

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 14, 1983

Senate called to order by the President.

Prayer by Pastor Ken Dutille of the Calvary Bible Baptist Church of North Whitefield.

PASTOR DUTILLE: Let's pray! O God, we come to Thee for guidance this morning, O God, we pray that You might hold our liberty in high esteem, because Thou hast not given it to every Nation.

We pray for this wonderful State in which we live, and of such privilege to live. Inspire all of our people to hold sacred this glorious heritage that we have today. Keep us from strife, that we may live together in unity; keep us free from jealousy of race, or class.

Bless, we pray Thee our State Senators this morning. Give them Thy wisdom and strength. Be with all those in power of our wonderful State today. We pray this in the name of our Lord Jesus Christ. Amen.

Reading of the Journal of yesterday.

Out of Order and Under Suspension of the Rules:

On motion by Senator PRAY of Penobscot, the following Joint Order:

ORDERED, that a message be sent to the House of Representatives proposing a Convention of both branches in the Hall of the House at 11 o'clock for the purpose of extending to The Honorable Joseph E. Brennan, Governor of the State of Maine, an invitation to attend the Convention and make such communication as pleases him.

Which was Read and Passed.

The President appointed Senator Pray of Penobscot to deliver the message, the Senator then retired to the Hall of the House.

(Off Record Remarks)

Subsequently, Senator Pray of Penobscot reported that he had performed the duties with which he was charged.

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

BILL, "An Act to Provide Confidentiality of Library Records." (S. P. 472) (L. D. 1436)

In Senate April 11, 1983 Passed to be Engrossed.

Comes from the House Passed to be Engrossed as Amended by House Amendment "A" (H-132) in non-concurrence.

On motion by Senator Carpenter of Aroostook, Tabled until later in today's session pending Further Consideration.

House Papers

BILL, "An Act to Provide Litigation Authority for the Maine Human Rights Commission" (Submitted by the Maine Human Rights Commission pursuant to Joint Rule 24) (H. P. 1092) (L. D. 1439)

Comes 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.

At this point a message was received from the House of Representatives, through Representative Mitchell of Vassalboro concurring in the proposition for a Joint Convention to be held in the Hall of the House at 11 o'clock for the purpose of extending to His Excellency, Governor Joseph E. Brennan, an invitation to convey such communication as he may be pleased to make.

BILL, "An Act Concerning the Stopping of Trucks at Roadside Weighing Points" (Submit-

ted by the Department of Public Safety pursuant to Joint Rule 24) (H. P. 1094) (L. D. 1440)

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.

Joint Resolution

The Following Joint Resolution: (H. P. 465)

JOINT RESOLUTION Commemorating the "Days of Remembrance" of the Victims of the Nazi Holocaust

WHEREAS, less than 40 years ago, 6 million Jews were murdered in the Nazi Holocaust as part of a systematic program of genocide, and millions of other people suffered as victims of Nazism; and

WHEREAS, the people of the State of Maine should always remember the atrocities committed by the Nazis so that such horrors must never be repeated; and

WHEREAS, the people of the State of Maine should continually rededicate themselves to the principle of equal justice for all people; and

WHEREAS, the people of the State of Maine should remain eternally vigilant against all tyranny, and recognize that bigotry provides a breeding ground for tyranny to flourish; and

WHEREAS, April 10th, has been designated, pursuant to an Act of Congress and internationally, as a Day of Remembrance of Victims of the Nazi Holocaust, known as Yom Hashoah; and

WHEREAS, the international community will be commemorating the week of April 10th through April 17th, as the "Days of Remembrance" of the victims of the Nazi Holocaust; and

WHEREAS, it is appropriate for the people of the State of Maine to join in this international commemoration; now, therefore, be it

RESOLVED: That We, the Members of the First Regular Session of the 111th Legislature on behalf of the people of the State of Maine, in memory of the victims of the Holocaust, recommit ourselves to the lessons of the Holocaust through this international week of the commemoration and express our common desires to continually strive to overcome prejudice and inhumanity through education, vigilance and resistance; and be it further

RESOLVED: That suitable copies of this Joint Resolution be prepared and transmitted forthwith to the United States Holocaust Memorial Council in Washington, D.C., on behalf of the people of the State of Maine.

Comes from the House, Read and Adopted.

Which was Read and Adopted in concurrence.

Senate Papers

BILL, "An Act to Limit Payments to Health Care Institutions which Engage Persons to Defeat the Organization of Collective Bargaining Units" (S. P. 485) (Presented by Senator BUSTIN of Kennebec) (Cosponsors: Senator HAYES of Penobscot, Representative CLARK of Millinocket and Representative PARENT of Benton)

Reference to the Committee on Health and Institutional Services suggested.

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

BILL, "An Act to Prevent Unjust Enrichment by Retention of Surplus Upon Foreclosure of Municipalities and Sewer Districts" (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27) (S. P. 486) (Presented by Senator NAJARIAN of Cumberland) (Cosponsors: Senator TRAFON of Androscoggin, Senator CONLEY of Cumberland and Representative MANNING of Portland)

BILL, "An Act to Amend the Act to Imple-

ment the Maine Indian Claim Settlement Act with Respect to the Houlton Band of Maliseet Indians" (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.) (S. P. 487) (Presented by Senator CARPENTER of Aroostook)

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

Sent down for concurrence.

BILL, "An Act to Provide a Warden's Association Handbook" (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27) (S. P. 488) (Presented by Senator USHER of Cumberland) (Cosponsor: Representative RODERICK of Oxford)

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

Sent down for concurrence.

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 to Redefine the Insanity Plea" (H. P. 883) (L. D. 1137)

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 Prevent Discrimination against Seasonal Workers in the Unemployment Insurance Program" (H. P. 269) (L. D. 329)

BILL, "An Act to Protect Workers Injured while in the Employ of Uninsured Employers" (H. P. 330) (L. D. 389)

BILL, "An Act Regarding Benefits under the Workers' Compensation Law" (H. P. 846) (L. D. 1096)

BILL, "An Act Concerning Charges to Agricultural Seasonal Employers for Benefits Paid to Unemployed Workers" (H. P. 937) (L. D. 1220)

Ought to Pass

The Committee on Public Utilities on BILL, "An Act to Authorize the Public Utilities Commission to Hold Joint Hearings with Federal Public Utility Regulatory Bodies" (H. P. 980) (L. D. 1281) Reported that the same Ought to Pass.

Comes from the House with the Report Read and Accepted and 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 Public Utilities on BILL, "An Act to Remove the Jurisdiction of the Public Utilities Commission over Certain Dealers of Gas in Liquid Form" (H. P. 981) (L. D. 1282) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-125)

Comes from the House with the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-125).

Which Report was Read and Accepted in concurrence. The Bill Read Once. Committee Amendment "A" (H-125) was Read and Adopted, in concurrence. The Bill, as Amended, Tomorrow Assigned for Second Reading.

The Committee on State Government on BILL, "An Act Relating to the Maine State Lottery Law" (H. P. 151) (L. D. 159) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-127)

Comes from the House with the Report Read and Accepted and the Bill Passed to be En-

grossed as Amended by Committee Amendment "A" (H-127).

Which Report was Read and Accepted in concurrence. The Bill Read Once. Committee Amendment "A" (H-127) was Read and Adopted, in concurrence. The Bill, as Amended, Tomorrow Assigned for Second Reading.

Ought to Pass in New Draft

The Committee on State Government on BILL, "An Act to Restrict Reimbursement of Mileage to Boards of Commissions to no More than that received by State Employees" (H. P. 1003) (L. D. 1311) Reported that the same Ought to Pass in New Draft under same title (H. P. 1102) (L. D. 1448)

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.

Divided Report

The Majority of the Committee on Judiciary on BILL, "An Act Relating to Justices and Judges of the Supreme Judicial, Superior and District Court" (Emergency) (H. P. 73) (L. D. 78)

Reported that the same Ought to Pass in New Draft under same title (H. P. 1088) (L. D. 1415)

Signed:

Senators:

TRAFTON of Androscoggin
VIOLETTE of Aroostook
COLLINS of Knox

Representatives:

HOBBS of Saco
JOYCE of Portland
REEVES of Newport
LIVESAY of Brunswick
FOSTER of Ellsworth
DRINKWATER of Belfast
HAYDEN of Durham
BENOIT of South Portland
SOULE of Westport

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

Signed:

Representative:

CARRIER of Westbrook

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

Which Reports were Read, and the Majority Ought to Pass Report of the Committee was Accepted, in concurrence.

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

Senate

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 Provide a Special Liquor Permit for Fraternities and Sororities" (S. P. 426) (L. D. 1288)

BILL, "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Highway Fund, 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" (S. P. 217) (L. D. 654)

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 Relating to Motor Vehicle Inspections" (S. P. 244) (L. D. 733)

BILL, "An Act to Prohibit Radar Detectors"

(S. P. 121) (L. D. 297)

BILL, "An Act to Clarify Motor Vehicle Laws Affected by Federal Legislation" (S. P. 78) (L. D. 189)

BILL, "An Act Concerning Bus Transportation for School Students" (S. P. 314) (L. D. 928)

BILL, "An Act Concerning Handicapped Parking" (S. P. 336) (L. D. 981)

Second Readers

House

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

BILL, "An Act to Amend the Maximum Fee for Applications and to Clarify the Basis for the Annual Assessment of Financial Institutions" (H. P. 818) (L. D. 1058)

BILL, "An Act to Amend the Motor Vehicle Racing Law" (H. P. 859) (L. D. 1109)

BILL, "An Act to Amend the Probate Fees" (H. P. 714) (L. D. 905)

BILL, "An Act to Remove the Sunset Provisions for Home Health Care Providers in the Certificate of Need Law" (H. P. 611) (L. D. 759)

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

House — As Amended

BILL, "An Act to Amend the Definition of Hospital in the Maine Health and Higher Education Facilities Authority Act" (H. P. 548) (L. D. 700)

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

Enactors

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

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

Which was Passed to be Enacted and having been signed by the President, was by the Secretary presented to the Governor for his approval.

Orders of the Day

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

BILL, "An Act to Give the Maine Association of Retirees Proper Representation on the Board of Trustees for the Maine State Retirement System" (S. P. 481) (L. D. 1447)

Tabled—April 13, 1983 by Senator CARRIER of Aroostook.

Pending—Passage to be Engrossed.

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

On motion by Senator Carpenter of Aroostook the Senate voted to take from the Table:

BILL, "An Act to Provide Confidentiality of Library Records." (S. P. 472) (L. D. 1436)

Tabled earlier in Today's Session, on motion by Senator Carpenter of Aroostook, pending Further Consideration.

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

(Senate at Ease)

The Senate called to Order by the President.

(Off Record Remarks)

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

Recess

After Recess

The Senate called to Order by the President.

At this point the Senate retired to the Hall of the House, where the Joint Convention was formed.

(For proceedings of Joint Convention, see

House Report.)

After Joint Convention
In Senate

The Senate called to Order by the President.

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

Enactor

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

Emergency

An Act to Provide as an Emergency that the Requirement that Persons over 75 Years of Age Take Periodic Driving Tests be Eliminated (H. P. 1086) (L. D. 1418)

This being an emergency measure and having received the affirmative votes of 23 Members of the Senate, with No Senators having voted in the negative, was Passed to be Enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

On motion by Senator Carpenter of Aroostook, Adjourned until 12 o'clock noon tomorrow.