

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eleventh
Legislature***

OF THE

STATE OF MAINE

SECOND REGULAR SESSION

January 4, 1984 to April 25, 1984

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FOURTH CONFIRMATION SESSION

(FIRST CONFIRMATION SESSION – SECOND REGULAR SESSION)

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

Augusta, Maine
In Senate Chamber, Tuesday, January 17, 1984
Senate called to order by the President.

Prayer by Father Gilbert Patenaude of the St. Francis Xavier Catholic Church of Winthrop.

FATHER PATENAUDE: Let us place ourselves in God's presence. Almighty and merciful God, Who's wise and amiable providence watches over every human event, be our Light and Counsel on this day. We pray Thee to shower Thy blessings upon our President, upon our Governor, all the members of this Senate and those who are to have a part in this Session. Give them light, wisdom and strength. Grant that they may be enlightened by Thy grace and always fulfill their duty to Thee and to their country.

Oh God, protector of all those who trust in Thee, without Whom nothing is strong, nothing is holy, multiply towards us Thy blessings that with Thee, as Thy Ruler and Guide, we may obtain all that is for our spiritual and material welfare. We ask this through Christ our Lord. Amen

Reading of the Journal of Thursday, January 12, 1984.

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

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

Recalled pursuant to Joint Order (H. P. 1417)

In Senate June 23, 1983, Passed to be Enacted.

Comes from the House, Bill and accompanying papers Indefinitely Postponed in non-concurrence.

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

It is a vote.

House Papers

BILL, "An Act to Establish the Maine Job-start Program" (H. P. 1459) (L. D. 1911)

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

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

BILL, "An Act to Raise the Annual Public Utilities Commission Regulatory Fund Assessments to \$1,600,000 for Fiscal Year 1985" (Emergency) (H. P. 1458) (L. D. 1910)

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

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

BILL, "An Act to Amend the Maine Consumer Credit Code to Exempt Financing of Educational Expenses" (H. P. 1460) (L. D. 1912)

BILL, "An Act to Provide for Competitive Equality Between Financial Entities" (H. P. 1461) (L. D. 1913)

BILL, "An Act to Clarify the Reciprocity Provisions of Maine's Interstate Banking Act" (H. P. 1472) (L. D. 1933)

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

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

BILL, "An Act to Clarify the Definition of

School Construction" (H. P. 1462) (L. D. 1914)
BILL, "An Act Concerning Military Recruitment in Public Schools" (H. P. 1463) (L. D. 1915)

BILL, "An Act to Allow Coordination of Services to Preschool Handicapped Children Below the Age of 3 Years" (H. P. 1464) (L. D. 1916)

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

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

BILL, "An Act to Amend the Air Emission License Law" (H. P. 1465) (L. D. 1917)

BILL, "An Act to Amend the Provisions to Control Hazardous Air Pollutants." (H. P. 1473) (L. D. 1934)

Comes from the House referred to the Committee on Energy and Natural Resources and Ordered Printed.

Which were referred to the Committee on Energy and Natural Resources and Ordered Printed, in concurrence.

BILL, "An Act Relating to Public Guardianship and Disclosure of Information" (H. P. 1466) (L. D. 1918)

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

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

BILL, "An Act to Revise the Laws Pertaining to Bail in Criminal Cases" (H. P. 1467) (L. D. 1919)

BILL, "An Act to Clarify the Power of the Supreme Judicial Court to Issue Rules for Probate Courts" (H. P. 1468) (L. D. 1920)

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

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

BILL, "An Act to Prevent Unfair Charges for Submitting Applications for Work" (Emergency) (H. P. 1469) (L. D. 1921)

BILL, "An Act Relating to Occupational Safety and Health of Agricultural Workers" (H. P. 1474) (L. D. 1935)

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

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

BILL, "An Act to Create the Independent Office of Hearing Examiners" (H. P. 1437) (L. D. 1882)

Committee on Public Utilities suggested.
Comes from the House referred to the Committee on State Government.

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

BILL, "An Act to Establish the Maritime Territory of the State of Maine and to Amend the Law Relating to the Taxation of Watercraft" (Emergency) (H. P. 1470) (L. D. 1922)

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

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

BILL, "An Act Concerning the Stopping of Trucks at Roadside Weighing Points" (H. P. 1475) (L. D. 1936)

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

Senate at Ease

The Senate called to Order by the President.

Which was referred to the Committee on Transportation and Ordered Printed in concurrence

**Pursuant to the Statutes
Committee on Audit
and Program Review**

Report of the Committee on Audit and Program Review pursuant to the Maine Revised Statutes Annotated, Title 3, Chapter 23 ask leave to submit its findings and to report that the accompanying Bill, "An Act to Create the Maine Uniform Accounting and Auditing Practices Act for Community Services." (H. P. 1471) (L. D. 1929) be referred to this Committee for public hearing and printed pursuant to Joint Rule 18.

Comes from the House with the Report Read and Accepted, and the Bill referred to the Committee on Audit and Program Review.

Which Report was Read and Accepted, in concurrence.

The Bill referred to the Committee on Audit and Program Review, in concurrence.

Senate Papers

BILL, "An Act to Establish Wage-based Cost-of-living Adjustments for Retired State Employees, Teachers and Beneficiaries" (S. P. 701) (L. D. 1939) (Presented by Senator DOW of Kennebec) (Cosponsor: Representative HICKY of Augusta) (Approved for introduction by the legislative Council pursuant to Joint Rule 26.)

Which was referred to the Committee on Aging, Retirement and Veterans and Ordered Printed.

Sent down for concurrence.

Senate At Ease

The Senate called to Order by the President.

BILL, "An Act Relating to Counselor Positions in the Offices of the Bureau of Veterans' Services" (S. P. 702) (L. D. 1940) (Presented by Senator BALDACCI of Penobscot.) (Cosponsors: Senator PRAY of Penobscot, Representatives DIAMOND of Bangor and MURRAY of Bangor.) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26.)

Committee on Aging, Retirement and Veterans suggested.

On motion by Senator Pray of Penobscot, referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Sent down for concurrence.

BILL, "An Act to Appropriate Funds to the Maine State Commission on the Arts and the Humanities for the Maine Touring Artists Program" (Emergency) (S. P. 703) (L. D. 1941) (Presented by Senator PERKINS of Hancock) (Cosponsors: Senator TRAFTON of Androscoggin, Representatives C. W. SMITH of Mars Hill and NELSON of Portland) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26.)

RESOLVE, Providing Funds for Portrait of Honorable Lewis O. Barrows. (S. P. 705) (L. D. 1952) (Presented by Senator CONLEY of Cumberland) (Cosponsor: Representative MARTIN of Eagle Lake) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26.)

Which were referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Sent down for concurrence.

BILL, "An Act Relating to Conferring of Degrees by the Yacht Design Institute Schools" (S. P. 706) (L. D. 1953) (Presented by Senator PERKINS of Hancock) (Cosponsors: Senator HAYES of Penobscot, Representatives BOTT of Orono and THOMPSON of South Portland.) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26.)

Which was referred to the Committee on Education and Ordered Printed
Sent down for concurrence.

BILL, "An Act to Provide for Certain License Requirements for School Bus Drivers" (S. P. 704) (L. D. 1951) (Presented by Senator DIAMOND of Cumberland) (Cosponsors: Senator CLARK of Cumberland, Representative MACOMBER of S. Portland, Representative JOSEPH of Waterville) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26.)

Which was referred to the Committee on Transportation and Ordered Printed.
Sent down for concurrence.

Orders of the Day

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

BILL, "An Act Relating to Retirement Compensation for Judges" (H. P. 1428) (L. D. 1873)
Tabled—January 12, 1984 by Senator PRAY of Penobscot.

Pending—Reference.

(In House, January 10, 1984, referred to the Committee on Judiciary and Ordered Printed.)

On motion by Senator Pray of Penobscot referred to the Committee on Aging, Retirement and Veterans and Ordered Printed, in non-concurrence.

Sent down for concurrence.

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

BILL, "An Act to Clarify Authority and Limit Liability Issues in Community Service Work Programs" (S. P. 694) (L. D. 1926)

Tabled—January 12, 1984, by Senator PRAY of Penobscot.

Pending—Reference.

On motion by Senator Pray of Penobscot, referred to the Committee on Judiciary and Ordered Printed.

Sent down for concurrence.

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

BILL, "An Act to Raise the Annual Public Utilities Commission Regulatory Fund Assessments to \$1,600,000 for Fiscal Year 1985" (Emergency) (H. P. 1458) (L. D. 1910)

—Tabled earlier in today's session, on motion by Senator Pray of Penobscot.

—Pending Reference.

On motion by Senator Pray of Penobscot referred to the Committee on Appropriations and Financial Affairs, and Ordered Printed, in concurrence.

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

Senator KANY: Mr. President, and Members of the Senate a number of people have commented on the Chemical Substances Law, the one which is sometimes known as the Workers' Right to Know Law and requires identification of toxic substances in the work place, and naturally our Committee is very much open to any suggested changes in the Law and, also, in the rules.

I just want to point out to you that the compliance date itself including the January 15, compliance date was in the Rule and not the Law. I think that you'll find that the law is very very clear and that any problems with clarity did not arise from the work of our Committee on the development of the Law itself.

On motion by Senator Carpenter of Aroostook, Adjourned until Thursday, January 19, 1984 at 10 o'clock in the morning.