

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 26, 1979

Senate called to Order by the President.

Prayer by The Honorable Jerome A. Emerson of Corinna.

Senator EMERSON: Let us be in a spirit of prayer! Heavenly Father, as we begin this new week, help each of us to be mindful of our good fortune, to have the opportunity to live in this great state and this great nation, and to serve the people of Maine in this body. For although we struggle to find right solutions for today's problems both large and small, largely our struggle is how to fairly distribute abundance and not how to help our fellow man eke out an existence amid extreme poverty and want. Yes, indeed we are fortunate. As we carry out the responsibilities incumbent upon us, we pray, we may do so with compassion, with wisdom, and with a sense of fairness. In Christ's name, Amen.

Reading of the Journal of yesterday.

House Papers

Bill, "An Act to Define What Foods May be Labeled or Advertised as Natural or Organic." (H. P. 1016) (L. D. 1286)

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 to Increase Legislators' Salaries to Eventually Equal the Minimum Wage." (H. P. 1047) (L. D. 1300)

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 Provide Security Deposits or Bonding of Businesses in the State which Warrant Consumer Goods and Services." (H. P. 1020) (L. D. 1287)

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 Increase the Short-term Investment Capabilities of the State." (H. P. 1048) (L. D. 1306)

Committee on Business Legislation suggested.

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 Clarify the Requirements Relating to Campaign Reports and Finances." (H. P. 1050) (L. D. 1301)

Bill, "An Act to Prohibit Voter Registration on Election Day with Certain Exceptions." (H. P. 1051) (L. D. 1302)

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

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

Bill, "An Act to Permit a Resident of an Intermediate Care Facility who Receives Aid for the Medically Needy to Give at Least \$250 a Month from His Income to a Dependent Spouse." (H. P. 1054) (L. D. 1305)

Bill, "An Act to Improve Investment Opportunities for Local Government Units. (Emergen-

cy) (H. P. 1055) (L. D. 1298)

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 to Provide Seed Money to Expand the Provision of Summer Residential Experiences for Maine Children." (H. P. 1052) (L. D. 1303)

Committee on Health and Institutional Services suggested.

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

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

Bill, "An Act to Clarify the Rights and Responsibilities of Institutions to Dispose of Abandoned and Unclaimed Personal Property." (H. P. 1053) (L. D. 1304)

Committee on Health and Institutional Services suggested.

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

On Motion by Senator Katz of Kennebec, referred to the Committee on State Government, and Ordered Printed, in concurrence.

Bill, "An Act to Increase the Good Time Deduction." (H. P. 1058) (L. D. 1308)

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

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

Bill, "An Act to Clarify the Conflict of Interest Statutes to Include Law Associates and Former Law Associates and to Include both Classified and Unclassified State Employees." (H. P. 1056) (L. D. 1307)

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 State Government and Ordered Printed, in non-concurrence.

Sent down for concurrence.

Bill, "An Act to Establish a Work Experience and Training Program within the Department of Manpower Affairs." (H. P. 1028) (L. D. 1288)

Bill, "An Act to Set a Penalty for Employers Who Prevent Employees from Organizing an Employee Organization." (H. P. 1059) (L. D. 1309)

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 Relating to Automobile Graveyard and Junkyard Permit Fees." (H. P. 1061) (L. D. 1311)

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 Provide an Investment Tax Credit for Farmers and Fishermen." (H. P. 1037) (L. D. 1299)

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.

(Off Record Remarks)

Senate Papers

Senator Huber of Cumberland presented,

Bill, "An Act Appropriating Funds for Abortion Procedures for Persons Otherwise Eligible under Medicaid and to Effect Substantial Savings in the Costs of Government Services." (S. P. 464)

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

Sent down for concurrence.

Senator Trafton of Androscoggin, Cosponsor: Senator Clark of Cumberland presented, Bill, "An Act to Regulate the Sale of Franchises" (S. P. 465)

Senator Chapman of Sagadahoc presented, Bill, "An Act to Amend the Maine Automobile Insurance Cancellation Control Act." (S. P. 463)

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

Sent down for concurrence.

Senator Trafton of Androscoggin, Cosponsor: Senator Huber of Cumberland presented, Bill, "An Act Relating to the Protection of Ground Water." (S. P. 468)

Which was referred to the Committee on Energy and Natural Resources and Ordered Printed.

Sent down for concurrence.

Senator Trafton of Androscoggin, Cosponsor: Senator Gill of Cumberland presented, Bill, "An Act to Establish and Protect the Rights of Recipient of Mental Health Services." (S. P. 466)

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

Sent down for concurrence.

Senator Trafton of Androscoggin, Cosponsor: Senator Huber of Cumberland presented, Bill, "An Act to Assure the Appropriate Development of the Hydro Power Potential of Maine Rivers." (S. P. 467)

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

Sent down for concurrence.

Senator Martin of Aroostook, Cosponsor: Senator Chapman of Sagadahoc presented, Bill, "An Act to Eliminate the Termination Provisions of the "Food Products" Sales Tax Exemption." (S. P. 462)

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

Sent down for concurrence.

Committee Reports

House

Leave to Withdraw

The Committee on Health and Institutional Services on, Bill, "An Act Requiring Consumer Majorities on the Boards of Health Care Facilities." (H. P. 738) (L. D. 925)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Transportation on, Bill, "An Act to Provide a Motor Vehicle Inspection Sticker Procedure for Vehicles Failing an Inspection." (H. P. 447) (L. D. 564)

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.

Ought to Pass

The Committee on Election Laws on, RESOLUTION, Proposing an Amendment to the Constitution of Maine to Remove the Literacy Requirements for Eligibility to Vote. (H. P. 430) (L. D. 547)

Reported that the same Ought to Pass.

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

The Committee on Judiciary on, Bill, "An Act to Centralize the Administration of Uniform Reciprocal Enforcement of Support Act Petitions Filed in the State of Maine by the Official Child Support Agency of Another State." (H. P. 643) (L. D. 796)

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 Resolution and Bill Read Once and Tomorrow Assigned for Second Reading.

Ought to Pass — As Amended

The Committee on Business Legislation on, Bill, "An Act to Establish Registration of Electrotechnologists." (H. P. 48) (L. D. 57)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-122)

Comes 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.

On Motion by Senator Pierce of Kennebec, the Senate voted to reconsider its action of earlier in today's session whereby Bill, "An Act to Establish and Protect the Rights of Recipients of Mental Health Services" (S. P. 466) was referred to the Committee on Judiciary and Ordered Printed.

On Motion by Senator Pierce of Kennebec, referred to the Committee on Health and Institutional Services, and Ordered Printed.

Sent down for concurrence.

Divided Report

The Majority of the Committee on Transportation on, Bill, "An Act Concerning Certain Allocations from the General Highway Fund for the Repair of Certain Bridges in Baxter State Park." (Emergency) (H. P. 134) (L. D. 145)

Report that the same Ought to Pass.

Signed:

Sensors:

EMERSON of Penobscot
O'LEARY of Oxford

Representatives:

STROUT of Corinth
HUTCHINGS of Lincolnville
HUNTER of Benton
BROWN of Mexico
McPHERSON of Eliot

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

Signed:

Senator:

USHER of Cumberland

Representatives:

JACQUES of Lewiston
CARROLL of Limerick
McKEAN of Limestone
ELIAS of Madison
LOUGEE of Island Falls

Comes from the House, the Majority Reported, Read and Accepted, and the Bill Passed to be Engrossed.

Which Reports were Read.

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

Sensor EMERSON: I move that we Accept the Majority Ought to Pass Report.

The Majority Ought to Pass Report of the Committee, Accepted, in concurrence.

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

Senate

Leave to Withdraw

Sensor Pray for the Committee on Labor on, Bill, An Act to Raise the Ceiling on the Minimum Wage to \$4. (S. P. 127) (L. D. 305)

Reported that the same be granted Leave to Withdraw.

Which Report was Read and Accepted.

Sent down for concurrence.

Divided Report

The Majority of the Committee on Labor on, Bill, "An Act to Encourage Retraining of Handicapped Workers" (S. P. 164) (L. D. 368)

Reported that the same Ought to Pass.

Signed:

Sensor:

PRAY of Penobscot

Representatives:

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

The Minority of the same Committee on the same subject matter Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-55).

Signed:

Sensors:

SUTTON of Oxford
LOVELL of York

Representatives:

CUNNINGHAM of New Gloucester
FILLMORE of Freeport
DEXTER of Kingfield
LEWIS of Auburn

Which Reports were Read.

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

Sensor SUTTON: Mr. President, I move that we Accept the Minority Ought to Pass Report, as amended, by Committee Amendment "A".

The PRESIDENT: The Senator from Oxford, Senator Sutton, moves the Senate Accept the Minority Ought to Pass as amended, Report of the Committee.

On Motion by Senator Pray of Penobscot, Tabled for 1 Legislative Day, pending the Motion by Senator Sutton of Oxford.

Divided Report

The Majority of the Committee on Labor on, Bill, An Act to Amend the Workers' Compensation Statute to Provide for Podiatric Services. (S. P. 151) (L. D. 328)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-56)

Signed:

Sensor:

PRAY of Penobscot

Representatives:

MARTIN of Brunswick
BAKER of Portland
CUNNINGHAM of New Gloucester
FILLMORE of Freeport
DEXTER of Kingfield
WYMAN of Pittsfield
BEAULIEU of Portland
TUTTLE of Sanford
McHENRY of Madawaska

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

Signed:

Sensors:

SUTTON of Oxford
LOVELL of York

Representative:

LEWIS of Auburn

Which Reports were Read.

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

Sensor SUTTON: Mr. President, I move that we Accept the Minority Ought Not to Pass Report.

The PRESIDENT: The Senator from Oxford, Senator Sutton, moves the Senate Accept the Minority Ought Not to Pass Report.

The Chair recognizes the Senator from Cumberland, Senator Gill.

Sensor GILL: I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of Accepting the Minority Ought Not to Pass Report of the Committee, 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 12 Senators in the negative, the Motion to Accept the Minority Ought Not to Pass Report does not prevail.

Is it now the pleasure of the Senate to Accept the Majority Ought to Pass, as amended. Report of the Committee?

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Sensor TROTZKY: I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of Accepting the Majority Ought to Pass, as amended, Report of the Committee, please rise in their places to be counted.

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

13 Senators having voted in the affirmative and 12 Senators in the negative, the Motion to Accept the Majority Ought to Pass, as amended, Report of the Committee does prevail.

The Bill Read Once. Committee Amendment "A" Read and Adopted. 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 Concerning the Investigation and Invalidity of Indian Tribal Elections." (H. P. 388) (L. D. 498)

Bill, "An Act Concerning Notice Provisions for Penobscot Indian Tribal Elections." (H. P. 389) (L. D. 525)

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

House — As Amended

Bill, "An Act to Clarify Sex Discrimination in the Maine Human Rights Act." (H. P. 548) (L. D. 679)

Bill, "An Act Concerning Fines Resulting from Fish and Game Violations on Land of the Penobscot Indians." (H. P. 392) (L. D. 541)

Bill, "An Act Relating to Constables and Special Police Officers." (H. P. 250) (L. D. 295)

Bill, "An Act Making Minor Revisions in the Aeronautics Law." (H. P. 166) (L. D. 198)

Bill, "An Act Relating to Fatal Motor Vehicle Accidents." (H. P. 459) (L. D. 572)

Bill, "An Act for Per Diem Compensation for Active Retired Judges." (Emergency) (H. P. 375) (L. D. 485)

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

Bill, "An Act to Amend the Requirements for Registration of Professional Foresters." (H. P. 82) (L. D. 93)

Which was Read a Second Time.

On Motion by Senator Katz of Kennebec, Tabled for 1 Legislative Day, pending Passage to be Engrossed.

Senate

Bill, "An Act to Permit the Retirement Earnings Limitation to Increase as Cost-of-Living Increases in Retirement Benefits are Granted." (S. P. 222) (L. D. 606)

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

Sent down for concurrence.

Senate — As Amended

Bill, "An Act to Restrict the Placing of Hazardous Objects on Utility Poles." (S. P. 107)

(L. D. 212)

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 Require Certification of Teachers in Bilingual Education Programs. (H. P. 122) (L. D. 130)

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

An Act Concerning the Release of Certain Information Furnished for the Filing of Liens for Support Payments. (H. P. 461) (L. D. 574)

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

Constitutional Amendment

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)

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

Orders of the Day

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

Bill, "An Act to Amend the Representation of Towns on Community Schools Districts." (S. P. 93) (L. D. 179)

Tabled — March 22, 1979 by Senator Pierce of Kennebec

Pending — Consideration

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

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

House Report — from the Committee on Judiciary — Bill, "An Act to Permit the Publication of the Names of Juveniles in Connection with Arrests and Court Appearances." (H. P. 18) (L. D. 35) Report "A" Ought to Pass with Committee Amendment "A" (H-117); Report "B" Ought to Pass with Committee Amendment "B" (H-118); Report "C" Ought Not to Pass

Tabled — March 23, 1979 by Senator Devoe of Penobscot

Pending — Acceptance of a Report

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

Senator KATZ: At the request of the Chairman of the Judiciary Committee, I move that the Senate Accept Report "A".

On Motion by Senator Sutton of Oxford, Tabled for 1 Legislative Day, pending the Motion by Senator Katz of Kennebec.

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

Bill, "An Act Relating to Abatement Proceedings." (H. P. 181) (L. D. 209)

Tabled — March 23, 1979 by Senator Teague of Somerset

Pending — Enactment

On Motion by Senator Teague of Somerset, Retabled for 1 Legislative Day.

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

House Report — from the Committee on Labor — Bill, "An Act to Adjust Unemployment Benefits for Employees on Layoff who are Temporarily Recalled to Work by their Regular Employer." (H. P. 219) (L. D. 267) Majority Report — Ought to Pass as Amended by Committee Amendment "A" (H-104); Mi-

nority Report Ought Not to Pass

Tabled — March 23, 1979 by Senator Katz of Kennebec

Pending — Acceptance of a Report

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.

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

Out of Order and Under Suspension of the Rules, the Senate voted to consider the following:

Papers from the House

Joint Orders

Expressions of Legislative Sentiment recognizing that:

Sean Vereault of Boy Scout Troop #74 of Old Town has attained the rank of Eagle Scout... (H. P. 1197)

The Old Town High School Men's Swin Team, with Coach Timothy Babcock, Captains Jeffrey Dufour, David Cashman and Paul Thibodeau, are Class "A" State Champions... (H. P. 1198)

Kathy Baillargeon has accumulated 1,230 points for the Old Town Girls' Basketball Team... (H. P. 1199)

The 86-member Livermore Falls band and chorus, under the direction of Kenton Stewart, will be the official representative of Maine at the Annual Cherry Blossom Festival to be held in Washington, D. C. on April 7, 1979... (H. P. 1175)

Come from the House, Read and Passed.

Which were Read and Passed, in concurrence.

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