

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 13, 1979

Senate called to Order by the President.

Prayer by the Honorable Nancy Randall Clark of Freeport.

Senator CLARK: Let us pray: All Gracious Father, we humbly ask for strength to serve, wisdom to guide and courage to act. Help us to have a sense of humor, good judgment, and an understanding heart. Grant that we may truly by Thy servants through our service to our fellow men and women. All this we ask in Thy Holy Name. Amen.

Reading of the Journal of yesterday.

Papers From The House
Non-concurrent Matter

Bill, "An Act to Repeal the State Lottery Commission." (S. P. 172) (L. D. 378)

In the Senate, February 7, referred to the Committee on State Government.

Comes from the House, referred to the Committee on Legal Affairs, in non-concurrence.

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

Is this the pleasure of the Senate?

The motion prevailed.

Non-concurrent 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)

In the Senate, February 7. Bill and Papers, Indefinitely Postponed.

Comes from the House, Passed to be Engrossed, in non-concurrence.

The PRESIDENT: The Senator from Penobscot, Senator Emerson, moves that the Senate Adhere.

The Chair recognizes the Senator from Kennebec, Senator Ault.

Senator AULT: As we did on the first item on the Calendar, I hope we Recede and Concur and would so move.

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

The Chair will order a Division.

Will all those Senators in favor of the motion to Recede and Concur, please rise in their places to be counted.

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

11 Senators having voted in the affirmative, and 15 Senators in the negative, the motion to Recede and Concur, does not prevail.

Is it now the pleasure of the Senate to Adhere?

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

Senator AULT: Mr. President, I move that we insist, and ask for a Committee of Conference.

The PRESIDENT: The Senator from Kennebec, Senator Ault, moves that the Senate insist, and requests a Committee of Conference with the House.

The Chair will order a Division.

Will all those Senators in favor of the motion to insist and request a Committee of Conference, please rise in their places to be counted.

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

12 Senators having voted in the affirmative, and 13 Senators in the negative, the motion to insist does not prevail.

Is it now the pleasure of the Senate to Adhere?

The motion prevailed.

House Papers

Bill, "An Act to Limit Additional Retirement

Benefits under the Maine State Retirement System." (H. P. 331) (L. D. 430)

Bill, "An Act to Permit Participating Local Districts of the Maine State Retirement System to Discontinue Special Retirement Benefits Prospectively." (H. P. 361) (L. D. 470)

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 to Appropriate \$10,000 to the Maine Food and Farmland Study Commission." (Emergency) (H. P. 362) (L. D. 472)

Committee on Agriculture suggested.

Comes 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 Clarify Certain Provisions of the Banking Laws Relating to Savings Banks." (H. P. 334) (L. D. 433)

Bill, "An Act Concerning Notice of Right to Cure Defaults under the Consumer Credit Code." (H. P. 333) (L. D. 432)

Bill, "An Act Relating to Lending Institutions and Selection of Title Attorneys." (H. P. 332) (L. D. 431)

Bill, "An Act Extending Reimbursement to Municipal Clerks and Municipalities for Revenue Loss Due to Amendment of the Uniform Commercial Code." (Emergency) (H. P. 335) (L. D. 434)

Bill, "An Act Regulating Business Practices Between Motion Pictures Distributors and Exhibitors." (H. P. 365) (L. D. 473)

Bill, "An Act to Improve the Efficiency and Operation of Redemption Centers for Returnable Containers." (H. P. 366) (L. D. 469)

Bill, "An Act to Reduce License Fees for all Tradesmen over the Age of 62." (H. P. 367) (L. D. 474)

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

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

Bill, "An Act to Provide for Limited Education Concerning Reproduction in the 7th and 8th Grades." (H. P. 368) (L. D. 476)

Bill, "An Act Concerning Expulsion of Disruptive Pupils from School." (H. P. 369) (L. D. 477)

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

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

Bill, "An Act Concerning Registration of Killed Deer." (H. P. 372) (L. D. 478)

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

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

Bill, "An Act to Encourage Peer Review Activities in Health Care by Protecting Individuals Participating in Peer Review and by Protecting the Records of Peer Review Organizations." (H. P. 373) (L. D. 479)

Bill, "An Act Relating to the Fiscal Year of Hospital Administrative District No. 4 in Piscataquis, Somerset and Penobscot Counties." (Emergency) (H. P. 337) (L. D. 436)

Bill, "An Act to Increase the Size of the Human Services Fraud Investigation Unit." (H. P. 338) (L. D. 437)

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

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

Bill, "An Act to Create Incentives to Improve County Jails and the Correctional Systems." (H. P. 336) (L. D. 435)

Comes from the House, referred to the Joint Select Committee on Correctional Institutions and Ordered Printed.

Which was referred to the Joint Select Committee on Correctional Institutions and Ordered Printed, in concurrence.

Bill, "An Act Making Certain Records of Municipal Police Departments Confidential." (H. P. 306) (L. D. 416)

Bill, "An Act Relating to Forfeiture of Bail on Persons who have Left the State." (H. P. 304) (L. D. 415)

Bill, "An Act Relating to Certain Agreements in Construction Contracts." (H. P. 303) (L. D. 422)

Bill, "An Act to Compensate Police Officers for Testifying during Off Hours." (H. P. 339) (L. D. 438)

Bill, "An Act Relating to Injunctions in Labor Disputes." (H. P. 374) (L. D. 475)

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

On motion by Senator Katz of Kennebec, referred to the Committee on Judiciary and Ordered Printed, in concurrence.

Bill, "An Act Relating to Recoupment of Erroneous Payments by the Employment Security Commission." (H. P. 308) (L. D. 419)

Bill, "An Act Relating to Revisions of the Occupational Safety and Health Statute and to Conform the Occupational Safety and Health Rules and Regulations to Federal Requirements." (H. P. 309) (L. D. 427)

Bill, "An Act to Amend the Workers' Compensation Laws." (H. P. 312) (L. D. 428)

Bill, "An Act to Amend the Labor Law in Relation to Items to be Furnished Employees by Railroad Corporations with Every Payment of Wages." (H. P. 344) (L. D. 443)

Bill, "An Act to Extend the Time in which Appeals from Deputies, Decisions may be Taken in Unemployment Compensation Cases." (H. P. 343) (L. D. 442)

Bill, "An Act to Narrow the Exemption Allowing Certain Persons to Voluntarily Leave their Jobs and Still Qualify for Unemployment Benefits." (H. P. 342) (L. D. 441)

Bill, "An Act to Revise the State Employee Labor Relations Act." (H. P. 341) (L. D. 440)

Bill, "An Act to Clarify the Municipal Public Employees Labor Relations Law." (H. P. 340) (L. D. 439)

Bill, "An Act to Allow Prorated Benefits for Times When a Person is Available for Work but Cannot Work for Important Personal Reasons." (H. P. 345) (L. D. 444)

Bill, "An Act to Extend Collective Bargaining Rights to Deputy Sheriffs." (H. P. 346) (L. D. 445)

Bill, "An Act to Clarify the State Employees Labor Relations Law." (H. P. 347) (L. D. 446)

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

On motion of Senator Katz of Kennebec, referred to the Committee on Labor and Ordered Printed, in concurrence.

Bill, "An Act to Revise the Laws Concerning Fire Exits." (H. P. 314) (L. D. 420)

Bill, "An Act Relating to the Wholesale Sale of Malt Liquor and Wine." (H. P. 315) (L. D. 421)

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

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

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Bill, "An Act Converting Lakeville Plantation into the Town of Lakeville and Removing Lakeville Plantation from the Maine Forestry District." (Emergency) (H. P. 317) (L. D. 426)

Bill, "An Act to Empower Municipal Boards of Zoning Appeals to Grant Moderate Variances." (H. P. 320) (L. D. 418)

Bill, "An Act to Increase Recording Fees for the Registry of Deeds." (H. P. 348) (L. D. 447)

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 from \$7,000 to \$12,000 the Annual State Payment for the Support of the Hancock County Law Library." (H. P. 319) (L. D. 417)

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

On motion by Senator Katz of Kennebec, referred to the Committee on Appropriations and Financial Affairs and Ordered Printed, in non-concurrence.

Sent down for concurrence.

Bill, "An Act to Establish a Mandatory One-year License Suspension for a Second Violation of a Municipal Shellfish Conservation Ordinance." (H. P. 349) (L. D. 448)

Bill, "An Act to Require the Purse Seine Season in Washington County to Close on September 15th." (H. P. 321) (L. D. 425)

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

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

Bill, "An Act to Require Public Disclosure of Certain Financial Information by Large Public Utilities." (H. P. 322) (L. D. 423)

Bill, "An Act Concerning Residential Utility Consumer Action Groups." (H. P. 351) (L. D. 468)

Bill, "An Act to Create the Bureau of Community Antenna Television within the Public Utilities Commission." (H. P. 350) (L. D. 466)

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

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

(Off Record Remarks)

Bill, "An Act to Provide that the Adoption of Rules by the State Controller are Consistent with the Maine Administrative Procedure Act." (H. P. 323) (L. D. 424)

Bill, "An Act to Reorganize the Department of Defense and Veterans Services within the Office of the Governor." (H. P. 355) (L. D. 471)

Bill, "An Act to Place Responsibility for Preparation and Implementation of Emergency Evacuation Plans in the Bureau of Civil Emergency Preparedness." (H. P. 352) (L. D. 449)

Bill, "An Act Creating the Bureau of Records Management Services within the Department of Finance and Administration." (H. P. 353) (L. D. 467)

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 Amend the Per Diem Rate for Persons Serving on the State Board of Nursing." (H. P. 354) (L. D. 450)

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

On motion by Senator Chapman of Sagadahoc, referred to the Committee on Business Legislation and Ordered Printed, in non-concurrence.

Sent down for Concurrence.

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Limit the Amount of Revenues Which may be Raised by Taxes in any Fiscal Year. (H. P. 330) (L. D. 429)

Committee on State Government suggested.

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

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

Bill, "An Act to Exempt Historical Societies and Museums from State Sales Tax." (H. P. 356) (L. D. 451)

Bill, "An Act Relating to Exempting from the Maine Sales and Use Tax Fuel Used for the Generation of Electricity." (H. P. 358) (L. D. 453)

Bill, "An Act to Exempt Purchased Meals for the Elderly Meals Program from the State Sales and Use Tax." (H. P. 357) (L. D. 452)

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.

Bill, "An Act to Require Slow-moving Vehicles to Display Slow-moving Vehicles Emblems while Operating on Maine's Highways." (H. P. 359) (L. D. 465)

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

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

Senate Papers

Senator Hichens of York presented, Bill, "An Act to Require Traps in the Unorganized Territories to be Visited Once Every 24 Hours." (S. P. 200)

Senator Pray of Penobscot presented, Bill, "An Act to Increase Atlantic Salmon Stamp Fees under the Inland Fisheries and Wildlife Statutes." (S. P. 198)

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

Sent down for concurrence.

Senator Usher of Cumberland, Cosponsor: Senator Pray of Penobscot presented, Bill, "An Act Relating to Occupational Loss of Hearing." (S. P. 199)

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

Sent down for concurrence.

Order

An Expression of Legislative Sentiment recognizing that:

Mrs. Amanda Jane Driscoll of Bangor on February 16, 1979 will have attained the 100th anniversary of her birth... (S. P. 201) is presented by Senator Trotzky of Penobscot, Cosponsored by Senator Emerson of Penobscot.

Which was Read and Passed.

Sent down for concurrence.

Committee Reports

House

Ought to Pass

The Committee on Aging, Retirement and Veterans on, Bill, "An Act to Limit Disability Retirement Payments to Persons Restored to Service under the State Retirement System." (H. P. 42) (L. D. 53)

Reported that the same Ought to Pass.

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

The Committee on Public Utilities on, Bill,

"An Act to Increase the Total Authorized Indebtedness of the Kennebunk Light and Power District from \$300,000 to \$2,000,000." (H. P. 52) (L. D. 61)

Reported that the same Ought to Pass.

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

Which Reports were read and accepted, and the Bills, read once and tomorrow assigned for Second Reading.

Ought to Pass — As Amended

The Committee on Judiciary on, Bill, "An Act to Provide that the County Commissioners shall have the Superior Court Facilities when the Court is not in Session." (H. P. 55) (L. D. 64)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H. 16).

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

Which Report was read and accepted in concurrence, and the Bill read once. Committee Amendment "A" was read and adopted in concurrence, and the Bill, as amended, tomorrow assigned for Second Reading.

Senate

Leave to Withdraw

Senator Lovell for the Committee on Aging, Retirement and Veterans on, Bill, "An Act to Clarify the Application of Military Service Credits to Retirement Benefits for Policemen, Firemen, Local District Employees, Sheriffs and Full-time Deputy Sheriffs." (S. P. 115) (L. D. 200)

Reported that the same be granted Leave to Withdraw.

Senator Emerson for the Committee on Local and County Government on, Bill, "An Act to Increase the Salaries of Certain Oxford County Officials." (S. P. 125) (L. D. 251)

Reported that the same be granted Leave to Withdraw.

Which Reports were read and accepted.

Sent down for concurrence.

Ought to Pass

Senator Clark for the Committee on Business Legislation on,

Bill, "An Act to Clarify the Duties of the Maine Insurance Advisory Board." (S. P. 65) (L. D. 106)

Reported that the same Ought to Pass.

Which Report was read and accepted, and the Bill read once and tomorrow assigned for Second Reading.

Ought to Pass — As Amended

Senator Devoe for the Committee on Judiciary on,

Bill, "An Act to Strengthen and Streamline the Habitual Offender Law." (Emergency) (S. P. 9) (L. D. 16)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S. 8).

Which Report was read and accepted and the Bill read once. Committee Amendment "A" was read and adopted and the Bill, as amended, tomorrow assigned for Second Reading.

Second Readers

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

House

Bill, "An Act Converting Long Island Plantation into the Town of Frenchboro." (Emergency) (H. P. 51) (L. D. 60)

Bill, "An Act Concerning Appointments of Justices of the Peace." (Emergency) (H. P. 109) (L. D. 118)

Which were read a second time and Passed to be Engrossed, in concurrence.

House — As Amended

RESOLVE, Authorizing the Bureau of Public Lands to Convey by Sale to the Town of Dennysville the State's Interest in Certain Real Property in Edmunds, Washington County. (H. P. 72) (L. D. 81)

Which was read a second time and Passed to be Engrossed, as amended, in concurrence.

Senate — As Amended

Bill, "An Act to Exclude Certain Academies from the Category of "Public School." (S. P. 66) (L. D. 110)

Which was read a second time.

On motion by Senator Katz of Kennebec, tabled 2 Legislative Days pending Passage to be Engrossed.

Enactor

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

An Act to Increase the Limitation on Contracts which the County Commissioners may Enter into for Purchases and Constructions without Competitive Bidding. (H. P. 56) (L. D. 65)

Which was Passed to be Enacted and having been signed by the President, was by the Secretary presented to the Governor for his approval.

Orders of the Day

The President laid before the Senate the First tabled and specially assigned matter.

RESOLVE, to Authorize Kennebec County to Develop a Pilot Program for Inmates Incarcerated at the County Jail. (H. P. 301) (L. D. 398)

Tabled—February 9, 1979 by Senator Katz of Kennebec.

Pending—Reference.

On motion by Senator Katz of Kennebec, referred to the Committee on Health and Institutional Services and Ordered Printed, in non-concurrence.

Sent down for concurrence.

On motion by Senator Katz of Kennebec, the Senate voted to reconsider its action of earlier in today's session whereby: Bill, "An Act to Increase from \$7,000 to \$12,000 the Annual State Payment for the Support of the Hancock County Law Library." (H. P. 319) (L. D. 417), was referred to the Committee on Appropriations and Financial Affairs.

On motion by Senator Katz of Kennebec, referred to the Committee on Local and County Government and Ordered Printed, in concurrence.

On motion by Senator Pierce of Kennebec, Adjourned until 10 o'clock tomorrow morning.