

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

INDEX

FIRST CONFIRMATION SESSION

August 4, 1983

INDEX

FIRST SPECIAL SESSION

September 6 and 7, 1983

INDEX

SECOND CONFIRMATION SESSION

September 23, 1983

INDEX

THIRD CONFIRMATION SESSION

October 28, 1983

INDEX

SECOND SPECIAL SESSION

November 18, 1983

INDEX

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

Augusta, Maine
June 9, 1983

Senate called to order by the President.

Prayer by the Reverend James Cloyd of the Church of the Nazarene of Oakland.

REVEREND CLOYD: Holy God of might and mercy we come before you before we transact any business this hour, because we dare not trust the preservation of our great freedoms to mere human wisdom. We ask that the Holy Spirit will beat in every breast of every man and woman in this Chamber this day.

You have commanded be ye holy even as I am holy. Our prayer Father is that that will be the spirit of all who speak and vote in this assembly.

We ask that you would permit us to praise You for the great liberties which are ours and that You will renew in our hearts the determination to protect those liberties not only from their political adversaries but from the great destroyer of all liberties immorality and sin.

Heavenly Father as these people deliberate and decide this day and the days ahead our one standing request is that You will give them a spirit like Julia Ward Howe who wrote these words in a song: "as christ died to make men holy let us die to make men free", yea Lord let us live to make men free, truly free. In the Sire's name. Amen.

Reading of the Journal of yesterday.

(Off Record Remarks)

Papers from the House
Non-concurrent Matter

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

(In Senate, May 25, 1983, Passed to be Engrossed.)

(In House, June 7, 1983, Failed of Passage to be Engrossed.)

(In Senate, June 8, 1983, Insisted.)
(Comes from the House, that Body Insisting and Asking for a Committee of Conference.)

On motion by Senator Pray of Penobscot the Senate voted to Insist and Join in a Committee of Conference.

Non-concurrent Matter

BILL, "An Act to Amend the Wood Measurement Laws." (S. P. 457) (L. D. 1388)

(In Senate, June 8, 1983, Passed to be Engrossed as Amended by Senate Amendment "A" (S-190).)

(Comes from the House, the Majority Ought Not To Pass Report Read and Accepted in non-concurrence.)

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

Senator WOOD: I move that we Recede and Concur and would like to speak to my motion.

The PRESIDENT: The Senator from York, Senator Wood moves that the Senate Recede and Concur with the House.

The Senator has the floor.

Senator WOOD: Mr. President and Members of the Senate, I make this motion today, I take no special delight in making it, but it is in the script. The script wasn't written yesterday when leadership decided that both bills were absurd to put it in the words of one of our leaders and both should be killed and studied. The script was written weeks ago and you do not have to be a great seer or have Maureen Johnson's Tarot Cards to know the outcome. The outcome was clear.

The Members of the Committee on Agriculture were diligent in their duties, were sincere in their duties regardless of what side of the issue that they were on, they worked hard and

thought that their position was the right thing to do, so I have no quarrel with the Members of our Committee. The Members of this Senate when we debated this Bill and it was a long debate and a confusing debate voted on the merits of both bills, and voted as if they wanted to do something that was right and good. So I have no quarrel with the Members of this Senate.

The script was not written by the Committee on Agriculture or this Senate, the script was written by the wood industry who never wanted either bill. They wanted the status quo they worked for the status quo and got the status quo. They might have put some fancy veneer on one of the bills and trotted it out and acted so sincere, but that veneer was quick to come off when they knew that they could kill both bills.

The wood industry in this State has controlled this State since statehood they have come down to Augusta and gotten the laws written to their liking, in fact they have written most of the laws. They didn't even trust us to write them.

I want this wood industry to know that this study will not die. That the status quo will not remain that this Senator will ensure that in the end the people of this State of Maine and more importantly the people who toil in the woods of this State of Maine needs will be met, because it is fair, because it is just, because it is right, and because the time is now.

On motion by Senator Wood of York the Senate voted to Recede and Concur with the House.

Non-concurrent Matter

BILL, "An Act to Reassign Responsibilities Within the Department of Environmental Protection." (S. P. 470) (L. D. 1434)

(In Senate, April 12, 1983, Passed to be Engrossed.)

(Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-369) in nonconcurrency.)

On motion by Senator Kany of Kennebec the Senate voted to Recede and Concur with the House.

Non-concurrent Matter

BILL, "An Act to Strengthen the Maine Milk Industry" (Emergency) (H. P. 1260) (L. D. 1681)

(In Senate June 2, 1983 Passed to be Engrossed as Amended by Committee Amendment "A" (H-323))

(Comes from the House Passed to be Engrossed as Amended by Committee Amendment "A" (H-323) as Amended by House Amendment "A" (H-367) thereto in non-concurrence.)

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Erwin.

Senator ERWIN: Mr. President, I move that the Senate Recede and Concur and would request permission to speak.

The PRESIDENT: The Senator from Oxford, Senator Erwin moves that the Senate Recede and Concur with the House.

The Senator has the floor.

Senator ERWIN: If I may explain to you the purpose of this Bill, if you remember a couple of years ago there was some eleven days when the milk industry was in trouble due to some court cases, you had to have an emergency session to get legislation passed to more or less rescue this.

This Bill in the original form would not take affect unless the Milk Commission is wiped out. It was an effort to establish ahead of time some emergency way of handling a situation in case there was troubles this way.

During our work sessions there was some Members of the Committee that felt quite strongly that there should be an amendment added so that there would have to be confirmation of any new appointees to the Milk

Commission Board. Some of us didn't feel that this should be attached to this emergency bill but we went along with the amendment in the Committee. Since that time there has been amendments made in the House that wipes out this committee amendment, and I request that we Recede and Concur and go along with the House. Thank you.

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

Senator CARPENTER: Mr. President and Ladies and Gentlemen of the Senate, it is again with some trepidation that I rise to oppose the motion of the Senator from Oxford, Senator Erwin.

If you look at the committee amendment from the Committee on Agriculture doing exactly as the good Senator from Oxford pointed out for you this morning putting confirmation by the Committee on Agriculture and the Senate for the Governor's appointments to the Maine Milk Commission.

I guess the bottom line here the real issue is, if you feel that those appointees, be they of this Governor or any other Governor are important enough for Legislative scrutiny when you look through our statutes and see the dozens and dozens of and probably even hundreds of appointments that we already have screened by the Legislature. I think that they are important enough. I think that it is important that there are high quality people on there and that the Governor be it this Governor or any other Governor be willing to subject his nominees to scrutiny. That's the only issue this morning. If you oppose the motion to Recede and Concur then I will make the motion to Adhere; not attempting to kill the Bill by an means. What that would do, the motion to Recede and Concur will strike the confirmation procedure. The motion to Adhere would keep the confirmation procedure in the Bill.

Mr. President, I ask for a Division to the motion.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from York, Senator Wood.

Senator WOOD: Mr. President, I rise to support the Chairman of Agriculture as another member of the Committee his statement was exactly correct. There were some of us who had reservations about this but were willing in the spirit of compromise to let the Bill be floated out. When those amendments were removed we thought the Bill was important enough to keep alive without that amendment, I would argue that I am not sure being a Member of this Body confirmation process is all that important sometimes. We routinely go through confirmations time after time and I'm not sure that there's any merit to having these people confirmed. I would, also, take issue whether they should be confirmed by the Committee on Agriculture. The people that are appointed are consumers, and I think it would be more appropriate to be confirmed by another committee. They are not agricultural related in that sense. It might be more appropriate for business regulation, Business Legislation to confirm them, so I think there are some questions involved. I think the Bill is important enough that we should simply move to Recede and Concur and let the Bill stand on its own merits and not be caught up in this other outside issue.

The PRESIDENT: Will all those Senators in favor of the motion by the Senator from Oxford, Senator Erwin 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.

18 Senators having voted in the affirmative, and 4 Senators having voted in the negative, the motion to Recede and Concur, Prevailed.

Non-concurrent Matter

BILL, "An Act to License Home Health Care Services" (S. P. 527) (L. D. 1550)

(In Senate June 7, 1983 Passed to be Engrossed as Amended by Committee Amendment "A" (S-180).)

(Comes from the House Passed to be Engrossed as Amended by Committee Amendment "A" (S-180) as Amended by House Amendment "A" (H-370) thereto in non-concurrence.)

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

Non-concurrent Matter Recalled from Legislative Files

BILL, "An Act Making Adjusted Allocations from the Highway Fund for the Fiscal Year Ending June 30, 1983." (Emergency) (H. P. 810) (L. D. 1050) Recalled from Legislative Files pursuant to Joint Order (H. P. 1314)

(In Senate, May 31, 1983, Passed to be Enacted in non-concurrence.)

(In House, May 31, 1983, House Adhered to its former action whereby Failed of Passage to be Enacted.)

(Comes from the House, Passed to be Engrossed as Amended by House Amendment "B" (H-373) in non-concurrence.)

The PRESIDENT: Is it now the pleasure of the Senate to Recede and Concur with the House?

It is a vote.

Communication

The Following Communication:

State of Maine

One Hundred and Eleventh Legislature Committee on Fisheries and Wildlife

June 3, 1983

The Honorable Gerard Conley
President of the Senate
State House

Augusta, Maine 04333

Dear President Conley:

The Committee on Fisheries & Wildlife is pleased to report that it has completed all business placed before it by the first regular session of the 111th Legislature.

Total number of bills received	60
Unanimous reports	48
Leave to Withdraw	20
Ought Not to Pass	17
Ought to Pass	1
Ought to Pass as Amended	7
Ought to Pass in New Draft	3
Divided Reports	12

Respectfully submitted,

S/ RONALD E. USHER

Senate Chairman

Which was Read and Ordered Placed on File.

(Off Record Remarks)

Committee Reports House

Ought to Pass as Amended

The Committee on Energy and Natural Resources on BILL, "An Act to Establish and Amend the Air Emission and Open-burning Standards" (H. P. 1259) (L. D. 1680) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-340)

Comes from the House with the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-340) as Amended by House Amendment "B" (H-368) thereto.

Which Report was Read.

On motion by Senator Pray of Penobscot, Tabled until later in today's session, pending Acceptance of the Committee Report.

The Committee on Business Legislation on BILL, "An Act to Encourage Competition in Workers' Compensation Insurance Rates" (H. P. 1238) (L. D. 1647) Reported that the same Ought to Pass as Amended by Committee

Amendment "A" (H-366)

Comes from the House with the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-366)

Which Report was Read and Accepted in concurrence. The Bill Read Once. Committee Amendment "A" (H-366) was Read and Adopted, in concurrence.

The PRESIDENT: Is it the pleasure of the Senate that Under Suspension of the Rules, that L. D. 1647 be given its Second Reading by Title Only?

It is a vote.

Under Suspension of the Rules, the Bill Read a Second Time and Passed to be Engrossed, as amended, in concurrence.

Divided Report

The Majority of the Committee on Labor on BILL, "An Act to Debar from State Contracts Employers Guilty of Willful or Repeated Violation of Safety Standards" (H. P. 1222) (L. D. 1629)

Reported that the same Ought to Pass in New Draft under New Title, Bill, An Act to Debar from State Contracts Employers Guilty of Serious, Willful and Repeated Violations of Safety Standards (H. P. 1313) (L. D. 1742)

Signed:

Senators:

DUTREMBLE of York

HAYES of Penobscot

Representatives:

BEAULIEU of Portland

TUTTLE of Sanford

NORTON of Biddeford

SWAZEY of Bucksport

TAMMARO of Baileyville

GAUVREAU of Lewiston

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:

WILLEY of Hampden

LEWIS of Auburn

ZIRNKILTON of Mount Desert

BONNEY of Falmouth

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

Which Reports were Read.

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

The Bill, in New Draft under New Title Read Once and Assigned for Second Reading later in today's session.

Senate

Ought to Pass in New Draft

Senator TEAGUE for the Committee on Taxation on BILL, "An Act Relating to the Financing of Services in the Unorganized Territory" (S. P. 311) (L. D. 925) Reported that the same Ought to Pass in New Draft under same title (S. P. 611) (L. D. 1743).

Which Report was Read and Accepted. The Bill, in New Draft Read Once.

The PRESIDENT: Is it the pleasure of the Senate that Under Suspension of the Rules, that L. D. 1743 be given its Second Reading by Title Only?

It is a vote.

Under Suspension of the Rules, the Bill Read a Second Time and Passed to be Engrossed.

Sent down for concurrence.

Second Readers House

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

BILL, "An Act to Clarify the Education Laws" (Emergency) (H. P. 1310) (L. D. 1739)

Which was Read a Second Time and Passed

to be Engrossed, in concurrence.

BILL, "An Act Relating to Major Policy-influencing Positions in Various State Agencies" (H. P. 1311) (L. D. 1740)

Which was Read a Second Time.

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

Enactor

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

Emergency

An Act Concerning Group Life Insurance for State Employees and Teachers. (S. P. 556) (L. D. 1622)

This being an emergency measure and having received the affirmative votes of 26 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.

Orders of the Day

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

An Act to Make Voting Places more Accessible to the Elderly and Handicapped (H. P. 728) (L. D. 937)

Tabled — June 8, 1983 by Senator CARPENTER of Aroostook

Pending — Motion of Senator PRAY of Penobscot of Reconsider Passage to be Enacted (In House June 6, 1983 Passed to be Enacted)

On motion by Senator Clark of Cumberland, Retabled until later in today's session.

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

An Act to Revise the Truancy Act (H. P. 877) (L. D. 1131)

Tabled — June 8, 1983 by Senator Pray of Penobscot.

Pending — Adoption of Committee Amendment "A" (H-213)

(In Senate May 25, 1983 Passed to be Engrossed as Amended by Committee Amendment "A" (H-213) and House Amendment "C" (H-264) in concurrence)

(In House June 1, 1983 Passed to be Enacted)

(In Senate June 7, 1983 Reconsidered Adoption of Committee Amendment "A" (H-213). House Amendment "C" (H-264) Indefinitely Postponed in non-concurrence)

On motion by Senator Pray of Penobscot, Retabled until later in today's session.

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

Papers From the House House Paper

BILL, "An Act to Increase Funding Allocation for the Bureau of Oil and Hazardous Materials Control for Fiscal Year 1983" (Emergency) (H. P. 1317) (L. D. 1746)

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

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

(Senate At Ease)

The Senate called to Order by the President.

Orders of the Day

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

BILL, "An Act to Revise the Truancy Act (H. P. 877) (L. D. 1131), Tabled earlier in today's session on motion by Senator Pray of Penobscot, pending Adoption of Committee Amend-

ment "A"

On motion by Senator Pray of Penobscot, Committee Amendment "A" was Adopted, in concurrence.

The PRESIDENT: The Senator has the floor. Senator PRAY: I offer Senate Amendment "A" (S-191) and move its Adoption, and would like to speak to that motion.

The PRESIDENT: The Senator from Penobscot, Senator Pray offers Senate Amendment "A" (S-191) and moves its Adoption.

Senate Amendment "A" (S-191) was Read.

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

Senator PRAY: Mr. President and Ladies and Gentlemen of the Senate, this amendment reduces the fine from two hundred dollars down to twenty-five dollars and it provides that it will be at the discretion of the court and also that the court would have the discretion of having an individual perform community service in lieu of the fine for the violation of the Truancy Act.

Senate Amendment "A" (S-191) was Adopted.

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

Sent down for concurrence.

Senator Pray of Penobscot was granted unanimous consent to address the Senate, Off the Record.

On motion by Senator Pray of Penobscot Receded until the sound of the Bell.

Recess

After Recess

The Senate called to Order by the President.

Under Suspension of the Rules, there being no objections, all items previously acted upon were sent forthwith.

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

Communication

The Following Communication:

State of Maine

**One Hundred and Eleventh Legislature
Committee on Education**

June 8, 1983

The Honorable Gerard Conley
President of the Senate
State House

Augusta, Maine 04333
Dear President Conley:

The Committee on Education is pleased to report that it has completed all business placed before it by the First Regular Session of the 11th Legislature.

Total number of Bills received	72
Unanimous reports	60
Leave to Withdraw	6
Ought Not to Pass	6
Ought to Pass	8
Ought to Pass as Amended	14
Ought to Pass in New Draft	15
Referred to another Committee	1
Divided Reports	10
Carry-over Bills	2

Respectfully submitted,
S/KENNETH P. HAYES
Senate Chair

Which was Read and Ordered Placed on File.

**Second Readers
House**

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

BILL, "An Act to Debar from State Contracts Employers Guilty of Serious, Willful and Repeated Violations of Safety Standards" (H. P. 1313) (L. D. 1742)

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

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

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

BILL, "An Act to Prevent Unjust Enrichment by Retention of Surplus Upon Foreclosure of Municipalities and Sewer Districts." (S. P. 485) (L. D. 1479)

(In Senate, June 8, 1983, Passed to be Engrossed as Amended by Senate Amendment "A" (S-183))

(Comes from the House, Majority Ought Not To Pass Report Read and Accepted in non-concurrence.)

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

Senator TRAFTON: Mr. President, I move that the Senate Insist.

The PRESIDENT: The Senator from Androscoggin, Senator Trafton moves that the Senate Insist.

The Chair recognizes the Senator from Oxford, Senator Twitchell.

Senator TWITCHELL: I move that we Recede and Concur.

The PRESIDENT: The Senator from Oxford, Senator Twitchell moves that the Senate Recede and Concur.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Oxford, Senator Twitchell to Recede and Concur, please rise in their places to be counted.

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

11 Senators having voted in the affirmative, and 13 Senators having voted in the negative, the motion to Recede and Concur, Failed.

On motion by Senator Trafton of Androscoggin, the Senate voted to Insist.

Divided Report

The Majority of the Committee on Education on BILL, "An Act to Create a Maine Commission on Excellence in Education" (Emergency) (H. P. 1279) (L. D. 1696)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-375).

Signed:

Sensors:

HAYES of Penobscot
CLARK of Cumberland

Representatives:

LOCKE of Sebec
SOUCY of Kittery
CROUSE of Washburn
MATHEWS of Caribou
RANDALL of East Machias
THOMPSON of South Portland
SMALL of Bath
BOTT of Orono

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

Signed:

Sensor:

HICHENS of York

Representative:

BROWN of Gorham

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-375).

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-375) was Read and Adopted, in concurrence.

The Bill, as amended, Assigned for Second Reading later in today's session.

Divided Report

The Majority of the Committee on Judiciary on BILL, "An Act Concerning Access to Adoption Records" (H. P. 553) (L. D. 704)

Reported that the same Ought to Pass in New Draft under New Title, BILL, "An Act to Facilitate the Search for Biological Relatives of Adoptees" (H. P. 1316) (L. D. 1744)

Signed:

Sensors:

TRAFTON of Androscoggin
VIOLETTE of Aroostook

Representatives:

HAYDEN of Durham
BENOIT of South Portland
DRINKWATER of Belfast
LIVESAY of Brunswick
JOYCE of Portland
SOULE of Westport

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

Signed:

Sensor:

COLLINS of Knox

Representatives:

REEVES of Newport
HOBBINS of Saco
CARRIER of Westbrook
FOSTER of Ellsworth

Comes from the House with the Minority Report Read and Accepted.

Which Reports were Read.

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

Senator TRAFTON: Mr. President, I move that the Senate Accept the Majority. Ought To Pass Report of the Committee.

The PRESIDENT: The Senator from Androscoggin, Senator Trafton moves that the Senate Accept the Majority Ought to Pass, in New Draft under New Title, Report of the Committee.

The Chair recognizes the Senator from Kennebec, Senator Kany.

Senator KANY: Mr. President and Members of the Senate, I rise to oppose the motion before us. I hope that we do not accept the Majority Ought to Pass Report and instead, we reject this Bill. It would discourage adoptions in the future, in my opinion. I don't believe that we, as the Maine Legislature, would wish to do anything like that. It is not fair for adoptive parents who have adopted children many years ago, grown to love them, to know them well, to nourish and to cherish them, all of a sudden to be faced with the fact that without their wish their adopted children and the biological parents, alone, could make a decision to gain each other's acquaintance and that's really too bad.

I do believe that, if in the future if it is the wish of the Maine Legislature, if it were of value to our society, then that we should only make such Legislation go into effect for future adoptions and not for those that took place many years ago.

I urge you to reject the motion before us and to go with the Ought Not to Pass Report.

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

Senator TRAFTON: Mr. President and Members of the Senate, I concur with my seatmate from Kennebec, Senator Kany that this Legislature should take no action which might discourage the adoption process. I think that we all recognize that the adoption process is an important one within our society. It's my feeling, however, that this Bill does not discourage that process.

The Committee on Judiciary considered two adoption bills. Several provisions of these bills were far reaching. In the consideration on those bills, these far reaching provisions were modified and the result which is L. D. 1744, the new Draft of L. D. 704 is a much compromised position, moving toward increase use of the registry which is currently in placed within the Department of Human Services Bureau of Vital

Records.

The provisions of this New Draft require mutual consent before an active search can take place. I point specifically to page 3 of the Bill, 3 and 4, and I'm looking at a line on that Bill, line 6 on page 4 says, "If mutual consent to contact is obtained the Department shall proceed under this section."

I think that the concerns that the good Senator from Kennebec, Senator Kany raises are not well founded in that the Department of Human Services through the active search process will take all care not to disrupt current families, not to disrupt the adoption process and I urge your support of this Bill.

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

Senator KANY: Mr. President and Members of the Senate, first of all I'd like to request a Division; and secondly, to point out that that mutual consent is not the mutual consent of all parties but only two of the three parties involved.

I urge you to vote against the pending motion and if you so desire such a policy, to come back with a bill that would make it apply to only future adoptions.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Androscoggin, Senator Trafton that the Senate Accept the Majority Ought To Pass in New Draft under New Title Report of the Committee, please rise in their places to be counted.

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

11 Senators having voted in the affirmative, and 14 Senators having voted in the negative, the motion to Accept the Majority, Ought to Pass in New Draft under New Title Report of the Committee, Failed.

The Minority Ought Not to Pass Report of the Committee was Accepted, in concurrence.

Enactors

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

Emergency

An Act Relating to Emergency Planning for the Area Around Nuclear Power Plants. (S. P. 547) (L. D. 1598)

Emergency

An Act to Clarify the Law Concerning Certain Appeals from Planning Board Decisions. (S. P. 503) (L. D. 1519)

These being emergency measures and having received the affirmative votes of 25 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.

Emergency

An Act to Permit any Municipality with a License Ordinance to Deny a License to any Person who is Delinquent in Paying Personal Property Taxes. (H. P. 1290) (L. D. 1711)

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Twitchell.

Senator TWITCHELL: Thank you, Mr. President. I'd like to move that this Bill and all its Accompanying Papers be Indefinitely Postponed.

The PRESIDENT: The Senator from Oxford, Senator Twitchell moves that L. D. 1711 and all its Accompanying Papers be Indefinitely Postponed.

The Chair recognizes the Senator from York, Senator Wood.

Senator WOOD: Mr. President, I would request a Division on that motion and would speak briefly.

This Bill came to our Committee; it is a Bill that applies to several towns in the State that were granted special licensing ordinance under a special and private law back in 1961.

Most of these towns are coastal in nature and have large amount of transient summer business. These towns find it very difficult to often times collect Personal Property Taxes on some of these businesses because of the nature of the business, that it is a summer business. The businesses are only open during the summer. Sometimes these businesses change hands within a family and so in order for the licensing ordinance to have any meaning in these towns, they have to be able to have this Legislation that will allow them not to grant licenses if Personal Property Taxes are not paid.

There was a hearing process involved. It will not affect all businesses in this State, only those towns that were granted by this very Legislature, this special ordinance. They have no other way of doing it but coming before the Legislature to get this changed. It does not require them, they can grant the license if they feel that there's a just cause and the business will pay that Personal Property Tax, and so I would urge you not to vote for the pending motion.

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

Senator DUTREMBLE: Mr. President, I'd like to pose a question to the good Senator from Taxation, Senator Wood.

Isn't it possible for these communities to put tax liens on these properties like all the other communities?

The PRESIDENT: The Senator from York, Senator Dutremble has posed a question through the Chair to the Senator from York, Senator Wood who may respond if he so desires.

The Chair recognizes the Senator from York, Senator Wood.

Senator WOOD: Mr. President and Members of the Senate, they could put on a Personal Property Tax lien. We have made that process a little easier this session, but the amount of money we're talking about, the tax lien process is not often times effective or appropriate in handling small amounts of money and because the businesses are summer businesses and very transient, the process you go by and the length of time to put on that kind of lien, it just simply would not be effective and at least one of those towns feels that this would be much more effective way of collecting those taxes.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Twitchell.

Senator TWITCHELL: Thank you, Mr. President and Members of the Senate, I'm so upset on this bill that I don't know whether I should speak on it or sit down and start cleaning my desk up.

This is a bad Bill. Twenty or thirty years ago my wife and I bought a business and I had just got out of the service and we had very little money and the business sold for twenty thousand dollars. I had fifteen thousand dollars of my own money and I needed another five thousand dollars. I went to some nice Republican in my hometown and he loaned me five thousand dollars. The reason why I went to him was because there was no Democrats up there that had five thousand dollars. We worked our butts off in that little store. We had a hard time first starting out; we had just gotten married and we started raising a family and I wanted to buy a home, and I bought a store. We had a hard time and if I couldn't pay my taxes that year, boy, I was in the soup because I wouldn't get my license renewed.

I don't think it's fair to come down here and make laws and put people out of business because they can't pay their taxes. We might have a better year the next year. If we made more money the next year then we could pay our taxes; but to come down here while my wife is back home working her heart out; you come down here and for me to pass a Bill like this, I think it's ridiculous.

I hope that you will support my motion.

The PRESIDENT: The Chair recognizes the

Senator from York, Senator Danton.

Senator DANTON: Mr. President, I'd like to ask the good Senator from Oxford, Senator Twitchell a question through the Chair.

There's an amendment on this Bill that was put on by the Senator and it's filing number S-172 and it goes on to say where before they can deny a license that they have to take and notify the person or persons, and they have thirty days so they can have the hearing or what have you. I thought that probably took some of the sting out of the Bill. I think it applies more to coastal townships the good Senator from York said, I know one of those towns happens to be in my district where a lot of them float in and out during the summer months and you're not sure whether there going to come back and even if they do come back, they come back in under another name. There's just no way for the town to collect that Personal Property Tax. It usually isn't a large sum of money but it is money, and they do receive services from the town and they should be compelled to pay it.

I was wondering if this amendment helped the good Senator from Oxford, Senator Twitchell.

The PRESIDENT: Is the Senate ready for the question?

A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Oxford, Senator Twitchell that this Bill and all its Accompanying Papers be Indefinitely Postponed, please rise in their places to be counted.

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

11 Senators having voted in the affirmative, and 14 Senators having voted in the negative, the motion to Indefinitely Postpone, Failed.

On motion by Senator Pray of Penobscot, Tabled for 1 Legislative Day, pending Enactment.

Emergency

An Act to Provide Immediate Authorization and Funding to Clean Up Hazardous Waste Dump at Buckfield. (S. P. 571) (L. D. 1649)

On motion by Senator Najarian of Cumberland, placed on the Special Appropriations Table, pending Enactment.

Emergency

An Act to Enact a Program of Assistance to the Severely Physically Disabled to Enable them to Work. (S. P. 391) (L. D. 1191)

On motion by Senator Najarian of Cumberland, placed on the Special Appropriations Table, pending Enactment.

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

Enactors

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

An Act Relating to the Transportation of Hazardous Material and Waste (S. P. 604) (L. D. 1731)

An Act to Provide for the Continued Operation of the Maine Occupational Information Coordinating Committee and Include an Economic Data-based System for Economic Development within the Committee's Designated Responsibilities (H. P. 1093) (L. D. 1443)

An Act to Limit Payments to Health Care Institutions which Engage Persons to Defeat the Organization of Collective Bargaining Units (S. P. 602) (L. D. 1728)

An Act to Effect Changes in the Statutes of Various Occupational and Professional Licensing Boards (S. P. 562) (L. D. 1625)

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

An Act to Adjust Certain Motor Vehicle Title Fees (H. P. 1304) (L. D. 1732)

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Diamond. Senator DIAMOND: Mr. President, Men and Women of the Senate, I want to point out that the membership of L. D. 1732 is probably one of the times you could count on one finger that the Chairman of the Committee on Transportation, Senator Danton and myself disagreed.

This Bill was a Divided Report and the concern that I had which I wanted to share prior to any decision was that this Bill calls for six new people in the first year and eight new people the second year in the Department of Motor Vehicle. For the purposes of decreasing the expediency, supposedly, of that Department and it appears that the licensing Title Fee problem has grown to the point where it's hampering the various citizens where you're taking advantage of.

My concern is that we've not really examined to see if the problems in that Department had been truly concurred with we're simply putting money at it by the way of raising the Title Fee by one dollar, so that we can hire these new people, six the first year and eight the second.

The reason that I signed out and Senator Emerson signed out Ought Not to Pass, I think was the fact that we've not yet done that and we've not yet really examined whether or not the problems they're having there is due to inefficiency or of the problems that they merely do need more people.

So I'm a little bit concerned that the good Senator from York, Senator Danton is not here to speak his side and if it is more appropriate to Table this then I would concur with that but I do have a problem with this Bill and maybe someone else could speak to the other side of it. Thank you, Mr. President.

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

Senator MINKOWSKY: Mr. President and Members of the Senate, I'm certainly very pleased to hear the good Senator articulate his points of view on this particular Bill. They are similar, the points of view I raised when the Bill first came out of Committee. It was somewhat clarified by the Senate Chairman of the Committee that it would not represent fourteen jobs and now I'm told specifically that it does represent fourteen jobs. People in the State of Maine are really fed up with these fees and all the increases that we've actually had over the years in order to raise revenues to keep the bureaucratic system running. I would hope, very sincerely, and I'm not going to move for the Indefinite Postponement of this Bill, but I would say one thing that I believe, truly, that the Department has not really justified its need for increasing the fees or the increase in the number of employees in that particular Department.

I'm only trying to recap some of the experiences I had on Audit and Program Review when reviewed that particular Department and it was very, very clear through their own admission if I can recall correctly that with computerization it would mean less employees, more efficiency of operation and would serve the interests of the people of the State of Maine a lot better. Now we are told they need more employees the efficiency is not there and the only way they are going to do it is raise the Title Fee to the people of the State, and I really sincerely believe that additional study by this, by either by Audit and Program Review or some other department is really incumbent before this particular Bill is passed.

If the Bill is up for Enactment, which it is today, I would ask for a Division, so I might put myself on Record opposing this piece of Legislation.

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

Senator DANTON: Mr. President and Members of the Senate, if I gave the Senate the wrong information, I want to quickly apologize,

it just proves that I'm human and I too can make a mistake.

I explained the Title Fee to you the other day. It's not running properly. You know when you stop and think that an automobile can go anywhere's from six thousand to twenty-five thousand and if you get into the foreign makes, they go up to thirty, forty or fifty thousand. When you're talking increasing the fee from six dollars to seven dollars, what are you really talking about? You're not talking about anything.

The Committee tried in different ways not to put this on to the citizens of Maine. We thought maybe we could get the dealers to pick up that one dollar, but we all know that if we did that, you know somewhere else they take and get that dollar from you any way. So, it's just something that we have to do to expedite getting our titles to our automobiles. I don't think it's right that we should pay that much money for an automobile and have to wait three, four and five months in some instances to get a title for that automobile. If you wanted to get rid of that automobile, prior to your getting a title you'd have to come to Augusta to the Department of Motor Vehicles to pick up a title. Now I don't think that's right. We can't just do it in any type of a manner; we have to do it right because the title to your automobile is a very important document.

Mr. President, is it proper for me to move to have this Bill be placed on a Special Highway Table?

(Senate At Ease)

The Senate called to Order by the President.

On motion by Senator Diamond of Cumberland, placed on the Special Highway Appropriations Table, pending Enactment.

Senator Bustin of Kennebec was granted unanimous consent to address the Senate, On the Record.

Senator BUSTIN: Thank you, Mr. President. I just wanted to mention something on this previous Bill, that we just discussed, I'm in support of the Bill, but something came to my attention, not on L. D. 1732, but that was related to it and that is a friend of mine was buying a car, I guess he's bought a couple of cars in the last three or four years and has been hit with a fifty dollar documentation fee. I was unsure what that meant so I asked the Senate Chair of Business Legislation to look into it for me, and indeed, there is at least one car dealer, I guess, that charges over fifty dollars the Maine Automobile Dealers Association to my knowledge, to the limited knowledge that I have at the moment, tries to discourage that high fee, but the information I got from my constituent was that that fee is going up to as much as sixty-five and seventy-five dollars, and I'm wondering what that processing of paper's fee is and even though I would support a one dollar increase in the title, I'm wondering why are we allowing a Documentation Fee, so high for processing a title paper?

An Act Appropriating Funds for Independent Living Services for the Disabled (S. P. 316) (L. D. 952)

On motion by Senator Najarian of Cumberland, placed on the Special Appropriations Table, pending Enactment.

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

On motion by Senator Najarian of Cumberland, placed on the Special Appropriations Table, pending Enactment.

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

Paper from the House

Joint Order

The Following Joint Order: (H. P. 1315) ORDERED, the Senate concurring, that AN ACT to Make Allocations from the Department of Inland Fisheries and Wildlife for the Fiscal Years Ending June 30, 1984, and June 30, 1985, S. P. 246, L. D. 767, be recalled from the legislative files to the House.

Comes from the House, Read and Passed. Which was Read and Passed in concurrence.

Enactors

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

An Act to Promote the Wise Use and Management of Maine's Outstanding River Resources (S. P. 598) (L. D. 1721)

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

Senator BALDACCIO: Mr. President in regards to L. D. 1721 "An Act to Promote the Wise Use and Management of Maine's Outstanding River Resources," as Chairman of the Public Utilities Committee I've watched the rivers bill with great interest and as we have been briefed by Commissioner Barringer, and people from the Governor's Office about the development of energy resources for the utilities in the future. Central Maine Power has three projects in various stages of development: the addition of a new power house on the Dead River at Long Falls Dam; redevelopment of Hiram Station on the Saco River, and reconstruction of Williams Station on the Kennebec River where it was planned to increase the reservoir level by twelve feet. After careful consideration it appears that pre-existing licenses preclude involvement of this new law with the Hiram project, and the Energy Committee resolved Long Falls Dam with appropriate language, with regard to the Williams Station project all parties interested in this matter, the Planning Office, the Office of Energy Resources and the Governor's Staff and the Committee are aware of the project and do not wish the Bill to preclude that development. All approvals required in the Bill will be complied with. The Record should simply reflect the presence of that project as Final Enactment takes place. Thank you, Mr. President.

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

Senator KANY: Thank you, Mr. President. I am just happy to rise today and to share with you the fact that the Governor has proclaimed this week as Maine clean water week in a bill that was sponsored, I believe, by Senator Usher and it is certainly most appropriate that we enact this Bill, today, because it is Maine clean water week. Thank you all very very much for your input on this historic legislation and I would personally like to congratulate Governor Brennan for his initiative in being the first Governor in the Nation, really, to suggest such positive historic policy.

The PRESIDENT: The Chair would remind the Senators when addressing a Senator they will address the Senator by name and the county they reside.

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

An Act to Permit the Use of Modulating Headlights on Motorcycles (S. P. 519) (L. D. 1540)

Comes from the House, Failed of Enactment Which was Passed to be Enacted, in non-concurrence, and having been signed by the President.

Sent down for concurrence.

Under Suspension of the Rules, on motion by Senator Pray of Penobscot, there being no objections, all matters previously acted upon,

with the exception of those items previously held, were sent forthwith.

(Off Record Remarks)

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

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

BILL, "An Act to Establish County Budget Committees" (S. P. 592) (L. D. 1710)

(In Senate May 27, 1983 Passed to be Engrossed)

(Comes from the House Passed to be Engrossed as Amended by Committee Amendment "A" (H-329) as Amended by House Amendment "A" (H-352) thereto and House Amendment "B" (H-330) in non-concurrence.)

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

Senator Baldacci of Penobscot was granted unanimous consent to address the Senate, Off the Record.

On motion by Senator Pray of Penobscot, Recessed until 3 o'clock this afternoon.

Recess

After Recess

The Senate called to Order by the President.

The PRESIDENT: The Chair would appoint as conferees on the part of the Senate on BILL, "An Act to Encourage Prompt Resolution of Public Employee Labor Disputes" (H. P. 1267) (L. D. 1678):

Senators:

DUTREMBLE of York
HAYES of Penobscot
DOW of Kennebec

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

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

BILL, "An Act to Provide for Local Option Voting on Bottle Clubs" (S. P. 584) (L. D. 1694)

(In Senate, June 1, 1983, Passed to be Engrossed.)

(Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-364) in non-concurrence.)

The PRESIDENT: Is it now the pleasure of the Senate to Recede and Concur with the House?

It is a vote.

**Committee Reports
House**

Ought to Pass as Amended

The Committee on Agriculture on BILL, "An Act to Stabilize Maine Potato Prices" (H. P. 1271) (L. D. 1685) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-377)

Comes from the House with the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-377).

Which Report was Read and Accepted, in concurrence.

The Bill Read Once.

Committee Amendment "A" (H-377) was Read and Adopted, in concurrence.

The PRESIDENT: Is it the pleasure of the Senate that Under Suspension of the Rules, that L.D. 1685 be given its Second Reading by Title Only?

It is a vote.

Under Suspension of the Rules, the Bill Read a Second Time and Passed to be Engrossed, as amended, in concurrence.

Ought to Pass in New Draft Under New Title

The Committee on Fisheries and Wildlife on BILL, "An Act to Provide Additional Revenue to the Department of Inland Fisheries and Wildlife Through an Increase in License Fees" (H. P. 1208) (L. D. 1607) Reported that the same Ought to Pass in New Draft under New Title; BILL, "An Act to Provide Additional Revenue to the Department of Inland Fisheries and Wildlife by an Increase in License Fees and to Make Allocations from the Department of Inland Fisheries and Wildlife for the Fiscal Years Ending June 30, 1984 and June 30, 1985" (Emergency) (H. P. 1312) (L. D. 1741)

Comes from the House, Bill and Accompanying Papers Recommended to the Committee on Fisheries and Wildlife.

Which Report was Read.

On motion by Senator Pray of Penobscot, Recommended to the Committee on Fisheries and Wildlife, in concurrence.

Second Reader

House — as Amended

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

BILL, "An Act to Create a Maine Commission on Excellence in Education" (H. P. 1279) (L. D. 1696)

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

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

Communication

The Following Communication:

State of Maine

**One Hundred and Eleventh Legislature
Joint Select Committee on Jobs Training**
June 9, 1983

The Honorable Gerard P. Conley

President of the Senate

Senate Chamber

State House

Augusta, Maine 04333

Dear Mr. President:

The Joint Select Committee on Jobs Training is pleased to report that it has completed all business placed before it by the first regular session of the 111th Legislature.

Total number of bills received: 1

Unanimous reports: 1

Ought to Pass in New Draft: 1

Respectfully submitted,

S/LARRY M. BROWN

Senate Chairman

Which was Read and Ordered Placed on File.

The Following Communication:

State of Maine

**One Hundred and Eleventh Legislature
Joint Select Committee on
Alcoholism Services**
June 9, 1983

The Honorable Gerard P. Conley

President of the Senate

State House

Augusta, Maine 04333

Dear Mr. President:

The Joint Select Committee on Alcoholism Services is pleased to report that it has completed all business placed before it by the first regular session of the 111th Legislature.

Total number of bills received: 3

Unanimous reports: 3

Ought to Pass: 1

Ought to Pass in New Draft: 2

Respectfully submitted,

S/BEVERLY M. BUSTIN

Senate Chair

Which was Read and Ordered Placed on File.

Committee Reports

Senate

Ought to Pass in New Draft

Senator VIOLETTE for the Committee on State Government on BILL, "An Act to Create

the Finance Authority of Maine" (S. P. 534) (L. D. 1565) Reported that the same Ought to Pass in New Draft under same title (S. P. 612) (L. D. 1747)

Which Report was Read and Accepted.

The Bill, in New Draft, Read Once.

The PRESIDENT: Is it the pleasure of the Senate that Under Suspension of the Rules that L.D. 1565 be given its Second Reading at this time?

The Chair recognizes the Senator from Aroostook, Senator Violette.

Senator VIOLETTE: I'm adding a technical amendment which is being reproduced. I would appreciate it if someone would Table this for another day.

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

Senator PRAY: Mr. President, a Parliamentary inquiry.

The PRESIDENT: The Senator may state his inquiry.

Senator PRAY: If the Senator is going to offer an amendment, it would have to be in its Second Reading? Is that correct?

The PRESIDENT: The Senator is correct. The motion before the Senate is whether or not the Senate would Suspend its Rules to give the Bill its Second Reading at this particular time. The Senator from Aroostook, Senator Violette has asked that the Bill be Tabled 1 Legislative Day, so he can present his amendment which will be in the Second Reading.

The Bill, Tomorrow Assigned for Second Reading.

Orders of the Day

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Diamond.

Senator DIAMOND: Mr. President, is the Senate in possession of L.D. 1625?

The PRESIDENT: The Chair would answer in the affirmative, the Bill, "An Act to Effect Changes in the Statutes of Various Occupational and Professional Licensing Boards" (S. P. 562) (L. D. 1625) having been held at the request of the Senator.

On motion by Senator Diamond of Cumberland, the Senate voted to Reconsider its action whereby L.D. 1625 was Passed to be Enacted.

On motion by Senator Diamond of Cumberland, Tabled for 1 Legislative Day, pending Enactment.

The President laid before the Senate:

An Act to License Home Health Care Services (S. P. 527) (L. D. 1550)

Tabled — June 9, 1983 by Senator PRAY of Penobscot.

Pending — Further Consideration.

(In Senate June 7, 1983 Passed to be Engrossed as Amended by Committee Amendment "A" (S-180).)

(In House June 8, 1983 Passed to be Engrossed as Amended by Committee Amendment "A" (S-180) as Amended by House Amendment "A" (H-370) thereto in non-concurrence.)

On motion by Senator Pray of Penobscot, Tabled until later in today's session.

The President laid before the Senate:

HOUSE REPORT—from the Committee on Energy and Natural Resources on BILL, "An Act to Establish and Amend the Air Emission and Open-burning Standards" (H. P. 1259) (L. D. 1680) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-340)

Tabled — June 9, 1983 by Senator PRAY of Penobscot.

Pending — Acceptance of Committee Report.

(In House June 9, 1983 Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-340) as Amended by House Amendment "B" (H-368) thereto.)

On motion by Senator Pray of Penobscot, Re-tabled 1 Legislative Day.

The President laid before the Senate:

BILL, "An Act Relating to Major Policy-influencing Positions in Various State Agencies" (H. P. 1311) (L. D. 1740)

Tabled — June 9, 1983 by Senator VIOLETTE of Aroostook

Pending — Passage to be Engrossed (In House June 8, 1983 Passed to be Engrossed)

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

Senator VIOLETTE: Mr. President, I offer Senate Amendment "A" (S-193) and move its Adoption.

The PRESIDENT: The Senator from Aroostook, Senator Violette offers Senate Amendment "A" (S-193) and moves its Adoption.

Senate Amendment "A" (S-193) was Read.

The PRESIDENT: The Senator has the floor.

Senator VIOLETTE: Mr. President, Ladies and Gentlemen of the Senate, just a brief explanation. All this amendment is it deletes the Executive Director of the Maine Labor Relations Board from the list of thirty-one positions, as the position was inadvertently left on the Bill. Thank you.

Senate Amendment "A" (S-193) was Adopted.

On motion by Senator Pray of Penobscot, Re-tabled until later in today's session, pending Passage to be Engrossed.

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

BILL, "An Act to License Home Health Care Services" (S. P. 527) (L. D. 1550), Tabled earlier in today's session on motion by Senator Pray of Penobscot, pending Further Consideration.

On motion by Senator Pray of Penobscot, Re-tabled 1 Legislative Day.

The President laid before the Senate:

An Act to Make Voting Places more Accessible to the Elderly and Handicapped (H. P. 728) (L. D. 937)

Tabled — June 9, 1983 by Senator CLARK of Cumberland

Pending — Motion of Senator PRAY of Penobscot to Reconsider Passage to be Enacted (In House June 6, 1983 Passed to be Enacted)

On motion by Senator Pray of Penobscot, the Senate voted to Reconsider its action whereby L. D. 937 was Passed to be Enacted.

On motion by Senator Clark of Cumberland, the Senate voted to Suspend its Rules.

On further motion by the same Senator, the Senate voted to Reconsider its action whereby L. D. 937 was Passed to be Engrossed.

The PRESIDENT: The Senator has the floor.

Senator CLARK: Thank you, Mr. President. I offer Senate Amendment "A" (S-195) and move its Adoption.

The PRESIDENT: The Senator from Cumberland, Senator Clark offers Senate Amendment "A" (S-195) and moves its Adoption.

Senate Amendment "A" (S-195) was Read and Adopted.

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

Sent down for concurrence.

Under Suspension of the Rules, there being no objections, all items previously acted upon were sent forthwith.

The President laid before the Senate:

BILL, "An Act to Establish County Budget Committees" (S. P. 592) (L. D. 1710)

Tabled — June 9, 1983 by Senator PRAY of Penobscot

Pending — Further Consideration (In Senate May 27, 1983 Passed to be Engrossed)

(In House June 9, 1983 Passed to be En-

grossed as Amended by House Amendment "A" (H-329) as Amended by House Amendment "A" (H-352) thereto and House Amendment "B" (H-330) in non-concurrence.)

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

Senator PRAY: Mr. President, I move that this Bill and all its Accompanying Papers be Indefinitely Postponed.

The PRESIDENT: The Chair would state that the Senator's motion is not properly before the Body.

On motion by Senator Twitchell of Oxford the Senate voted to Recede and Concur with the House.

(Senate At Ease)

The Senate called to Order by the President.

(Off Record Remarks)

On motion by Senator Pray of Penobscot, Recess until the sound of the bell.

Recess

After Recess

The Senate called to Order by the President.

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

Order

Joint Order

On motion by Senator DANTON of York, the following Joint Order (S. P. 616)

ORDERED, the House concurring, that BILL, "An Act Making Adjusted Allocations from the Highway Fund for the Fiscal Year Ending June 30, 1983," (H. P. 810) (L. D. 1050), be recalled from engrossing to the Senate.

Which was Read and Passed.

Sent down forthwith for concurrence.

Committee Reports

Senate

Ought to Pass as Amended

Senator NAJARIAN for the Committee on Appropriations and Financial Affairs on BILL, "An Act to Create the Maine Conservation Corps" (S. P. 496) (L. D. 1510) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-199)

Which Report was Read and Accepted.

The Bill Read Once.

Committee Amendment "A" (S-199) was Read and Adopted.

The PRESIDENT: Is it the pleasure of the Senate that Under Suspension of the Rules, that L. D. 1510 be given its Second Reading by Title Only?

It is a vote.

Under Suspension of the Rules, the Bill Read a Second Time and Passed to be Engrossed, as amended.

Sent down for concurrence.

Divided Report

The Majority of the Committee on Business Legislation on BILL, "An Act Affecting the Organization of the Department of Business Regulation" (S. P. 541) (L. D. 1580)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-197)

Signed:

Senators:

CLARK of Cumberland
CHARETTE of Androscoggin
SEWALL of Lincoln

Representatives:

MURRAY of Bangor
STEVENS of Bangor
BRANNIGAN of Portland
RACINE of Biddeford
POULIOT of Lewiston

MARTIN of Van Buren

TELOW of Lewiston

CONARY of Oakland

The Minority of the same Committee on the same subject matter Reported that the same Ought to Pass as Amended by Committee Amendment "B" (S-198)

Signed:

Representative:

PERKINS of Brooksville
MacBRIDE of Presque Isle

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

The Bill Read Once.

Committee Amendment "A" (S-197) was Read and Adopted.

The PRESIDENT: Is it the pleasure of the Senate that Under Suspension of the Rules, that L. D. 1580 be given its Second Reading by Title Only?

It is a vote.

Under Suspension of the Rules, the Bill Read a Second Time and Passed to be Engrossed, as amended.

Sent down for concurrence.

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

Communication

The Following Communication:

June 9, 1983

Honorable Joy J. O'Brien

Secretary of the Senate

111th Legislature

Augusta, Maine 04333

Dear Madam Secretary:

The House voted today to adhere to its former action whereby it Failed to Enact An Act to Permit the Use of Modulating Headlights on Motorcycles (S. P. 519) (L. D. 1540) (C. "A" S-179)

Sincerely,

S/EDWIN H. PERT

Clerk of the House

Which was Read and Ordered Placed on File.

Senate Paper

BILL, "An Act to Adopt Federal Options in the Unemployment Compensation Extended Benefit Program (Submitted by the Department of Labor pursuant to Joint Rule 24) (Emergency) (S. P. 615) (Presented by Senator PRAY of Penobscot) (Cosponsor: Representative BEAULIEU of Portland)

Reference to the Committee on Labor suggested.

On motion by Senator Pray of Penobscot, Under Suspension of the Rules, the Bill Read Once, without Reference to Committee.

The PRESIDENT: Is it the pleasure of the Senate that Under Suspension of the Rules, that this Bill be given its Second Reading by Title Only?

It is a vote.

Under Suspension of the Rules, the Bill Read a Second Time and Passed to be Engrossed, without Reference to Committee and Ordered Printed.

Sent down for concurrence.

Committee Reports

House

Ought to Pass in New Draft

The Committee on Taxation on BILL, "An Act to Improve the Identification of Persons Trying to Evade State Taxes" (H. P. 429) (L. D. 511) Reported that the same Ought to Pass in New Draft under same title (H. P. 1318) (L. D. 1745)

Which Report was Read and Accepted, in concurrence.

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

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

following.

**Paper from the House
Recalled from the Legislative Files
Non-concurrent Matter**

BILL, "An Act to Make Allocations from the Department of Inland Fisheries and Wildlife for the Fiscal Years Ending June 30, 1984 and June 30, 1985" (Emergency) (S. P. 246) (L. D. 767) Recall pursuant to Joint Order (H. P. 1315)

(In Senate June 3, 1983 Leave to Withdraw report from the Committee on Fisheries and Wildlife placed in the legislative files pursuant to Joint Rule 15)

(In House June 3, 1983 Leave to Withdraw Report from the Committee on Fisheries and Wildlife placed in the legislative files pursuant to Joint Rule 15)

(Comes from the House Passed to be Engrossed in non-concurrence.)

The PRESIDENT: Is it now the pleasure of the Senate to Recede and Concur with the House?

It is a vote.

**Committee Reports
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 Compensation for Legislators who Attend Meetings on County Budgets" (H. P. 204) (L. D. 248)

Ought to Pass as Amended

The Committee on Local and County Government on BILL, "An Act to Amend the Lucerne-in-Maine Village Corporation Charter" (Emergency) (H. P. 1234) (L. D. 1641) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-380)

Comes from the House with Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-380)

Which Report was Read and Accepted, in concurrence.

The Bill Read Once.

Committee Amendment "A" (H-380) was Read and Adopted, in concurrence.

The PRESIDENT: Is it the pleasure of the Senate that Under Suspension of the Rules, that L. D. 1641 be given its Second Reading by Title Only?

It is a vote.

Under Suspension of the Rules, the Bill Read a Second Time and Passed to be Engrossed, as amended, in concurrence.

Enactor

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

An Act to Provide Equitable Health Care for Alcoholism and Drug Dependency Treatment. (H. P. 1293) (L. D. 1714)

On motion by Senator Najarian of Cumberland, placed on the Special Appropriations Table, pending Enactment.

Orders of the Day

The President laid before the Senate:

BILL, "An Act Relating to Major Policy-influencing Positions in Various State Agencies" (H. P. 1311) (L. D. 1740).

Tabled earlier in today's session on motion by Senator Pray of Penobscot, pending Passage to be Engrossed.

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

Senator HAYES: Mr. President, I offer Senate Amendment "B" (S-201) and move its Adoption.

The PRESIDENT: The Senator from Penobscot, Senator Hayes offers Senate Amendment "B" (S-201) and moves its Adoption. Senate Amendment "B" (S-201) was Read.

The PRESIDENT: The Senator has the floor. Senator HAYES: I consider this Bill to have most serious consequences for the structure of the bureaucracy in this State and also the appointive powers of the Governor.

I'm genuinely concerned about this and not entirely happy with placing so much power within the Governor's Office, but I'm especially disturbed about one position that's in the Department of Education and that is the position of Director of Planning and Management Information. This is not a position; it is an Assistant to the Commissioner; it's not an Associate Commissioner; it's not a Deputy Commissioner; this is a person whose tasks and position is concerned with fiscal analysis and management of information regarding educational finance. This is not a policy position. It is, however, a very sensitive position and one which we need to know that that individual is neutral as far as the political process goes. It's my feeling that this position should not be included in this Bill.

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

Senator VIOLETTE: Mr. President and Members of the Senate, the Committee on State Government received two bills this year dealing with Policy-influencing Positions. Those were L. D.'s 1583 and 1740. They contained approximately a hundred and two positions which the Legislation suggested be either declassified or positions which were already declassified, nonetheless which would remain appointive by, in virtually all cases, the commissioner of the particular department. Those two bills were sponsored by the President and the Speaker. They were the result of a study done by the Committee on State Government in the One Hundred and Seventh Legislature which made this same recommendation but at that time recommended that this was when Government was going through some change in its structure and had already made a number of suggestions for changes in the number of positions which were appointive and which were subject to appointments but it was decided at that time because of the numbers that had already been dealt with to set aside these positions; thus, these positions come from that study.

Our Committee reviewed all one hundred two positions the Committee was divided into two sub-committees and of the one hundred and two we pared that list down to thirty-one. Thirty-one positions on a twelve to one report, only one member voted against it and that's because that particular member, who is a Member of the other Body feels that there ought to be no appointive positions within State Government, including commissioners and the like.

We removed every position where there was expressed from that department objection, where the person himself who was holding that position expressed objection. In addition to that, we grandfathered everybody into their position that they are presently holding. It was felt that in the One Hundred and Seventh Legislature that the study justified to a degree the removal of all of these positions from classified and making them appointive positions, but nonetheless, in order to achieve some unanimity on the Committee, we pared this down to thirty-one. It is my opinion, and it is the opinion of the Members of the Committee on State Government that this is in fact a Policy-influencing Position.

I would hope that we would vote down the amendment that the Senator from Penobscot, Senator Hayes has offered. I understand his concern; he is Chairman of the Committee on Education. I understand the concern that he has. Yet, the Department felt that this was, in fact, a Policy-influencing Position. Those people that expressed objections to other positions within the two bills, did not express objections to any of these thirty-one positions

of which this is one.

I feel that the Committee removed all positions to which there was some real reason for removing them, such as positions which required real degrees of technical expertise, attorneys, and positions that required engineering, or other such professional expertise in order to perform the duties of that position. It was felt that this was not such one of those positions and that it was a Policy-influencing Position.

I would hope, although I understand the concerns that the Senator has within the Department of Education alone, there were twenty-three suggested positions and the Committee on State Government recommended that only two be included within the Legislation. So, I don't think that the Committee took its job with respect to this Bill lightly at all lightly. In paring the list in one department alone, which is almost 25% of all the positions were in the Department of Education, and we took some twenty odd positions which were included in the Legislation and cut that down to two. Two that everybody on that Committee, save one, felt that it was a major Policy-influencing Position.

So, I hope that you would vote against the good Senator's amendment. Thank you.

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

Senator HAYES: Just a brief comment. In no way was I attempting to indicate that the Committee had not done its work thoroughly. I'm sure that it did and if you're trying to review a hundred positions within the bureaucratic structure, I know, it would be terribly difficult and burdensome and I congratulate them on having achieved that.

On the other hand, this particular position, if you read the job description, does require certain technical skills and also requires that this person reports to the Legislative Branch, as well as, the Executive. Let me read to you from the Task Statement Form that describes the activities to be performed by this position. There is a large number; I'll only read you this one. "Directs the maintenance of the Education Information System so as to provide comprehensive accurate data to the Executive and Legislative Branches; public and private school systems and the public, by organizing the data processing system, establishing report format and responding to data requests." This is a technical position, it does require a good deal of technical background and skill. It ought not to be a policy-making position.

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

Senator MINKOWSKY: Mr. President, before we proceed any further on this Legislation, there was a question raised, which I would appreciate the Chairman of State Government would address, by one of the people involved with the Department of Maine Resources. I'd like to read his particular point into the Record and maybe from that particular perspective it can be answered, because I think this would be applicable to many other people who are coming under this Legislation. He says, "the last point that I want to make is really more of a question. I would like to know how this proposed Legislation will affect my retirement benefits with the State? Currently, an employee must work ten years before he has a vested interest in the State Retirement System. With this proposed Legislation it may be quite difficult to accrue ten years of State service, the worse case scenario, an individual could be fired after nine years plus of service to prevent that person from gaining a vested interest.

In addition, as a confidential employee, the State pays all retirement fund contributions. So, if my logic is correct, this individual who we assume is a confidential employee and was fired after nine years plus service, also has no retirement money to withdraw from the State

system. Since this person made no direct contributions to the System, he has no retirement security at all. Therefore, my question is, is this correct? If it is, I respectfully request that you review this situation established as part of this Legislation, an equitable retirement system for employees who do not have security of a career civil service appointee."

I think this is of significant value and I hope the good Senator from Aroostook can address this so it will be clarified for all those should this piece of Legislation be Enacted to understand exactly what the ramifications are.

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

Senator VIOLETTE: Mr. President, Ladies and Gentlemen of the Senate, I really don't think that the question is real germane to the particular amendment at hand. I think that the Senate ought to dispose of the amendment before us and then I would be more than happy to deal with the Senator's concern as it relates to other positions within the Legislation. If he is, in fact, addressing a question in respect to the Department of Marine Resources. This one deals with one position in the Department of Education. Excuse me.

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

Senator MINKOWSKY: Even though we are dealing with Senator Hayes' amendment which is the part of the question is germane because this position is also one of those on this particular list and I think it should be addressed prior to the vote on Senator Hayes' motion.

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

Senator VIOLETTE: Mr. President, Ladies and Gentlemen of the Senate, there are a number of positions within State Government which are appointive positions and there are a number of those positions now. Anyone, whether it is a person from within State Government who is presently within the civil service and decides that he or she is interested in taking one of those positions if it is, in fact, offered or pursuing them takes them, knowing that they are appointive positions and that if, in fact, they are not reappointed or if they're asked to leave that they simply no longer retain a position within State Government. Such is the fate of those who accept positions that are appointive positions that the Legislature has determined are Major Policy-influencing Positions. So whether, you know, we had a hundred and two positions here and we had a hundred two people who were interested in their own jobs. Really, you weren't too interested in so much to the substance of the Legislation.

Now, what we in fact have here is we have dealt with thirty-one positions in the Bill, of those thirty-one positions, twenty-six are vacant within the Department of Marine Resources there are only two positions being affected, the Chief of the Bureau of Marine Patrol which has an incumbent, but if the Senator would read the Legislation, we have dealt with the Chief of the Bureau of Marine Patrol and the Colonel of the Game Warden Division over in Fisheries and Wildlife in the same way. We have said that that person who is in charge of the enforcement division of those two departments must be promoted from within the service and that if he is not reappointed in essence the director of that bureau, the enforcement bureau, that he returns to the bureau as a warden or as a member of the enforcement division and in the Department of Marine Resource, the only other position being dealt with is the assistant to the commissioner which is an unfilled position. If the Senator has a real concern relative to Marine Resources, first of all, the Chief of Bureau of Marine Patrol has been grandfathered in; the other position vacant and from now on

whoever is appointed chief, if he is not reappointed chief, does not lose a position within the service; he simply is no longer the chief but returns back to within the force and he must be appointed from within the force because the Committee felt that a department head ought to have somebody in charge of enforcement with whom he had a good relationship but that that person must have expertise; they must have had experience and we felt that that only could be achieved by that person having had service within the force. In addition to this, we have grandfathered in all these positions. In addition to this, if somebody takes one of these positions as spelled out in Section 5 sub. B on page 8 and 9 of L. D. 1740, whereby any person permanently appointed to a classified position who accepts an appointment to a Major Policy-influencing Position shall have the right for twelve months subsequent to appointment to the Major Policy-influencing Position to be restored to the classified position from which he shall have been promoted or to a position equivalent thereto in salary, grade in an agency without impairment to his personal status, loss of seniority, retirement or other rights to which uninterrupted services in the classified positions would have entitled him to. If his service in that unclassified position, supervisory position shall have been terminated for cause, his right to be so restored shall be determined by the Personnel Board. During the twelve month period the appointing authority may temporarily appoint a person to the position under the Personnel Law." Quite frankly, I feel that the concerns that have been expressed to the Senator from Androscoggin, Senator Minkowsky, by whomever this person is have been adequately dealt within the Legislation. I quite frankly don't think that that concern is one on which one would vote against this Legislation. I think the Committee has built in so many safeguards that one begins to wonder exactly who in fact, that in fact nobody is going to lose their job and that in the future those who enter these positions will be dealt with and that if they wish to enter them they know they are appointive positions and they accept them on that basis. Thank you.

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

Senator HAYES: Mr. President and Members of the Senate, I trust that the debate has not obscured the simplicity and the fairness of my amendment. I ask for a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the Adoption of Senate Amendment "B", please rise in their places to be counted.

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

4 Senators having voted in the affirmative, and 18 Senators having voted in the negative, the motion to Adopt Senate Amendment "B", Failed.

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

Sent down for concurrence.

Senator Pray of Penobscot 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.