

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)

May 31, 1984

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FIFTH CONFIRMATION SESSION

(SECOND CONFIRMATION SESSION – SECOND REGULAR SESSION)

July 11, 1984

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THIRD SPECIAL SESSION

September 4, 1984 to September 11, 1984

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STATE OF MAINE
One Hundred and Eleventh Legislature
Second Regular Session
JOURNAL OF THE SENATE
In Senate Chamber
Thursday
March 15, 1984

Senate called to Order by the President.

Prayer by the Reverend Trueman Bray of the Penney Memorial United Baptist Church of Augusta.

REVEREND BRAY: Let us pray. Oh God our Father, we pause to thank You for today. We see each day another gift of Your love and grace to us. We ask Your blessing upon these men and women in this place of leadership and responsibility.

Give them direction Oh Lord, grant that the decisions made today may not be politic but rather rise from their personal conviction of right for all of Your people. Grant them wisdom and discernment in the affairs of State this day. Give them strength for their labor and joy in their work.

We magnify Your name Oh Lord, for Thou art the Creator, and Sustainer of all things, and in Your sovereign power You govern all men and nations, all are subject to Thee.

So, as You have given us a new day may we return to You our labors that they may reflect Your justice, Your righteousness, and Your mercy, in all of our serving may we serve You through Christ our Lord. Amen.

Reading of the Journal of Tuesday, March 13, 1984.

OFF RECORD REMARKS

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Provide Medicaid Reimbursement for Substance Abuse Services" H. P. 1667 L. D. 2207

Bill "An Act Making Allocations Related to the Alcoholism Prevention, Education, Treatment and Research Fund for the Expenditures of State Government for the Fiscal Year Ending June 30, 1985" (Emergency) H. P. 1668 L. D. 2208

Come from the House referred to the Joint Select Committee on ALCOHOLISM SERVICES and ORDERED PRINTED.

Which were referred to the Joint Select Committee on ALCOHOLISM SERVICES and ORDERED PRINTED, in concurrence.

Bill "An Act to Revise the Laws Governing Certification of Educational Personnel" H. P. 1669 L. D. 2209

Comes from the House referred to the Committee on EDUCATION and ORDERED PRINTED.

Which was referred to the Committee on EDUCATION and ORDERED PRINTED, in concurrence.

Bill "An Act to Establish Minimum Energy Efficiency Standards for Major Appliances Sold in Maine" H. P. 1671 L. D. 2210

Bill "An Act to Repeal the Definition of Air Pollution" H. P. 1672 L. D. 2211

Come 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 Authorizing an Adoption Assistance Compact and Procedures for Interstate Services Payments" H. P. 1673 L. D. 2218

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 Relating to Itemized Telephone Bills" H. P. 1674 L. D. 2219

Comes from the House referred to the Committee on PUBLIC UTILITIES and ORDERED PRINTED.

Which was referred to the Committee on PUBLIC UTILITIES and ORDERED PRINTED, in concurrence.

Resolve, Authorizing the Commissioner of Mental Health and Mental Retardation to Enter into Agreements to Supply Water to Neighbors of Pineland Center Whose Wells are Contaminated (Emergency) H. P. 1675 L. D. 2220

Comes from the House referred to the Committee on STATE GOVERNMENT and ORDERED PRINTED.

Which was referred to the Committee on STATE GOVERNMENT and ORDERED PRINTED in concurrence.

COMMUNICATIONS

The Following Communication: (S. P. 836)

BATES COLLEGE

Lewiston, Maine 04240

March 8, 1984

Hon. Gerard P. Conley
President of the Senate
State House
Augusta, Maine 04333
Hon. John L. Martin
Speaker of the House
State House
Augusta, Maine 04333

Dear Mr. President and Mr Speaker:

Pursuant to P. L. 1983, chapter 412, I am pleased to present the Legislature with the full Report of the Advisory Committee on Collective Bargaining for Judicial Department Employees. The Committee hopes these documents will assist the Legislature in its consideration of the proposed legislation as well as serve as background materials for the participation of the courts, the Legislature and the public in the collective bargaining process.

Please contact me if the Committee can be of further assistance.

Sincerely,

S/JAMES W. CARIGNAN

Dean of the College

Which was READ and with accompanying papers ORDERED PLACED ON FILE.

Sent down for concurrence.

COMMITTEE REPORTS

House

Ought to Pass

The Committee on STATE GOVERNMENT on Bill "An Act to Authorize Leasing of Certain State-owned Land" H. P. 1598 to L. D. 2120

Reported that the same Ought to Pass.

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

THE PRESIDENT: Is it now the pleasure of the Senate that under suspension of the rules that this Bill be given its Second Reading at this time by Title Only?

It is a vote.

Under suspension of the Rules, the Bill READ A SECOND TIME and PASSED TO BE ENGROSSED in concurrence.

The Committee on PUBLIC UTILITIES on Bill "An Act to Amend the Charter of the Kingfield Water Company to Increase the Number of Trustees from 3 to 5" (Emergency) H. P. 1595 L. D. 2105

Reported that the same Ought to Pass.

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED.

Which report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

THE PRESIDENT: Is it the pleasure of the Senate that under suspension of the rules that this Bill be given its Second Reading at this time by Title Only?

It is a vote.

Under suspension of the rules the Bill READ A SECOND TIME and PASSED TO BE ENGROSSED, in concurrence.

The Committee on TAXATION on Bill "An Act Concerning Tax Exempt Status of Property owned by the Farmington Village Corporation" H. P. 1561 L. D. 2063

Reported that the same Ought to Pass.

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-514).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

House Amendment "A" (H-514) was READ and ADOPTED, in concurrence.

The Bill as Amended ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

Ought to Pass in New Draft

The Committee on JUDICIARY on Bill "An Act to Amend Calculation of Period of Imprisonment" (Emergency) H. P. 1539 L. D. 2024

Reported that the same Ought to Pass in New Draft under same title: (Emergency) H. P. 1680 L. D. 2216

Comes from the House, the Report READ and ACCEPTED and the Bill in NEW DRAFT PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT READ ONCE.

THE PRESIDENT: Is it the pleasure of the Senate that under suspension of the rules that this Bill be given its Second Reading at this time by Title Only?

It is a vote.

Under suspension of the rules, the Bill in NEW DRAFT READ A SECOND TIME and PASSED TO BE ENGROSSED, in concurrence.

Senate

Ought Not To Pass

The following OUGHT NOT TO PASS report shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Bill "An Act to Authorize a Bond Issue in the Amount of \$3,000,000 for the Improvement and Reconstruction of Town Bridges and Their Approaches Located on State Aid Roads" S. P. 791 L. D. 2116

Ought to Pass As Amended

Senator TWITCHELL for the Committee on TAXATION on Bill "An Act to Provide for Equal Treatment of Special Fuel Used for Heating Purposes" S. P. 747 L. D. 2050

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-311).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-311) was READ and ADOPTED.

The Bill as Amended ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

Divided Report

Eight Members of the Committee on LABOR on Bill "An Act to Clarify the Negotiability of Pay Rates Under the State Employees Labor Relations Act" S. P. 170 L. D. 525

Reported in Report "A" that the same Ought to Pass as Amended by Committee Amendment "A" (S-312).

Signed:

Senators:

DUTREMBLE of York
HAYES of Penobscot

Representatives:

TUTTLE of Sanford
ROBINSON of Auburn
BEAULIEU of Portland
TAMMARO of Baileyville
GAUVREAU of Lewiston
ZIRNKILTON of Mt. Desert

Four Members of the same Committee on the same subject matter Reported in Report "B" that the same Ought Not to Pass

Signed:

Representatives:

WILLEY of Hampden
BONNEY of Falmouth
SWAZEY of Buckport
NORTON of Biddeford

One Member of the same Committee on the same subject matter Reported in Report "C" that the same Ought To Pass

Signed:

Senator:

SEWALL of Lincoln
Which Reports were READ.

Report "A" the Majority OUGHT TO PASS as Amended by Committee Amendment "A" (S-312) Report was ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-312) was READ and ADOPTED.

The Bill, as Amended, ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

SECOND READERS

The Committee on BILLS IN THE SECOND READING reported the following:

House

Bill "An Act to Require All Drivers Under the Age of 20 Years to Complete an Approved Defensive Driving Course" H. P. 1582 L. D. 2096

Which was READ A SECOND TIME.

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

SENATOR HAYES: Mr. President, Members of the Maine Senate, I present Senate Amendment "A" to H. P. 1582, L. D. 2096, Bill "An Act to Require all Drivers under the Age of 20 Years to Complete an Approved Defensive Driving Course," and I move its Adoption.

THE PRESIDENT: The Senator from Penobscot, Senator Hayes presents Senate Amendment "A" and moves its Adoption.

Senate Amendment "A" (S-315) was READ.

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

SENATOR DIAMOND: Mr. President, Men and Women of the Senate. I bring the sponsor of this Bill have not yet seen this amendment, would the good Senator from Penobscot kindly explain what is happening?

THE PRESIDENT: The Senator from Cumberland, Senator Diamond has posed a question through the Chair to the good Senator from Penobscot, Senator Hayes, who may respond if he so desires.

The Chair recognizes the Senator from Penobscot, Senator Hayes.

SENATOR HAYES: Mr. President and Members of the Senate, the purpose of this amendment is to remove the discriminatory element of the Bill, which confines the requirements of the defensive driving program to those under twenty, and now would extend this to all new drivers. This was discussed in Committee and it has the full support of the sponsor, and the Commission on Public Safety.

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

SENATOR CARPENTER: Mr. President and Ladies and Gentlemen of the Senate, I also just looked at this and I just want to ask a question of somebody. I believe that today when a person is issued a drivers license in the State of Maine, regardless of how old they are, for the first year they are on probation, it is a provisional license, but that just lasts for one year. This would be that they must complete a de-

fensive driving course within two years after they are initially issued the provisional license. So in actuality they would be into their second year, they would have their regular valid license. I wonder if this will create a problem?

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

SENATOR PRAY: I would also like to pose a question through the Chair in reference to this amendment for a point of clarification, so that the sponsor would have a chance to answer all of the questions. I am curious as to how this would apply to an individual who holds a license who has moved to this State from another state does that previous license count or would they, also, because it is now a new issued Maine license, have to complete this course no matter what their age would be?

On motion by Senator CARPENTER of Aroostook TABLED until later in today's session, pending ADOPTION of Senate Amendment "A" (S-315).

House As Amended

Bill "An Act Concerning the Open Burning of Leaves and Brush" H. P. 1422 L. D. 1867 (H "A" H-508)

Which was READ A SECOND TIME

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator McBreairty.

SENATOR McBREAIRTY: Mr. President, I offer Senate Amendment "A" to L. D. 1867 and move its Adoption.

THE PRESIDENT: The Senator from Aroostook, Senator McBreairty presents Senate Amendment "A" and moves its Adoption.

Senate Amendment "A" (S-302) was READ and ADOPTED.

The Bill was PASSED TO BE ENGROSSED, as Amended, in NON-CONCURRENCE.

Sent down for concurrence.

ENACTORS

The Committee on ENGROSSED BILLS reported as truly and strictly engrossed the following:

AN ACT Relating to the Time of Passamaquoddy Tribe Trust Land Designation H. P. 1644 L. D. 2163

AN ACT to Amend the Law Regarding Premium Discounts for Workers' Compensation Insurance of Small Businesses H. P. 1519 L. D. 2001 (H "A" H-501)

Which were PASSED TO BE ENACTED and having been signed by the President, were presented by the Secretary to the Governor for his approval.

Resolve

Resolve, to Authorize the Conveyance of Certain Property to the Penobscot Nation H. P. 1397 L. D. 1820 (C "A" H-499)

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

ORDERS OF THE DAY

The President laid before the Senate:

Bill "An Act Concerning Terms of Office of Certain County Commissioners whose Districts are Affected by Reapportionment" (Emergency) S. P. 831 L. D. 2222

Tabled—March 13, 1984 by Senator PRAY of Penobscot

Pending—PASSAGE TO BE ENGROSSED

(In Senate March 13, 1984 READ TWICE)

The Bill was PASSED TO BE ENGROSSED.

Sent down for concurrence.

The President laid before the Senate:

Bill "An Act To Amend the Liquor Laws to Permit the Sale of Beer and Wine at Outdoor Stadiums" (Emergency) S. P. 752 L. D. 2055

Tabled—March 13, 1984 by Senator CARPENTER of Aroostook

Pending—RULING OF THE CHAIR
(In House March 5, 1984 FAILED OF ENACTMENT)

Senator DANTON of York asked if Bill and Papers could be Recommended to the Committee on Business Legislation.

THE PRESIDENT: The Ruling of the Chair at this time is: Whether or not the motion made by the Senator from York, Senator Danton to Re-commit is in Order.

The Chair will respond in the Affirmative.

On motion by Senator DANTON of York the Bill was RECOMMENDED to the Committee on LEGAL AFFAIRS, in NON-CONCURRENCE.

Sent down for concurrence.

On motion by Senator WOOD of York the Senate RECONSIDERED its action of March 13, 1984 whereby it PASSED TO BE ENGROSSED:

Bill "An Act to Exempt Nonprofit Emergency Feeding Organizations from the Sales Tax" H. P. 1591 L. D. 2101

(In Senate March 13, 1984, PASSED TO BE ENGROSSED in concurrence)

THE PRESIDENT: The Senator has the floor.

On motion by Senator WOOD of York the Senate RECONSIDERED its action whereby this Bill was PASSED TO BE ENGROSSED.

SENATOR WOOD: Mr. President I now offer Senate Amendment "A" under filing number S-314 and move its Adoption.

THE PRESIDENT: The Senator from York, Senator Wood presents Senate Amendment "A" and moves its Adoption.

Senate Amendment "A" (S-314) was READ and ADOPTED.

The Bill was PASSED TO BE ENGROSSED, as Amended, in non-concurrence.

Sent down for concurrence.

There being no objections all matters previously acted upon were sent forthwith.

Senator WOOD of York was granted unanimous consent to address the Senate, On the Record.

SENATOR WOOD: Mr. President and Men and Women of the Senate, there has come to my attention an incident that I think the rest of the Senate, and for that matter the whole State should be aware of.

Last Friday was the historic day in this Legislature in that it was the first time that I have seen a number of people that actually work in the woods come down to testify on the Wood Measurement bill, it was not the lobbyists, it was not the large paper companies that have for too long controlled this State, but actually the people that go in there, fell the trees, twitch them out, yard them, that are here to testify on the Wood Measurement Bill. These are the people that face the environmental elements to go into the woods and then they face the economic elements of not knowing exactly what it is that they are getting paid for. They have no benefits, they have no pension, they have no health insurance and they came to Augusta because we are their body of last resort for these people.

I would like to share with you a letter that I received from one of the wives of the workers that came down: "We want to express our gratitude to you for supporting improvements in the Wood Measurement Law. For many years now the small guy, the logger, has been taken over the coals by the paper companies. Every time that we spoke up for what we believe was right we were labeled as troublemakers, for the first time at the Committee hearing Friday we felt that some of our problems were really being heard, it was encouraging.

Our livelihood depends upon a scale method that we understand and verify, we need strong penalties for companies that do not obey the law. The only thing that we are asking is an honest days pay for an honest days work."

During that hearing it came to our attention that one of the people, one of the workers that testified at a previous hearing had been visited by the company after he testified. I have not been able to ascertain what the nature of that

visit was but the implication was that it was to intimidate, as a Body I find that reprehensible. These people are citizens like the rest of us and they have the right to offer their testimony without fear of economic reprisals by the companies that they work for. If that action is still going on by those companies I would urge them to cease and desist immediately.

It has, also come to my attention that these people that came down, and there were over twenty of them, are now going to be talked to individually, to show the errors of their ways, to show that this bill is really not workable, to show that this bill should be killed for their economic interest. Again, I also find that terribly wrong. So I want to let the company know and the people that are lobbying, and the people that are on their side that I, as Chairman of this Committee, will not allow intimidation of witnesses for the Committee. We will act on the Bill, we will do what is right for the workers, as well as, the company. I have never been unwilling to compromise, but I and the people of this State will not be intimidated.

OFF RECORD REMARKS

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

Senator BUSTIN of Kennebec was granted unanimous consent to address the Senate, Off the Record.

On motion by Senator CARPENTER of Aroostook ADJOURNED until 4 o'clock this afternoon.

RECESS AFTER RECESS

The Senate called to order by the President.

OFF RECORD REMARKS

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

ENACTOR

The Committee on ENGROSSED BILLS reported as truly and strictly engrossed the following:

Emergency

AN ACT Concerning the Issuance of Bonds by Lincoln County H. P. 1707 L. D. 2229

This being an emergency measure and having received the affirmative vote of 28 Members of the Senate, with No Senators having voted in negative was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Out of order and under suspension of the rules, the Senate voted to consider the following:

PAPERS FROM THE HOUSE

Pursuant to the Statutes

Commission to Study the Matter of Child Custody in Domestic Relations Cases

The Commission to Study the Matter of Child Custody in Domestic Relations Cases, pursuant to Public Law 1983, Chapter 564 ask leave to submit its findings and report that the accompanying Bill "An Act to Create the Office of Domestic Relations" (H. P. 1696) (L. D. 2230) be referred to the Joint Standing Committee on JUDICIARY 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 JUDICIARY and ORDERED PRINTED pursuant to Joint Rule 18, in concurrence.

Pursuant to the Statutes

Steering Committee on the Economic Feasibility of Ethanol Fuel

The Steering Committee on the Economic

Feasibility of Ethanol Fuel, pursuant to Private and Special Laws of 1983, Chapter 54, ask leave to submit its findings and report that the accompanying Bill "An Act to Promote the Distillation of Ethanol for Use as an Internal Combustion Engine Fuel" (H. P. 1704) (L. D. 2231) be referred to the Joint Standing Committee on TAXATION 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 TAXATION and ORDERED PRINTED pursuant to Joint Rule 18

Which Report was READ and ACCEPTED in concurrence.

The Bill referred to the Committee on TAXATION and ORDERED PRINTED pursuant to Joint Rule 18, in concurrence.

Pursuant to the Statutes Committee on Taxation

The Committee on TAXATION pursuant to Title 1, Chapter 31, ask leave to submit its findings and report that the accompanying Bill "An Act to Strengthen the Public Policy Against Invidious Discrimination Under the Tax Laws" (H. P. 1705) (L. D. 2232) 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 TAXATION and ORDERED PRINTED pursuant to Joint Rule 18.

Which Report was READ and ACCEPTED in concurrence.

The Bill referred to the Committee on TAXATION and ORDERED PRINTED pursuant to Joint Rule 18, in concurrence.

SENATE AT EASE

The Senate called to order by the President.

COMMITTEE REPORTS

House

Leave to Withdraw

The following LEAVE TO WITHDRAW reports shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Bill "An Act to Amend the Municipal Employees Collective Bargaining Law to Make Manpower Issues a Mandatory Subject of Bargaining" H. P. 1001 L. D. 1309

Bill "An Act to Authorize a Study of the Subject of a Lobster Trap Limit Off the Coast of Maine" H. P. 1485 L. D. 1948

Bill "An Act to Amend the Provisions to Control Hazardous Air Pollutants" H. P. 1473 L. D. 1934

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Provide for a Surety Bond for Soil Analysts" H. P. 1678 H. P. 2224

Comes from the House referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED.

Which was referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED, in concurrence.

Bill "An Act to Protect Tenants from Lack of Heat" H. P. 1683 L. D. 2228

Comes from the House referred to the Committee on JUDICIARY and ORDERED PRINTED.

On motion by Senator TRAFTON of Androscoggin referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED, in NON-CONCURRENCE.

Sent down for concurrence.

Bill "An Act to Extend the Reporting Date for the Select Workers' Compensation Study Commission" H. P. 1702 L. D. 2240

Committee on STATE GOVERNMENT suggested

Comes from the House Under Suspension of the Rules READ TWICE and PASSED TO BE ENGROSSED WITHOUT REFERENCE TO A COMMITTEE and ORDERED PRINTED

On motion by Senator CARPENTER of Aroostook, TABLED UNASSIGNED, pending REFERENCE.

On motion by Senator PRAY of Penobscot H. P. 1683 L. D. 2228, Bill "An Act to Protect Tenants from Lack of Heat" was sent down forthwith for concurrence.

COMMITTEE REPORTS

Ought to Pass in New Draft

The Committee on TAXATION on Bill "An Act to Establish the Cost of the 1984 Spruce Budworm Suppression Project" (Emergency) H. P. 1513 L. D. 1988

Reported that the same Ought to Pass in New Draft under same title: (Emergency) H. P. 1706 L. D. 2233

Comes from the House with the Report READ and ACCEPTED and the Bill, in NEW DRAFT PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

THE PRESIDENT: Is it the pleasure of the Senate that under suspension of the rules, that the Bill be given its Second Reading at this time by Title Only?

It is a vote.

Under suspension of the rules the Bill in NEW DRAFT READ A SECOND TIME and PASSED TO BE ENGROSSED in concurrence.

SECOND READERS

The Committee on BILLS IN THE SECOND READING reported the following:

House As Amended

Bill "An Act Concerning Tax Exempt Status of Property owned by the Farmington Village Corporation" H. P. 1561 L. D. 2063 (H "A" H-514)

Which was READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended, in concurrence.

Senate As Amended

Bill "An Act to Provide for Equal Treatment of Special Fuel Used for Heating Purposes" S. P. 747 L. D. 2050 (C "A" S-311)

Which was READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended.

Sent down for concurrence.

Bill "An Act to Clarify the Negotiability of Pay Rates Under the State Employees Labor Relations Act" S. P. 170 L. D. 525 (C "A" S-312)

Which was READ A SECOND TIME.

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

SENATOR COLLINS: With respect to LD 525, Mr. President, some of us received today a letter from Commissioner David Bustin raising some serious questions about this Bill. I note that it has a Committee Amendment possibly that answers some of the questions. I would appreciate an explanation from some of the Committee Members concerning the status of this Bill in its amended condition?

THE PRESIDENT: The Senator from Knox, Senator Collins has posed a question through the Chair to any Member of the Committee who may respond if they so desire.

The Chair recognizes the Senator from York, Senator Dutremble.

SENATOR DUTREMBLE: Mr. President, Ladies and Gentlemen of the Senate, this L. D. 525 is the same L. D. that we had last year that was held over for further work in the Committee, because of some of the concerns that the Commissioner of the Department had. The Committee met several times in an attempt to address those concerns and, also, address the

concerns that some of the Members of the Committee themselves had. The Amendment that you see here addresses some of the concerns that these people had.

The problem that we had was that whether or not classes of workers at the State level could negotiate, could bring to the collective bargaining table, whether or not they could bargain for changes in salaries when they were so far below the wages that were being paid in the private sector.

The Amendment addresses two primary concerns, first which is that the request for a change in reclassification due to duty alone was not negotiable. Second, because of the fact that some people at the State level are being paid so much less than people working in the private sector for the same job, we felt that these people should be able to bring, or the bargaining unit should be able to bring to the table these particular classes of jobs and negotiate them.

The concern that the Commissioner had was that if we did that every classification of jobs at the State level would be brought to the bargaining table delaying the process. That was a concern that he had and some of the Members of the Committee had. To rectify that the Amendment that you have here would allow only those classifications for jobs that are two pay ranges below what the State average would be for a particular job, only those particular jobs would be able to be brought to the table and to be negotiated. This was taken from what was negotiated in the past. In this particular case when this was done when different classifications were brought to the table it was only in these pay ranges that the items were negotiated.

What this does is tries to address the concerns of all those people. I might point out that after addressing the concerns and I believe that most of the concerns of the members of the Committee and the Commissioner were addressed it came down to a pure difference of philosophy which is why the Commissioner probably sent you that letter today.

The Bill was 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:

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$1,500,000 for the Design, Construction and Equipping of a Crime Lab and Morgue" (Emergency) H. P. 1688 L. D. 2238

Comes from the House referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

On motion by Senator PRAY of Penobscot, TABLED for 1 Legislative Day, pending REFERENCE.

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$1,500,000 for Restoration and Preservation of Historic Structures" H. P. 1689 L. D. 2239

Comes from the House referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

On motion by Senator PRAY of Penobscot, TABLED for 1 Legislative Day, pending REFERENCE.

OFF RECORD REMARKS

SENATE PAPERS

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$4,950,000 for Energy Conservation, Capital Improvements, Construction, Renovations, Equipment and Furnishings for Various State Departments" S. P. 838

Presented by Senator BUSTIN of Kennebec.

Cosponsors: Representative HALL of Sanguerville, Representative CARTER of Winslow

Which was referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Clarify the Disciplinary Procedure of the Nurse Practice Laws" S. P. 839

Presented by Senator BUSTIN of Kennebec
Cosponsor: Representative NELSON of Portland

Submitted by the Department of Attorney General pursuant to Joint Rule 24

Which was referred to the Committee on BUSINESS LEGISLATION and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Clarify the Sand Dunes Law" S. P. 840

Presented by Senator DANTON of York
Approved for introduction by the legislative Council pursuant to Joint Rule 26

Which was referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED.

Bill "An Act to Clarify the Definition of "Traffic" with Respect to Growing and Cultivating Marijuana" S. P. 841

Presented by Senator CARPENTER of Aroostook

Cosponsors: Representative LIVESAY of Brunswick, Representative SOULE of Westport
Submitted by the Department of Public Safety pursuant to Joint Rule 24

Which was referred to the Committee on JUDICIARY and ORDERED PRINTED.

Sent down for concurrence.

COMMITTEE REPORTS

House

Ought to Pass

Pursuant to the Statutes

The Committee on PUBLIC UTILITIES Pursuant to Title 35, Section 3227 and to Title 38, section 1253, subsection 3, on Bill "An Act to Amend the Charters of Various Sewer and Water Districts Organized under the Private and Special Laws, including the Paris Utility District" (H. P. 1685) (L. D. 2223) reports that the same Ought to Pass.

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

THE PRESIDENT: Is it now the pleasure of the Senate that under suspension of the rules that the Bill be given its Second Reading at this time by Title Only?

It is a vote.

Under suspension of the Rules, the Bill READ A SECOND TIME and PASSED TO BE ENGROSSED, in concurrence.

Senate

Ought to Pass

Senator SEWALL for the Committee on BUSINESS LEGISLATION on Bill "An Act Requiring Insulation Contractors to Make Certain Disclosures when Installing Urea Formaldehyde Insulation" S. P. 758 L. D. 2067

Reported that the same Ought to Pass

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

Out of order and under suspension of the rules, the Senate voted to consider the following:

COMMITTEE REPORTS

Senate

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 to Assure Active Treatment of Mentally Retarded People in Intermediate Care Facilities and Skilled Nursing Care Facilities" S. P. 712 L. D. 1958

Ought to Pass As Amended

Senator TWITCHELL for the Committee on TAXATION on Bill "An Act to Provide a Sales Tax Exemption for Community Action Agencies" S. P. 698 L. D. 1938

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-316).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-216) was READ and ADOPTED.

THE PRESIDENT: Is it now the pleasure of the Senate that under suspension of the rules that the 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, as Amended.

Sent down for concurrence.

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

COMMUNICATIONS

The Following Communication:

COMMITTEE ON HEALTH AND INSTITUTIONAL SERVICES

March 15, 1984

The Honorable Gerard P. Conley
President of the Senate of Maine
State House

Augusta, Maine 04333

Dear President Conley:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 111th Maine Legislature, the Joint Standing Committee on Health and Institutional Services has had under consideration the nomination of Nancy A. Boothby of Brunswick, as the Director of the Division of Community Services.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS: Senators 1

Representatives 10

NAYS: 0

ABSENT: 2 (Senator Michael E. Carpenter of Aroostook; Senator Barbara A. Gill of Cumberland)

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Nancy A. Boothby of Brunswick, as a member of the Director of the Division of Community Services be confirmed.

Sincerely,
S/BEVERLY M. BUSTIN

Senate Chair

S/MERLE NELSON

House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on HEALTH AND INSTITUTIONAL SERVICES has recommended that the nomination of Nancy A. Boothby be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on HEALTH AND INSTITUTIONAL SERVICES be overridden: In accordance with 3 M.R.S.A., Chapter 6, section 151 and with Joint Rule 38 of the 111th legislature, the vote will be taken by the yeas and nays. A vote of Yes will be in favor of overriding the recommendation of the

Committee. A vote of No will be in favor of sustaining the recommendation of the Committee. Is the Senate ready for the question? The Doorkeepers will secure the chamber. The Secretary will call the Roll.

Roll Call

YEAS—None

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

ABSENT—Baldacci, Teague

No Senators having voted in the affirmative and 31 Senators having voted in the negative, with 2 Senators being absent, and None being less than two-third's of the membership present, it is the vote of the Senate that the Committee's recommendation be ACCEPTED.

The nomination of Nancy A. Boothby is CONFIRMED.

The Secretary has so informed the Speaker of the House.

COMMITTEE REPORTS

Senate

Leave to Withdraw

The following LEAVE TO WITHDRAW reports shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Resolve, Authorizing the Transfer of State Property in Little Squaw Township for Use as a Sanitary Facility for the Town of Greenville S. P. 696 L. D. 1928

Bill "An Act Relating to Sentencing and Prison Overcrowding" S. P. 713 L. D. 1959

Bill "An Act to Update the Master Correctional Services Plan" S. P. 659 L. D. 1849

Bill "An Act to Allow the Public Utilities Commission to Set Rates on the Basis of Interpretation of Federal Law" S. P. 413 L. D. 1260

Senator PERKINS of Hancock was granted unanimous consent to address the Senate, Off the Record.

OFF RECORD REMARKS

ORDERS OF THE DAY

The President laid before the Senate:

Bill "An Act to Require All Drivers Under the Age of 20 Years to Complete an Approved Defensive Driving Course" H. P. 1582 L. D. 2096

Tabled—March 15, 1984 by Senator CARPENTER of Aroostook

Pending—Motion of Senator HAYES of Penobscot to ADOPT SENATE AMENDMENT "A" (S-315)

(In House March 13, 1984, the Majority Ought Not To Pass report from the Committee TRANSPORTATION READ and ACCEPTED)

(In Senate March 15, 1984, READ A SECOND TIME, SENATE AMENDMENT "S" (S-315) READ)

The Bill was PASSED TO BE ENGROSSED, as Amended, in NON-CONCURRENCE.

Sent down for concurrence.

There being no objection all matters previously acted upon were sent forthwith.

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

COMMITTEE REPORTS

Senate

Divided Report

The Majority of the Committee on JUDICIARY on Bill "An Act to Increase the Dollar Limitation for Cases which may be Brought in Small Claims Court" S. P. 741 L. D. 2044

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-317).

Signed:

Senators:

TRAFTON of Androscoggin

VIOLETTE of Aroostook

COLLINS of Knox

Representatives:

JOYCE of Portland

DRINKWATER of Belfast

LIVESAY of Brunswick

SOULE of Westport

FOSTER of Ellsworth

HAYDEN of Durham

HOBBINS of Saco

BENOIT of South Portland

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

Signed:

Representatives:

REEVES of Newport

CARRIER of Westbrook

Which Report were READ.

The Majority OUGHT TO PASS as Amended, Report was ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-317) was READ and ADOPTED.

THE PRESIDENT: Is it now the pleasure of the Senate that under Suspension of the Rules, that the Bill be given its Second Reading at this time 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.

SENATE AT EASE

The Senate called to order by the President.

Senatory PRAY of Penobscot was granted unanimous consent to address the Senate, Off the Record.

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

OFF RECORD REMARKS

On motion by Senator CARPENTER of Aroostook

ADJOURNED until 8:30 o'clock tomorrow morning.