

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
 June 16, 1983
 Senate called to order by the President.

Prayer by the Reverend Timothy Evans of the Church of the Nazarene of Gardiner.

REVEREND EVANS: Shall we pray! Almighty God in heaven we are thankful for the opportunity of serving You in the beautiful world You have created. It is You who has given us life and we know that You are pleased to see us enjoy it. Help us to live a life worthy of Your approval.

We thank You for these elected officials. They have sought the high-calling of serving those who have placed their trust in them, and we ask that You might help them as they seek to do what is best for our great State. Grant them wisdom and understanding concerning the business at hand, and we will honor the Name above all names, Your Name, Father. Amen.

Reading of the Journal of yesterday.

**Orders
 Joint Order**

On motion by Senator TRAFTON of Androscoggin, the following Joint Order (S. P. 628)

ORDERED, the House concurring, that the Joint Standing Committee on Judiciary report out a bill, to the Senate, entitled, "AN ACT to Make Further Corrections of Errors and Inconsistencies in the Laws of Maine."

Which was Read and Passed.
 Sent down for concurrence.

(Off Record Remarks)

**Second Readers
 House**

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

BILL, "An Act Creating the Wiscasset Water District" (H. P. 1328) (L. D. 1765)

Which was Read a Second Time.

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

Orders of the Day

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

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

Tabled — June 15, 1983 by Senator PRAY of Penobscot

Pending — Enactment

(In Senate June 9, 1983 Passed to be Engrossed as Amended by House Amendment "A" (H-329) as Amended by House Amendment "A" (H-352) thereto and House Amendment "B" (H-330) in concurrence)

(In House June 15, 1983 Bill and Accompanying Papers Indefinitely Postponed)

Which was Passed to be Enacted in non-concurrence, and having been signed by the President.

Sent down for concurrence.

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

BILL, "An Act Pertaining to the Political Rights of State Employees" (S. P. 439) (L. D. 1318)

Tabled — June 15, 1983 by Senator PRAY of Penobscot

Pending — Further Consideration

(In Senate March 30, 1983 Passed to be Engrossed as Amended by Senate Amendment "A" (S-42).)

(In House June 15, 1983 Passed to be Engrossed as Amended by House Amendment "D" (H-392) in non-concurrence)

On motion by Senator Pray of Penobscot, Re-

tabled until later in today's session.

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

An Act Relating to Certifying Indian Representatives (H. P. 223) (L. D. 271)

Tabled — June 2, 1983 by Senator PRAY of Penobscot

Pending — Enactment

(In Senate May 26, 1983 Passed to be Engrossed as Amended by Committee Amendment "A" (H-293) in concurrence)

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

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

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

Communication

The Following Communication:
**State of Maine
 Department of Audit
 State House Station 66
 Augusta, Maine 04333
 Area Code 207
 Tel. 289-2201**

June 16, 1983

To Governor Joseph E. Brennan and members of the One Hundred and Tenth Legislature

In compliance with statutory requirements, I submit herewith the 63rd Annual Report of the State Auditor for the fiscal year ended June 30, 1982.

We have made extensive examination of major pertinent transactions. We do not make a detailed examination of all recorded transactions on the general books of the State for the year. We did, however, make a detailed examination of accounting records, procedures and internal controls, and verified financial transactions on a selective basis in our post audits of the activities of the various State Departments, Agencies, Boards, etc. during the year. The results of these audits, together with comments, observations and audit findings and recommendations are contained in our individual audit reports submitted to the respective State Departments, Agencies, Boards, etc.

Based on the scope of our examination, it is our opinion that, except for the exclusion of certain trust and operating fund transactions and balances recorded and controlled locally by State agencies and not reflected herein, the financial position and operating results of the various State Departments, Agencies, Boards, etc., of the State of Maine for the fiscal year ended June 30, 1982 has been fairly presented in conformity and with generally accepted accounting principles applied on a consistent basis.

Statements and schedules pertaining to the financial position of the various operating funds of the State of Maine at June 30, 1982 may be found in the Annual Report of the State Controller.

I would like to express my special appreciation to the staff on the Department of Audit for their continued loyalty and devotion to duty and to the State Officials for their cooperation with this department.

Respectfully submitted,
 S/GEORGE J. RAINVILLE
 State Auditor

Which was Read and Ordered to be Placed on File.

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

(Off Record Remarks)

On motion by Senator Pray of Penobscot,

Recessed until 2 o'clock this afternoon.

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:

Enactor

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

An Act to Improve the Evaluation of Hearing Loss Under the Workers' Compensation Act (H. P. 1322) (L. D. 1757)

Which 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)

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

**Committee Reports
 Senate**

Ought to Pass in New Draft

Senator WOOD for the Committee on Taxation on BILL, "An Act to Delay the Effective Date of the Property Tax Exemption for Naturally Occurring Metallic Minerals" (Emergency) (S. P. 312) (L. D. 926) Reported that the same Ought to Pass in New Draft under same title (S. P. 629) (L. D. 1769)

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. 1769 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.

Enactors

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

An Act Relating to the Manner of Approval of Amendments to the Maine Indian Claims Settlement Act (S. P. 600) (L. D. 1755)

An Act Relating to Transportation Facilities (S. P. 621) (L. D. 1759)

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

Emergency

RESOLVE, to Establish a Maine Commission to Examine the Availability, Quality and Delivery of Services Provided to Children with Special Needs (H. P. 1251) (L. D. 1664)

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

(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 Provide Workers' Compensation Coverage to Emergency Medical Services' Persons" (S. P. 563) (L. D. 1637)

(In Senate June 7, 1983 Passed to be Engrossed as Amended by Committee Amendment "A" (S-160) and House Amendment "A" (H-354) in concurrence.)

(Comes from the House Passed to be Engrossed as Amended by Committee Amendment "A" (S-160) in non-concurrence.)
 The PRESIDENT: Is it the pleasure of the Se-

nate to Recede and Concur with the House?
It is a vote.

Enactor

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

Emergency

An Act to Deter Drinking and Driving by Teenagers (H. P. 1326) (L. D. 1761)

This being an emergency measure and having received the affirmative votes of 22 Members of the Senate, with 3 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.

Under Suspension of the Rules, on motion by Senator Pray of Penobscot, there being no objections all items previously acted upon were sent forthwith.

Orders of the Day

The President laid before the Senate:
BILL, "An Act Creating the Wiscasset Water District" (H. P. 1328) (L. D. 1765)

Tabled — June 16, 1983 by Senator PRAY of Penobscot

Pending — Passage to be Engrossed
(In House June 15, 1983 Referred to the Committee on Public Utilities)

On motion by Senator Pray of Penobscot, Retabled.

The President laid before the Senate:
BILL, "An Act Pertaining to the Political Rights of State Employees" (S. P. 439) (L. D. 1318)

Tabled — June 16, 1983 by Senator PRAY of Penobscot

Pending — Further Consideration
(In Senate March 30, 1983 Passed to be Engrossed as Amended by Senate Amendment "A" (S-42)

(In House June 15, 1983 Passed to be Engrossed as Amended by House Amendment "D" (H-392) in non-concurrence)

On motion by Senator Pray of Penobscot, Retabled for 1 Legislative Day.

(Off Record Remarks)

Senator Diamond of Cumberland was granted unanimous consent to address the Senate, On the Record.

Senator DIAMOND: Mr. President, in regards to an Enactor on Supplement number four, which we have enacted and sent forthwith, L. D. 1759, "An Act Relating to Transportation Facilities." It was brought to our attention by the Legal staff of the Department of Transportation that we simply had to Read into the Record or make known in the Record that this Bill refers to fish piers and airport exemptions for municipalities and has no intention of exempting or providing any kind of annuity to all types of municipalities. Dealing only with fish piers and the airports. Thank you, Mr. President.

On motion by Senator Pray of Penobscot, Recessed 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:

Senate Paper

BILL, "An Act to Assure Consideration on On-site Impacts of Major Developments under the Site Location Law" (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27) (Emergency) (S. P.

630) (Presented by Senator KANY of Kennebec) (Cosponsor: Representative HALL of Sangerville)

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

Sent down forthwith for concurrence.

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

Papers from the House

Joint Order

The Following Joint Order (H. P. 1330)
ORDERED, the Senate concurring, that BILL, "An Act to Create the Finance Authority of Maine" (S. P. 612) (L. D. 1747) be recalled from the Special Appropriations Table to the House.

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

House Paper

BILL, "An Act to Conform the Meaning of Approved Training in the Employment Security Law to Federal Definitions" (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 27) (Emergency) (H. P. 1331)

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

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

Senator PRAY: I move that Under Suspension of the Rules, that this Bill be given its First Reading without reference to Committee.

The PRESIDENT: The Senator from Penobscot, Senator Pray moves that Under Suspension of the Rules that H. P. 1331 be given its First Reading at this time without reference to a Committee.

Is this the pleasure of the Senate?

It is a vote.

Under Suspension of the Rules, the Bill Read Twice and Passed to be Engrossed, without Reference to Committee and Ordered Printed, in non-concurrence.

Sent down for concurrence.

BILL, "An Act to Provide Additional Resources to the General Fund for the Fiscal Year Ending June 30, 1983" (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27) (Emergency) (H. P. 1332) (L. D. 1770)

Reference to the Committee on Appropriations and Financial Affairs suggested.

Comes from the House Passed to be Engrossed without reference to a committee.

The PRESIDENT: Is it the pleasure of the Senate that Under Suspension of the Rules, that L. D. 1770 be given its First Reading at this time without Reference to Committee?

It is a vote.

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

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 License Home Health Care Services." (S. P. 527) (L. D. 1550)

(In Senate, June 10, 1983, Passed to be Engrossed as Amended by Committee Amendment "A" (S-180) and Senate Amendment "A" (S-202))

(Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A" (S-180) and Senate Amendment "A" (S-202) and House Amendment "A" (H-403) in non-concurrence.)

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

House?

It is a vote.

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

Enactors

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

An Act Relating to Training Penobscot Law Enforcement Officers (S. P. 81) (L. D. 192)

An Act Relating to the Period of License Suspension for Drivers Convicted or Adjudicated of Operating Under the Influence (S. P. 618) (L. D. 1753)

An Act to Amend the Habitual Offender Law (H. P. 956) (L. D. 1237)

An Act to Clarify the Rate Filing Procedures and Standards for Workers' Compensation Insurance (H. P. 1325) (S. P. 1758)

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 Change the Treatment of Certain Sales under the Sales Tax Law (S. P. 627) (L. D. 1766)

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

An Act to Establish the Maine Environmental Protection Fund (H. P. 1327) (L. D. 1762)

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

An Act to Provide for Swifter Disposition of Drunk Driving Cases (H. P. 1319) (L. D. 1749)

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

Senator DANTON: Mr. President, I move that L. D. 1749 be placed on the Special Highway Table.

The PRESIDENT: The Senator from York, Senator Danton moves that L. D. 1749 be placed on the Special Highway Appropriations Table.

The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator TRAFTON: Mr. President, I'd like to pose a question to the good Senator from York, Senator Danton as to why this particular item is being placed on the Special Highway Appropriations Table.

The PRESIDENT: The Chair would state that the question before the Chair is out of order because of the fact there is a tabling motion before the Body.

Senator TRAFTON: I would object to the tabling motion on that matter and I would ask for a Division on my motion.

The PRESIDENT: A Division has been requested.

For what purpose does the Senator arise?

Senator DANTON: Mr. President, I request unanimous consent to address the Senate briefly, Off the Record.

The PRESIDENT: Does the Chair understand that the Senator from York, would like to withdraw his tabling motion for the time being?

Senator DANTON: I so move, Mr. President.

The PRESIDENT: That's what I thought I understood.

The Senator from Androscoggin, Senator Trafton, has posed a question through the Chair to the good Senator from York, Senator Danton who may respond if he so desires.

The Chair recognizes the Senator from York, Senator Danton.

Senator DANTON: Mr. President and Members of the Senate, in response to the good Senator from Androscoggin who has great interest in this Bill, it has to go on the Table because it needs an allocation amendment and

after we put that on will take the Bill off the table.

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

Emergency

An Act to Make Allocations from the Maine Coastal Protection Fund and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1984, and June 30, 1985 (H. P. 514) (L. D. 639)

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.

Emergency

An Act to Regulate Commercial Whitewater Rafting (S. P. 625) (L. D. 1763)

On motion by Senator Pray of Penobscot, Tabled, pending Enactment.

Emergency

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

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

Senator HICHENS: Mr. President and Members of the Senate, in reference to L. D. 1696, I move that this Bill and all its Accompanying Papers be Indefinitely Postponed. I'd like to speak on my motion.

The PRESIDENT: The Senator has the floor.

Senator HICHENS: Thank you, Mr. President. I am one of two Members of the Education Committee that signed the Ought Not to Pass on this Bill along with the Representative who signed. I feel very strongly that this is unnecessary Legislation.

Four years ago we had a Blue Ribbon Commission appointed to study education problems in our State. Two years ago a committee or subcommittee of the Committee on Education was appointed to study the problems of education in our State. I don't know what happened to the Blue Ribbon Commission but I know that the subcommittee worked very diligently, came before the full committee this session and was given opportunity to continue that study. I understand that funding for that study has been approved by the Appropriations Committee, and so it will go on.

I see no reason for creating a Maine Commission on Excellence in Education at a cost of twenty thousand dollars to the people of the State of Maine. I think we well know what's the problem in our schools and if you don't know what is the problem, I will refer again to the questionnaire which I mentioned yesterday on the Truancy Bill which I sent out to several people, several hundred people in my area and received the questionnaires back.

Some of these questions were as follows: What is the biggest problems in our schools? 60% of those people responded that discipline was the biggest problem and drugs was the second biggest problem.

Is more money needed for better quality education? 58% of those responding said, "No."

Is parent participation enough in our school systems? 84% of the people said, "No."

Is there too much responsibility placed on the schools for students? 74% of the people said, "Yes."

I think that answers most of our questions regarding what the problems are in our schools. I don't think we have to go and spend another twenty thousand dollars to have a commission or committee appointed to study these problems and report back to us next year. We've had a National Report come out. They have told us what the National problems

are and I think that Maine can correspond without spending this much money.

So, when the vote is taken, I will ask for a Roll Call.

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from Penobscot, Senator Hayes.

Senator HAYES: This particular Bill is in response to the National Commission on Excellence that the good Senator from York, Senator Hichens refers to. In that study, as you may recall the general condition of education in the country is described as in a very weakened state, a deplorable state.

What this particular Bill does is to attempt with very modest amounts of money to provide a study of the general condition of education, K through 12, in the State of Maine. The kinds of problems this particular study will address are timely indeed. These include the amount of emphasis that we're placing on math and science education within our curriculum. Have we begun to spend too much energy in programs like music, art, physical education, driver education, etc. so. Should we get back to the fundamentals in teaching?

Other questions include such things as compensation of teachers and how would we attract good people into the teaching profession and how do we keep them there?

Other questions of relevancy include the questions of the length of the school day and the length of the school year. In Japan, for instance, the school year is two hundred and forty days. In the State of Maine the school year is a hundred and eighty days of which, at least, five are teacher-program days.

These questions, I think, you would agree, are relevant to the State of Maine as well as the Nation. Indeed, if this State is developed and to compete and to successfully compete in the twenty-first century, then I think you will agree that education is that linkage that will take us into this new phase of society and high technology, in the world that we're living.

I would urge you not to vote for Indefinite Postponement.

The PRESIDENT: Is the Senate ready for the question?

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 pending question before the Senate is the motion by the Senator from York, Senator Hichens that L. D. 1696 be Indefinitely Postponed.

A Yes vote will be in favor of Indefinite Postponement.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Collins, Hichens, Perkins, Sewall, Shute, Teague, Twitchell.

NAY—Baldacci, Charette, Clark, Danton, Diamond, Dow, Dutremble, Emerson, Erwin, Gill, Hayes, Kany, McBreairty, Najarian, Pearson, Pray, Trafton, Violette, Wood, The President—Gerard P. Conley.

ABSENT—Brown, Bustin, Carpenter, Minkowsky, Redmond, Usher.

A Roll Call was had.

7 Senators having voted in the affirmative and 20 Senators in the negative, with 6 Senators being absent, the motion to Indefinitely Postpone L. D. 1696, Failed.

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

Emergency

An Act Making Authorizations and Allocations Relating to Federal Block Grants for the Expenditures of State Government for the Fiscal Years Ending June 30, 1983, June 30, 1984, and June 30, 1985 (H. P. 1329) (L. D. 1767)

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.

(Senate at Ease)

The Senate called to Order by the President.

Enactor

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

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide that the State may Enact Property Tax Exemptions Relating to Watercraft not Subject to Fifty Percent Reimbursement (H. P. 1042) (L. D. 1349)

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

Senator PEARSON: Mr. President, Men and Women of the Senate, I couldn't help but to rise to comment on this particular measure, not on the gist, but on the wording of it.

If this would go out to a Constitutional Amendment right now, worded this way, I think a lot of people would hear from a lot of their constituents, "what does that mean?" We've heard those complaints over the last several years, there was a bill that was passed, if you read this, it's not very clear for the average person. We have a bill that's passed in the Election Laws this year which will allow the Secretary of State's Office to word these kinds of measures in clearer English.

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

On motion by Senator Pray of Penobscot, Recessed 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:

Enactor

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

An Act to Establish and Amend the Air Emission and Open-burning Standards (H. P. 1259) (L. D. 1680)

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 Establish the Medical Radiation Health and Safety Act (H. P. 904) (L. D. 1183)

On motion by Senator Pray of Penobscot, Tabled, pending Enactment.

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 Delay the Effective Date of the Property Tax Exemption for Naturally Occurring Metallic Minerals." (S. P. 629) (L. D. 1769)

(In Senate, June 16, 1983, Passed to be Engrossed.)

(Comes from the House, Passed to be En-

grossed as Amended by House Amendment "A" (H-406) in non-concurrence.)

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

Enactor

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

An Act to Create the Finance Authority of Maine (S. P. 612) (L. D. 1747)

Recalled from the Special Appropriations Table pursuant to Joint Order — House Paper 1330

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:

Communication

The Following Communication:

State of Maine
House of Representatives
Augusta 04333

June 16, 1983

Honorable Joy J. O'Brien
Secretary of the Senate
111th Legislature
Augusta, Maine 04333

Dear Madam Secretary:

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Encourage Prompt Resolution of Public Employee Labor Disputes" (H. P. 1267) (L. D. 1678) (H. "A" H-333)

Representative Diamond of Bangor
Representative Kelleher of Bangor
Representative Sproul of Augusta
Sincerely,
S/EDWIN H. PERT
Clerk of the House

Which was Read and Ordered Placed on File.

Enactor

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

Emergency

An Act to Provide Additional Resources to the General Fund for the Fiscal Year Ending June 30, 1983. (H. P. 1332) (L. D. 1770)

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

Senator COLLINS: I haven't seen a copy of this yet on my desk. I wonder if the Chair could reveal the contents of it to us?

The PRESIDENT: The Senator from Knox, Senator Collins has posed a question through the Chair to any member of the Senate who may wish to respond.

(Off Record Remarks)

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

Senator NAJARIAN: Mr. President, you're correct. At least I have my copy. It took Terry to find it for me too, but we do have copies, I believe.

What this Bill does, it allows, it takes 2.1 million that the State has paid into the State Retirement System, over payments on premiums, and put that into the General Fund and also the money that the Maine Guarantee Authority has received from the sale of property to be set aside as a contingency account to face this year's current deficit together with eight million dollars that's assumed to be available at the end of the year in lapsed balances for a total of thirteen million dollars to cover any potential deficit in this year's budget.

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

Senator COLLINS: Just one last question. In Section 2, the point that has just been covered by the Chairman of the Appropriations Com-

mittee concerning the transfer from the Group Life Insurance Fund to the General Fund, I would pose a question whether this amount is the amount that was recognized by the Attorney General's Office as being eligible for that transfer?

The PRESIDENT: The Senator from Knox, Senator Collins has posed a question through the Chair to the Chairman of the Appropriations Committee who may respond if she so desires.

The Chair recognizes the Senator from Cumberland, Senator Najarian.

Senator NAJARIAN: In response to the question by the good Senator Collins from Knox, the answer is "yes", this is the figure that the Attorney General has agreed to and the Board of State Retirement System has, also, agreed is the State's money.

This being an emergency measure and having received the affirmative votes of 28 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

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

RESOLVE, Authorizing the Conveyance of a Certain Unused Building and Land Owned by the State to the Town of Wells for \$10,000 (H. P. 1024) (L. D. 1325)

Tabled — April 6, 1983 by Senator VIOLETTE of Aroostook

Pending — Passage to be Engrossed
(In House March 29, 1983 Passed to be Engrossed)

On motion by Senator Pray of Penobscot, Retabled for 1 Legislative Day.

On motion by Senator Danton of York, the Senate voted to remove from the Special Highway Appropriations Table:

An Act to Provide for Swifter Disposition of Drunk Driving Cases (H. P. 1319) (L. D. 1749), Tabled earlier in today's session on motion by Senator Danton of York, pending Enactment.

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

On motion by Senator Danton of York, the Senate voted to remove from the Special Highway Appropriations Table:

RESOLVE, Authorizing Gerald Pellitier to Bring Civil Action Against the State of Maine (S. P. 51) (L. D. 144)

Tabled — April 15, 1983 by Senator Pray of Penobscot

Pending — Final Passage
(In Senate April 7, 1983 Passed to be Engrossed as amended by Senate Amendment "A" (S-43))

(In House April 14, 1983 Passed to be Enacted)

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

Senator NAJARIAN: Mr. President, Men and Women of the Senate, I'd just like to say a few words about this Bill because of its potential costs.

Right now, there is a potential cost of legal fees of approximately thirty thousand dollars to the Highway Fund, if Mr. Pellitier chooses to bring suit against the State, and up to three hundred thousand dollars liability against the Highway Fund, if he should win. However, if the Highway Fund should not have the three hundred thousand dollars should Mr. Pellitier win or the State lose this case, then the State's General Fund will be liable; however, it is such an iffy proposition, the suit may not even be settled within this next biennium; he may lose the case, but I just thought that perhaps you

all ought to be aware of that outstanding liability in the event that the State should lose this.

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

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

JOINT ORDER relative to Amending the Joint Rules by Adding a new Joint Rule 36-A (H. P. 1190)

Tabled — May 12, 1983 by Senator PRAY of Penobscot

Pending — Passage
(In House May 10, 1983 Read and Passed)

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

Senator PRAY: Thank you, Mr. President, Mr. President and Ladies and Gentlemen of the Senate, this is the Joint Order which came down several weeks ago, it seems, at this time that relates to the number of bills that we have been putting on the Table in reference to the Indian Land Claims Settlement, since the Chairman of the Judiciary Committee, Senator Trafton has offered a number of amendments to the other various proposals, this Joint Rule now completes that course of action which reaffirms the procedure that will be taken in reference to changes in the settlement.

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

Senator TRAFTON: Thank you, Mr. President. Mr. President and Members of the Senate, this new Joint Rule parallels Senate Paper 600 which was Enacted this morning. It simply provides that any bill dealing with an amendment of the Indian Land Claims Settlement Act would have a specific paragraph added to it, in Legislative Research, and, in that paragraph, deals specifically with the time of ratification of that bill by the Indian Tribes. Any amendment to the Settlement Act requires approval of Legislature, the tribes, and the Governor, this amendment deals with the time at which the tribes ratifies that particular amendment so that we will know the effective date of that particular amendment to the Settlement Act.

This is a technical amendment; it's almost identical to Senate Paper 600 which puts essentially the same language into our statutes which we have received advice that this should also be put into the Joint Rules to address the question of inclusion of this paragraph on all amendments to the Settlement Act, so I urge your support of this new Joint Rule. Thank you.

Which was Passed, in concurrence.

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

Bill, "An Act Creating the Wiscasset Water District" (H. P. 1328) (L. D. 1765), Tabled earlier in today's session on motion by Senator Pray of Penobscot, pending Passage to be Engrossed.

On motion by Senator Pray of Penobscot, the Senate voted to Reconsider its action whereby L. D. 1765 was given its First Reading.

On motion by Senator Pray of Penobscot, referred to the Committee on Public Utilities and Ordered Printed, in concurrence.

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

(Off Record Remarks)

(Senate at Ease)

The Senate called to Order by the President.

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