

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Ninth
Legislature***

OF THE

STATE OF MAINE

Volume I

FIRST REGULAR SESSION

January 3, 1979 to May 4, 1979

STATE OF MAINE
One Hundred and Ninth Legislature
JOURNAL OF THE SENATE
February 7, 1979
Senate called to Order by the President.

Prayer by Reverend Valmont R. Gilbert, St. Augustine Church, in Augusta.

Reverend GILBERT: Let us pray: Almighty God, You have chosen to give us this part of the country, the State of Maine, for our heritage. We humbly pray that we may always prove ourselves a people mindful of your favor and glad to do your Will. We pray that in time of prosperity you will fill our hearts with thankfulness, and in time of trouble you will not allow our trust in you to fail. In a special way, this morning, the members of this Senate come to you for guidance. Endow them with your spirit of wisdom and strength to know and to do your will. Fill all here present with the love of truth, honesty and righteousness, so that having been entrusted by the people with the authority of government, these men and women of the State of Maine may seek the common good of all. This we ask in the name of Christ, Our Lord. Amen.

Reading of the Journal of yesterday.

Papers from the House
House Papers

Bill, "An Act to Improve Survivor Benefits under the Maine State Retirement System." (H. P. 260) (L. D. 341)

Bill, "An Act Pertaining to Ordinary Death Benefits Under the Maine State Retirement System." (H. P. 261) (L. D. 337)

Come from the House, referred to the Committee on Aging, Retirement and Veterans and Ordered Printed.

Which were referred to the Committee on Aging, Retirement and Veterans and Ordered Printed, in concurrence.

Bill, "An Act Relating to Weight Imparted by Tire Width of Tires on Certain Farm Trucks." (H. P. 231) (L. D. 336)

Committee on Agriculture suggested.

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

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

Bill, "An Act to Appropriate \$75,000 to Northeast COMBAT, Inc." (H. P. 262) (L. D. 338)

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

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

Bill, "An Act to Provide Help to Small Businesses in Dealing with State Statutory and Regulatory Requirements." (H. P. 263) (L. D. 339)

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

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

Bill, "An Act Concerning School Principals." (H. P. 264) (L. D. 340)

Come 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 Concerning Appropriation to the Maine Energy Resources Development Fund." (H. P. 265) (L. D. 342)

Committee on Energy and Natural Resources suggested.

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

and Ordered Printed.

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

Bill, "An Act Relating to the Small Grants Program for Municipal Conservation Commissions." (H. P. 266) (L. D. 343)

Come 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 Concerning Licenses Issued by the Department of Inland Fisheries and Wildlife." (H. P. 270) (L. D. 344)

Bill, "An Act Concerning the Transportation of Legally Killed Deer." (H. P. 271) (L. D. 345)

Bill, "An Act to Lower the Daily Limit for Smelt Dealers to 4 Quarts." (H. P. 272) (L. D. 346)

Bill, "An Act Concerning Killing of Wild Animals Destroying Property." (HP 273) (LD 347)

Come from the House, referred to the Committee on Fisheries and Wildlife and Ordered Printed.

Which were referred to the Committee on Fisheries and Wildlife and Ordered Printed, in Concurrence.

Communications
DEPARTMENT OF MENTAL HEALTH
AND CORRECTIONS

Senator Barbara A. Gill
Senate Chairperson
Representative Sandra Prescott
House Chairperson
Joint Standing Committee on
Health and Institutional Services
State House
Augusta, Maine 04333

Dear Senator Gill, Representative Prescott, and Members of the Committee:

§ 2147, Chapter 464, P.L. 1977 as enacted by the 108th Maine Legislature requires the Bureau of Mental Retardation of the Department of Mental Health and Corrections, to prepare a plan which "indicates the most effective and efficient manner in which to implement services for mentally retarded persons while safeguarding and respecting the legal and human rights of these persons."

The Statute further requires that such plan must be prepared biennially and submitted to your Committee no later than January 15th of every odd-numbered year.

I am submitting this letter and three attached documents in fulfillment of the above statutory requirement.

The first attachment is a report divided into four subsections for review of the Committee. The four subsections include: 1) Key Legislative Developments During the Past 18 months, 2) Plan for Provision of Services 1979-1980, including Legislative Proposals, 3) Plan for Pineland Center, 1979-80, and 4) Issues Which May Require Attention by the 109th Legislature.

The second and third attachments are Appendix "A" and Appendix "B", respectively, of the Pineland Consent Decree which was signed by all parties and entered by the Federal Court effective July 14, 1978. Since these Appendices are extremely specific in the delineation of requirements placed on the State of Maine, and since both services at Pineland and throughout Maine are covered by this Consent Judgment, these Appendices reflect the major plans and direction for services to Maine's retarded over this Biennium. The Consent Decree incorporates as well the language and goals of 34 MRSA Chapter 186-A and 34 MRSA Chapter Pt. 4-A Chapter 221 ff. which were enacted by the 108th Maine Legislature.

A related, and important part of this plan will be the budget request authorized by the

Governor in the coming weeks which shall be necessary to continue to provide needed care and services to Maine's mentally retarded persons.

Respectfully submitted,
KEVIN W. CONCANNON
Director

Bureau of Mental Retardation

GEORGE A. ZITNAY

Acting Commissioner

Department of Mental Health and Corrections
(S. P. 163)

Which was Read and with accompanying Report, Ordered Placed on file.

Sent down for concurrence.

STATE PLANNING OFFICE

February 6, 1979

May Ross

Secretary of the Senate

State House

Augusta, Maine 04333

Dear Ms. Ross:

The accompanying report is submitted pursuant to Chapter 580 of the Public Laws of 1977 ("An Act to Prohibit the Practice of a Mandatory Retirement Age") which directed the State Planning Office, in conjunction with the Committee on Aging, to study and evaluate procedures for an orderly phase-in of a prohibition of mandatory retirement ages in the private sector.

Sincerely,

ALLEN PEASE, Director
State Planning Office

Which was Read.

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

Senator KATZ: Mr. President and Members of the Senate. Mixed in with all the reports, that you are going to get this session, is one that is in front of you this morning.

It has to do with Mandatory Retirement of Maine Citizens. This issue, became one of the most important issues of the previous session, it is going to be an important issue this session, and I urge this report to you, for your consideration.

The Communication along with the accompanying report, ordered placed on file.

Senate Papers

Senator Pierce of Kennebec presented, Bill, "An Act Concerning the Accountancy Statutes." (S. P. 175)

Senator Chapman of Sagadahoc presented, Bill, "An Act Concerning the Maine Property Insurance Cancellation Control Act and to Make Nonpayment to an Agent Equivalent to Nonpayment to the Insurer." (S. P. 171)

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

Sent down for concurrence.

Senator Chapman of Sagadahoc presented, Bill, "An Act to Permit Nonreceiving Units to Approve School Appropriations in a Single Warrant Article." (S. P. 173)

Which was referred to the Committee on Education and Ordered Printed.

Sent down for concurrence.

Senator Martin of Aroostook presented, Bill, "An Act Relating to Fishing Limits under the Inland Fisheries and Wildlife Statutes." (S. P. 165)

Which was referred to the Committee on Fisheries and Wildlife and Ordered Printed.

Sent down for concurrence.

Senator Sutton of Oxford presented, Bill, "An Act to Prevent the Simultaneous Collection of both Workers' Compensation and Unemployment Compensation Benefits." (S. P. 167)

Senator Pray of Penobscot presented, Bill, "An Act to Encourage Retraining of Handicapped Workers." (S. P. 164)

Which were referred to the Committee on

Labor and Ordered Printed.
Sent down for concurrence.

Senator Chapman of Sagadahoc presented, Bill, "An Act to Appropriate Money to North-eastern Research Foundation, Inc." (S. P. 170)

The same Senator presented, Bill, "An Act to Increase the Term of Special Licenses under the Marine Resources Law." (S. P. 169)

The same Senator presented, Bill, "An Act to Limit 3 Lobster Traps to One Warp in the New Meadows River North of the Basin." (S. P. 168)

The same Senator presented, RESOLVE, authorizing the Commissioner of Marine Resources to Lease Land and Buildings in West Boothbay Harbor to the North-eastern Research Foundation, Inc. (Emergency) (S. P. 174)

Senator Farley of York, Cosponsor: Senator Usher of Cumberland presented, Bill, "An Act to Repeal the License Requirement for Taking Certain Clams." (S. P. 166)

Which were referred to the Committee on Marine Resources and Ordered Printed.
Sent down for concurrence.

Senator Katz of Kennebec presented, Bill, "An Act to Repeal the State Lottery Commission." (S. P. 172)

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

Joint Resolution

A Joint Resolution In Memoriam:

WHEREAS, the Legislature has learned with deep regret of the death of Harold "Tubby" Collier, a prominent citizen of Bar Harbor. . . (S. P. 176) is presented by Senator Perkins of Hancock cosponsored by Representative Bunker of Gouldsboro.

Which was Read and Adopted.
Sent down for concurrence.

Committee Reports

House

Ought to Pass — As Amended

The Committee on Appropriations and Financial Affairs, on, Bill, "An Act to Require the State to Assume all Administrative Costs for the Food Stamp Program." (H. P. 50) (L. D. 59)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H. 13).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A"

Which Report was Read and Accepted, in concurrence, The Bill Read Once. Committee Amendment "A" was Read and Adopted, in concurrence, and the Bill, as amended, Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Business Legislation on, Bill, "An Act Relating to Regulations of Deaths and Permits for Final Disposition of Human Bodies." (H. P. 71) (L. D. 92)

Reported that the same Ought Not to Pass.

Signed:

Sensors:

CHAPMAN of Sagadahoc
CLARK of Cumberland
AULT of Kennebec

Representatives:

BRANNIGAN of Portland
HOWE of So. Portland
GWADOSKY of Fairfield
WHITEMORE of Skowhegan
ALOUPI of Bangor
DUTREMBLE of Biddeford
JACKSON of Yarmouth
BROWN of Bethel

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

Signed:

Representatives:

LIZOTTE of Biddeford
SPROWL of Hope

Comes from the House, the Majority Report Read and Accepted.

Which Reports were Read.

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

Senate

Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act Empowering Retired Justices of the Supreme Judicial Court and District Court Judges to Sit in District Court." (Emergency) (S. P. 55) (L. D. 89)

Reported that the same Ought to Pass.

Signed:

Sensors:

COLLINS of Knox
TRAFTON of Androscoggin
DEVOE of Penobscot

Representatives:

HUGHES of Auburn
HOBBINS of Saco
SEWALL of Newcastle
SILSBY of Ellsworth
GRAY of Rockland
JOYCE of Portland
LAFFIN of Westbrook
STETSON of Wiscasset
SIMON of Lewiston

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

Signed:

Representative:

CARRIER of Westbrook

Which Reports were Read.

The Majority Ought to Pass Report of the Committee Accepted.

The Bill Read Once and Tomorrow Assigned for Second Reading.

Orders of the Day

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

Bill, "An Act to Permit Privately-owned Snowplows to Keep Warning Lights on when on the Highways as well as Private Property." (S. P. 52) (L. D. 77)

Tabled—February 6, 1979 by Senator Emerson of Penobscot

Pending—Passage to be Engrossed

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

Senator EMERSON: I now move Indefinite Postponement of (L. D. 77), and ask for a Division.

The PRESIDENT: Senator from Penobscot Senator Emerson, now moves that (L. D. 77) and its accompanying papers, be Indefinitely Postponed, and requests a Division.

The Chair recognizes the Senator from Kennebec, Senator Ault.

Senator AULT: Mr. President and Members of the Senate: I would just respectfully ask that you do vote against this Motion to Indefinitely Postpone and Pass this to be Engrossed.

The PRESIDENT: Is the Senate ready for the question?

Will all those Senators in favor of the Motion by Senator Emerson of Penobscot to Indefinitely Postpone (L. D. 77), please rise in their places to be counted.

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

14 Senators having voted in the affirmative and 13 Senators in the negative, the Motion to Indefinitely Postpone does prevail.

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

Bill, "An Act Relating to Plumbing Inspectors." (S. P. 153)

Tabled—February 6, 1979 by Senator Katz of

Kennebec

Pending—Motion of Senator O'Leary of Oxford Referred to Committee on Energy and Natural Resources.

On Motion by Senator O'Leary of Oxford, referred to the Committee on Energy and Natural Resources and Ordered Printed.

Sent down for concurrence.

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

Bill, "An Act Relating to Certification of Plumbing Inspectors." (S. P. 154)

Tabled—February 6, 1979 by Senator Katz of Kennebec

Pending—Motion of Senator O'Leary of Oxford to refer to Committee on Energy and Natural Resources

On Motion by Senator O'Leary of Oxford, referred to the Committee on Energy and Natural Resources and Ordered Printed.

Sent down for concurrence.

Senator Emerson of Penobscot moved the Senate reconsider its action of earlier in today's session whereby: Bill "An Act to Permit Privately-owned Snowplows to Keep Warning Lights on when on the Highways as well as Private Property." (S. P. 52) (L. D. 77) was Indefinitely Postponed.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator O'Leary.

Senator O'LEARY: I would ask for a Division on the Motion and would like to speak to my Motion.

The PRESIDENT: The Senator has the floor.

Senator O'LEARY: Mr. President, I would remind the Members of the Senate, that there was a Majority Report of Ought to Pass on this LD. I would remind the Senate that we're talking about a safety measure. There were two people that spoke in opposition to the Bill, but one that started to speak in opposition finally wound up being a proponent of the Bill, that was captain of the State Police, Mr. Jameson. I would just ask that you do reconsider and pass this Bill to be Engrossed.

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

Senator EMERSON: I realize that this is a safety measure and I'm thinking of the safety of the motoring public, so they'll be warned of the large trucks that are on the highways plowing snow. I'm also thinking of the safety of the highway crew that are working around trucks and working around public utility vehicles on the highway. The motoring public need to be warned of these people working there. I'm thinking of their safety.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Penobscot Senator Pray.

Senator PRAY: Mr. President and Members of the Senate.

I'm sure that this Bill received enough debate yesterday and last Friday for us all to understand the issue that's before us. I believe that it isn't really necessary for the debate to continue at this time. I'm a little perplexed as to why we would even be reconsidering this matter, and would hope that the sponsor would withdraw that motion.

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

Senator EMERSON: I would like to withdraw my Motion.

The PRESIDENT: Senator Emerson of Penobscot, now requests Leave of the Senate, to withdraw his Motion to reconsider Indefinite Postponement of (L. D. 77)

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

It's a Vote.

On Motion by Senator Katz of Kennebec, Adjourned until 10 o'clock tomorrow morning.