute has moved Indefinite Postponement.

The Chair recognizes the Senator Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President, one of the major points that was brought out during the hearing was that we do have a limited variety of seaweed that are referred to as "regeneration of", meaning that if this is cut it doesn't just automatically pick up at that particular point.

The department was very concerned with the harvesting of seaweed, and this is just a very simple mechanism to have those who are taking the seaweed, many different varieties, for whatever purpose whether it is for fertil-

izer, or in some cases it is harvested for, when dried to be sold in health food stores. We just want to be sure that that supply, that natural resource that belongs to the people of the State of Maine is not misused.

I do not believe that the lobster dealers who use a limited amount of seaweed to cover the lobsters will be prosecuted by the Marine Wardens along the coast of Maine, insofar as taking seaweed to cover lobsters, or the clam diggers for putting a little bit of seaweed over their clams to preserve them.

Mr. President, has the motion been made to Indefinitely Postpone this Bill?

The PRESIDENT: The Chair would answer in the affirmative.

Senator MINKOWSKY: I am sorry to hear that, 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 Waldo, Senator Shute that LD 528 be Indefinitely Postponed, please rise in their places to be counted.

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

9 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion to Indefinitely Postponed Failed.

On motion by Senator Minkowsky of Androscoggin, Report "A", Ought to Pass in New Draft, Report of the Committee was Accepted.

The Bill, in New Draft, Read Once, and Tomorrow Assigned for Second Reading.

Second Readers

House

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

BILL, "An Act Relating to Powers of the Board of Trustees of the Maine Maritime Academy and to Authorize Conferral of the Master of Science Degree in Maritime Management." (H. P. 541) (L. D. 734)

BILL, "An Act to Increase the Sardine Inspection Tax." (H. P. 869) (L. D. 1117)

BILL, "An Act Relating to the Use of Assumed Names by Corporations." (H. P. 870) (L. D. 1118)

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

House—As Amended

BILL, "An Act Relating to the State Harness Racing Commission." (H. P. 439) (L. D. 532)

BILL, "An Act to Permit Real Estate Agents to be Considered Independent Contractors for Purposes of Workers' Compensation Insurance." (H. P. 572) (L. D. 720)

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

BILL, "An Act Regarding Courses and their Equivalency Offered at Various Units of the University of Maine." (H. P. 243) (L. D. 290)

Which was Read a Second Time.

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

Senator DANTON: Mr. President, I offer Senate Amendment "A" to LD 290 under filing number 23 and move its Adoption.

The PRESIDENT: The Senator from York, Senator Danton, offers Senate Amendment "A" to LD 290 and moves its Adoption.

Senate Amendment "A" (S-23) Read.

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

Senator HAYES: Mr. President, what I wish to do, Mr. President, if I might is address a question to Senator Danton.

The PRESIDENT: The Senator may direct his question through the Chair.

Senator HAYES: The Senate Amendment "A" that we have here is one that purports to simply correct, simply a technical problem with the Bill. I wonder if Senator Danton might explain to me in a little more detail what that technical problem is, and whether it is related

to section 14, which deletes a paragraph out of the Bill?

The PRESIDENT: The Senator from Penobscot, Senator Hayes, has posed a question through the Chair to any Senator who may respond if they so desire.

On motion by Senator Pray of Penobscot, Tabled for 1 Legislative Day, pending Adoption of Senate Amendment "A".

Senate

BILL, "An Act to Expand the Scope of the State Salary Commission to include Members of the Judiciary, Constitutional and Legislative Officers." (S. P. 225) (L. D. 662)

BILL, "An Act Concerning the Hours during which an Agency Liquor Store may be Open." (S. P. 256) (L. D. 801)

BILL, "An Act to Provide an Income Tax Checkoff for Voluntary Support of Nongame Wildlife Management." (S. P. 380) (L. D. 1151)

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

Sent down for concurrence.

BILL, "An Act Concerning Sales Prices of Spirituous and Vinous Liquors, Except Table Wine, Sold by State Agency Liquor Stores." (S. P. 385) (L. D. 1165)

Which was Read a Second Time.

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

Senator DANTON: Mr. President, I offer Senate Amendment "A" to LD 1165 under filing number S-24 and move its Adoption.

The PRESIDENT: The Senator from York, Senator Danton, offers Senate Amendment "A" to LD 1165 and moves its Adoption.

Senate Amendment "A" (S-24) Read and Adopted.

The Bill, as amended, Passed to be Engrossed.

Sent down for concurrence.

BILL, "An Act to Increase Reimbursement for Professional Credits for Teachers." (Emergency) (S. P. 361) (L. D. 1074)

Which was Read a Second Time.

On motion by Senator Pray of Penobscot, Tabled for 1 Legislative Day, pending Passage to be Engrossed.

Orders of the Day

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

BILL, "An Act to Clarify Determination of Membership on the Board of Trustees of the Maine State Retirement System." (H. P. 848) (L. D. 1098)

Tabled—March 14, 1983 by Senator HAYES of Penobscot.

Pending—Reference.

(In House referred to the Committee on State Government.)

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

(Off Record Remarks)

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.