

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eleventh
Legislature***

OF THE

STATE OF MAINE

Volume II

FIRST REGULAR SESSION

May 16, 1983 to June 24, 1983

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August 4, 1983

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STATE OF MAINE
One Hundred and Eleventh Legislature
First Regular Session
JOURNAL OF THE SENATE

Augusta, Maine
May 25, 1983

Senate called to order by the President.

Prayer by the Reverend Robert E. Stuart of the Winter Street Baptist Church of Gardiner.

REVEREND STUART: May we join in prayer. Almighty God, together we would pause to recognize You at the beginning of this day to seek Your continued guidance in all of our ways.

We thank You for Your provision and blessing in our lives and that Your mercies are new each morning. Now we would thank You for the trust that has been given to us to serve here in this place, for the privilege to do our part in enabling the affairs of the State to be meaningful and helpful to all.

Grant to us, we pray, a sensitive conscience in terms of equity and justice. Grant that the things that we do here may be the things that will be in keeping with Your will for us and our people to the glory of Your praise, in Christ's Name we pray. Amen.

Reading of the Journal of yesterday.

(Off Record Remarks)

Committee Reports
House

Ought to Pass as Amended

The Committee on Transportation on BILL, "An Act Concerning the Stopping of Trucks at Roadside Weighing Points" (H. P. 1094) (L. D. 1440) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-288)

Comes from the House with the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-288)

Which Report was Read and Accepted in concurrence. The Bill Read Once. Committee Amendment "A" (H-288) was Read and Adopted, in concurrence. The Bill, as Amended, Tomorrow Assigned for Second Reading.

The Committee on Election Laws on BILL, "An Act Relating to Voting by Citizens Overseas" (H. P. 901) (L. D. 1180) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-283)

Comes from the House with the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-283)

Which Report was Read and Accepted in concurrence. The Bill Read Once. Committee Amendment "A" (H-283) was Read and Adopted, in concurrence. The Bill, as Amended, Tomorrow Assigned for Second Reading.

Divided Report

The Committee on Fisheries and Wildlife on BILL, "An Act to Create Boothbay Region Waterfowl Sanctuary" (H. P. 713) (L. D. 904)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-284)

Signed:

Senators:

DOW of Kennebec
USHER of Cumberland

Representatives:

GREENLAW of Standish
JACQUES of Waterville
CONNERS of Franklin
KELLY of Camden
RODERICK of Oxford

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

Signed:

Representatives:

MacEACHERN of Lincoln
ERWIN of Rumford
PAUL of Sanford
CLARK of Millinocket
SMITH of Island Falls

Comes from the House with the Majority Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-284)

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

The Bill Read Once.

Committee Amendment "A" (H-284) was Read and Adopted, in concurrence.

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

Senate
Ought to Pass

Senator VIOLETTE for the Committee on State Government on BILL, "An Act to Establish a Special Acquisitions Fund at the State Library" (S. P. 573) (L. D. 1651) Reported that the same Ought to Pass.

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

Ought to Pass in New Draft

Senator HICHENS for the Committee on Education on BILL, "An Act Concerning Confidential Records and State Certification of Educational Personnel" (Emergency) (S. P. 356) (L. D. 1077) Reported that the same Ought to Pass in New Draft under same title (S. P. 583) (L. D. 1691).

Which Report was Read and 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 Amending the Charter of the Telephone Workers Credit Union of Maine (H. P. 1219) (L. D. 1626)

BILL, "An Act to Create a Maine Sentencing Guidelines Commission (H. P. 1270) (L. D. 1684)

BILL, "An Act to Require the Payment of Prejudgment Interest at Prevailing Market Rates on all Judgments, Dating from the Time of Written Notice to the Defendant of the Cause of Action (H. P. 1257) (L. D. 1670)

BILL, "An Act to Amend the State Employees Labor Relations Act" (H. P. 1263) (L. D. 1673)

BILL, "An Act to Change the Workers' Compensation Law with Respect to Asbestosis" (H. P. 1262) (L. D. 1672)

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

BILL, "An Act to Encourage Prompt Resolution of Public Employee Labor Disputes (H. P. 1267) (L. D. 1678)

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

Sent down for concurrence.

BILL, "An Act to Establish Standards of Accessibility for Handicapped Persons in Public Housing and Places of Public Accommodations" (H. P. 1261) (L. D. 1671)

Which was Read a Second Time.

On motion by Senator Carpenter of Aroostook, Tabled until later in today's session, pending Passage to be Engrossed.

BILL, "An Act to Assure Public Awareness of Nuclear Civil Protection Plans for Maine" (H. P. 1266) (L. D. 1677)

Which was Read a Second Time.

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

pending Passage to be Engrossed.

House — as Amended

BILL, "An Act Relating to the Funding of School Construction Projects" (H. P. 1144) (L. D. 1516)

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

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

Senate

BILL, "An Act to Authorize Bond Issue in the Amount of \$24,600,000 for Highway and Bridge Improvements to Match Federal Funds and to Accelerate the Improvement of Town Way Bridges" (S. P. 415) (L. D. 1262)

BILL, "An Act to Provide a Comprehensive Marketing Program for Maine Agricultural Products (S. P. 545) (L. D. 1590)

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

Sent down for concurrence.

Orders of the Day

The President laid before the Senate the first Tabled and specially assigned matter.

BILL, "An Act to Ban Metal-piercing Ammunition." (H. P. 1245) (L. D. 1659)

Tabled — May 24, 1983 by Senator PRAY of Penobscot

Pending — Passage to be Engrossed

(In House May 23, 1983 Passed to be Engrossed)

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

The President laid before the Senate the second Tabled and specially assigned matter.

BILL, "An Act Adjusting the Rate of Refund of Motor Fuel Tax to Users of Aircraft and to Make Technical Adjustments to the Motor Fuel Tax Laws." (Emergency) (H. P. 1177) (L. D. 1571)

Tabled — May 24, 1983 by Senator PRAY of Penobscot

Pending — Further Consideration

(In Senate May 12, 1983, Passed to be Engrossed as Amended by Senate Amendment "A" (S-113))

(In House May 23, 1983, Passed to be Engrossed as Amended by Senate Amendment "A" (S-113) and House Amendment "A" (H-256) in non-concurrence)

On motion by Senator Wood of York, the Senate voted to Recede.

House Amendment "A" (H-256) was Read.

On motion by Senator Wood of York, House Amendment "A" (H-256) was Indefinitely Postponed, in non-concurrence.

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

Senator WOOD: I offer Senate Amendment "B" (S-149) and move its Adoption.

The PRESIDENT: The Senator from York, Senator Wood offers Senate Amendment "B" (S-149) and moves its Adoption.

Senate Amendment "B" (S-149) was Read and Adopted.

The Bill was Passed to be Engrossed, as amended, in non-concurrence.

Sent down for concurrence.

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

Paper from the House
House Paper

BILL, "An Act to Stabilize Maine Potato Prices" (Submitted by the Department of Agriculture, Food and Rural Resources pursuant to Joint Rule 24) (H. P. 1271) (L. D. 1685)

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

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

Orders of the Day

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

BILL, "An Act to Establish Standards of Accessibility for Handicapped Persons in Public Housing and Places of Public Accommodations" (H. P. 1261) (L. D. 1671), Tabled earlier in today's session on motion by Senator Carpenter of Aroostook, pending Passage to be Engrossed.

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

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Dow.

Senator DOW: Mr. President, is the Senate in possession of L. D. 1675?

The PRESIDENT: The Chair would answer in the affirmative BILL, "An Act to Provide Occupational Safeguards for Operators of Video Display Terminals" (H. P. 657) (L. D. 831) having been held at the request of the Senator.

The Senator has the floor.

Senator DOW: Mr. President, I move Reconsideration whereby L. D. 1675 Failed of Passage to be Engrossed.

The PRESIDENT: The Senator from Kennebec, Senator Dow moves that the Senate Reconsider its action whereby the Senate Accepted the Minority Ought Not to Pass Report.

The Chair recognizes the Senator from Androscoggin, Senator Charette.

Senator CHARETTE: Thank you, Mr. President, just some sixteen and a half hours ago we debated this issue quite at length, and I don't intend to repeat myself; however, I do have new information this morning and some of our esteemed Senators after last night's session, went out and tried their skills on video games and boy we do have some winners in this Body, and I know of one ace, especially.

Just a point of clarification in what I'm saying is that, even those operators that operate VDT's all day long enjoy, also, the same video games on their T. V. at home. So if this is so treacherous, as everybody seems to think it is, for eye impairment or vision, or whatever, I don't know why then we've got to allow that to continue in the homes. So where are we going next?

I would hope that the Bureau of Labor can, by its own self do its own survey and promulgate their own rules. So I would hope that the Senate Body this morning vote against the pending motion, and I would ask that the vote be taken by Yeas and Nays.

The PRESIDENT: A Roll Call has been requested. Under the Constitution, in order for the Chair to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

Will all those Senators in favor of ordering a Roll Call, please rise and remain standing until counted.

Obviously more than one-fifth having arisen a Roll Call is ordered.

The Chair recognizes the Senator from York, Senator Dutremble.

Senator DUTREMBLE: Mr. President and Members of the Senate, I think the good Senator from Androscoggin has hit it right on the nail. He said that the Department of Labor should collect data and promulgate the rules. That's exactly what this Bill does, exactly what this Bill does and that's what we want to do. We want the Department of Labor to collect data and statistics and promulgate any rules, if necessary if they're not necessary the Department of Labor doesn't have to do anything.

If there is concern this morning by different Members of the Senate and if there is concern by all the lobbyists out in the hallways this morning that this will affect business in the future, it is all for naught, because if there is no problem, they have nothing to worry about.

I think that just knowing that the Department of Labor wants this Bill and the Bureau

of Personnel wants this Bill, suggests something to me. The fact that we did receive a letter from the Department of Human Services saying that there was a problem with some people, suggests something to me. I would hope that it would suggest something to you and that you would go along with the Reconsideration motion this morning. Thank you.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Kennebec, Senator Dow that the Senate Reconsider its action whereby it Accepted the Minority Ought Not to Pass Report of the Committee.

A Yes vote will be in favor of Reconsideration.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Baldacci, Brown, Bustin, Carpenter, Dow, Dutremble, Erwin, Hayes, Kany, Minkowsky, Perkins, Pray, Twitchell, Usher, Violette, Wood, The President Gerard P. Conley.
NAY—Charette, Clark, Collins, Danton, Diamond, Emerson, Gill, McBreairty, Sewall, Shute, Teague, Trafton.

ABSENT—Hichens, Najarian, Pearson, Redmond.

A Roll Call was had.

17 Senators having voted in the affirmative and 12 Senators in the negative, with 4 Senators being absent, the motion to Reconsider, Prevailed.

The Majority Ought to Pass, in New Draft under New Title Report of the Committee was Accepted, in concurrence.

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

(Off Record Remarks)

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

BILL, "An Act to Assure Public Awareness of Nuclear Civil Protection Plans for Maine" (H. P. 1266) (L. D. 1677), Tabled earlier in today's session on motion by Senator Carpenter of Aroostook, pending Passage to be Engrossed.

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

Senator DANTON: For the Committee on Bills in their Second Reading, I offer Senate Amendment "A" (S-152) to L. D. 1677 and move its Adoption.

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

Senate Amendment "A" (S-152) was Read and Adopted.

The Bill Passed to be Engrossed, as amended, in non-concurrence.

Sent down for concurrence.

On motion by Senator Pray of Penobscot, the Senate voted to remove from the Table:

BILL, "An Act to Create a Student Seat on the Board of Trustees of the University of Maine" (H. P. 24) (L. D. 29)

Tabled — May 18, 1983 by Senator PRAY of Penobscot

Pending — Enactment

(In House May 13, 1983 Failed of Passage to be Enacted)

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: I request a Roll Call.

The PRESIDENT: A Roll Call has been requested. Under the Constitution, in order for the Chair to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

Will all those Senators in favor of ordering a Roll Call, please rise and remain standing until counted.

Obviously more than one-fifth having arisen

a Roll Call is ordered.

The Chair recognizes the Senator from Penobscot, Senator Hayes.

Senator HAYES: Members of the Maine State Senate, I want to explain to you why this Bill has been held and unassigned. The reason is that we have been awaiting an Attorney General's opinion on whether or not the additional student seat on the Board of Trustees would require a simple majority, or a two-thirds. We have now received an opinion from the Attorney General's Office that requires simple majority and this is the reason for the holding Bill.

The PRESIDENT: The Chair would state on the Enactment of this Bill that under Section 8, Part 1 of Article 5 of the Constitution, a two-thirds vote of those present and voting is necessary.

The Chair recognizes the Senator from Penobscot, Senator Hayes.

(Senate At Ease)

The Senate called to Order by the President.

The PRESIDENT: The Chair will clarify that it will take the majority vote to pass this Bill.

The pending question before the Senate is the Enactment of L. D. 29.

A Yes vote will be in favor of Enactment.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Baldacci, Brown, Bustin, Carpenter, Charette, Clark, Danton, Diamond, Dow, Dutremble, Erwin, Hayes, Kany, McBreairty, Pearson, Pray, Trafton, Twitchell, Usher, Violette, Wood, The President Gerard P. Conley.
NAY—Collins, Emerson, Gill, Minkowsky, Perkins, Sewall, Shute, Teague.

ABSENT—Hichens, Najarian, Redmond.

A Roll Call was had.

22 Senators having voted in the affirmative and 8 Senators in the negative, with 3 Senators being absent, the Bill was Passed to be Enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

(Off Record Remarks)

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

(Off Record Remarks)

On motion by Senator Pray of Penobscot, Adjourned until 9 o'clock tomorrow morning.