

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 21, 1983
Senate called to order by the President.

Prayer by Chaplain Robert A. Burbank of Veterans Administration Center of Togus.

CHAPLAIN BURBANK: Let us join our spirits in the attitude of prayer! Almighty God, we come to You out of the turmoil of the world to this holy place, sanctified by Your presence. We pray that we may feel that deep within the core of our being is Your spiritual presence. That You will bring a peace to the center of our minds and a strength to the depths of our hearts.

We come concerned about the people's in every Nation under heaven, all across the world. In the background of our thinking and decision, we are aware that we are a part of humanity itself, but more especially we come concerned about the people of America: from Maine to Florida, from Maine to Texas, from Maine to California, from Maine to Oregon.

Almighty God, we are concerned that what we do here brings a better character to all America. That they perhaps may absorb from us some of the beauty and glory of Your majesty. Especially, O Lord, we come here as human beings fraught with our own problems, our own concerns, our own illnesses in life.

We come in quietness and in confidence, asking that we may find an inner strength, and clear minds and pure hearts as we seek to make important decisions that affect the people of Maine: from the rock-bound coast to the highest mountains and all across our broad lands people of all ages are in our concern, and we pray that we may do our best, today, tomorrow, and always. In Your Most Holy Name bless us. Amen.

Reading of the Journal of Friday, March 18, 1983.

Papers from the House
House Papers

BILL, "An Act to Allow Domestic Assessment Mutual Companies to Appoint Agents." (H. P. 899) (L. D. 1178)

BILL, "An Act to Amend the Maine Consumer Credit Code." (H. P. 900) (L. D. 1179)

Come 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.

(Off Record Remarks)

BILL, "An Act Relating to Voting by Citizens Overseas." (H. P. 901) (L. D. 1180)

Come from the House, referred to the Committee on Election Laws and Ordered Printed.

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

BILL, "An Act to Establish a Bounty on Coyote." (H. P. 902) (L. D. 1181)

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

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

BILL, "An Act to Establish Inmate Representation." (H. P. 903) (L. D. 1182)

BILL, "An Act to Establish the Medical Radiation Health and Safety Act." (H. P. 904) (L. D. 1183)

Come from the House, referred to the Com-

mittee 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 Establish Vehicular Manslaughter as a Class B Offense under the Criminal Code." (H. P. 905) (L. D. 1184)

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

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

BILL, "An Act to Change the Season during which Scallops may be Taken." (H. P. 906) (L. D. 1185)

BILL, "An Act to Place a Limit on the Number of Lobster Traps a Person may use to take Lobster." (H. P. 907) (L. D. 1186)

BILL, "An Act Relating to Clam Regulation in the Unorganized Territories." (H. P. 908) (L. D. 1187)

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

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

BILL, "An Act to Amend Certain Motor Vehicle Laws." (H. P. 909) (L. D. 1188)

BILL, "An Act to Amend the Motor Vehicle Salvage Laws of the State." (H. P. 910) (L. D. 1189)

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

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

Senate Papers

BILL, "An Act to Establish a Commission to Review and Evaluate Higher Educational Needs, Services and Institutions." (S. P. 416) (Presented by Senator HAYES of Penobscot) (Cosponsors: Representative HANDY of Lewiston, Representative GAUVREAU of Lewiston and Representative MICHAUD of East Millinocket)

Reference to the Committee on Appropriations and Financial Affairs suggested.

On motion by Senator Pray of Penobscot referred to the Committee on Education and Ordered Printed.

Sent down for concurrence.

Committee Reports
House

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 to Make Jury Duty Optional for Persons over 65 Years of Age." (H. P. 656) (L. D. 830)

Ought to Pass

The Committee on Business Legislation on BILL, "An Act to Strengthen the Enforcement of the Collection Agency Law." (H. P. 666) (L. D. 849) Reported that the same Ought to Pass.

Come 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 Aging, Retirement and Veterans, on BILL, "An Act to Amend the Fraud Provisions of the Maine State Retirement System Statutes." (H. P. 693) (L. D. 882) Reported that the same Ought to Pass.

Come 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 Labor on BILL, "An Act to Increase the Penalty for Nonpayment of Reportable Wages under the Unemployment Compensation Laws." (H. P. 506) (L. D. 604) Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-67)

Come from the House, the Report Read and Accepted, the Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-67)

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 Business Legislation on BILL, "An Act to Provide Consistency in the Filing of Mechanics' Liens." (H. P. 263) (L. D. 323) Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-72)

Come from the House, the Report Read and Accepted, the Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-72)

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 Business Legislation on BILL, "An Act to Amend the Maine Statutes to Provide for the Sale of Kerosene or Similar Illuminating or Fuel Oils which Flash under 100 Fahrenheit, Open Cup Test" (H. P. 154) (L. D. 179) Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-73)

Come From the House, the Report Read and Accepted, the Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-73).

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 Marine Resources on BILL, "An Act Concerning the Use of Purse Seines in Washington County." (H. P. 180) (L. D. 209) Reported that the same Ought to Pass in New Draft under same title" (H. P. 944) (L. D. 1214)

Come 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.

Ought to Pass in New Draft under New Title

The Committee on Public Utilities on BILL, "An Act Restoring the Cost of Pay Telephone Calls to 10 Cents" (H. P. 421) (L. D. 504) Reported that the same Ought to Pass in New Draft under New Title. BILL, "An Act Limiting the Cost of Local Pay Telephone Calls" (H. P. 943) (L. D. 1213)

Come from the House, the Report Read and Accepted and the Bill Passed to be Engrossed.

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

Divided Report

The Majority of the Committee on Education on BILL, "An Act to Clarify and Improve upon

the Purposes of the Probationary Period in the Employment of Teachers" (H. P. 574) (L. D. 722)

Reported that the same Ought Not to Pass.

Signed:

Senators:

HAYES of Penobscot
HICHENS of York
CLARK of Cumberland

Representatives:

LOCKE of Sebec
THOMPSON of South Portland
MATTHEWS of Caribou
CROUSE of Washburn
RANDALL of East Machias

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

Signed:

Representatives:

MURPHY of Kennebunk
SOUCY of Kittery
SMALL of Bath
BOTT of Orono

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.

Second Readers House

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

BILL, "An Act to Provide a Class A Lounge Liquor License" (H. P. 614) (L. D. 762)

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

House—As Amended

BILL, "An Act to Prohibit Skiing in Out-of-bounds Areas" (H. P. 524) (L. D. 649)

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

Sent down for concurrence.

BILL, "An Act to Clarify Municipal Regulation of Motor Vehicles on Ice-covered Bodies of Water." (H. P. 915) (L. D. 1168)

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

Senate

BILL, "An Act Substituting the Board of Overseers of the Bar as the Keeper of the Records of Members of the Bar in Place of Administrative Assistant to the Chief Justice." (S. P. 147) (L. D. 438)

BILL, "An Act to Require Participation in Good Faith in Fact Finding." (S. P. 179) (L. D. 546)

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

Sent down for concurrence.

Enactors

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

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

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)

An Act to Establish an Annual Maine Clean Water Week. (S. P. 142) (L. D. 434)

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

An Act Concerning Fees Charged by Sheriffs and Deputies for Service of Certain Documents. (S. P. 117) (L. D. 295)

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 Consumer Credit Code Regarding Mobile Homes. (S. P. 366) (L. D. 1121)

Emergency

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

Emergency

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

These being emergency measures and having received the affirmative vote of 28 members of the Senate, with No Senators having voted in the negative, were Passed to be Enacted, and having been signed by the President, were by the Secretary presented to the Governor for his approval.

Orders of the Day

The President laid before the Senate:

BILL, "An Act to Revise the Laws Pertaining to Prejudgement of Attachment, Execution of Judgements, Disclosure of Assets and Exemptions." (H. P. 267) (L. D. 327)

Tabled—March 18, 1983 by Senator TRAF-TON of Androscoggin.

Pending—Passage to be Engrossed.

(In House, March 16, 1983, Passed to be Engrossed.)

Which was passed to be Engrossed, in concurrence.

Out of Order and Under Suspension of the Rules

Order

Joint Order

On motion by Senator PRAY of Penobscot, the following Joint Order: (S. P. 418)

ORDERED, the House concurring, that Joint Rule 15 be amended to read:

15. Reports of Bills from Committee.

1. The Joint Standing Committees shall report out every bill which has been referred to them before the end of the session in the manner prescribed herein.

2. The report of the committee shall include a recommendation of one of the following: Ought to Pass, Ought to Pass in New Draft, Ought to Pass as Amended, Ought Not to Pass, Unanimous Ought Not to Pass, Leave to Withdraw, Unanimous Leave to Withdraw, **Referral to Another Committee.**

3. An Ought to Pass report may be carried by a plurality of the Joint Standing Committee. When the vote is not unanimous, a minority report or reports are required.

4. **Ought to Pass in New Draft.** When a plurality of a Joint Standing Committee ~~moves~~ votes to report a bill out with **extensive** changes, the bill shall be reported out Ought to Pass in New Draft. When the vote is not unanimous, a minority report is required.

5. **Ought to Pass as Amended.** When the changes voted by the committee are ~~minor and not substantive~~ **extensive** the Director of Legislative Research, ~~with the approval of the President of the Senate and the Speaker of the House,~~ **may** shall prepare a committee amendment to the original bill and the committee report shall be Ought to Pass as Amended.

6. **Ought Not to Pass Report.** An Ought Not to Pass Report may be carried by a plurality of the Joint Standing Committee. A minority report or reports is required.

7. **Unanimous Ought Not to Pass Report.** When all 13 members of a Joint Standing Committee vote to report a bill, Ought Not to Pass, the bill shall, upon notification of both Houses, be placed in the legislative file and disposed of as provided in subsection 10 as prescribed herein.

8. **Leave to Withdraw.** When the sponsor and all cosponsors request that the committee report a bill "Leave to Withdraw" and a majority of 7 or more of the committee concur with

the request the Committee report shall be Leave to Withdraw, a minority report or reports shall be filed. **When the bill being withdrawn is covered by other proposed legislation, the leave-to-withdraw report shall so state.**

9. **Unanimous Leave to Withdraw.** When the sponsor and all cosponsors request that the committee report a bill "Leave to Withdraw" and all 13 members of the Committee concur, the bill shall be reported "Unanimous Leave to Withdraw" and the bill shall be placed in the legislative file and disposed of as provided in subsection 10 as prescribed herein. **When the bill being withdrawn is covered by other proposed legislation, the leave-to-withdraw report shall so state.**

9-A. **Referral to Another Committee.** When a plurality of a Joint Standing Committee, votes to report a bill out to be referred to another Joint Standing Committee, the bill shall be reported out Refer to Another Committee. When a bill is reported out Refer to Another Committee the report shall specify the committee to which referral is suggested and no other committee action may be taken.

10. **Two-thirds Required.** When a bill or resolve is placed in the legislative file pursuant to subsection 7 or 9, no further action shall be taken following such disposition unless the bill or resolve is recalled for reconsideration by a vote of two-thirds of both Houses.

11. **Minority Reports.** Accepted minority reports are: Ought to Pass, Ought to Pass in New Draft, Ought to Pass as Amended or Ought Not to Pass.

12. **New Drafts:** New drafts printed pursuant to these rules shall include the legislative document number that the new bill replaces with the names of the original sponsor and cosponsors. The Secretary of the Senate and the Clerk of the House shall determine the number of copies which shall be printed of each new draft.

Which was Read.

The PRESIDENT: The Senator has the floor.

Senator PRAY: Thank you, Mr. President. Mr. President, Ladies and Gentlemen of the Senate, last week we finally got copies of the Senate and House Registers and noticed in the back part of the book they do list the Joint Rules as they presently stand; thus, since the book has been printed, I thought it might be appropriate that we now deal with Joint Rule 15 which we have been wrestling with for several months, at least, it seems like several months, several weeks now, to attempt to take care of the several small problems that we have had thus far in the various committees.

The Amendment to the Joint Rules, Joint Rules 15, that we have before us, deals basically with three sections, and that is, New Draft versus Amendments. It gives to the committees the ability to make the determination as to what extensive changes are and whether or not it should be in New Draft, or should be an Amendment. That would be in Sections four or five.

The next substantive change is under the Leave to Withdraw Reports, something which used to be in the Joint Rules, at least, when I first came down here and were for a number of years is, that when a Bill is given Leave to Withdraw it had been voted by a committee for Leave to Withdraw that it's covered to other Legislation, that will thus state so from this point on, if these Rules are accepted.

The other section of change is in reference to the Referrals to Another Committee. It is my understanding that there are a couple of bills in the unmentionable Body which are waiting for this Rule so that they can refer bills to other committees, but this will allow a plurality of a committee to send a bill to another committee when they feel that that bill is not properly before them and should be heard by another Committee. Thank you very much.

Pending—Passage.

On motion by Senator Pray of Penobscot,
Indefinitely Postponed, in non-concurrence.
Sent down for concurrence.

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(Off Record Remarks)

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