

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

March 8, 1979

Senate called to Order by the President.

Prayer by Father Paul U. Pare, Notre Dame Church in Waterville.

Father PARE: Last Tuesday, as I was saying my morning prayers, from the Priest Devine Office, praying for my people, and for all of you Senators, I came across the most beautiful and poetic hymn, which I felt would be appropriate to share with you this morning, as you are about to begin another session of work and deliberation, for the service and welfare of the people of Maine, who elected you to this office.

Let us pray! Lord Jesus, once you spoke to men upon the mountain and the plain, O help us listen now as then; and wonder at your words again; We all have secret fears to face; Our minds and motives to amend; We seek your truths; we need your grace, our living Lord and present friend. The Gospel speaks and we receive: your light; your love; your own command. O help us live what we believe; in daily work of heart and hand. End of hymn.

God our Heavenly Father, as we come into your presence we recognize that you are not only our creator, but also our loving Father, from whom we have received the many gifts that we now enjoy, and that we can share with our brothers and sisters around us. Help us in our present office, as Senators, to work with integrity and purpose, so as to be helpful to our fellow citizens.

Bless each of us as individuals and persons with your blessings of good health and happiness, bless us also as a body of the Senate, notwithstanding our political differences, help us to work together for the common welfare of the people we serve, here in the State of Maine. Bless our loved ones, our homes and families, and after a good and faithful life here in this world, bring us home to you in heaven. We ask this through Christ Our Lord. Amen.

Reading of the Journal of yesterday.

Papers from the House
Non-concurrent Matter

Bill, "An Act Relating to Supplemental Assessments under the Taxation Statutes". (S. P. 68) (L. D. 105)

In the Senate, March 1, Passed to be Engrossed as amended by Committee Amendment "A" (S-19).

Comes from the House, Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" (H-66) thereto, 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

Joint Resolution to Ratify An Amendment to the Federal Constitution to Provide for Representation of the District of Columbia in the Congress. (H. P. 679) (L. D. 805)

In the House, February 28, Read and Referred to the Committee on State Government.

In the Senate, March 6, Referred to the Committee on Judiciary, in non-concurrence.

Comes from the House, that Body Having Insisted.

On Motion by Senator Katz of Kennebec, Tabled until later in today's session, pending Consideration.

Joint Order

An Expression of Legislative Sentiment recognizing that:

Jo Ann Wescott of Penobscot, a student at George Stevens Academy in Blue Hill and a member of the cheerleading squad is first

place winner in the statewide cheering competition sponsored by the Maine Lumberjacks basketball team February 11th at the Bangor Auditorium... (H. P. 882)

Comes from the House, Read and Passed.

Which was Read and Passed, in concurrence.

House Papers

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.

In the House, February 7, that Body Having Adhered.

In the Senate, February 9, that Body Having Adhered.

Comes from the House, Referred to the Committee on Judiciary.

On Motion by Senator Katz of Kennebec, Tabled until later in today's session pending Reference.

Bill, "An Act Prohibiting Fraudulent Communication Devices and the Publishing of Information on how to Fraudulently Avoid Payment of Telecommunication Services". (H. P. 742) (L. D. 956)

Bill, "An Act to Provide for an Official Seal for the Department of Human Services and to Expedite the Establishment of Court-ordered Child Support Obligations in Non-AFDC Cases". (H. P. 745) (L. D. 931)

Bill, "An Act Concerning Restitution under the Juvenile Code". (H. P. 746) (L. D. 932)

Bill, "An Act to Permit the Consolidation of Certain Court Cases". (H. P. 741) (L. D. 928)

Bill, "An Act Concerning Maine Rules of Civil Procedure Before the Workers' Compensation Commission". (H. P. 747) (L. D. 933)

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 to Limit the Use of State Funds for the Advocacy of Homosexual Practices". (H. P. 744) (L. D. 930)

Comes from the House referred to the Committee on Judiciary 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 Require Attorneys to Have Sufficient Professional Malpractice Insurance as a Requirement for Admission to the Bar". (H. P. 743) (L. D. 929)

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

On Motion by Senator Katz of Kennebec, referred to the Committee on Business Legislation and ordered Printed, in non-concurrence.

Sent down for concurrence.

Bill, "An Act Relating to the Identification and the Hazards of Chemicals in the Workplace". (H. P. 750) (L. D. 958)

Bill, "An Act to Protect Management Personnel Where Unjustly Discharged or Involuntarily Retired". (H. P. 748) (L. D. 957)

Bill, "An Act Relating to the Notice Provisions of the Workers' Compensation Act". (H. P. 749) (L. D. 934)

Bill, "An Act to Encourage Disabled Employees to Return to Work". (H. P. 751) (L. D. 935)

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 Repeal the Portable Stove Exemption to the Statutes Governing Kindling of Out-of-door Fires". (H. P. 752) (L. D. 936)

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

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

Bill, "An Act to Authorize Rental Housing to be Financed by the Issuance of Revenue Obligation Facilities under the Municipal Securities Approval Act". (H. P. 754) (L. D. 960)

Bill, "An Act to Separate Ogunquit Village Corporation from the Town of Wells". (H. P. 753) (L. D. 959)

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

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

Bill, "An Act to Permit Depuration Facilities to Operate During Red Tide". (H. P. 755) (L. D. 937)

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

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

Bill, "An Act to Increase the Salaries of the Workers' Compensation Commissioners". (H. P. 756) (L. D. 938)

Bill, "An Act Concerning Unclassified Personnel in the Department of Educational and Cultural Services". (H. P. 757) (L. D. 961)

Bill, "An Act Concerning Public Agencies Contracting for Architectural Services". (H. P. 759) (L. D. 939)

Comes 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.

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

Senator PIERCE: I move that the Senate stand at Recess until the sound of the Bell.

Senator Conley of Cumberland, was granted unanimous consent to address the Senate, Off the Record.

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.

(Off Record Remarks)

Bill, "An Act to Increase Job Security for Employment for Employees Elected to the Legislature, excluding Employees Covered under Provisions Dealing with Teachers". (H. P. 760) (L. D. 940)

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

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

Bill, "An Act Granting Municipalities the Option to Levy and Collect Charges for Services to Tax Exempt Properties". (H. P. 761) (L. D. 941)

Bill, "An Act to Exempt from Sales Taxes Depreciable Machinery Used in Commercial Farming and Fishing". (H. P. 762) (L. D. 942)

Bill, "An Act to Amend the Excise Tax on Certain Pickup Trucks". (H. P. 763) (L. D. 943)
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 to Provide Amateur Radio Operators with Initial Plates at Reduced Costs". (H. P. 765) (L. D. 962)

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 Pierce of Kennebec presented, Bill, "An Act to Amend the Life Insurance Provisions Regarding Justices and Judges". (S. P. 345)

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

Sent down for concurrence.

Senator Emerson of Penobscot presented, Bill, "An Act to Provide Additional Assistance to the County Law Libraries". (S. P. 344)

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

Sent down for concurrence.

Orders

An Expression of Legislative Sentiment recognizing that:

The Gorham High School Rams, coached by George Stevenson, have, for the second straight year, won the State Class B Girls' Basketball Championship... (S. P. 341) is presented by Senator Usher of Cumberland cosponsored by Representative Brown of Gorham.

Which was Read and Passed.

Sent down for concurrence.

An Expression of Legislative Sentiment recognizing that:

The Hodgdon High Hawks are State Class C Girls' Basketball Champions for 1979, the first State C Champions from Eastern Maine... (S. P. 340) is presented by Senator Carpenter of Aroostook cosponsored by Representatives: Peltier of Houlton and Lougee of Island Falls.

Which was Read and Passed.

Sent down for concurrence.

An Expression of Legislative Sentiment recognizing that:

Mary Louise Giddings has shown outstanding and unselfish dedication to the people of Maine by her donations to various Maine institutions, including contributions to the Bangor Theological Seminary which made possible the creation of the Willard S. Bass Professorship in Christian Ethics, contributions to the University of Maine at Orono which made possible the creation of the Edwin L. Giddings Professorship of Forest Management and contributions to the Cancer Center Fund at Eastern Maine Medical Center where the new linear accelerator will be named in honor of Mr. and Mrs. Giddings... (S. P. 346) is presented by Senator Devoe of Penobscot.

Which was Read and Passed.

Sent down for concurrence.

An Expression of Legislative Sentiment recognizing that:

The Eastern Maine Medical Center Board of Trustees, recognizing Edward E. Rosen's outstanding generosity to the people of Maine, which includes the establishment of a renal dialysis program and a large donation to the special care unit for infants and children at that medical center, has voted unanimously to name the new cancer treatment center as the Edward E. Rosen Cancer Center... (S. P. 347) is presented by Senator Sewall of Penobscot.

Which was Read and Passed.
Sent down for concurrence.

On motion by Senator Carpenter of Aroostook,

ORDERED, the House concurring, that the Joint Rules be amended by striking out all of Joint Rule 35 and replacing it with the following:

35. Memorials. No memorial shall be in order for introduction unless approved by a majority vote of the Legislative Council; except that any memorial calling for a Constitutional Convention or making application for a change in the United States Constitution shall be referred to the appropriate joint standing committee for a public hearing, and upon being reported out to the appropriate House, shall require the consent of 2/3 of the members present and voting in each House for passage. (S. P. 342)

Which was Read.

The Senator has the floor.

Senator CARPENTER: Mr. President and Members of the Senate. For the last couple of days, I have been working on an amendment, this amendment to Joint Rule 35, prior to the Legislative Leadership getting together and trying to find a way around this particular impasse. I would hope this order of mine proposing this amendment to the Rules, would be tabled so we could consider it a little bit further on, if we find ourselves in a situation, which is causing bad legislation or a situation, where the various members of the branches cannot agree.

On Motion by Senator Pierce of Kennebec, Tabled, 2 Legislative Days, pending passage.

On motion by Senator Pierce of Kennebec, ORDERED, the House concurring, that Bill, "An Act Relating to the Reporting of Illegal Use and Trafficking of Drugs in Maine Schools." S. P. 182, L. D. 412, be recalled from the legislative files to the Senate. (S. P. 343).

Which was Read.

On Motion by Senator Conley of Cumberland, Tabled until later in today's session, pending Passage.

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 Appropriating Funds to Move the Stanton Museum and its Collection from Bates College to the Maine State Museum". (H. P. 233) (L. D. 279)

Ought to Pass

The Committee on Business Legislation on, Bill, "An Act to Amend the Per Diem Rate for Persons Serving on the State Board of Nursing". (H. P. 354) (L. D. 450)

Reported that the same Ought to Pass.

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

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

Reported that the same Ought to Pass.

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

Which Reports were Read and Accepted, in concurrence, and the Bills Read Once, and Tomorrow Assigned for Second Reading.

Ought to Pass — As Amended

The Committee on Local and County Government on, Bill, "An Act to Change the Date on Which the Annual Sessions of the County Commissioners are Held in Sagadahoc County". (H. P. 57) (L. D. 66)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-59).

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

The Committee on Public Utilities on, Bill, "An Act Increasing Borrowing Capacity of Mars Hill Utilities District and Extending the Time Which That District has to Take Over Mars Hill and Blaine Water Company". (Emergency) (H. P. 54) (L. D. 63)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-61).

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

Which Reports were Read and Accepted in concurrence, and the Bills Read Once, Committee Amendments "A" were Read and Adopted in concurrence, and the Bills as amended, Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Transportation on, Bill, "An Act to Revise the Service Charge for Local Vehicle Registration Agents". (H. P. 147) (L. D. 150)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-54)

Signed:

Sensors:

EMERSON of Penobscot
USHER of Cumberland

Representatives:

BROWN of Mexico
CARROLL of Limerick
HUTCHING of Lincolnville
McPHERSON of Eliot
STROUT of Corinth
LOUGEE of Island Falls
HUNTER of Benton
McKEAN of Limestone
ELIAS of Madison

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

Signed:

Sensor:

O'LEARY of Oxford

Representative:

JACQUES of Lewiston

Comes from the House, the Majority Report Accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A".

Which Reports were Read, and the Majority Ought to Pass as amended, Report of the Committee Accepted, in concurrence. The Bill Read Once, Committee Amendment "A" Read and Adopted, in concurrence. The Bill, as amended, tomorrow assigned for Second Reading.

Divided Report

Six members of the Committee on Labor on Bill, "An Act to Increase the Minimum Wage to \$4 Per Hour". (H. P. 26) (L. D. 43)

Reported in Report A that the same Ought to Pass as amended by Committee Amendment "A" (H-48)

Signed:

Sensor:

PRAY of Penobscot

Representatives:

TUTTLE of Sanford
BAKER of Portland
BEAULIEU of Portland
WYMAN of Pittsfield
MARTIN of Brunswick

Six members of the same Committee on the same subject matter Reported in Report B that the same Ought Not to Pass.

Signed:

Sensors:

SUTTON of Oxford
LOVELL of York

Representatives:

LEWIS of Auburn

DEXTER of Kingfield
CUNNINGHAM of New Gloucester
FILLMORE of Freeport

One member of the same Committee on the same subject matter Reported in Report C that the same Ought to Pass.

Signed:

Representative:

McHENRY of Madawaska

Comes from the House, Report "C" Accepted, and the Bill Passed to be Engrossed. Which Reports were Read.

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

Senator PIERCE: Mr. President, I move that the Senate Accept Report "C".

The PRESIDENT: The Senator from Kennebec, Senator Pierce, moves that the Senate Accept Report "C".

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: 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 Kennebec, Senator Pierce.

Senator PIERCE: Mr. President, I would like to let the other members of the Senate know that the purpose of, Accepting Report "C", is for using this as a vehicle, in case any members of the Senate may have ideas that are different than what is on Report "C".

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

Senator PRAY: Mr. President, and Members of the Senate. To explain the 3 reports, for those of you who may not be aware of what the differences are.

Starting at the top with Report "A", with Committee Amendment "A" signed by the Majority of the members of the Committee, is a amendment to the Bill which would require a \$3.10 minimum wage effective October 1st of this year, that will precede the increase of the Federal Minimum Wage which will go in effect January 1, of next year to \$3.10. This is a procedure that we have done two of the last three times.

Report "B" speaks for itself.

Report "C", the original bill, calls for a \$4. minimum wage, with no ceiling. I should regress back to Report "A" at this time, that on Report "A" we also addressed the ceiling and we put the State Minimum Wage Ceiling at \$4, presently the State Minimum Wage, has a ceiling of \$3. If we do not increase that ceiling effective January 1, of next year when Federal Minimum Wage goes to \$3.10 State Minimum Wage will go to \$3, and stay there, so we have a complexity of issues here to discuss.

I think it should be understood that while there may be an amendment offered to Report "C", which could call for the process which we ran through a few years ago when we discussed minimum wage. I think there were a series of amendments at 5¢ increments, and I would hope we would not have to go through that this year, and I would hope the intent of the Assistant Majority Leader the good Senator from Kennebec, Senator Pierce, is not hoping the same route will follow suit tomorrow. I for one am going to support, Report "C", with the understanding hopefully we will in the end, end up with Report "A".

The PRESIDENT: Is the Senate ready for the question?

The pending question before the Senate is the Motion by the Senator from Kennebec, Senator Pierce that the Senate Accept Report "C", the

Ought to Pass Report.

A Yes vote will be in favor of Accepting Report "C".

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Ault, Carpenter, Chapman, Clark, Collins, Conley, Cote, Devoe, Farley, Gill, Huber, Katz, Lovell, McBreaity, Minkowsky, Najarian, O'Leary, Perkins, Pierce, Pray, Redmond, Shute, Silverman, Sutton, Teague, Trafton, Usher.

NAY—Emerson, Hichens, Trotzky.

ABSENT—Danton.

A Roll Call was had.

Senator Martin of Aroostook, was granted permission to change his vote from Nay to Yea. 28 Senators having voted in the affirmative and 3 Senators in the negative with 1 Senator being absent, the Motion to Accept Report "C" does prevail.

The Bill Read Once.

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

Senator PRAY: Under Suspension of the Rules, I move that we give this Bill its Second Reading at this Time.

The PRESIDENT: The Senator from Penobscot, Senator Pray, moves that the Rules be Suspended.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: I would ask for a Division.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: I withdraw my motion.

The PRESIDENT: The Senator from Penobscot, Senator Pray, requests Leave of the Senate to Withdraw his Motion to Suspend the Rules.

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

It is a vote.

The Bill, Tomorrow Assigned for Second Reading.

(Off Record Remarks)

Senate

Leave to Withdraw

Senator Huber for the Committee on Appropriations and Financial Affairs on, Bill, "An Act to Amend the Effective Date of Abolishing the Mental Health and Mental Retardation Improvement Fund". (Emergency) (S. P. 158) (L. D. 333)

Reported that the same be granted Leave to Withdraw.

Which Report was Read and Accepted.

Sent down for concurrence.

Ought to Pass — As Amended

Senator Redmond for the Committee on Fisheries and Wildlife on, Bill, "An Act to Test an Open Season on Moose for a One-Year Period". (S. P. 42) (L. D. 28)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-26)

On Motion by Senator Redmond of Somerset, Tabled for 1 Legislative Day, pending Acceptance of the Committee Report.

Second Readers

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

House

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 Specifically Define what Constitutes a Law Enforcement Officer's Signal to a Motorist to Stop". (H. P. 189) (L. D. 239)

Bill, "An Act to Allow the Trustees of the

Portland Ministry at Large to Seek Changes in its Articles of Incorporation". (Emergency) (H. P. 253) (L. D. 298)

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

RESOLUTION, Proposing an Amendment to the Constitution to Provide for the Convening of the Legislature in January Instead of in December. (H. P. 1) (L. D. 7)

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

Sent down for concurrence.

House — As Amended

Bill, "An Act to Authorize the Lease of Mental Health and Corrections' Facilities by other Agencies". (H. P. 179) (L. D. 220)

Bill, "An Act Relating to Eating, Lodging and Recreational Places Licensing Law". (H. P. 9) (L. D. 18)

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

Enactors

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

Emergency

An Act Converting Mount Chase Plantation into the Town of Mount Chase. (H. P. 638) (L. D. 764)

Emergency

An Act to Increase the Limit on Bonded Indebtedness of the Eastport Port Authority From \$500,000 to \$6,000,000. (H. P. 108) (L. D. 137)

These being emergency measures and having received the affirmative votes of 27 members of the Senate, 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:

House Reports — from the Committee on Labor — Bill, "An Act to Require Personnel Files to Include Medical Records and Nurses' Station Notes." (H. P. 139) (L. D. 158) Majority Report — Ought to Pass as Amended by Committee Amendment "A" (H-41); Minority Report — Ought Not to Pass

Tabled—March 5, 1979 by Senator Katz of Kennebec

Pending—Acceptance of Either Report

On Motion by Senator Katz of Kennebec, Retabled for 3 Legislative Days.

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

House Reports — from the Committee on State Government — Resolution, Proposing an Amendment to the Constitution of Maine to Limit the Purposes for the 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) Majority Report—Ought Not to Pass; Minority Report—Ought to Pass

Tabled—March 7, 1979 by Senator Ault of Kennebec

Pending—Acceptance of Either Report

On Motion by Senator Pierce of Kennebec, Retabled for 1 Legislative Day.

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

Senate Report—from the Committee on Local and County Government—Bill, "An Act Relating to the Court of Probate of Aroostook County." (S. P. 144) (L. D. 320) Ought to Pass

Tabled—March 7, 1979 by Senator Emerson of Penobscot

Pending—Acceptance of Report

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator CARPENTER: Mr. President, and Ladies and Gentlemen of the Senate. I would move for the Indefinite Postponement, of this Bill and all of its accompanying papers, and I would ask for a Division on the vote.

There is a bit of dissension among the county delegation as to whether this should go or not, for those of you unfamiliar with Aroostook, my home town of Houlton happens to be the County Seat, which is where the Probate Office is with a nice secure vault and everything nice and secure. Presently unlike what the statement of fact says, presently, the Probate Court is holding hearings in Caribou I believe two or three times a year, and in Fort Kent once a year.

Supposedly according to the Registrar of Probate, there is no need for any more in Fort Kent, when they go into Fort Kent to hold their hearings, now, there are very few cases, most of the attorneys would rather come to Caribou, the facilities are better and what not. I just do not see the need of this bill, and it concerns me a little bit, that we are going to be hauling, what are basically very important and very sensitive records a great deal of distance, as mandated by this particular Law. I suppose that it is something that we can live with if it goes through, but I would hope that you would join me this morning in voting to Indefinitely Postpone this Bill.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Martin.

Senator MARTIN: Mr. President and Ladies and Gentlemen of the Senate. L. D. 320, a Bill, which is sponsored by myself and the Senator from Aroostook, Senator McBreaity, simply allows Judge of Probate to hold Court twice a year in Fort Kent, Maine and four times a year in Caribou.

Presently depending on where the Judge of Probate is, but assuming that he was from Fort Kent, he could theoretically hold every one of them in Fort Kent, if from Caribou likewise. Probate Court on an annual average is probably held thirty to forty times a year.

The security of the documents, are obviously quite secure, they are in a vault accompanied by the Registrar and the Judge. I would request a Division on the pending motion, also I would remind the good Senator my colleague from southern Aroostook, Senator Carpenter, that the Bill came out of Committee Unanimous Ought to Pass, to my knowledge he is only one in the delegation that has opposition to it, to my knowledge.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator McBreaity.

Senator MCBREAIRTY: Mr. President and Members of the Senate: As Senator Martin has already stated, I am co-sponsor of this Bill.

It is 140 miles from Allagash to Houlton, if holding Probate Court, part-time in Fort Kent and part-time in Caribou, prevents the need for people to drive 140 miles to attend Probate Court it not only should be convenient, but also should save considerably on energy, and should be a step in the right direction, 50% of the Aroostook population lives within a few miles of Caribou.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator CARPENTER: Mr. President, just to clear up a couple of points, first of all, this is not permissive legislation it would not simply allow, it would mandate, what is being done now, continue to be done, there are at least three other members of the County Delegation, none of them happen to be members of this Body who are opposed to this Bill. I just want to clear up those two points, I would ask for a Division.

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

Senator DEVOE: Thank you Mr. President. A point of inquiry if I may, when at the present time the terms of Probate Court are being held

in Caribou and in Fort Kent, is there a provision that the records of the proceedings of the Courts, held at Caribou and Fort Kent, are entered on the docket of the Estates at the set of the Probate Court, which I understand is in the Aroostook County Court House in Houlton, can somebody in the delegation clarify that point for me?

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Martin.

Senator MARTIN: Mr. President, in response to the inquiry, the answer is yes.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the Motion by Senator Carpenter of Aroostook that S. P. 144 be Indefinitely Postponed.

A Division has been requested.

Will all those Senators in favor of Indefinite Postponement, please rise in their places to be counted.

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

1 Senator having voted in the affirmative and 25 Senators in the negative, the Motion to Indefinitely Postpone does not prevail.

The Ought to Pass Report of the Committee Accepted.

The Bill Read Once, and Tomorrow Assigned for Second Reading.

Senator Conley of Cumberland, was granted unanimous consent to address the Senate, On the Record.

Senator CONLEY: Thank you, Mr. President. Mr. President, it seems that on occasion, at least once a year, someone has to pitch hit for a member of this body, and today I have been designated as the designated hitter. I ask you to be extremely patient with me, with the prose that I have before me, deals with one of our favorite subjects:

His colleagues like to bark and bite

And carry on a lot:

But they can always count on him

When the issue gets too hot.

He's always quick to grab his mike,

The gentleman from York,

And offer words of quietude

To members of his flock.

They don't always heed his words,

But go their merry way:

About the only time they do pay heed

Is when he stands to pray.

There was this one exception though,

I'm sure you will recall:

Debate on prostitution was

Ringin' through the hall

The Senator from Eliot

Jumped quickly to his feet,

And made it clear to everyone

That's a gal he'd yet to meet.

No, Walter doesn't drink a lot

Or have a thirst for lust:

But the rest of us don't give a hoot,

There's all the more for us.

There's one thing about this man

I'm sure you'll all admit:

When he writes a poem for us.

It becomes an instant hit.

But he must be doing something more,

Than putting words in rhyme:

Because ever since the 103rd,

He's been elected every time.

So, keep it up Walter H.,

We love you to the core.

We salute you on your birthday,

And wish you many more.

Senator Hichens of York, was granted unanimous consent to address the Senate, Off the Record.

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

Senator Conley of Cumberland, was granted unanimous consent to address the Senate, Off the Record.

The PRESIDENT: The Chair would direct the Senate's attention to Joint Resolution to Ratify an Amendment to the Federal Constitution to Provide for Representation of the District of Columbia in the Congress (H. P. 679) (L. D. 805), tabled earlier in today's session, pending consideration.

On Motion by Senator Pierce of Kennebec, retabled for 1 Legislative Day.

The PRESIDENT: The Chair would direct the Senate's attention to 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) tabled earlier in today's session, pending Reference to a Committee.

On Motion by Senator Pierce of Kennebec, retabled for 1 Legislative Day.

The PRESIDENT: The Chair would direct the Senate's attention to Resolution, Proposing an Act Relating to the Reporting of Illegal Use and Trafficking of Drugs in Maine Schools, "S. P. 182, L. D. 412, from the legislative files to the Senate. (S. P. 343), tabled earlier in today's session pending Passage.

Which was Passed.

Sent down for concurrence.

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