

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 21, 1979

Senate called to Order by the President.

Prayer by Reverend Larry Fairbanks, First Church of the Nazarene of Augusta.

Reverend FAIRBANKS: Let us pray! O'mighty God, it is with grateful hearts that we pause, this morning, to thank you for your love and for your many blessings to each of us.

Lord as we begin the deliberations of this day, give to us the desire to turn obstacles into opportunities; listen to new ideas and evaluate them carefully; spot opportunities and seize them courageously; welcome challenging problems and solve them creatively.

At the end of this day may we look back with satisfaction because we have served the people of Maine to the best of our abilities and have done what is pleasing in the sight of God. Amen.

Reading of the Journal of yesterday.

(Off Record Remarks)

House Papers

Bill, "An Act to Eliminate the Jurisdiction of the Maine Milk Commission over ½ Pint Containers of Milk." (H. P. 482) (L. D. 613)

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

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

Bill, "An Act Concerning the Registration under the Motor Vehicle Statutes of Farm Motor Vehicles Using Dolly Axles." (H. P. 426) (L. D. 588)

Committee on Agriculture suggested.

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

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

Bill, "An Act to Require Construction Permits Prior to Building Hotels and Motels with 2 or More Stories." (H. P. 488) (L. D. 617)

Bill, "An Act to Clarify the Regulation and Control of Financial Institutions with Respect to Life and Health Insurance." (H. P. 486) (L. D. 616)

Bill, "An Act Relating to Guaranty Fund Requirements for Credit Unions." (H. P. 484) (L. D. 614)

Bill, "An Act Relating to Lines of Credit Authority of Credit Unions." (H. P. 485) (L. D. 615)

Comes 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 Extend the Educational Programs at the Maine Youth Center." (H. P. 489) (L. D. 618)

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

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

Bill, "An Act to Provide for a Junior Archery License." (H. P. 493) (L. D. 619)

Bill, "An Act to Authorize a Limited Hunting Season for Hunters Using Crossbows." (H. P. 494) (L. D. 620)

Bill, "An Act to Reduce the Age Requirement for Complimentary Fishing and Trapping Licenses from 70 to 65." (H. P. 496) (L. D. 621)

Bill, "An Act Regulating Hunting with Muzzle-loading Rifles." (H. P. 498) (L. D. 622)

Comes 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 Increase Interest Rates on Judgment Debts to 18%." (H. P. 501) (L. D. 608)

Bill, "An Act Concerning Police Records." (H. P. 500) (L. D. 607)

Bill, "An Act to Allow Officers to Summon Persons who have Attained their 15th Birthday to Court for Liquor Law or Certain Drug Violations without Going Through an Intake Bureau and to Repeal the Requirement that Verbatim Records be Kept for Certain Juvenile Hearings." (H. P. 502) (L. D. 609)

Bill, "An Act Concerning the Habitability of a Rental Unit." (H. P. 467) (L. D. 599)

Bill, "An Act to Permit Prosecuting Attorneys to Initiate Petitions for Revocation of Probation." (H. P. 503) (L. D. 611)

Bill, "An Act to Limit the Requirement that a Natural Parent Must Give Written Consent to the Adoption of that Parent's Child before a Probate Judge to Situations Involving Adoption of an Illegitimate Child." (H. P. 504) (L. D. 612)

Bill, "An Act to Allow Former Judges to Practice Criminal Law." (H. P. 465) (L. D. 587)

Comes 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 Concerning Severance Pay under the Employment Practices Statutes." (H. P. 505) (L. D. 610)

Bill, "An Act to Permit the Negotiation of Union Security Clauses in Contracts between the State and Bargaining Agents of State Employees." (H. P. 468) (L. D. 597)

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

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

Bill, "An Act to Amend the Laws Relating to Beano or Bingo." (H. P. 508) (L. D. 625)

Bill, "An Act to Establish a Voluntary Program of State Approved Identification Cards for Use by Persons not having Driver's Licenses." (H. P. 506) (L. D. 623)

Bill, "An Act to Prohibit the Possession of Manufactured Items the Serial Numbers of Which Have Been Altered." (H. P. 470) (L. D. 598)

Comes 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.

Bill, "An Act Providing for Interest and Receipts for Security Deposits." (H. P. 507) (L. D. 624)

Committee on Legal Affairs suggested.

Comes 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 to Permit Municipal Constables to Serve as Full-time Deputy Sheriffs." (H. P. 473) (L. D. 589)

Bill, "An Act to Define the Post of Hancock County Sheriff as Full Time." (H. P. 472) (L. D. 590)

Bill, "An Act to Provide County Commissioner Districts in Washington County." (H. P. 474) (L. D. 591)

Comes 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 Decrease Municipal Liabilities for Forest Fire Liabilities." (H. P. 510) (L. D. 626)

Committee on Local and County Government suggested.

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.

Bill, "An Act to Appropriate Funds to Provide for Lobster Rearing Stations." (H. P. 475) (L. D. 592)

Bill, "An Act to Strengthen the Requirement to Remove Lobstering Equipment when a Lobster License is Suspended." (H. P. 511) (L. D. 627)

Bill, "An Act to Require Lobstermen to Use Only One Buoy Color Combination." (H. P. 512) (L. D. 628)

Comes 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 Amend the Membership and the Legislative Mandate of the Capitol Planning Commission." (H. P. 476) (L. D. 593)

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

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

Bill, "An Act to Provide for Quarterly Collection of the Sales Tax from Retailers having Annual Sales of \$50,000 or Less." (H. P. 478) (L. D. 594)

Bill, "An Act to Exempt Post-secondary School Books from Sales Taxation." (H. P. 477) (L. D. 595)

Bill, "An Act to Exempt Used Machinery from the Sales Tax." (H. P. 514) (L. D. 629)

Bill, "An Act to Establish the Maine Homeowners and Tenants Tax Relief Program." (H. P. 479) (L. D. 596)

Comes 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 Concerning the Definition of Urban Compact Area." (H. P. 516) (L. D. 630)

Comes 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 Najarian of Cumberland presented, Bill, "An Act to Amend the Definition of Wholesale Life Insurance." (S. P. 234)

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

Sent down for concurrence.

Senator Najarian of Cumberland presented, Bill, "An Act to Facilitate the Placement and Care of Handicapped Individuals in Skilled Nursing Facilities and Intermediate Care Facilities." (S. P. 231)

Which was referred to the Committee on Health and Institutional Services and Ordered Printed.

Sent down for concurrence.

Senator Usher of Cumberland presented, Bill, "An Act Relating to the Rules Governing the Inspection and Licensing of Motor Vehicle Racing." (S. P. 232)

Senator Trafton of Androscoggin, Cospon-

sors: Senator Emerson of Penobscot, Senator Usher of Cumberland and Senator O'Leary of Oxford presented, Bill, "An Act to Provide for a Single Number Plate and to Revise Motor Vehicle Registration Fees." (S. P. 233)

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

Order

An Expression of Legislative Sentiment recognizing that:

Howard Strout of Harrington will celebrate the one hundredth anniversary of his birth on March 18, 1979... (S. P. 235) is presented by Senator Silverman of Washington.

Which was Read and Passed.
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 Reinstating Littering as a Criminal Offense." (H. P. 126) (L. D. 139)

Leave to Withdraw

The Committee on Appropriations and Financial Affairs on, Bill, "An Act Appropriating Funds to Purchase 500 Copies of 'The History of Current Maine Newspapers' by Alan R. Miller." (H. P. 207) (L. D. 255)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Local and County Government on, Bill, "An Act to Permit County Sheriffs to Appoint Limited Authority and Limited Purpose Deputies." (H. P. 161) (L. D. 189)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Marine Resources on, Bill, "An Act to Increase the Membership of the Atlantic Sea Run Salmon Commission." (H. P. 162) (L. D. 217)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Marine Resources on, Bill, "An Act Increasing the Minimum Length of Lobsters Which may be Possessed from 3 3/16 Inches to 3 1/4 Inches." (H. P. 106) (L. D. 109)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

Which Reports were Read and Accepted, in concurrence.

Senate

Ought to Pass

Senator Cote for the Committee on Legal Affairs on, Bill, "An Act to Prohibit a Manufacturer or Wholesaler of Alcoholic Beverages to Hold a Retail License." (S. P. 109) (L. D. 202)

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 Emerson for the Committee on Transportation on, Bill, "An Act to Revise Certain Motor Vehicle Laws." (S. P. 89) (L. D. 174)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S. 14)

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.

ing.

Second Readers

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

House

Bill, "An Act to Transfer Certain Inactive Accounts of the Maine State Retirement System to the Retirement Allowance Fund." (H. P. 41) (L. D. 52)

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

House — As Amended

Bill, "An Act to Repeal the Per Diem Payment and the Commutation Allowance for Court Officers." (H. P. 84) (L. D. 95)

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

Bill, "An Act to Prohibit Smoking at Public Meetings." (H. P. 5) (L. D. 11)

Which was Read a Second Time.

The PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Perkins.

Senator PERKINS: I move that L. D. 11 be tabled for 1 Legislative Day.

The PRESIDENT: The Senator from Hancock, Senator Perkins, now moves that L. D. 11 be tabled for 1 Legislative Day, pending Passage to be Engrossed.

The Chair recognizes the Senator from Cumberland, Senator Gill.

Senator GILL: Mr. President, I request a Division on the Tabling Motion.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of Tabling L. D. 11 for 1 Legislative Day, pending Passage to be Engrossed, please rise in their places to be counted.

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

11 Senators having voted in the affirmative and 15 Senators in the negative the Motion to Table does not prevail.

The Bill, as amended, Passed to be Engrossed, in non-concurrence.

Sent down for concurrence.

Senate — As Amended

Bill, "An Act to Amend the Procedure of the State Board of Arbitration and Conciliation." (S. P. 73) (L. D. 127)

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

Sent down for concurrence.

Enactors

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

An Act to Limit Disability Retirement Payments to Persons Restored to Service under the State Retirement System. (H. P. 42) (L. D. 53)

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)

An Act to Authorize the Use of Superior Court Facilities when the Court is not in Session. (H. P. 55) (L. D. 64)

Which were Passed to be Enacted and having been signed by the President, were 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:

Bill, "An Act to Authorize Municipalities of Under 2,500 Inhabitants to Permit Persons other than Arborists to Remove Trees within Municipal Boundaries." (S. P. 219)

Tabled—February 20, 1979 by Senator Katz of Kennebec

Pending—Motion of Senator Redmond of Somerset to Refer to Committee on Local and

County Government.

On motion by Senator Pierce of Kennebec, retabled for 2 Legislative Days.

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

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