

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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(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
In Senate Chamber
Friday
March 30, 1984
Senate called to Order by the President.

Prayer by the Honorable Michael E. Pearson of Penobscot.

SENATOR PEARSON: Lord, we thank You for the opportunities we will have today to serve our State, and ask You for Your guidance as we begin our last days of work.

Create in each one of us the spirit of patience, perseverance and good will. Give us not only the courage to speak out but also the wisdom to listen to each other and to respond with understanding. Amen.

Reading of the Journal of Yesterday.

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 Amend the Judicial Commitment Statute" (Emergency) H. P. 1800 L. D. 2393

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 Replace the Franchise Tax on Financial Institutions" (Emergency) H. P. 1802 L. D. 2394

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.

SENATE PAPERS

Bill "An Act Making Additional Appropriations for the Expenditures of the State Legislature Necessary to the Proper Operations of the Legislature for the Fiscal Years ending June 30, 1983, and June 30, 1984" (Emergency) S. P. 891 L. D. 2403

Presented by Senator PRAY of Penobscot.

Cosponsors: Representative E. MITCHELL of Vassalboro, Senator COLLINS of Knox, Representative L. HIGGINS of Scarborough.

Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS suggested.

THE PRESIDENT: Is it the pleasure of the Senate that Under Suspension of the Rules this Bill 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 Committee and ORDERED PRINTED.

Sent down for concurrence.

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

COMMITTEE REPORTS Senate

Ought to Pass in New Draft

Senator SEWALL for the Committee on BUSINESS LEGISLATION on Bill "An Act to Amend the Investment Provisions and Certain Related Sections of the Maine Insurance Code" S. P. 815 L. D. 2192

Reported that the same Ought to Pass in New Draft under same title. S. P. 887 L. D. 2395

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT READ ONCE.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on TRANSPORTATION on Bill "An Act to Allow the Department of Transportation to Assume Responsibility for 100% of the Maintenance and Operation Costs of the Carleton Bridge Between Bath and Woolwich and to Allocate and Appropriate the Funds Necessary to Assume this Additional Responsibility" (Emergency) S. P. 811 L. D. 2160

Reported that the same Ought to Pass in New Draft Under Same Title (Emergency) S. P. 884 L. D. 2392

Signed:

Senators:

DIAMOND of Cumberland
DANTON of York
EMERSON of Penobscot

Representatives:

CALLAHAN of Mechanic Falls
NADEAU of Lewiston
STROUT of Corinth
MOHOLLAND of Princeton
McPHERSON of Eliot
MACOMBER of South Portland
CAHILL of Woolwich

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

Signed:

Representatives:

CARROLL of Limerick
REEVES of Pittston
THERIAULT of Fort Kent

Which Reports were READ.

The Majority OUGHT TO PASS in NEW DRAFT Report was ACCEPTED.

The Bill in NEW DRAFT READ ONCE.

THE PRESIDENT: Is it the pleasure of the Senate that under suspension of the rules 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.

Sent down for concurrence.

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

PAPERS FROM THE HOUSE Non-concurrent Matter

Bill "An Act to Reimburse the Department of Inland Fisheries and Wildlife for Duties Performed which are Mandatory Nonfish and Nongame Related" (Emergency) H. P. 1758 L. D. 2320

In House March 29, 1984 Report "B" Ought to Pass as Amended by Committee Amendment "B" (H-606) READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-606).

In Senate March 29, 1984 Report "A" Ought to Pass as Amended by Committee Amendment "A" (H-605) READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-605) in NON-CONCURRENCE.

Comes from the House that Body ADHERED.

On motion by Senator USHER of Cumberland, the Senate RECEDED and CONCURRED with the House.

Non-concurrent Matter

Bill "An Act to Provide a Transition Period for Certain Educational Equivalence Provisions in the Psychologists License Law" H. P.

1786 L. D. 2362

In House March 27, 1984 Referred to the Committee on BUSINESS LEGISLATION and ORDERED PRINTED.

In Senate March 27, 1984 Bill and Accompanying Papers INDEFINITELY POSTPONED in NON-CONCURRENCE.

Comes from the House that Body ADHERED.

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

SENATOR CLARK: I move that the Senate Adhere.

THE PRESIDENT: The Senator from Cumberland, Senator Clark, now moves that the Senate Adhere.

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Kennebec, Senator Bustin.

SENATOR BUSTIN: I ask for a Division.

THE PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Cumberland, Senator Clark to Adhere, please rise and remain standing until counted.

The Chair recognizes the Senator from Kennebec, Senator Bustin.

SENATOR BUSTIN: I request a Roll Call.

THE PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Penobscot, Senator Pray.

SENATOR PRAY: Mr. President, I move that the Senate Recede and Concur.

THE PRESIDENT: The Senator from Penobscot, Senator Pray, now moves that the Senate Recede and Concur with the House.

The Chair recognizes the Senator from Cumberland, Senator Clark.

SENATOR CLARK: I would request a Division on the pending motion.

THE PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Kennebec, Senator Bustin.

SENATOR BUSTIN: Thank you, Mr. President. Ladies and Gentlemen of the Senate, I would just like to let you know why I am opposing the move to not have this Bill heard.

What we did last year apparently, and this is not my Bill, I am simply doing it for a member of the House who happens to sit on the Health and Institutional Services Committee, and as a request from her I am supporting this measure. Last year apparently, they recodified or re-licensed the psychologists and in doing that they did not grandfather those people who are already in an educational program. So those people who have already spent time, effort and money in that program have not been able to take that test. I think that's wrong, I think there should have been a grandfather clause in that.

Whether or not it's right or wrong it deserves a hearing by this Legislature and ought to be referred to a committee. If the committee then wants to send it up to us Ought Not to Pass or Leave to Withdraw, then that's fine, but to not give these people an opportunity to present their views before this Legislature I think is wrong and it only echoes what Senator Wood has said here in the last, at least the last two days, he's stood up here and mentioned these same things.

I really wish that you would go along with the Recede and Concur motion and let that Bill have a fair hearing. Thank you.

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

SENATOR CLARK: Thank you, Mr. President. Mr. President, Men and Women of the Senate, I guess it's important that I explain the position that I've taken as a representative of the Joint Standing Committee on Business Legislation.

We have two bills still in Committee. They are extremely complex bills and the ramifications of them are immense. This Bill deals with an individual and I spoke with that individual yes-

terday and the sponsor of the measure is a person with whom I have spoken to about this measure well over a month ago, and at that time I expressed my reservations because there was a curtain dropped on what had been, following the licensure law passage of psychologists in the State, a curtain drop on the grandparenting provision.

I have talked with the individual involved who seeks to create a new window through which he will be able to take the licensing exam. It is my understanding that his petition to take the exam is currently in the appeal process and that appeal process should be culminated, as I understand it, next week. I've also, in my conversation with this individual, indicated that there are three avenues for him to address the issue which is contained in L. D. 2362, and he seemed to accept that yesterday, following our communication in the back of this Chamber.

I understand the Oath of Office to which the good Senator from York referred to last evening in his remarks, and I've explained to that good Senator in conversation this morning, the position that I have taken as Chair of the Joint Standing Committee on Business Legislation. I do not think it is appropriate of this Body or this Legislature to intervene in what is currently a Board process with an appeal pending before it. I would welcome this Bill should that appeal not be determined in favor of the appellant in the 112th Maine Legislature, and I would hope that we would not support the motion to Recede and Concur this afternoon.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Bustin.

SENATOR BUSTIN: Mr. President and Ladies and Gentlemen of the Senate, if that's the case then I would think that if somebody would do me the favor of tabling this until such time as that appeal is held, then perhaps we could solve the problem that way. The man in question apparently, and I have not met him, I do not know him, works at A.M.H.I. and is a Ph.D. It seems to me it's ludicrous that he isn't able to take a psychologist exam, but nevertheless, that's something that should be decided, so I would appreciate somebody making a tabling motion for me.

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

SENATOR CLARK: Thank you, Mr. President. Men and Women of the Senate, I apologize for speaking again, but we have to make a correction of the Record.

The person in question for which the focus of this Bill is currently under examination is not a Ph.D., he has a Doctorate in Education and that is distinctly different from a Ph.D.

On motion by Senator CARPENTER of Aroostook, TABLED for 1 legislative Day, pending the motion of the Senator from Penobscot, Senator PRAY to RECEDE and CONCUR.

Non-concurrent Matter

Bill "An Act to License Occupational Therapists" S. P. 837 L. D. 2243

In Senate March 22, 1984 PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-331) in NON-CONCURRENCE.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-331) and HOUSE AMENDMENT "B" (H-661) in NON-CONCURRENCE.

THE PRESIDENT: Is it the pleasure of the Senate to RECEDE and CONCUR with the House?

It is a vote.

Non-concurrent Matter

Bill "An Act to Increase the Minimum Wage to \$3.55" S. P. 835 L. D. 2236

In Senate Referred to the Committee on LABOR and ORDERED PRINTED.

Comes from the House Bill and Accompanying Papers INDEFINITELY POSTPONED in

NON-CONCURRENCE.

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

SENATOR CLARK: Thank you, Mr. President. I move that the Senate Recede and Concur.

THE PRESIDENT: The Senator from Cumberland, Senator Clark, moves that the Senate Recede and Concur.

The Chair recognizes the Senator from York, Senator Dutremble.

SENATOR DUTREMBLE: Mr. President, I request a Division.

THE PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion of the Senator from Cumberland, Senator Clark, to Recede and Concur, please rise and remain standing until counted.

Will all those Senators opposed, please rise and remain standing until counted.

The Chair recognizes the Senator from Knox, Senator Collins.

SENATOR COLLINS: I request a Roll Call.

THE PRESIDENT: A Roll Call has been requested.

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

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

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

The Chair recognizes the Senator from York, Senator Wood.

SENATOR WOOD: Mr. President, Men and Women of the Senate. I rise again today sort of as the keeper of the institution down here. I would urge you not to Recede and Concur. I think that rules are developed for the efficient and the smooth operation of a Body. They are also developed for a civilizing effect, just sort of to smooth over the rough edges that many of us have when we come into this Body.

When we take those very rules that are intended to be for efficiency and use them to circumvent the process, I think we destroy the process. I think that when you circumvent the rules you are sending a message out that somehow: we are fearful of public input; we are afraid of raising an issue; we are fearful of knowledge about a problem; we would prefer not to deal with it, not to be bothered with it, not to let the public have their say. I think that that is the message which will eventually lead to the doom and destruction of democracy, because democracy is about learning and knowledge, and hearing and listening to people. It's not about closing those people out.

There are a hundred thousand people in this State that work for the minimum wage. We are lucky, I can't imagine any of the thirty-three in here work for the minimum wage, so we don't know what that's like. And, probably of that hundred thousand people, few will even make the trip to Augusta because they can't afford to come to that public hearing. But, we have told them that we don't care because we're going to kill it on a technicality, we're not going to let them come and tell their feelings.

So, I would urge you to think about those hundred thousand people. Now, we're going to be having a bill in here on tax conformity, which I've worked on in the next few days, I don't think there'll be anyone wanting to kill that on reference. We're going to be having a bill to deal with a tax issue with one of the major airlines in this State. No one will want to kill that on reference, because those people are here all the time and those people are powerful, but when it comes to the hundred thousand, those people that have to work for a living, we can do away with the niceties and just kill it on reference.

When we were elected to this office and we swore to uphold the Constitution, we knew that the choices would be difficult, we knew

that the hours would be long and we knew sometimes there would be some heat in it. You can't take that away. That's the name of the game. But now we have decided to impose a higher standard, that on certain issues that we really don't want to deal with, we'll go back home and say "Well, we kill it on a technicality, so we really never dealt with the issue."

You know, President Truman had a thing about the buck stops here, well, the buck stops here. We can't hide behind rules, we can't hide behind regulations. We have to go and face those voters and today I would urge you, in the name of good government, to give this bill a hearing, because I will warn you, that the monster that we're creating here about reference will come back to haunt you and someday it's going to be one of your bills that you care about deeply and someone will move to kill it on reference and where will you stand?

THE PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator York, Senator Hichens.

SENATOR HICHENS: Mr. President and Members of the Senate. Yesterday and the day previous, I sat here and listened to the impassioned plea of our good Senator from York, Senator Wood, where he said that we weren't being fair not letting these bills go to hearing, and I more or less agreed with him, until yesterday afternoon when I went up into the crowded Taxation room where there were over fifty people gathered to speak on a bill. They were limited to one-half hours time and one man who came one hundred and twenty miles was refused the opportunity to speak because there were three others who spoke ahead of him. And, he said "What's the use of coming all the way down here if we're not going to be heard?"

Following that there was another bill heard relating to increasing the taxing of motels and hotels. And again, there was a very limited time with a crowded room and people afterwards came up to me and said "What's the use of coming if we can't be heard?" Well now, if that procedure is going to be carried on, what's the use of sending the bill to committee for hearing anyway?"

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

SENATOR NAJARIAN: Mr. President and Members of the Senate. I have been voting in the past to Indefinitely Postpone some of the bills that have come before us in these late days, and Senator Wood, I guess, spoke yesterday about honoring the process and that's what I've been trying to do.

We've had cloture, the second cloture was December 14th, and since that time, last week, we've had eighty bills after deadline. Now, I understand some bills are of an emergency nature and have to come in late, but there are a lot of bills such as to raise the drinking age to twenty-one, I'd support that, I didn't vote against that because I was afraid to, afraid of my constituents, I'd support raising it even higher. I voted against it because that bill required changing two numbers in the statute and we didn't get it until this week.

This bill, however, to increase the minimum wage was a carry-over from the committee. It's been before the Legislature since the beginning of this Session, it want's until late in the Session that the Speaker ruled that the bill was not properly before the Legislature and this is another draft. There is a legitimate reason for this one being late and I'll support any bill that has a legitimate reason for being late. But, with cloture December 14th, bills still coming in here day after day, being lectured day after day to get bills out of Committee, at the same time that they are referring bills to Committee, it's just too incongruent for me to accept, so from here on, I'm honoring the process. If a bill has a legitimate reason to be let in as an emergency, I'll vote to let it in. If it isn't, I'll vote to Indefi-

nitely Postpone.

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

SENATOR MINKOWSKY: Mr. President, I feel it's of paramount importance to express a point of view this afternoon on the Floor of the Senate, and I guess it was predicated on a remark by the good Senator from York regarding honoring the process, and maybe that the Senators should have the courage and the convictions and not be fearful.

I can assure you, Ladies and Gentlemen of the Senate, the Senator that's been sitting in this Chamber for the past seventeen years does not display any fear relevant to this particular issue or any other issue. This Senator has not been influenced nor will he be influenced by Maine's Labor Unions in making this decision. This is a free will choice.

The reason why I am voting along with Senator Dutremble is I feel the economic conditions of this State have changed since we last voted on this issue and I feel that it is of significant value that the public hearing take place, so that I can be in tune with what everybody is saying, not just a special interest or the vested interests groups in this State.

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

SENATOR WOOD: Mr. President and Men and Women of the Senate. Just to clarify the issue that the good Senator from York raised. Those people did have a chance to testify, unfortunately, I do not set the schedule for the Session coming back in, we had a hearing starting at 1:30, the House had gotten out at 12:30-12:45, many people on my Committee had not eaten, we had to come back at 4:00. Under those time constraints and the rules do not allow you to continue a public hearing once you are in session, I had to make some decisions. I made the decision to limit the debate, I also took the liberty of informing all those people to please chat with us as we were leaving the hearing, as we took recesses, and also to send letters. I think that their side was amply represented by the quality of the speakers that spoke. I would have been willing to set there all night and hear the testimony, but unfortunately, I was not allowed to.

THE PRESIDENT: Is the Senate ready for the question? The question before the Senate is the motion of the Senator from Cumberland, Senator Clark, that the Senate Recede and Concur with the House.

A Roll Call has been ordered.

The Chair recognizes the Senator from Penobscot, Senator Pearson.

SENATOR PEARSON: Mr. President, I wish permission to pair my vote with the Senator from Somerset, Senator Teague. If he were here he would be voting Yea and I would be voting Nay.

THE PRESIDENT: The Senator from Penobscot, Senator Pearson, requests Leave of the Senate to pair his vote with the Senator from Somerset, Senator Teague. If he were here he would be voting Yea and the Senator from Penobscot, Senator Pearson would be voting Nay.

Is it the pleasure of the Senate to grant this Leave?

It is a vote.

The Chair will restate the question. If you are in favor of the motion to Recede and Concur with the House, you will vote yes and if you are opposed you will vote no.

The Doorkeepers will secure the Chamber.

The Secretary will call the roll.

ROLL CALL

YEAS—Senators, Charette, Clark, Collins, Emerson, Gill, Hichens, Perkins, Redmond, Sewall, Trafton, Twitchell.

NAYS—Senators, Baldacci, Brown, Bustin, Carpenter, Danton, Diamond, Dow, Dutremble, Erwin, Hayes, Kany, McBreairty, Minkowsky, Najarian, Pray, Shute, Usher, Violette, Wood, The President—Gerard P. Conley.

ABSENT—None.

11 Senators having voted in the affirmative and 20 Senators having voted in the negative, with 2 Senators having Paired their votes, and No Senators being absent, the motion to RECEDE and CONCUR with the House FAILED.

THE PRESIDENT: Is it now the pleasure of the Senate that the Senate ADHERE?

It is a vote.

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

ORDER

Joint Order

On motion by Senator PRAY of Penobscot, the following Joint Order: S. P. 894

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Tuesday, April 3, 1984 at 9:00 o'clock in the morning.

Which was READ and PASSED.

Sent down forthwith for concurrence.

Non-concurrent Matter

Bill "An Act to Permit Public Service In Lieu of Fines for Indigent Offenders Under the Drunk Driving Law" H. P. 1427 L. D. 1872

In House March 27, 1984 Bill and Accompanying Papers INDEFINITELY POSTPONED.

In Senate March 29, 1984 the Majority Ought to Pass as Amended by Committee Amendment "A" (H-350) Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-350) in NON-CONCURRENCE.

Comes from the House that Body INSISTED and asked for a COMMITTEE OF CONFERENCE.

On motion by Senator CARPENTER of Aroostook, the Senate voted to INSIST and JOIN IN A COMMITTEE OF CONFERENCE with the House.

Non-concurrent Matter

Bill "An Act to Amend the Maine Consumer Credit Code" S. P. 762 L. D. 2070

In Senate March 27, 1984 PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-336).

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-336) AND HOUSE AMENDMENT "A" (H-617) in NON-CONCURRENCE.

THE PRESIDENT: Is it the pleasure of the Senate to RECEDE and CONCUR with the House?

It is a vote.

Non-concurrent Matter

Bill "An Act to Place Limitations on the Contributions which Candidates may Receive from Political Action Committees" H. P. 1785 L. D. 2351

In House March 27, 1984 Referred to the Committee on ELECTION LAWS and ORDERED PRINTED.

In Senate March 27, 1984 Bill and Papers INDEFINITELY POSTPONED in NON-CONCURRENCE.

Comes from the House that Body ADHERED.

On motion by Senator PEARSON of Penobscot, the Senate RECEDED and CONCURRED with the House.

Non-concurrent Matter

Resolve, Authorizing the Exchange of Certain Public Reserved Lands. S. P. 810 L. D. 2168

In Senate March 27, 1984 PASSED TO BE ENGROSSED.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-619) in NON-CONCURRENCE.

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

SENATOR KANY: Thank you, Mr. President. I

move we Recede and Concur.

THE PRESIDENT: The Senator from Kennebec, Senator Kany, now moves that the Senate Recede and Concur with the House.

On motion by Senator PRAY of Penobscot, TABLED for 2 Legislative Days, pending the motion of the Senator from Kennebec, Senator KANY to RECEDE and CONCUR.

COMMUNICATIONS

The Following Communication:

State of Maine
House of Representatives

March 29, 1984

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 Engross Bill "An Act Providing for Change of Venue in Criminal Cases" (S. P. 658) (L. D. 1848) (C. "A" S-334).

Sincerely,

S/ EDWIN H. PERT

Clerk of the House

Which was READ and ORDERED PLACED ON FILE.

ORDER

Joint Resolution

On motion by Senator CLARK of Cumberland, (Cosponsors: Representative KIESMAN of Fryeburg, Representative DAGGETT of Manchester, Representative CALLAHAN of Mechanic Falls), the following Joint Resolution: S. P. 888

JOINT RESOLUTION IN TRIBUTE TO THE GRANGE

WHEREAS, the Grange was conceived in 1867, as an organization of agricultural people who were mutually resolved to labor for the good of the order, the country and mankind; and

WHEREAS, united by the strong sense and faithful tie of an agricultural fraternity, the Grange has established programs of fellowship, service and member activities to meet the needs of all people, rural and suburban; and

WHEREAS, this agricultural family fraternity has constantly strived to secure harmony, goodwill and brotherhood and provide opportunity to participate at the local, state and national levels in a meaningful way; and

WHEREAS, in growing for the future, the Grange fills a great community need across the nation, whereby men and women regardless of age become aware of and influence issues of importance, thus serve themselves, their community and nation through public leadership; and

WHEREAS, on November 12, 1984, the National Grange will assemble for fellowship, discussions and formulation of policies on current issues at Portland, Maine, with our 7,000 delegates expected to attend; now, therefore, be it

RESOLVED: That We, the Members of the 111th Legislature of the great and sovereign State of Maine now assembled in Second Regular Session, take this opportunity to pay tribute to the county, state and National Grange and to their outstanding work for the well-being of all citizens, and express our hope and support for continued growth and success of the organization for the future; and be it further

RESOLVED: That a suitable copy of this Joint Resolution be prepared and appropriately presented in welcome to the National Grange at Portland and to each of the 294 granges located within this State in token of this tribute and our profound appreciation.

Which was READ and ADOPTED.

Sent down for concurrence.

COMMITTEE REPORTS House

Ought to Pass

The Committee on AGRICULTURE on Bill "An Act to Establish a Poultry Disease Control Fund" (Emergency) H. P. 1741 L. D. 2295

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 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 ENERGY and NATURAL RESOURCES on Resolve, Authorizing the Exchange of Certain Public Reserved Lands. H. P. 1710 L. D. 2258

Reported that the same Ought to Pass.

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

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

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

It is a vote.

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

Ought to Pass As Amended

The Committee on HEALTH AND INSTITUTIONAL SERVICES on Resolve, Extending the Life of the Commission to Examine the Availability, Quality and Delivery of Services Provided to Children with Special Needs. (Emergency) H. P. 1739 L. D. 2304

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-613).

Comes from the House, with the Report READ and ACCEPTED and the Resolve PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-613).

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

Committee Amendment "A" (H-613) was READ and ADOPTED, in concurrence.

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

It is a vote.

Under suspension of the rules the Resolve READ A SECOND TIME and PASSED TO BE ENGROSSED as Amended in concurrence.

The Committee on AGRICULTURE on Bill "An Act to Clarify Responsibility Under the Maine Potato Quality Control Law" H. P. 1686 L. D. 2244

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-614).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-614).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-614) was READ and ADOPTED, in concurrence.

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

Divided Report

The Majority of the Committee on LEGAL AFFAIRS on Bill "An Act to Limit the Sale of Liquors with a High Percent of Alcohol" H. P. 1701 L. D. 2255

Reported that the same Ought Not to Pass.

Signed:

Senators:

CHARETTE of Androscoggin
SHUTE of Waldo
DANTON of York

Representatives:

DILLENBACK of Cumberland
STOVER of W. Bath
PERRY of Mexico
HANDY of Lewiston
McSWEENEY of Old Orchard Beach
COTE of Auburn
DUDLEY of Enfield
SWAZEY of Bucksport
MURPHY of Berwick

The Minority of the same Committee on the same subject reported that the same Ought to Pass.

Signed:

Representative:

COX of Brewer

Comes from the House, the Majority Ought Not to Pass report READ and ACCEPTED.

Which Reports were READ.

The Majority OUGHT NOT TO PASS Report was ACCEPTED, in concurrence.

Divided Report

The Majority of the Committee on AGRICULTURE on Bill "An Act Relating to the Quality of Milk" H. P. 1654 L. D. 2184

Reported that the same Ought to Pass in New Draft under Same Title. H. P. 1804 L. D. 2378

Signed:

Senators:

ERWIN of Oxford
HICHENS of York
WOOD of York

Representatives:

McCOLLISTER of Canton
SHERBURNE of Dexter
LOCKE of Sebec
STOVER of W. Bath
MICHAEL of Auburn
PARENT of Benton
MAHANY of Easton

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

Signed:

Representatives:

SMITH of Island Falls
ANDERSON of Stockholm
CROUSE of Washburn

Comes from the House, the Majority Ought to Pass in New Draft under Same Title report READ and ACCEPTED and the Bill in New Draft PASSED TO BE ENGROSSED.

Which Reports were READ.

The Majority OUGHT TO PASS in NEW DRAFT Report was ACCEPTED, in concurrence.

The Bill in NEW DRAFT READ ONCE.

On motion by Senator CARPENTER of Aroostook the Bill TOMORROW ASSIGNED FOR SECOND READING.

SECOND READERS

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

House

Bill "An Act to Create Enabling Legislation for Payroll Deductions for Individual Retirement Accounts and Simplified Employee Pension Plans and to Make Necessary Technical Changes in the Provisions of Current Deferred

Compensation Statutes" H. P. 1796 L. D. 2371

Which was READ A SECOND TIME and PASSED TO BE ENGROSSED, in NON-CONCURRENCE.

Sent down for concurrence.

Senate

Bill "An Act to Amend the Liquor Laws to Permit the Sale of Beer and Wine at Outdoor Stadiums" S. P. 878 L. D. 2379

Which was READ A SECOND TIME.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Bustin.

SENATOR BUSTIN: Mr. President and Ladies and Gentlemen of the Senate. I'm going to be voting for this Bill, but I just wanted to put a few things on the Record.

The reason that I'm voting for it is because it has come back in a form that I think that I can adhere to, but, I would like to issue some kind of a mandate, warning, whatever you want to call it. I don't like to issue warnings, but I would like to put on notice that I will be looking very closely at the behavior that is down there at that stadium, that we're not going to be putting beer into Coke containers and then passing it on to people who are under the legal drinking age, that our enforcement officers will be very, very diligent in looking at what's going on at that stadium, and because of the Sunset, I'm willing to go along with this Bill now. Thank you.

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

SENATOR PEARSON: Mr. President, Men and Women of the Senate. I assume that this will probably pass in its current form, but I would like to say before we vote on this particular measure that it is a concern of mine that in order to promote that particular stadium that free beer or half price beer might be given out. It has been my experience from talking to other people who have gone to stadiums in other areas, that when that happens, it is not a desirable place to be for a family. I would hope that the people who are operating this stadium would have enough sense not to do that sort of thing.

Which was PASSED TO BE ENGROSSED.

Sent down for concurrence.

ENACTORS

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

Emergency

AN ACT to Amend the Charter of the Passamaquoddy Water District. H. P. 1614 L. D. 2136 (C. "A" H-564)

This being an emergency measure and having received the affirmative vote 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 presented by the Secretary to the Governor for his approval.

ORDERS OF THE DAY

The President laid before the Senate:

SENATE REPORTS—from the Committee on EDUCATION on Bill "An Act Concerning the Teaching of Certain Subjects" S. P. 769 L. D. 2089

Majority Report—Ought to Pass in New Draft under same title. S. P. 869 L. D. 2359

Minority Report—Ought to Pass in New Draft under same title. S. P. 870 L. D. 2360

Tabled—March 29, 1984 by Senator PRAY of Penobscot.

Pending—ACCEPTANCE OF EITHER REPORT.

On motion by Senator HAYES of Penobscot RETABLED for 1 Legislative Day, pending the ACCEPTANCE OF EITHER REPORT.

The President laid before the Senate:

SENATE REPORTS—from the Joint Select

Committee on ALCOHOLISM SERVICES on Bill "An Act Relating to Alcohol-related Birth Defects" S. P. 830 L. D. 2225

Majority Report—Ought to Pass in New Draft under same title. S. P. 880 L. D. 2384
Minority Report—Ought Not to Pass.

Tabled—March 29, 1984 by Senator PRAY of Penobscot.

Pending—ACCEPTANCE OF EITHER REPORT.

On motion by Senator BUSTIN of Kennebec, the MAJORITY OUGHT TO PASS in NEW DRAFT Report was ACCEPTED.

On motion by Senator CLARK of Cumberland, the Senate RECONSIDERED its action whereby it ACCEPTED THE Majority OUGHT TO PASS in NEW DRAFT Report.

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

SENATOR CLARK: I request a Division.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Bustin.

SENATOR BUSTIN: It seems that this Bill is finally going to be debated, so I would like to speak to the pending motion. I would, also, like to say first before I begin speaking that I believe that there are some amendments going to be made, so I would hope that the Body would allow the Majority Report to be accepted so those amendments can go on.

What I would like to read into the Record is a testimony that was given before the Committee by an expert in the field, a Dr. Marion Sandmaier. So, I'm going to read most of that report, so I hope you will bear with me because what it does is tell you what fetal-alcohol syndrome is all about. I would also—I believe there is going to be another motion given.

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

SENATOR CLARK: Thank you, Mr. President. I request Leave of the Senate to Withdraw my motion.

THE PRESIDENT: Senator Clark of Cumberland now requests Leave to Withdraw her motion for a Division.

Is it the pleasure of the Senate to Grant this Leave?

It is a vote.

The Majority OUGHT TO PASS in NEW DRAFT Report was ACCEPTED.

The Bill in NEW DRAFT READ ONCE.

SENATE AT EASE

The Senate called to order by the President.

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

On motion by Senator PRAY of Penobscot the Bill in NEW DRAFT ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

Bill "An Act to Amend the Laws Concerning Commercial Whitewater Rafting" (Emergency) S. P. 873 L. D. 2367

Tabled—March 29, 1984 by Senator PRAY of Penobscot.

Pending—ENGROSSMENT.

(In House March 27, 1984 PASSED TO BE ENGROSSED.)

(In Senate March 29, 1984 RECONSIDERED ENGROSSMENT.)

On motion by Senator PRAY of Penobscot RETABLED for 1 Legislative Day, pending ENGROSSMENT.

(Off Record Remarks)

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 BUSINESS LEGISLATION on Bill "An Act to Clarify the

Disciplinary Procedure of the Nurse Practice Laws" S. P. 839 L. D. 2263

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-361).

Signed:

Senators:

CLARK of Cumberland
CHARETTE of Androscoggin
SEWALL of Lincoln

Representatives:

BRANNIGAN of Portland
TELOW of Lewiston
POULIOT of Lewiston
RACINE of Biddeford
MARTIN of Van Buren
PERKINS of Brooksville
STEVENS of Bangor
CONARY of Oakland
MURRAY of Bangor

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

Signed:

Representative:

MacBRIDE of Presque Isle

Which Reports were READ.

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

SENATOR HICHENS: I do not have this Amendment in my book, I wonder if it has been distributed as yet?

THE PRESIDENT: The Amendment is Filing Number S-361.

SENATE AT EASE

The Senate called to order by the President.

The Majority OUGHT TO PASS as Amended by Committee Amendment "A" (S-361) Report was ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-361) was READ and ADOPTED.

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

Sent down for concurrence.

ORDERS OF THE DAY

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

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

Tabled—March 15, 1984 by Senator CARPENTER of Aroostook.

Pending—REFERENCE.

(Committee on STATE GOVERNMENT suggested.)

(In House March 15, 1984 Under Suspension of the rules the Bill READ TWICE and PASSED TO BE ENGROSSED without reference to a Committee.)

On motion by Senator CARPENTER of Aroostook referred to the Committee on STATE GOVERNMENT and ORDERED PRINTED, in NON-CONCURRENCE.

Sent down for concurrence.

On motion by Senator CARPENTER of Aroostook,

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:

COMMUNICATION

The Following Communication:
MAINE STATE COMPENSATION
COMMISSION

9 Highland Street
Portland, Maine 04103
March 27, 1984

Honorable Gerard P. Conley
President of the Senate
111th Maine State Legislature
State House

Augusta, Maine 04333

Dear President Conley:

Enclosed is the official, final report of the Maine State Compensation Commission.

Thanks again for giving me the privilege of serving as chairman of the Commission. The members you and John selected have been superb colleagues.

As I indicated at the Council meeting, Sally Diamond and John Selser have been of inestimable help to the Commission. You are lucky to have staff members with their quality and devotion.

Best personal regards.

Sincerely,

S/ DONALD E. NICOLL

Chairman

Which was READ and ORDERED PLACED ON FILE.

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 Concerning Disorderly Conduct and Failure to Disperse and to Promulgate a Law Enforcement Manual" S. P. 853 L. D. 2318

ENACTORS

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

Emergency

AN ACT Making Additional Appropriations for the Expenditures of the State Legislature Necessary for the Proper Operations of the Legislature for the Fiscal Years ending June 30, 1983, and June 30, 1984. S. P. 891 L. D. 2403

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

SENATOR NAJARIAN: Mr. President, this is a Bill that I don't have the copy of it in my notebook, apparently it was referred to the Committee on Appropriations and Financial Affairs a few minutes ago under suspension of the rules. I would just like to know what it's about.

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

The Chair recognizes the Senator from Penobscot, Senator Pray.

SENATOR PRAY: Thank you, Mr. President. I apologize for not being able to respond, I do not apologize, I think I can now respond. I gave my copy to the Majority Floor Leader in the other Body, a few moments ago, to explain it and never retrieved it, but thanks to the good Senator from Knox, Senator Collins, I can explain to the good Senator from Cumberland, Senator Najarian, what this Bill is.

The purpose of this Bill is that, according to the Legislative Administrative Director, in the all other line-account of the Legislative Account, there is not sufficient money to pay presently the bills that are outstanding. This Bill will request \$285,000, it is not a new request, but to hold us over until the Appropriations Bill itself is passed.

In that is Legislative weekly expenses for three weeks or roughly \$150,000. Bills that are being held presently to be paid is Legislative pay by voucher that are not on the payrolls of

\$7,500, reimbursement of expenses incurred by employees \$500, rental of the Wang and I.B.M. equipment \$35,000, which was for last month not for the present month, telephone company \$4,500, travel agencies \$2,000, newspaper subscriptions \$250, newspaper advertisement \$2,500, that's for the bill we sent out for public hearings, and miscellaneous office supplies and small vendors \$3,500, Central Computer Services \$55,000, printing \$20,000, a contingency of \$5,000, equal \$285,000.

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

SENATOR NAJARIAN: I have two further questions. Is this in addition to the \$898,000 request before the Appropriations Committee, to meet your budget for 1984 or will we be able to subtract this amount of money from that current request that is before the Appropriations Committee?

Secondly, are you saying that this is such an emergency that I should not put it on the Appropriations Table?

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

The Chair recognizes the Senator from Penobscot, Senator Pray.

SENATOR PRAY: Mr. President, the answer to both questions is Yes.

This being an emergency measure and having received the affirmative vote of 30 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 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:

COMMITTEE REPORTS

House

Ought to Pass in New Draft

The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Establish a Community Right-to-know Concerning Toxic and Hazardous Substances by Amending the Environmental Health Program" (Emergency) H. P. 1546 L. D. 2036

Reported that the same Ought to Pass in New Draft under same title. (Emergency)

H. P. 1812 L. D. 2397

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 in NEW DRAFT READ ONCE.

THE PRESIDENT: Is it the pleasure of the Senate that under suspension of the rules 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.

Sent forthwith to the Engrossing Department.

(OFF RECORD REMARKS)

ORDERS OF THE DAY

SECOND READERS

Senate

Bill "An Act Relating to Alcohol-related Birth Defects" S. P. 830 L. D. 2225

Which was READ A SECOND TIME.

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

SENATOR BALDACCI: Mr. President, I present Senate Amendment "B" to S. P. 880, L. D. 2384, and move its Adoption.

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

Senate Amendment "B" (S-362) was READ

and ADOPTED.

The Bill was PASSED TO BE ENGROSSED as Amended.

Sent down for concurrence.

On motion by Senator BALDACCI,
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:

ENACTORS

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

Emergency

AN ACT to Modify State Information Requirements for Toxic and Hazardous Substances Included Under the Chemical Substance Identification Law. H. P. 1812 L. D. 2397

This being an emergency measure and having received the affirmative vote of 24 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 presented by the Secretary to the Governor for his approval

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

The ADJOURNMENT ORDER having been returned from the House, READ and PASSED in concurrence, on motion by Senator CARPENTER of Aroostook, Adjourned until Tuesday, April 3, 1984 at 9 o'clock in the morning.