

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 8, 1979
Senate called to Order by the President.

Prayer by Reverend Thomas W. Cahill, Church of the Nazarene, Oakland.

Reverend CAHILL: Our Father and our God, we bow in thy presence this morning hour. Thy art God, there is none beside thee. We recognize this day our need of thy strength, thy grace, thy wisdom and thy understanding.

In the area of making decisions, that effect our fellowmen, you have placed us in that place of responsibility. Give to us wisdom, and insight when our strength and our insight would falter and fail.

The pressures that come upon us that would sometimes, squeeze us into a mold, give us thy strength to stand for what we know to be right, true and honest.

We ask Father that the spirit of wisdom will save us from false choices and that thy light and thy grace might give us direction that we might see which way to go. That thy spirit would teach us the straight path that has been set before. We might remember the Psalmist said so many years ago, "Be still and know, that I am God." May we know this in thy sovereignty and may know our sense of dependence upon thee, in this day, in Christ our Lord Amen.

Reading of the Journal of yesterday.

Papers from the House
Non-concurrent Matter

Joint Order Relative to 800 Watts line. (S.P. 118)

In the Senate, January 31, Read and Passed. Comes from the House, Passed, as amended by House Amendment "A" (H-15), in non-concurrence.

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

Is this the pleasure of the Senate?
The Motion Prevailed.

Non-concurrent Matter

RESOLUTION, Proposing an Amendment to the Constitution of Maine Repealing the Offices of Judges of Probate and Registers of Probate as Constitutional Offices. (H. P. 197) (L. D. 246)

In the House, January 31, referred to the Committee on State Government.

In the Senate, February 1, referred to the Committee on Judiciary, in non-concurrence.

Comes from the House, that Body having Adhered.

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

Senator KATZ: Mr. President I move that the Senate Adhere.

On Motion by Senator Collins of Knox, tabled 1 Legislative Day, pending the Motion by Senator Katz of Kennebec;

Out of Order and Under Suspension of the Rules:

On motion by Mr. Katz of Kennebec,

ORDERED, that a message be sent to the House of Representatives proposing a Convention of both branches in the Hall of the House a 11 o'clock for the purpose of extending to His Excellency, Governor Joseph E. Brennan, an invitation to attend the Convention and make such communication as pleases him.

Which was Read and Passed.

The President appointed Senator Katz of Kennebec to deliver the message. The Senator then retired to the Hall of the House, and subsequently reported that he had performed the duties with which he was charged.

Out of Order and Under Suspension of the Rules:

On Motion by Senator Pray of Penobscot, the Senate voted to consider the following:

Orders

An expression of Legislative Sentiment recognizing that:

February 8, 1979, marks the 70th wedding anniversary of James and Mary Murphy of Millinocket and the celebration of that happy event with friends and relatives. . . (S. P. 177) is presented by Senator Pray of Penobscot.

Which was Read and Passed.

Sent down forthwith for concurrence.

At this point a message was received from the House through Representative Tierney of Lisbon Falls, concurring in the proposition, for a Joint Convention.

House Papers

Bill "An Act Relating to Discharges and Emissions from Nuclear Generating Facilities." (H. P. 268) (L. D. 349)

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 Eliminate an Unnecessary Reference in the Hunting Statutes the Use of Lights to Hunt from Vehicles." (H. P. 276) (L. D. 351)

Bill, "An Act to Establish a Uniform Opening Day for Deer Hunting." (H. P. 277) (L. D. 352)

Bill, "An Act to Permit the Advisory Council to the Commissioner of Inland Fisheries and Wildlife to Give Advice on the Approval of Rules." (H. P. 269) (L. D. 355)

Bill, "An Act Concerning Evidence of Illegally Hunting Deer." (H. P. 274) (L. D. 356)

Bill, "An Act Concerning Licensing of Head and Hide Dealers by the Department of Inland Fisheries and Wildlife." (H. P. 275) (L. D. 357)

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.

Bill, "An Act to Amend the Safe Drinking Water Act." (H. P. 279) (L. D. 353)

Committee on Health and Institutional Services suggested.

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.

Bill, "An Act to Transfer Jury Commissioners' Functions to Clerk of Courts and Permit Grand Jury Terms to be Set by Order of the Chief Justice." (H. P. 280) (L. D. 358)

Bill, "An Act to Clarify the Law Relating to the Maine Criminal Justice Sentencing Institute." (H. P. 281) (L. D. 359)

Bill, "An Act Relating to the Liability of Landowners Permitting the Use of their Land without Fee by Clarifying the Term Recreational Activities." (H. P. 282) (L. D. 360)

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

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

Bill, "An Act to Increase the Salary of the Kennebec County Register of Deeds and Register of Probate by 7%." (H. P. 283) (L. D. 361)

Bill, "An Act to Dissolve the Proprietors of the Centre Meeting-House in Farmington." (H. P. 329) (L. D. 366)

Come from the House, referred to the Committee on Local and County Government and Ordered Printed.

Which were referred to the Committee on Local and County Government and Ordered

Printed, in concurrence.

Bill, "An Act to Increase the Membership of the Gardiner Water District to Six." (Emergency) (H. P. 284) (L. D. 362)

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.

Bill, "An Act Relating to Municipal and State Purchase of Products of Maine Farms and Fisheries." (H. P. 285) (L. D. 350)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide That the House of Representatives Shall be Reduced From 151 to 132 Members. (H. P. 286) (L. D. 363)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Guarantee the Rights, Privileges and Immunities of its Citizens. (H. P. 287) (L. D. 364)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Limit the Purposes for Meeting of the First Regular Session of the Legislature during December to Election of Constitutional Officers and Legislative Officers and to Provide for Senate Apportionment in 1983. (H. P. 288) (L. D. 348)

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

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

Bill, "An Act to Exempt Nonprofit Medical Centers from Maine Sales Tax." (H. P. 289) (L. D. 365)

Bill, "An Act to Increase the Income Limitation for Eligibility under the Elderly Householders Tax and Rent Refund Act and Low Cost Drug Programs." (H. P. 290) (L. D. 354)

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

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

Senate Papers

Senator Silverman of Washington presented, Bill, "An Act to Establish an Office of Public Defender." (S. P. 184)

The same Senator presented, Bill, "An Act to Provide for Jury List Selection from Sources other than Voting Lists." (S. P. 178)

Senator Hichens of York, Cosponsors: Senator McBrearty of Aroostook, Senator Carpenter of Aroostook presented, Bill, "An Act Relating to the Reporting of Illegal Use and Trafficking of Drugs in Maine Schools." (S. P. 182)

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

Sent down for concurrence.

Senator Ault of Kennebec, Cosponsors: Senator Farley of York, Senator Cote of Androscoggin, Senator Lovell of York, presented, Bill, "An Act to Relieve a Liquor Licensee of Liability for the Sale of Liquor to a Minor who Presents False Identification Card which appears to be Valid." (S. P. 181)

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

Sent down for concurrence.

Senator Minkowsky of Androscoggin, Cosponsor: Senator Cote of Androscoggin presented, Bill, "An Act Concerning the Maine Development Districts Law." (S. P. 179)

Senator Minkowsky of Androscoggin, Cosponsor: Senator Cote of Androscoggin presented, Bill, "An Act to Reimburse Municipalities for Expenses Incurred in Enforcing Statutes, Ordinances and Regulations Relating to the Operation or use of Motor Vehicles, Street and Highways." (S. P. 183)

Which were referred to the Committee on Local and County Government and Ordered Printed.

Sent down for concurrence.

Senator Minkowsky of Androscoggin presented, Bill, "An Act to Increase the Borrowing Capacity of Richmond Utilities District." (Emergency) (S. P. 180)

Which was referred to the Committee on Public Utilities and Ordered Printed.

Sent down for concurrence.

Committee Reports

House

The following Ought Not to Pass Report shall be placed in the Legislative Files without further action pursuant to Rule 22 of the Joint Rules:

Bill, "An Act to Require Nursing Homes to have Emergency Power Generators." (H. P. 21) (L. D. 38)

Ought to Pass

The Committee on Business Legislation on, Bill, "An Act Relating to Land Surveyor Applications and Fees." (H. P. 47) (L. D. 79)

Reported that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed.

Which Report was read and accepted and the Bill Read Once and tomorrow assigned for Second Reading.

Second Readers

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

House — As Amended

Bill, "An Act to Require the State to Assume all Administrative Costs for the Food Stamp Program." (H. P. 50) (L. D. 59)

Which was Read a Second Time and Passed to be Engrossed, as amended, in concurrence.

Senate

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

Which was Read a Second Time and Passed to be Engrossed.

Sent down for concurrence.

On Motion by Senator Pierce of Kennebec, Recessed until the sound of the Bell.

Recess

After Recess

The Senate called to order by the President.

The Senate then retired to the Hall of the House of Representatives, where a Joint Convention was formed.

(For proceedings of Joint Convention, see House Report)

After Joint Convention In Senate

The Senate called to order by the President.

On Motion by Senator Pierce of Kennebec, Adjourned until 12 o'clock noon tomorrow.