

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 12, 1979

The Senate called to Order by the Secretary.
The SECRETARY: Is it the pleasure of the Senate that the Senator from Kennebec, Senator Katz, act as President pro-tem?

It is a vote.

The Secretary would ask the Sergeant-at-Arms to escort the Senator from Kennebec, Senator Katz, to the rostrum to assume the duties of President pro-tem.

The Sergeant-at-Arms escorted the Senator from Kennebec, Senator Katz, to the rostrum, where he acted as President pro-tem.

Prayer by The Honorable Barbara A. Gill of South Portland.

Senator GILL: Father help us fulfill your purpose for us, in this world and in our particular role as legislators. We pray that your love, understanding and wisdom, pour over us like the sunshine opening our eyes and hearts to the principles and values which you teach. Remind us what we do today may change the course of someones life.

Keep our priorities in order and prepare us for whatever time may bring. Keep our families well while we are away from them. Please give our Chief Executive the special guidance and direction needed to deal with the Legislation we lay before him. All this we ask in Your name. Amen.

Reading of the Journal of yesterday.

Out of Order and Under Suspension of the Rules:

On Motion by Mr. Pierce 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 at 11 o'clock for the purpose of extending to The Honorable Vincent L. McKusick, Chief Justice of the Supreme Judicial Court, an invitation to attend the Convention and make such communication as pleases him.

Which was Read and Passed.

Papers from the House
Non-concurrent Matter

Bill, "An Act Relating to Cost Reimbursement of Boarding Care Facilities under the Human Services' Law." (S. P. 339) (L. D. 1000)

In the Senate, March 7, referred to the Committee on Health and Institutional Services.

Comes from the House, referred to the Committee on Appropriations and Financial Affairs, in non-concurrence.

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

Non-concurrent Matter

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

In the House, March 2, referred to the Committee on Judiciary.

In the Senate, March 8, referred to the Committee on Appropriations and Financial Affairs, in non-concurrence.

Comes from the House, that Body Adhered.
On Motion by Senator Pierce of Kennebec, Tabled until later in today's session, pending Reference consideration.

Joint Order

An Expression of Legislative Sentiment recognizing that:

Dana (Danie) Hamlin of Temple, the oldest citizen of that community, recently celebrated among family and friends the 99th anniversary of his birth...

(H. P. 899)

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

Joint Order

Ordered, the Senate concurring, that the Joint Rules be amended by adding at the end of Joint Rule 6, the following new paragraph:

Where one House has passed upon a legislative paper and forwarded it to the other, the receiving House shall promptly, upon receipt, place that paper on its calendar; and be it further

Ordered, that the Joint Rules be further amended by adding a new Joint Rule 35-A to read as follows:

35-A. Actions relating to the United States Constitution. Commencing with the second regular session of the 109th Legislature, all memorials, resolutions, applications and petitions which relate to the Legislature's functions under the United States Constitution, Article V, shall be in order for introduction without approval from the Legislative Council. Passage of these items shall be accomplished as follows:

1. Any item requesting the calling of a United States Constitutional Convention shall require a two-thirds vote of the members present in each House;

2. Any item requesting ratification of an amendment to the United States Constitution shall require a majority vote of the members present in each House; and

3. Any item requesting any other action under the United States Constitution, Article V, shall require a majority vote of the members present in each House.

(H. P. 897)

Comes from the House, Read and Passed.

Which was Read.

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

House Papers

Bill, "An Act Concerning the Powers of the Board of Trustees and the Treasurer of the University of Maine and Concerning Real Property Belonging to the University." (H. P. 793) (L. D. 1001)

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 Determine What Environmental Laws Apply to Radioactive Waste Materials." (H. P. 799) (L. D. 1004)

Bill, "An Act to Require the Office of Energy Resources to Annually Submit to the Governor and to the Legislature the Current State Energy Plan and Policy." (H. P. 796) (L. D. 1003)

Bill, "An Act to Allow for Private Voluntary Creation and Conveyance of Solar Easements." (H. P. 801) (L. D. 997)

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

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

Bill, "An Act to Encourage Industrial Cogeneration and Small Power Production Facilities Using Renewable Sources of Energy." (H. P. 795) (L. D. 1002)

Committee on Energy and Natural Resources, suggested.

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

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

Bill, "An Act to Permit Hunting of Wild Game upon Certain Lands on Sunday." (H. P. 802) (L. D. 1005)

Bill, "An Act Relating to the Term of Membership on the Inland Fisheries and Wildlife

Advisory Council."

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.

Resolve, Relating to the Provision of Mental Health Services for Children and Families. (H. P. 808) (L. D. 1011)

Bill, "An Act Relating to Permissive Use of Drugs." (H. P. 804) (L. D. 1007)

Bill, "An Act Concerning Work Release and School Release for Individuals under the Department of Mental Health and Corrections." (H. P. 805) (L. D. 1008)

Bill, "An Act to Authorize the Provision of Services to Developmentally Disabled Children." (H. P. 807) (L. D. 1010)

Comes 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 Relating to the Powers of Hospital and Medical Service Organizations." (H. P. 806) (L. D. 1009)

Committee on Health and Institutional Services 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 Clarify Habitual Offender Penalties." (H. P. 809) (L. D. 1012)

Bill, "An Act to Make Arson a Class A Crime under the Maine Criminal Code." (H. P. 810) (L. D. 1013)

Bill, "An Act to Eliminate the Requirement that all Personnel Actions for the Judicial Department be reported to the Commissioner of Personnel." (H. P. 812) (L. D. 1014)

Bill, "An Act to Eliminate the Requirement that Judicial Department Payrolls be Approved by the Commissioner of Personnel." (H. P. 813) (L. D. 1015)

Bill, "An Act to Ensure a Truth-in Renting Law." (H. P. 814) (L. D. 1016)

Bill, "An Act to Establish Firefighters may use a Reasonable Degree of Nondeadly Force to Carry Out their Firefighting Duties." (H. P. 815) (L. D. 1017)

Bill, "An Act to Require that Persons Convicted of Habitually Sexually Molesting a Child under the Age of 14 May be Asexualized." (H. P. 816) (L. D. 1018)

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 Define Employer under the Occupational Safety and Health Law." (H. P. 817) (L. D. 1019)

Bill, "An Act to Clarify the Disqualification Provisions of the Employment Security Law." (H. P. 821) (L. D. 1026)

Bill, "An Act Relating to Unemployment Compensation Benefits for Persons Collecting Workers' Compensation." (H. P. 819) (L. D. 1027)

Bill, "An Act Concerning Eligibility Under the Second Injury Fund Under the Workers' Compensation Statutes." (H. P. 825) (L. D. 1026)

Bill, "An Act to Protect the Right of Employees to Freely Decide whether to Support Labor Organizations." (H. P. 818) (L. D. 1020)

Bill, "An Act to Provide Inflation Protection for Partially Disabled Employees." (H. P. 820) (L. D. 1021)

Bill, "An Act Concerning Group Medical

Coverage for Families of Disabled Employees." (H. P. 822) (L. D. 1022)

Bill, "An Act to Define Suitable Work After the First Twelve Consecutive Weeks of Unemployment." (H. P. 823) (L. D. 1023)

Come 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 Prohibited any Person from Selling or Offering for Sale; or Exchange to a Minor any Product which Seeks to Imitate an Alcoholic Beverage by Looks, Taste and Smell." (H. P. 826) (L. D. 1024)

Bill, "An Act Concerning the Governor and Council of the Penobscot Indian Tribe." (H. P. 827) (L. D. 1025)

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.

Bill, "An Act to Bring the Definition and Use of Local "Comprehensive Plan" into Conformity with Local Planning Requirements." (H. P. 828) (L. D. 1029)

Bill, "An Act to Provide Civil Service Status for all Deputy Sheriffs of the Several Counties." (H. P. 829) (L. D. 1030)

Bill, "An Act to Reestablish the Boundary Line between Winslow and China." (H. P. 834) (L. D. 1031)

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

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

Communications State of Maine

HOUSE OF REPRESENTATIVES

March 9, 1979

Honorable May M. Ross
Secretary of the Senate
109th Legislature
Augusta, Maine 04333
Dear Madam Secretary:

The House voted today to Adhere to its action whereby it Indefinitely Postponed RESOLUTION, Proposing an Amendment to the Constitution to Provide for the Convening of the Legislature in January instead of December (H. P. 1) (L. D. 7)

Respectfully,
EDWIN H. PERT
Clerk of the House

Which was Read and Ordered Placed on file.

Senate Chamber PRESIDENT'S OFFICE

March 9, 1979

Honorable John Chapman
Honorable Robert Howe
Chairmen, Business Legislation Committee
State House
Augusta, Maine 04333

Please be advised that Governor Joseph E. Brennan is nominating Gordon L. Weil of Harpswell to serve as Commissioner of Business Regulation.

Pursuant to Title 10, MRSA, Section 8001, this nomination will require review by the Joint Standing Committee on Business Legislation and confirmation by the Senate.

Sincerely,
JOSEPH SEWALL
President of the Senate
JOHN MARTIN
Speaker of the House
(S. P. 368)

Which was Read and Referred to the Committee on Business Legislation.
Sent down for concurrence.

Senate Papers

Senator Carpenter of Aroostook presented, Bill, "An Act to Repeal the Maine Potato Tax." (S. P. 366)

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

Sent down for concurrence.

Senator Gill of Cumberland presented, RESOLVE, Reimbursing E. G. Foden of South Portland for Cigarette Stamps. (S. P. 360)

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

Sent down for concurrence.

Senator Ault of Kennebec presented, Bill, "An Act to Clarify the Regionalization of Special Education." (S. P. 363)

Senator Pray of Penobscot presented, Bill, "An Act to Permit Citizens to Petition Local Schools Boards." (S. P. 362)

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

Sent down for concurrence.

Senator Gill of Cumberland presented, Bill, "An Act Authorizing the Maine Bureau of Rehabilitation to Provide for Sheltered Workshop Employment for Severely Handicapped Residents of the State of Maine." (S. P. 361)

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

Sent down for concurrence.

Senator Trotzky of Penobscot presented, Bill, "An Act to Safeguard a Citizen's Fundamental Right to Work without Being Compelled to Join a Union." (S. P. 364)

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

Sent down for concurrence.

Senator Najarian of Cumberland presented, Bill, "An Act Relating to the Salary of the Director of the Maine State Housing Authority." (S. P. 365)

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

Sent down for concurrence.

Senator Silverman of Washington presented, Bill, "An Act to Increase State Aid to Towns for Fighting Forest Fires." (S. P. 367)

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

Sent down for concurrence.

Committee Reports House

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

Resolve, to Reimburse Codman-Portland Associates of Boston, Massachusetts for Overpayment of Sales Tax in the Amount of \$3,397.26. (H. P. 15) (L. D. 32)

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

Leave to Withdraw

The Committee on Taxation on, Bill, "An Act to Clarify the Confidentiality of Certain Tax Records." (H. P. 132) (L. D. 143)

Reported that the same be granted Leave to Withdraw.

Come from the House, the Report Read and Accepted.

The Committee on Taxation on, Bill, "An Act to Decrease the Sales and Use Tax from 5% to 4%." (H. P. 90) (L. D. 102)

Reported that the same be granted Leave to Withdraw.

Come from the House, the Report Read and Accepted.

Which Reports were Read and Accepted, in concurrence.

Ought to Pass — As Amended

The Committee on Judiciary on, Bill, "An Act Relating to the Use of Deadly Force and Nondeadly Disabling Chemicals in Property Offenses." (H. P. 127) (L. D. 136)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-65).

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

Which Report was Read.

The PRESIDENT Pro-Tem: The Chair recognizes the Senator from Penobscot Senator Pray.

Senator PRAY: Mr. President, I would like to pose a question through the Chair to somebody on the Judiciary Committee, if they could explain the Bill and what the amendment does to it?

The PRESIDENT Pro-Tem: The Senator from Penobscot, Senator Pray, has posed a question through the Chair, to any member of the Senate who may care to answer.

The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President, the title of this Bill as it stands is not completely accurate. The original Bill, would have permitted the use of deadly force, in defense of property in all kinds of situations. We permit the use of deadly force, now with respect to protecting the home, and with respect to protecting the person.

The Bill, as amended, simply extends the permissive use of disabling chemicals. The common chemical in use in known as Mace. At the present time, it would not be legal to use Mace for the purpose of defending property, in your store for example.

The effect of the Bill, as amended, would be to permit a store owner, or motel owner, or anyone protecting property outside of their own home, to use Chemical Mace, to protect that property. They may of course, use Chemical Mace now to protect human beings, but suppose a scrawny unarmed individual came into a store and demanded the proceeds of the cash register, if the person behind the cash register, had a can of mace handy, and we pass the amendment, he could pick it up and use it on that individual, even though there was no danger to human life. So that would be the result of this Bill, if we should pass it.

On Motion by Senator Conley of Cumberland, Tabled until later in today's session, pending Acceptance of the Committee Report.

The Committee on Local and County Government on, Bill, "An Act Concerning County Commissioners' Discretionary Powers Regarding Grants Placed in County Budgets." (H. P. 144) (L. D. 151)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-70).

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 at Ease)

The Senate called to Order by the President pro-tem.

Divided Report

The Majority of the Committee on Fisheries and Wildlife on, Bill, "An Act to Establish a Bounty on Coyote." (H. P. 18) (L. D. 86)

Reported that the same Ought Not to Pass.
Signed:
Senators:

REDMOND of Somerset
PIERCE of Kennebec
USHER of Cumberland

Representatives:

GILLIS of Calais
MacEACHERN of Lincoln
JACQUES of Waterville
CHURCHILL of Orland
MASTERMAN of Milo
PETERSON of Caribou
PAUL of Sanford
DOW of West Gardiner
VOSE of Eastport

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

Signed:

Representative:

TOZIER of Unity

Comes from the House, Bill and Papers Recommended to the Committee on Fisheries and Wildlife.

Which Reports were Read.

On Motion by Senator Pierce of Kennebec, Recommended to the Committee on Fisheries and Wildlife, in concurrence.

Divided Report

The Majority of the Committee on State Government on, Bill, "An Act to Require that Needs of State Agencies Report to the State Auditor any Suspected Improper or Illegal Financial Activity in their Agency." (H. P. 195) (L. D. 244)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-53).

Signed:

Senator: SUTTON of Oxford

Representatives:

BARRY of Fort Kent
CONARY of Oakland
DAMREN of Belgrade
LANCASTER of Kittery
LUND of Augusta
MASTERTON of Cape Elizabeth
REEVES of Pittston

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

Signed:

Sensors:

AULT of Kennebec
MARTIN of Aroostook

Representatives:

KANY of Waterville
BACHRACH of Brunswick
PARADIS of Augusta

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

Which Reports were Read.

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

Senator AULT: Mr. President, I move Acceptance of the Ought Not to Pass Report.

The PRESIDENT Pro-Tem: The Senator from Kennebec, Senator Ault, now moves that the Senate Accept the Minority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I notice that this is a Divided Report. I also notice that the member of the Senate that did sign ought to pass, has just reentered the Chambers and I wonder if we might get some explanation on the Bill?

The PRESIDENT Pro-Tem: The Chair recognizes the Senator from Oxford, Senator Sutton.

Senator SUTTON: As my good associate from Kennebec and Chairman of our esteemed committee spoke and I do not want to institute a floor fight, but I would like to explain our position.

It seems it should not be necessary to re-

quire, Heads of any of our State Agencies to do this, but according to the Auditor, he is uncomfortable with the fact, there are heads of agencies that are not doing this, that are not trying to be improper, but are trying to clean up their own house, sometimes at the possible expense of correcting something that should be looked into by the State, so he has requested this be done by Heads of State Agencies.

Those of us who signed the ought to pass report, felt that it should be done by all sub-state agencies and that is what the amendment includes a broad definition of all sub-state agencies, this is why those of us who signed the ought to pass report did so because we feel it will give a little bit more impetus and support to the State Auditor, as far as requiring we clean up our act at all levels of government.

On Motion by Senator Ault, of Kennebec, Tabled until later in today's session, pending the motion by Senator Ault of Kennebec.

Senate

Ought to Pass — As Amended

Senator Minkowsky for the Committee on Education on, Bill, "An Act to Amend the Representation of Towns on Community School Districts." (S. P. 93) (L. D. 179)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-33).

Which Report was Read, and Accepted, and the Bill Read Once, Committee Amendment "A" was Read.

On Motion by Senator Troitzky of Penobscot, Tabled until later in today's session, pending Adoption of the Committee Amendment.

Divided Report

The Majority of the Committee on Education on, Bill, "An Act Concerning the Hiring of all School Bus Drivers." (S. P. 76) (L. D. 152)

Reported that the same Ought Not to Pass.

Signed:

Sensors:

TROITZKY of Penobscot
GILL of Cumberland
MINKOWSKY of Androscoggin

Representatives:

FENLASON of Danforth
LEIGHTON of Harrison
GOWEN of Standish
BIRT of East Millinocket
ROLDE of York
DAVIS of Monmouth
LOCKE of Sebec

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

Signed:

Representatives:

CONNOLLY of Portland
LEWIS of Auburn
BEAULIEU of Portland

Which Reports were Read.

On Motion by Senator Pierce of Kennebec, Tabled 1 Legislative Day, pending, Acceptance of Either Committee Report.

Second Readers

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

House — As Amended

Bill, "An Act to Permit Performing Arts Centers to Serve Alcoholic Beverages." (H. P. 252) (L. D. 297)

Which was Read a Second Time.

On Motion by Senator Pierce of Kennebec, Tabled for 2 Legislative Days, pending Passage to be Engrossed.

Bill, "An Act to Increase Salaries of County Officers." (H. P. 201) (L. D. 227)

Which were Read a Second Time.

The PRESIDENT Pro-Tem: The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Senator CHAPMAN: Mr. President, I move

that the Senate Reconsider its action whereby it Adopted House Amendment "A" to L. D. 227.

The PRESIDENT Pro-Tem: The Senator from Sagadahoc, Senator Chapman now moves that the Senate Reconsider its action whereby it Adopted House Amendment "A" to L. D. 227.

Is this the pleasure of the Senate?

It is a vote.

The Senator has the floor.

Senator CHAPMAN: Mr. President, and Members of the Senate: Because the content of this Amendment is directly contrary to the wishes of all but one member of the Lincoln County Delegation, I move that this amendment be Indefinitely Postponed.

The PRESIDENT Pro-Tem: The Senator from Sagadahoc, Senator Chapman, moves that House Amendment "A" to L. D. 227, be Indefinitely Postponed.

Is this the pleasure of the Senate?

It is a vote.

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

Sent down for concurrence.

Senate

Bill, "An Act Relating to Certification of Plumbing Inspectors." (S. P. 154) (L. D. 372)

Bill, "An Act to Amend the Safe Drinking Water Act." (S. P. 155) (L. D. 330)

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

Sent down for concurrence.

Senate — As Amended

Bill, "An Act Providing Funds for Young Women's Christian Association Fair Harbor Shelter in Portland." (S. P. 194) (L. D. 461)

Bill, "An Act Relating to Filing Abstracts to Divorce Decrees with Registry of Deeds." (S. P. 104) (L. D. 201)

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

Sent down for concurrence.

On Motion by Senator Pierce of Kennebec, the Senate voted to reconsider its action of earlier in today's session whereby Bill, "An Act Concerning Group Medical Coverage for Families of Disabled Employees." (H. P. 822) (L. D. 1022) was referred to the Committee on Labor.

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

Sent down for concurrence.

The President Pro-Tem appointed, Senator Pierce 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.

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

Orders of the Day

The President Pro-Tem: laid before the Senate the First Tabled and specially assigned matter:

JOINT ORDER — Relative to Joint Rule 35 regarding Memorials. (S. P. 342)

Tabled — March 8, 1979 by Senator Pierce of Kennebec

Pending — Passage

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

(Off Record Remarks)

The President Pro-Tem laid before the Senate the second tabled and specially assigned matter:

JOINT ORDER — Relative to Joint rule 6-A regarding Legislative Papers. (S. P. 359)

Tabled—March 9, 1979 by Senator Katz of Kennebec

Pending—Passage

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

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

HOUSE REPORT — from the Committee on State Government — 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) Ought to Pass

Tabled — March 9, 1979 by Senator Katz of Kennebec

Pending — Acceptance of Report

Which Report was Accepted in concurrence and the Bill Read Once.

House Amendment "A" Read.

On Motion by Senator Pierce of Kennebec, House Amendment "A" Indefinitely Postponed, in non-concurrence.

The Bill, Tomorrow Assigned, for Second Reading.

The President Pro-Tem laid before the Senate the Fourth Tabled and specially assigned matter:

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

Tabled—March 9, 1979 by Senator Pierce of Kennebec

Pending—Passage to be Engrossed

The President Pro Tem: The Chair recognizes the Senator from Oxford, Senator O'Leary.

Senator O'LEARY: Mr. President, I move Reconsideration of Committee Amendment "A" for the purpose of introducing an Amendment.

THE PRESIDENT Pro-Tem: The Senator from Oxford, Senator O'Leary, moves that the Senate Reconsider its Action whereby it Adopted Committee Amendment "A".

Is this the pleasure of the Senate?

It is a vote.

The Senator has the floor.

Senator O'LEARY: Mr. President, I now present Senate Amendment "A" to Committee Amendment "A" and moves its Adoption.

THE PRESIDENT Pro-Tem: The Senator from Oxford, Senator O'Leary, presents Senate Amendment "A" to Committee Amendment "A" and moves its Adoption.

Senate Amendment "A" (S-34) Read and Adopted.

Committee Amendment "A" as amended, Adopted.

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

Sent down for concurrence.

The President Pro-Tem laid before the Senate the Fifth Tabled, and specially assigned matter:

SENATE REPORT — from the Committee on Fisheries and Wildlife — Bill "An Act to Test an Open Season on Moose for a One-Year Period." (S. P. 42) (L. D. 28) Ought to Pass as Amended by Committee Amendment "A" (S-26)

Tabled—March 9, 1979 by Senator Katz of Kennebec

Pending—Acceptance of Report

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

The President Pro-Tem laid before the Senate the Sixth Tabled, and specially assigned 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)

Tabled—March 9, 1979 by Senator Katz of Kennebec

Pending—Consideration

The PRESIDENT Pro-Tem: The Senator from Kennebec, Senator Pierce, moves that the Senate Recede and Concur with the House.

Is this the pleasure of the Senate?

The Motion Prevailed.

The PRESIDENT Pro-Tem: The Chair would direct the Senate's attention to Bill, "An Act Relating to Cost Reimbursement of Boarding Care Facilities under the Human Services' Law." (S. P. 339) (L. D. 1000), tabled earlier in today's session, pending Consideration.

The Senator from Kennebec, Senator Pierce, moves that the Senate Recede and Concur with the House.

Is this the pleasure of the Senate?

The Motion prevailed.

The PRESIDENT Pro-Tem: The Chair would direct the Senate's attention to Bill, "An Act to Limit the Use of State Funds for the Advocacy of Homosexual Practices." (H. P. 744) (L. D. 930) tabled earlier in today's session, pending Consideration.

The Senator from Kennebec, Senator Pierce, moves that the Senate Recede and Concur with the House.

Is this the pleasure of the Senate?

The Motion Prevailed.

The PRESIDENT Pro-Tem: The Chair would direct the Senate's attention to Joint Order relative to Joint Rule 6, tabled earlier in today's session, pending Passage.

On Motion by Senator Pierce of Kennebec, Tabled for 1 Legislative Day, pending Passage.

The PRESIDENT Pro-Tem: The Chair would direct the Senate's attention to Bill, "An Act to Encourage Industrial Cogeneration and Small Power Production Facilities Using Renewable Sources of Energy." (H. P. 795) (L. D. 1002) tabled earlier in today's session, On Motion by Senator Pierce of Kennebec, Tabled for 1 Legislative Day, pending Reference.

The PRESIDENT Pro tem: The Chair would direct the Senate's attention to Bill, "An Act Relating to the Use of Deadly Force and Non-deadly Disabling Chemicals in Property Offenses." (H. P. 127) (L. D. 136) tabled earlier in today's session, pending Acceptance of the Committee Report.

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

The PRESIDENT Pro-Tem: The Chair would direct the Senate's attention to Bill, "An Act to Require that Heads of State Agencies Report to the State Auditor any Suspected Improper or Illegal Financial Activity in their Agency." (H. P. 195) (L. D. 244) tabled earlier in today's session, pending the Motion by Senator Ault of Kennebec, to Accept the Ought Not to pass Report of the Committee.

On Motion by Senator Conley, of Cumberland, Tabled 1 Legislative Day, pending the Motion by Senator Ault of Kennebec.

The PRESIDENT Pro-Tem: The Chair would direct the Senate's attention to Bill, "An Act to Amend the Representation of Towns on Community Schools Districts" (S. P. 93) (L. D. 179) tabled earlier in today session, pending Adoption of Committee Amendment "A".

The PRESIDENT Pro-Tem: The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Senator TROTZKY: Mr. President, I present Senate Amendment "A" to Committee Amendment "A" (S-35) and move its Adoption.

The PRESIDENT Pro-Tem: The Senator from Penobscot, Senator Trotzky, presents Senate Amendment "A" to Committee Amend-

ment "A" and moves its Adoption.

Senate Amendment "A" Read.

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

Senator O'LEARY: Mr. President, I would like to direct a question, to any member of the Committee who may care to answer.

It is my understanding of this, is now that any member of a School Board, who misses three consecutive or three regular committee meetings will no longer be on the committee. I would ask Mr. President, if this isn't subverting the wishes of the people who represented that person, who may have missed these three meetings because of an extended illness what would happen?

The PRESIDENT Pro-Tem: The Senator from Oxford, Senator O'Leary, poses a question through the Chair to any member of the Committee that may care to answer.

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Senator TROTZKY: Mr. President and Members of the Senate: This Bill concerns, specifically community school districts, it appears that in one of the towns, in Aroostook County which belong to a community school district Dyer Brook. Dyer Brook has three school committee members, however, only 1 of the 3 is allowed to be on the Community School District. That person does not attend and has a 3 year term, and consequently, Dyer Brook has no representation on that Community School District. What this does is it allows for his replacement, or the replacement of any person on a Community School District who is not attending meetings, the purpose of this is to give the town representation.

Senate Amendment "A" to Committee Amendment "A", Adopted.

Committee Amendment "A", as amended, Adopted. The Bill, as amended, tomorrow assigned for Second Reading.

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)

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.

Senator Perkins of Hancock, was granted unanimous consent to address the Senate, Off the Record.

On Motion by Senator Pierce of Kennebec, Adjourned until 9:30 o'clock tomorrow morning.