

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
April 5, 1983

Senate called to order by the President Pro Tem.

Prayer by Father Thomas J. Joyce of St. Mary's Catholic Church of Augusta.

FATHER JOYCE: Let us place ourselves in the presence of God and pray.

Mindful, O God, of Your infinite perfection; we praise You for Your infinite power, knowledge and mercy. We ask Your blessing upon all gathered here this morning and never forgetting Your blessings in the past we thank You for all of them.

In petition, we humbly pray for all here; for the strength and courage to fulfill the duties that are theirs. Fill their hearts always with gratitude, but always mindful of You; all their works may be directed by You; carried out by Your gracious assistance. Amen.

Reading of the Journal of Thursday, March 31, 1983.

Communications

The Following Communication:
State of Maine
Department of Finance And Administration
Bureau of Accounts And Control
State House
Augusta, Maine 04333
Telephone (207) 289-3781

Governor Joseph E. Brennan,
Members of the Legislature,
and Other Citizens of Maine

In accordance with Title 5, MRSA, Section 1547 the accompanying Financial Report of the State of Maine is submitted for the fiscal year ended June 30, 1982.

The statements present the financial position of the various funds of the State, their resources and expenditures for the fiscal year then ended. Comparative budgetary data as well as footnotes and statistical information have been included in this report to promote a better understanding of the State's finances.

In compliance with statutory requirements, the State's accounting records covering the four years ended June 30, 1982, have been audited by Ernst and Whinney, independent public accountants. Their report on the Combined Balance Sheet is contained on the following page. Due to the terms of their engagement requiring an examination of four year rather than annual operating statements, their opinion does not cover the financial statements that relate to revenues and expenditures for the year ended June 30, 1982. However, they have expressed an opinion upon those operating statements which relate to revenues and expenditures for the four years ended June 30, 1982. Copies of those statements and opinion are available at the Bureau of Accounts and Control upon request.

Questions or comments about this report are always welcome.

Respectfully submitted,
S/DONALD A. BROWN
State Controller

Which was Read and with accompanying papers Ordered Placed on File.

(Off Record Remarks)

The Following Communication:
Maine Department of Agriculture, Food and Rural Resources
Deering Bldg. (AMHI), State House Station
28, Augusta, Maine, 04333
March 29, 1983

The Honorable Gerard P. Conley
President of the Senate
Maine State Legislature

State House Station No. 3
Augusta, Maine 04333

Dear Mr. President:

It is my privilege to submit herewith my annual report to the Maine State Legislature pursuant to Title 7, section 2.

I take this opportunity, also, to express my appreciation to members of the Legislature for their ongoing concern for the agricultural industry of the State.

Sincerely,
S/STEWART N. SMITH
Commissioner

Which was Read and with accompanying papers Ordered Placed on File.

Senate Papers

BILL, "An Act Concerning the Size of Exempt Lots Under the Subdivision Laws." (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27) (S. P. 462) (Presented by Senator REDMOND of Somerset) (Cosponsors: Representative BROWN of Livermore Falls, Senator ERWIN of Oxford and Representative JACQUES of Waterville)

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

Sent down for concurrence.

BILL, "An Act to Require Discharge Planning for Mental Health Patients" (S. P. 463) (Presented by Senator GILL of Cumberland) (Cosponsor: Representative NELSON of Portland)

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

Sent down for concurrence.

RESOLVE, to Authorize the Commissioners of Cumberland County to Reimburse the Town of Harpswell \$9,781.22 Unexpended Retirement Funds (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27) (S. P. 464) (Presented by Senator CLARK of Cumberland) (Cosponsor: Representative DILLENBACK of Cumberland)

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

Sent down for concurrence.

Committee Reports
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 Protect all Customers from Unjust Terminations of Utility Services." (S. P. 346) (L. D. 1020)

BILL, "An Act to Ensure Just and Reasonable Rates for Utilities Regulated by the Public Utilities Commission." (S. P. 347) (L. D. 1021)

BILL, "An Act Concerning Referenda and Bond Issue Questions." (S. P. 378) (L. D. 1163)

Ought to Pass in New Draft

Senator DIAMOND for the Committee on Audit and Program Review of BILL, "An Act Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Law." (S. P. 76) (L. D. 187) Reported that the same Ought to Pass in New Draft under same title (S. P. 459) (L. D. 1390)

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

Second Readers

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

House — as Amended

BILL, "An Act Relating to Hunting and Fishing by Disabled Persons" (H. P. 266) (L. D. 326)

Which was Read a Second Time and Passed

to be Engrossed as Amended in concurrence.

Senate

BILL, "An Act to Eliminate the Requirement that Supreme Judicial Court Briefs be Bound" (S. P. 145) (L. D. 436)

BILL, "An Act to Require Hospitals to Provide Itemized Bills upon Request" (S. P. 460) (L. D. 1391)

BILL, "An Act to Clarify the Negotiability of Pay Rates under the State Employees Labor Relations Act" (S. P. 170) (L. D. 525)

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

Sent down for concurrence.

BILL, "An Act to Provide for the Negotiation of Union Security Provisions" (S. P. 267) (L. D. 812)

Which was Read a Second Time.

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

Senator SEWALL: Thank you, Mr. President. I present Senate Amendment "A" (S-45) and move its Adoption.

Senate Amendment "A" (S-45) was Read.

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

Senator DUTREMBLE: I move that Senate Amendment "A" be Indefinitely Postponed.

The PRESIDENT PRO-TEM: The Senator from York, Senator Dutremble, moves that Senate Amendment "A" (S-45) be Indefinitely Postponed.

The Chair recognizes the Senator from Lincoln, Senator Sewall.

Senator SEWALL: Thank you, Mr. President, and Members of the Senate, this is a very straightforward Amendment. I'll read the Statement of Fact to you. "The purpose of this Amendment is to restrict the authority of arbitrators to insert union security provisions into Collective Bargaining Agreements between municipal and school employers and their employees, over the objection of either the union or the employers." Some unelected arbitrator, probably from out-of-state with no accountability to our people, can require employees to give up a percent of their paycheck to the union that they perhaps don't support.

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

Senator DUTREMBLE: Mr. President, Ladies and Gentlemen of the Senate, this Bill that is before us has been in the law for a number of years. It's just until a recent Supreme Court decision that we've had a problem with the intent of the law. Again, as I mentioned in the past, we've had about seven or eight bills this year put in because of the Supreme Court passing decisions clarifying what they thought was the Legislative intent of the bills passed, in the past. This is another one of these bills that was passed by the Labor Committee, the majority of the Labor Committee, to make sure that the Supreme Court knows exactly what the Legislative intent is of the Legislature.

This Amendment here, which would take away Union Security from binding arbitration, is only doing away with something that is in existence right now. The Maine Labor Relations Law specifically has said in the past that union security is a mandatory subject of bargaining, is a subject of collective bargaining, and the Supreme Court decision took that away.

What this Amendment would do is allow collective bargaining but would not allow the arbitrator to make a decision on it. We think that it should remain the same way it was before the Supreme Court made its decision.

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

Senator SEWALL: Not to belabor this, this

morning, I just simply want the taxpayers and the people in the State of Maine to know that, not all of us thinks that's the way to go.

On motion by Senator Dutremble of York, Senate Amendment "A" was Indefinitely Postponed.

The Bill was Passed to be Engrossed.
Sent down for concurrence.

Orders of the Day

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

BILL, "An Act Relating to Business, Travel or Recreation on Sunday" (S. P. 29) (L. D. 84)

Tabled—March 31, 1983 by Senator PRAY of Penobscot.

Pending—Further Consideration.

(In Senate March 29, 1983 Passed to be Engrossed as Amended by Committee Amendment "A" (S-38).)

(In House March 30, 1983 Passed to be Engrossed as Amended by Committee Amendment "A" (S-38) and House Amendment "C" (H-108) in non-concurrence.)

On motion by Senator Carpenter of Aroostook, Retabled for 1 Legislative Day.

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

Papers from the House House Papers

BILL, "An Act Making Appropriations and Allocations for the Expenditures of State Government and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1984, and June 30, 1985" (Submitted by the Department of Finance and Administration pursuant to Joint Rule 24) (Emergency) (H. P. 1029) (L. D. 1354)

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 Permit the Public Advocate to Participate in Insurance Rate Filings" (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27) (H. P. 1030) (L. D. 1355)

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 Regarding Contributions to Political Campaigns." (H. P. 1031) (L. D. 1356)

BILL, "An Act to Improve and Strengthen the Referendum Process" (H. P. 1032) (L. D. 1357)

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

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

BILL, "An Act to Establish a State Board of Prison Terms and Supervised Release." (H. P. 1033) (L. D. 1358)

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

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

BILL, "An Act to Protect Works of Art" (H. P. 1034) (L. D. 1359)

BILL, "An Act to Amend Various Provisions of the Maine Criminal Code" (H. P. 1035) (L. D. 1360)

Come 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 Concerning Attorneys' Fees in Workers' Compensation Cases" (H. P. 1036) (L. D. 1361)

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 Permit Municipalities to Regulate Shellfish Harvesting Within State Park Lands" (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27) (H. P. 1037) (L. D. 1362)

BILL, "An Act to Revise the Composition of the Marine Resources Advisory Council" (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27) (H. P. 1038) (L. D. 1363)

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 the Law Relating to Tax Increment Financing" (H. P. 1039) (L. D. 1364)

BILL, "An Act to Provide a Sportsman's Income Tax Checkoff for Voluntary Support of Fish and Game Management" (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27) (H. P. 1040) (L. D. 1365)

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

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

(Off Record Remarks)

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