

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Ninth

Legislature

OF THE

STATE OF MAINE

SECOND REGULAR SESSION

January 2 to April 3, 1980

THIRD SPECIAL SESSION

May 22, 1980

THIRD CONFIRMATION SESSION

July 17, 1980

FOURTH CONFIRMATION SESSION

July 24, 1980

FIFTH CONFIRMATION SESSION

September 12, 1980

**REPORT, HEARING TRANSCRIPT AND
RELATED MEMORANDA OF THE JOINT
SELECT COMMITTEE ON INDIAN LAND
CLAIMS**

STATE OF MAINE
One Hundred and Ninth Legislature
Second Regular Session
JOURNAL OF THE SENATE

January 2, 1980

Pursuant to the provisions of the Constitution and the laws of the State of Maine, the Senators convened in the Senate Chamber at 10 o'clock in the morning and were called to order by the President.

Prayer by Father Valmont R. Gilbert, St. Augustine's Church, of Augusta.

Father GILBERT: Let us pray! Almighty eternal God, you know what is in the hearts of men and you protect their rights.

In your goodness and providence watch over all the public officials, of our government, who are here present.

Assist them with your grace that they may always represent the people of the State of Maine with integrity.

Grant that in all they do they will give our state a fruitful economy born of justice and charity.

In your love for all of us make it possible that we may always enjoy freedom, security and peace.

We ask you this in the name of Jesus, your son. Amen.

The Roll being called, the following Senators responded to their names:

Ault, Carpenter, Chapman, Clark, Collins, Conley, Cote, Devoe, Emerson, Gill, Hichens, Huber, Katz, Martin, McBreairty, Minkowsky, Najarian, O'Leary, Perkins, Pierce, Pray, Redmond, Shute, Silverman, Sutton, Teague, Trafton, Trotzky, Usher, Sewall.

30 Senators having answered to the Roll Call, the President declared that a quorum was present.

Out of Order and Under Suspension of the Rules:

On motion by Senator Katz of Kennebec, ORDERED, that a message be sent to His Excellency, the Governor, informing him that a quorum of Senators is assembled in the Senate Chamber for the consideration of such business as may come before the Senate.

Which was Read and Passed.

The President appointed Senator Katz of Kennebec to deliver the message to his excellency the Governor.

Subsequently, Senator Katz reported that he had delivered the message with which he was charged.

Subsequently, a message was received from the House of Representatives through Representative Tierney of Lisbon Falls, informing the Senate that a quorum was present for the consideration of such business as might come before the House.

Out of Order and Under Suspension of the Rules:

On Motion by Senator Pierce of Kennebec, ORDERED, that a message be conveyed to the House of Representatives informing that Body that a quorum of Senators is present for the consideration of such business as may come before the Senate.

Which was Read and Passed.

The President appointed Senator Pierce of Kennebec, to convey the message. The Senator then retired to the Hall of the House.

Subsequently, Senator Pierce reported that he had delivered the message with which he was charged.

Out of Order and Under Suspension of the Rules:

On motion by Senator Conley of Cumberland, ORDERED, that a message be sent to the House of Representatives proposing a Joint

Convention in the Hall of the House at eleven o'clock for the purpose of extending to His Excellency, Governor Joseph E. Brennan, an invitation to attend the Convention and make such communication as pleases him.

Which was Read and Passed.

The President appointed Senator Conley of Cumberland, 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.

Communications
State of Maine
OFFICE OF THE GOVERNOR

November 30, 1979

The Honorable Joseph Sewall
President of the Senate
State House
Augusta, Me

Dear Senator Sewall:

This is to inform you that I am today nominating Justice David G. Roberts for appointment to the Supreme Judicial Court of the State of Maine.

Pursuant to the Maine Constitution Art. V Part 1 Section 8, this nomination will require review by the Joint Standing Committee on the Judiciary and confirmation by the Senate.

Thank you for your assistance.

Sincerely,

JOSEPH E. BRENNAN
Governor

Which was Read and Ordered Placed on File.

THE SENATE OF MAINE

December 3, 1979

The Honorable Samuel W. Collins, Jr.
The Honorable Barry J. Hobbins
Chairmen, Judiciary Committee
109th Maine Legislature

Please be advised that notice has been received that Governor Joseph E. Brennan nominated Justice David G. Roberts to the Supreme Judicial Court on November 30, 1979.

Pursuant to the Constitution of Maine, Article V, Part 1, Section 8, this nomination will require review by the Joint Standing Committee on Judiciary.

Sincerely,

MAY M. ROSS
Secretary of the Senate

Which was Read and Ordered Placed on File.

COMMITTEE ON JUDICIARY

December 18, 1979

The Honorable Joseph Sewall
President of the Senate of Maine
State House
Augusta, Maine

Dear President Sewall:

In accordance with 3 M.R.A., Chapter 6, Section 151, and with Joint Rule 38 of the 109th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of David G. Roberts of Bangor to the position of Justice of the Maine Supreme Judicial Court.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate of the 109th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee Clerk called the roll with the following result:

YEAS:

Senators — 2
Representatives — 6

NAYS:

Senators — 0
Representatives — 0

ABSENT: Senators 1 — Senator Trafton
Representatives 4 — Reps. Sewall,
Laffin, Silsby & Stetson

8 members of the Committee having voted in the affirmative and 0 in the negative, it was the vote of the Committee that the nomination of David G. Roberts be confirmed.

Sincerely,
SAMUEL W. COLLINS, JR.
Senate Chairman
BARRY J. HOBBINS
House Chairman
Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Judiciary has recommended that the nomination of David G. Roberts be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on Judiciary be overridden? In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 38 of the 109th Legislature, the vote will be taken by the yeas and nays.

A vote of YES will be in favor of overriding the recommendation of the Committee. A vote of NO will be in favor of sustaining the recommendation of the Committee. Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.
The Secretary will call the Roll.

ROLL CALL

YEA — None

NAY — Ault, Carpenter, Clark, Collins, Conley, Cote, Devoe, Emerson, Gill, Hichens, Huber, Katz, Martin, McBreairty, Minkowsky, Najarian, O'Leary, Perkins, Pierce, Redmond, Shute, Silverman, Sutton, Teague, Trafton, Trotzky, Usher, Sewall.

ABSENT — Chapman, Danton, Farley, Lovell, Pray.

No Senators having voted in the affirmative and 28 Senators in the negative, with 5 Senators being absent and none being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be accepted. The nomination of David G. Roberts is confirmed.

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

State of Maine
OFFICE OF THE GOVERNOR

December 7, 1979

The Honorable Joseph Sewall
President of the Senate
State House
Augusta, Maine

Dear Senator Sewall:

I am pleased to inform you that I am today nominating William E. McKinley of Portland to be a Superior Court Justice. Pursuant to Title 4 MRSA Section 152, this nomination will require review by the Joint Standing Committee on the Judiciary and confirmation by the Senate.

Thank you for your assistance in this matter.

Sincerely,

JOSEPH E. BRENNAN
Governor

Which was Read and Ordered Placed on File.

THE SENATE OF MAINE

December 7, 1979

The Honorable Samuel W. Collins, Jr.
The Honorable Barry J. Hobbins
Chairmen, Judiciary Committee
109th Maine Legislature

Please be advised that Governor Joseph E. Brennan has nominated William E. McKinley of Portland to be a Superior Court Justice.

Pursuant to Title 4 M.R.S.A., Section 152, this nomination will require review by the Joint Standing Committee on Judiciary.

Sincerely,

MAY M. ROSS
Secretary of the Senate
Which was Read and Ordered Placed on File.

COMMITTEE ON JUDICIARY

December 18, 1979

The Honorable Joseph Sewall
President of the Senate of Maine

State House
Augusta, Maine

Dear President Sewall:

In accordance with 3 M.R.A., Chapter 6, Section 151, and with Joint Rule 38 of the 109th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of William E. McKinley to the position of Superior Court Justice.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate of the 109th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee Clerk called the roll with the following result:

YEAS:

Senators — 2
Representatives — 6

NAYS:

Senators — 0
Representatives — 0

ABSENT:

Senators 1 — Senator Trafton
Representatives 4 — Reps. Sewall, Laffin, Silsby & Stetson

8 members of the Committee having voted in the affirmative and 0 in the negative, it was the vote of the Committee that the nomination of William E. McKinley be Confirmed.

Sincerely,
SAMUEL COLLINS, JR.
Senate Chairman
BARRY HOBBS
House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Judiciary has recommended that the nomination of William E. McKinley be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on Judiciary be overridden? In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 38 of the 109th Legislature, the vote will be taken by the yeas and nays. A vote of Yes will be in favor of overriding the recommendation of the Committee. A vote of No will be in favor of sustaining the recommendation of the Committee. Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.
The Secretary will call the Roll.

YEA — None.

NAY — Ault, Carpenter, Clark, Collins, Conley, Cote, Devoe, Emerson, Gill, Hichens, Huber, Katz, Martin, McBrearty, Minkowsky, Najarian, O'Leary, Perkins, Pierce, Pray, Redmond, Shute, Silverman, Sutton, Teague, Trafton, Trotzky, Usher, Sewall.

ABSENT — Chapman, Danton, Farley, Lovell.

No Senators having voted in the affirmative and 29 Senators in the negative with 4 Senators being absent and none being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be accepted. The nomination of William E. McKinley is confirmed.

State of Maine
OFFICE OF THE GOVERNOR

December 18, 1979

The Honorable Joseph Sewall

President of the Senate

State House

Augusta, Maine

Dear Senator Sewall:

This is to inform you that I am nominating Judge Bernard M. Devine of South Portland for reappointment to the District Court.

Pursuant to Title 4 MRSA Section 157, this nomination will require review by the Joint Standing Committee on the Judiciary and confirmation by the Senate.

I appreciate your assistance in this matter.
Sincerely,

JOSEPH E. BRENNAN
Governor

Which was Read and Ordered Placed on File.

THE SENATE OF MAINE

December 19, 1979

The Honorable Samuel W. Collins, Jr.

The Honorable Barry J. Hobbins

Chairmen, Judiciary Committee

109th Maine Legislature

Please be advised that Governor Joseph E. Brennan has nominated Judge Bernard M. Devine of South Portland for reappointment to the District Court.

Pursuant to Title 4 M.R.S.A., Section 157, this nomination will require review by the Joint Standing Committee on Judiciary.

Sincerely,

MAY M. ROSS

Secretary of the Senate

Which was Read and Ordered Placed on File.

State of Maine
OFFICE OF THE GOVERNOR

December 26, 1979

The Honorable Joseph Sewall

President of the Senate

State House

Augusta, Maine

Dear Senator Sewall:

This is to inform you that I am nominating retiring Justice James P. Archibald of Houlton as an Active Retired Justice of the Supreme Judicial Court.

Pursuant to Title 4 MRSA Section 6, this nomination will require review by the Joint Standing Committee on the Judiciary and confirmation by the Senate.

I appreciate your assistance in this matter.

Sincerely,

JOSEPH E. BRENNAN

Governor

Which was Read and Ordered Placed on File.

THE SENATE OF MAINE

December 26, 1979

The Honorable Samuel W. Collins, Jr.

The Honorable Barry J. Hobbins

Chairmen, Judiciary Committee

109th Maine Legislature

Please be advised that Governor Joseph E. Brennan has nominated Justice James P. Archibald to serve as an Active Retired Justice of the Supreme Judicial Court.

Pursuant to the Maine Constitution, Article V, Part 1, Section 8 Title 4 M.R.S.A., Section 6, this nomination requires review by the Committee on Judiciary.

Sincerely,

MAY M. ROSS

Secretary of the Senate

Which was Read and Ordered Placed on File.

State of Maine
OFFICE OF THE GOVERNOR

December 27, 1979

The Honorable Joseph Sewall

President of the Senate

State House

Augusta, Maine

Dear Senator Sewall:

This is to inform you that I am nominating John Walker of Livermore Falls for appointment to the Land Use Regulation Commission. Pursuant to Title 12 MRSA Section 683, this nomination will require review by the Joint Standing Committee on Energy and Natural Resources and confirmation by the Senate.

Thank you for your assistance in this matter.

Sincerely,

JOSEPH E. BRENNAN

Governor

Which was Read and Ordered Placed on File.

THE SENATE OF MAINE

December 27, 1979

The Honorable James A. McBrearty

The Honorable William B. Blodgett

Chairmen, Energy and Natural Resources
Committee

109th Maine Legislature

Please be advised that Governor Joseph E. Brennan has nominated John Walker of Livermore Falls to the Land Use Regulation Commission.

Pursuant to Title 12 MRSA, Section 683, this nomination will require review by the Joint Standing Committee on Energy and Natural Resources.

Sincerely,

MAY M. ROSS

Secretary of the Senate

Which was Read and Ordered Placed on File.

MAINE ADVISORY COUNCIL ON
VOCATIONAL EDUCATION

Box 17

1 Memorial Circle

Augusta, Maine 04330

(207) 622-4709

December 31, 1979

To Members of the Senate

The Maine Advisory Council on Vocational Education (MACVE) is pleased to forward to the members of the Senate a copy of its Tenth Annual Report.

MACVE is a policy advisory body to the State Board of Education. It is mandated by Public Law 94-482, The Educational Amendments of 1976. Each year, the Annual Report is the vehicle which carries the recommendations to the State Board.

The Annual Report was presented to the State Board in December of this year.

MACVE members are dedicated to helping Maine improve vocational education in order to develop Maine's best natural resources - its people.

Sincerely,

CHRISTINE SZIGETI-JOHNSON

Executive Director

Which was Read and, with accompanying papers, Ordered Placed on File.

Senate Papers

Senator Katz of Kennebec presented, Bill, "An Act to Validate Proceedings Authorizing the Issuance of Bonds and Notes by School Administrative District No. 37." (Emergency) (S. P. 659)

Senator Devoe of Penobscot presented, Bill, "An Act to Validate Proceedings Authorizing the Issuance of Bonds and Notes by the Town Council of the Town of Orono." (Emergency) (S. P. 652)

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

Sent down forthwith for concurrence.

Senator Clark of Cumberland (Cosponsor Senator Perkins of Hancock) presented, Bill "An Act to Provide Arthritic Drugs to Eligible Individuals under the Low Cost Drug Program." (S. P. 654)

Senator Pray of Penobscot presented, Bill, "An Act to Limit the Department of Human Services from Mandating X-ray Requirements in Regard to Chiropractic treatment." (S. P. 656)

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

Sent down forthwith for concurrence.

Senator Collins of Knox presented, Bill, "An Act to Make Corrections of Errors and Inconsistencies in the Laws of Maine." (Emergency) (S. P. 660)

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

Sent down forthwith for concurrence.

Senator Shute of Waldo (Cosponsor: Senator Collins of Knox) presented, Bill, "An Act to Establish the Boundary between Rockport and Rockland." (S. P. 658)

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

Sent down forthwith for concurrence.

Senator Devoe of Penobscot presented, Bill, "An Act to Provide Individual Staff Assistants for Members of the Public Utilities Commission." (S. P. 653)

Senator Hichens of York presented, Bill, "An Act Relating to the Provision of Telephone Equipment by Telephone Companies to the Hearing Impaired and their Families." (S. P. 655)

Senator Minkowsky of Androscoggin presented, Bill, "An Act to Amend the Charter of the Lewiston-Auburn Water Pollution Control Authority." (Emergency) (S. P. 657)

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

Sent down forthwith for concurrence.

Senator Carpenter of Aroostook (Cosponsor: Senator Emerson of Penobscot) presented, Bill, "An Act to Permit the Department of Transportation to Acquire Railroad Operating Equipment." (S. P. 666)

Senator Carpenter of Aroostook presented, Bill, "An Act Relating to School Buses and the Transportation of School Children." (S. P. 667)

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

Sent down forthwith for concurrence.

Orders

On Motion by Senator Collins of Knox, ORDERED, the House concurring, that there be prepared, after adjournment of the present session, by the Legislative Information Officer, a Register of all the Bills and Resolves considered by both branches of the Legislature, showing the history and final disposition of each Bill and Resolve and that there be printed 600 copies of the same. The Legislative Information Officer shall mail a copy of the Register to each member and officer of the Legislature and the State Law and Legislative Reference Library shall receive such number of copies as may be required. (S. P. 665)

Which was Read and Passed.

Sent down forthwith for concurrence.

On Motion by Senator Gill of Cumberland, ORDERED, the House concurring, that three hundred twenty-five (325) copies of the Legislative Record for the session of 1980 be printed, one copy for each of the members of the Senate, House of Representatives, the Secretary of the Senate and Clerk of the House, and the remainder to be deposited with the State Law Librarian for exchange and library use; and be it further

ORDERED, that suitable index be prepared for such Legislative Record, under the direction of the Director of Legislative Research. (S. P. 664)

Which was Read and Passed.

Sent down forthwith for concurrence.

On Motion by Senator Clark of Cumberland, ORDERED, the House concurring, that there be paid to the members of the Senate and House as advances on account of compensation established by statute, the amount of Two Hundred and Fifty Dollars (\$250) a week, payable bi-weekly, according to lists certified to the State Controller by the President of the Senate and Speaker of the House, respectively. (S. P. 663)

Which was Read and Passed.

Sent down forthwith for concurrence.

On Motion by Senator Trafton of Androscoggin,

ORDERED, the House concurring, that the Secretary of the Senate and Clerk of the House be directed to furnish each morning to each member of the Senate and the House, a copy of

a newspaper published in the State of Maine, chosen by the member during the Second Regular Session of the Legislature. (S. P. 662)

Which was Read and Passed.

Sent down forthwith for concurrence.

On Motion by Senator Najarian of Cumberland,

ORDERED, the House concurring, that the Clerk of the House and the Secretary of the Senate be authorized to furnish 100 15¢ stamps for each member of the House and Senate for the purpose of distributing various reports of the Departments of State and other public documents such as they may desire to mail to the citizens of the State. (S. P. 661)

Which was Read and Passed.

Sent down forthwith for concurrence.

Committee Reports

Senate

Ought to Pass

Senator Teague for the Committee on Taxation on, Bill, "An Act Providing for Administrative Modifications to Property Tax Laws Administered by the Bureau of Taxation." (S. P. 414) (L. D. 1314)

Reported that the same Ought to Pass.

Which Report was Read.

On Motion by Senator Teague of Somerset, Recommitted to the Committee on Taxation.

Sent down forthwith for concurrence.

Senate at Ease

The Senate called to Order by the President.

The Senate then retired to the Hall of the House, where a Joint Convention was formed.

After Joint Convention in Senate

The Senate called to Order by the President

On Motion by Senator Pierce of Kennebec, Recessed until 2:30 o'clock this afternoon.

Recess

After Recess

The Senate called to Order by the President.

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

Communication COMMITTEE ON JUDICIARY

January 2, 1980

The Honorable Joseph Sewall
President of the Senate of Maine
State House
Augusta, Maine
Dear President Sewall:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 109th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of James P. Archibald to the position of Active Retired Judge of the Supreme Judicial Court.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate of the 109th Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee Clerk called the roll with the following result:

YEAS: Senators — 3
Representatives — 8

NAYS: Senators — 0
Representatives — 0

ABSENT: Senators — 0
Representatives 2 — Rep. Hughes,
Rep. Laffin

11 members of the Committee having voted in the affirmative and 0 in the negative, it was

the vote of the Committee that the nomination of James P. Archibald be Confirmed.

Sincerely,

SAMUEL W. COLLINS, JR.

Senate Chairman

BARRY J. HOBBINS

House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Judiciary has recommended that the nomination of James P. Archibald be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on Judiciary be overridden? In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 38 of the 109th Legislature, the vote will be taken by the yeas and nays. A vote of yes will be in favor of overriding the recommendation of the Committee. A vote of no will be in favor of sustaining the recommendation of the Committee.

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

Senator CARPENTER: Thank you Mr. President. Mr. President and Ladies and Gentlemen of the Senate, as you can all see in the Supplemental Journal in front of you, the Judiciary Committee did vote to unanimously 11 to 0 to confirm as an Active Retired Justice to the Maine Supreme Judicial Court, Justice James P. Archibald.

As Justice Archibald is both a constituent and a very dear friend of mine, I would just like to have this fact in the Senate Record. Also the very, very high esteem that both myself and all of my brethren in Aroostook County of all political persuasions, the Aroostook County Bar Association, and everyone else that I can think of in Aroostook County wholeheartedly support this nomination.

As I said when I spoke before the committee, I really in my own heart oppose this confirmation, because I would much rather the Justice be remaining on as an Active, if you will, Unretired Supreme Court Justice, but figuring that he has made the commitment, or the decision to retire from the Bench, at least as far as Active thinking that the status of Active Retired is much better than not having his expertise and experience around at all, I would hope that we would vote this afternoon unanimously to confirm this nomination.

As it was pointed out in the committee, that the good Justice has delayed his well-deserved vacation so that he might be Retired and re-appointed as an Active Retired Judge. I just would hope that the Senate would give Justice Archibald the ringing vote of confidence that I think he so richly deserves. Thank you.

The PRESIDENT: Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.
The Secretary will call the Roll.

ROLL CALL

YEA — None.

NAY — Carpenter, Chapman, Clark, Collins, Conley, Devoe, Emerson, Gill, Hichens, Huber, Katz, Martin, McBreairey, Minkowsky, Najarian, Perkins, Pierce, Pray, Redmond, Shute, Silverman, Sutton, Teague, Trafton, Trotzky, Usher, Sewall.

ABSENT — Ault, Cote, Danton, Farley, Lovell, O'Leary.

No Senators having voted in the affirmative and 27 Senators in the negative with 6 Senators being absent and none being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be accepted. The nomination of James P. Archibald is confirmed.

(Off Record Remarks)

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

Papers from the House Joint Orders

ORDERED, the Senate concurring, that Bill, "AN ACT Relating to the Vocational-technical Institutes," House Paper 1393, Legislative Document 1613, be recalled from the Governor's desk to the House. (H. P. 1609)

ORDERED, the Senate concurring, that Bill, "AN ACT to Provide for County Self-government," House Paper 831, Legislative Document 1038, be recalled from the Governor's desk to the House. (H. P. 1610)

ORDERED, the Senate concurring, that Bill, "AN ACT to Clarify the Education Law," House Paper 1534, Legislative Document 1683, be recalled from the Governor's desk to the House. (H. P. 1611)

Come from the House, Read and Passed.
Which were Read and Passed, in concurrence.

Committee Reports House Ought to Pass

The Committee on Business Legislation on, Bill, "An Act to Establish the Insurance Regulatory Commission," (H. P. 1305) (L. D. 1586) Reports that the same Ought to Pass.

Comes from the House, the Report Read and the Bill Recommended to the Committee on Business Legislation.

Which Report was Read.

On Motion by Senator Chapman of Sagadahoc, Recommended to the Committee on Business Legislation, in concurrence.

The Committee on Health and Institutional Services on, Bill, "An Act to Provide for Licensing and Regulation of Adult Foster Homes," (H. P. 1089) (L. D. 1466)

Reports that the same Ought to Pass.

Comes from the House, the Report Read and the Bill Recommended to the Committee on Health and Institutional Services.

Which Report was Read.

On Motion by Senator Gill of Cumberland, Recommended to the Committee on Health and Institutional Services, in concurrence.

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

Papers from the House House Papers

RESOLVE, Concerning the Disability Retirement of Stephen Bearce of Lincoln. (H. P. 1600) (L. D. 1711)

Comes from the House, referred to the Committee on Aging, Retirement and Veterans and Ordered Printed.

Which was referred to the Committee on Aging, Retirement and Veterans, and Ordered Printed, in concurrence.

Bill, "An Act to Permit Optional Credit Life Insurance for the Comaker of a Debt." (H. P. 1599) (L. D. 1710)

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 Amend the School Administrative Districts Reapportionment Procedures." (H. P. 1619) (L. D. 1729)

Bill, "An Act to Amend the Laws Relating to the Maine Student Incentive Scholarship Program." (H. P. 1622) (L. D. 1732)

Bill, "An Act Relating to Publication of School Records Under the Education Laws." (H. P. 1595) (L. D. 1706)

Bill, "An Act to Dissolve Patten Academy." (H. P. 1604) (L. D. 1715)

Bill, "An Act Relating to Budgetary Hardship in Maintaining Special Education Students." (H. P. 1594) (L. D. 1705)

Bill, "An Act Concerning the Temporary

Certification of Driver Education Teachers." (H. P. 1592) (L. D. 1702)

Bill, "An Act to Change the Name of the Glen Cove Bible School to the New England Baptist Bible College." (H. P. 1591) (L. D. 1701)

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

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

Bill, "An Act to Make Corrections in the Law with Respect to Bridgton Academy, Gould Academy and North Yarmouth Academy." (H. P. 1597) (L. D. 1708)

Reference to the Committee on Education is suggested.

Comes from the House, referred to the Committee on Aging, Retirement and Veterans and Ordered Printed.

Which was referred to the Committee on Aging, Retirement and Veterans, and Ordered Printed, in concurrence.

Bill, "An Act to Establish \$10,000,000 as the Limit of the Maine Coastal Protection Fund." (H. P. 1618) (L. D. 1728)

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

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

Bill, "An Act Relating to Hunter Safety." (H. P. 1612) (L. D. 1722)

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

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

Bill, "An Act to Amend the Law Regarding the Reporting of Accidents under the Motor Vehicle Laws." (H. P. 1626) (L. D. 1736)

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 Expand the State's Program to Promote Apprenticeships." (H. P. 1617) (L. D. 1727)

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 to Limit the Activities Authorized by the Wholesale Seafood License." (H. P. 1625) (L. D. 1735)

Bill, "An Act to Clarify Procedures Involved with the Municipal Shellfish Conservation Program." (H. P. 1613) (L. D. 1723)

Bill, "An Act to Repeal the Marine Worm Tax." (Emergency) (H. P. 1632) (L. D. 1742)

Bill, "An Act to Allow Limited use of Hydraulic Dredges in the Taking of Soft Shell Clams or Quahogs." (H. P. 1633) (L. D. 1743)

Bill, "An Act to Limit Possession of Lobsters on Board Boats for Otter or Beam Trawling, Seining or Netting." (H. P. 1631) (L. D. 1741)

Bill, "An Act to Allow the Commissioner of Marine Resources to Exercise Limited Authority Over the Conservation of Atlantic Salmon." (H. P. 1630) (L. D. 1740)

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 Concerning Membership on the Board of Trustees of the Van Buren Light and Power District." (Emergency) (H. P. 1607) (L. D. 1718)

Bill, "An Act to Revise the Van Buren Light

and Power District Charter." (H. P. 1608) (L. D. 1719)

Bill, "An Act to Increase the Borrowing Capacity of the Winterport Sewerage District." (Emergency) (H. P. 1602) (L. D. 1713)

Bill, "An Act Amending the Charter of the Paris Utility District." (H. P. 1601) (L. D. 1712)

Bill, "An Act Clarifying the Authority of Municipalities to Acquire and Operate Water Systems." (Emergency) (H. P. 1605) (L. D. 1716)

Bill, "An Act to Clarify the Statutes Relating to Natural Gas Pipeline Companies." (H. P. 1593) (L. D. 1704)

Bill, "An Act to Amend the Charter of the Harrison Water District." (H. P. 1596) (L. D. 1707)

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

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

Bill, "An Act Pertaining to the Granting of Preference in the Letting of State Contracts to State of Maine Resident Bidders." (H. P. 1620) (L. D. 1730)

Bill, "An Act Concerning the Director of the Division of Special Investigations and Membership on the Board of Directors." (H. P. 1624) (L. D. 1734)

Bill, "An Act Revising the Maine Capital Corporation." (H. P. 1616) (L. D. 1726)

RESOLVE, Authorizing the Attorney General to Convey the State's Interest in a Certain Parcel of Land and Buildings in Augusta to the Community Shelters for Children, Inc. (H. P. 1606) (L. D. 1717)

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.

Bill, "An Act to Authorize Cutting of Trees on State Park Lands." (H. P. 1623) (L. D. 1733)

RESOLVE, Authorizing the State to Convey its Interest in the Public Lots in the Town of Osborn to the Inhabitants of Osborn. (H. P. 1603) (L. D. 1714)

Reference to the Committee on State Government is suggested.

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 Amend the Law Regarding the Issuance of Registration Permits Under the Motor Vehicle Laws." (H. P. 1629) (L. D. 1739)

Bill, "An Act Relating to Enforcement of the Truck Weight Requirements Under the Motor Vehicle Laws." (H. P. 1628) (L. D. 1738)

Bill, "An Act Concerning the Brake Requirements on Farm Registered Vehicles Under the Motor Vehicle Laws." (H. P. 1627) (L. D. 1737)

Bill, "An Act Relating to the Reconstruction of Interstate and International Bridges." (Emergency) (H. P. 1614) (L. D. 1724)

Bill, "An Act to Provide the Issuance of a Nonconformance Sticker Under Motor Vehicle Laws." (H. P. 1615) (L. D. 1725)

Bill, "An Act to Require that Children who are under 15 Years of Age Wear Helmets when they are Passengers on Motorcycles." (H. P. 1590) (L. D. 1700)

Bill, "An Act Concerning the Category of Modified Antique Autos under the Motor Vehicle Statutes." (H. P. 1598) (L. D. 1709)

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

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

**Joint Resolution
STATE OF MAINE**

In the Year of Our Lord One Thousand Nine Hundred and Eighty

JOINT RESOLUTION IN MEMORY OF REPRESENTATIVE STEPHEN R. GOULD

WHEREAS, on October 26, 1979 this Legislature lost a very special friend and colleague with the unexpected death of the Honorable Stephen R. Gould of District 80; and

WHEREAS, he joined our ranks as a former law enforcement officer of long standing who could not do enough on his own time to brighten the day of the sick and afflicted; and

WHEREAS, he appeared harmless and unarmed, except for a toothbrush, a bean sandwich and an old horn, but in no time he completely disarmed us with his loving and witty nature; and

WHEREAS, each of us have felt his infectious warmth as Steve mended fences or adjusted our perspective with twinkling eyes and timely tales sharp as the new Trac II; now, therefore, be it

RESOLVED, that we the members of the Senate and House of Representatives of the 109th Legislature, now assembled in Second Regular Session, pause in our deliberations to pay this tribute to our beloved colleague, the late Stephen R. Gould of Stillwater, and to recall in the lingering beat of his music the words "To live in the hearts of those we leave behind is not to die;" and be it further

RESOLVED, that a suitable copy of this Joint Resolution be sent forthwith to the immediate family on behalf of the Legislature and people of the State of Maine and that when the Legislature adjourns this date it do so in honor and lasting tribute to the deceased. (H. P. 1561)

Comes from the House, Read and Adopted.

Which was Read.

The PRESIDENT: The Chair would ask the Senate to rise in a moment of silent prayer for our departed friend Steve Gould.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Hichens.

Senator HICHENS: Thank you, Mr. President, and Members of the Senate, before we pass this resolution, I would like to read a poetic expression of sentiment in Memory of Stephen Gould.

We pause for a brief moment—remembering today

One who brought sunshine to our lives as we traveled on our way.

A man who was a friend to all—and never have I heard

From him disparaging remarks but always a good word

For those who crossed his path each day—and sometime didn't agree

With the principles he stood for and his philosophy.

His sense of humor often broke the tensions that arose

When deliberations brought us to a point beyond repose.

His anecdotes and trite remarks provoked a lot of laughter,

Yet, the reasons for his speaking—remembered long time after.

His love of music and the finer qualities of life

Helped him through the times when he met obstacles and strife,

And just to know him left impressions that will always stay

Within our hearts to brighten up the path along life's way.

So let us pause and ask God's blessings on the memory

Of Representative Steve Gould—a friend to you and me.

Which was Adopted, in concurrence.

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

On Motion by Senator Katz of Kennebec, Recessed until the sound of the bell.

Recess

After Recess

The Senate called to Order by the President.

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

Order

On motion by Senator Katz of Kennebec, Co-sponsors:

Senator Pierce of Kennebec

Senator Ault of Kennebec

Senator Teague of Somerset

ORDERED, the House concurring, that the Joint Standing Committee on Aging, Retirement and Veterans be directed to report out a bill dealing with cost-of-living increases for state employees. (S. P. 669)

Which was Read.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President I move that this Order be Tabled.

The PRESIDENT: The Senator from Cumberland, Senator Conley moves that (S. P. 669) be Tabled.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by Senator Conley of Cumberland that this motion be tabled, please rise in their places to be counted.

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

8 Senators having voted in the affirmative and 14 Senators in the negative, the Motion to Table does not prevail.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President it is my understanding that this particular Bill came before the Legislative Council and that the 5 members of the Majority Party rejected this Bill, rejected it on partisan feelings, I understand. The partisan feeling was that they said that they could not get a republican to co-sponsor the Bill with the democrat that had submitted this Bill for consideration back sometime ago.

Now it seems to me to be a little bit ludicrous to be playing games on the first day of this session. It is obvious to me that the bill can be introduced through the Governors office and can have one sponsor or we are willing to sit down and talk about a co-sponsor for the Bill. It seems to me to start pursuing this type of avenue is a little bit ridiculous on the first day of the session, and I would hope that we would dispense with it.

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

Senator KATZ: Mr. President my good friend from Cumberland, Senator Conley is in error. The Bill sponsored by Senator Pray, a bill did come before the Legislative Council, the speaker pointed out very properly at the time that the Bill could not be introduced by action of the Legislative Council because a similar Bill has been considered and rejected in the First Regular Session last year. On that basis it was my understanding although no vote was taken that it had very broad support on both sides of the aisle.

I had hoped that there would be a Bill on the calendar to be considered by both Houses today. In the absence of any vehicle it seemed

only reasonable to me to reassure all the retired State employees and teachers of the State that this Bill was a priority concern of this Legislature and that it should be introduced on the first day of this session, to remove any semblance of doubt.

As far as partisan implications are concerned it seems to me it is going to be a largely financial issue without partisan concerns, and probably the best way to approach it is to have a committee reaction rather than party reaction. On that basis I am asking you to allow, permit the bi-partisan committee to report a Bill out in any form that seems appropriate to the Committee.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President I am certainly delighted to see the good majority Floor-leader charging to his feet to once again come to the aid of the former employees of the state. I think that we have several Bills, and I do not want to take your time to point them out today that will be coming before us, as far as Reference to Committees, and being ordered printed and such.

The fact is it is very simple the Bill that we are talking about is one that was submitted by Senator Pray from Penobscot in the last session and it died from lack of money on the Appropriations Table. It was not a bill that was defeated because of opposition in any other sense than that.

It was also stated at the Legislative Council, even though that the speaker may very well have raised a question that such legislation that was considered in the previous session, would have to take a two-thirds vote of both houses I believe to be introduced, would only take that if the objections were raised by any member of either branch. So again I submit that this Bill will be introduced and for us to prolong this debate is nonsense.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, does it take a two-thirds vote to pass this order?

The PRESIDENT: The Chair would answer in the affirmative.

Senator CONLEY: When the vote is taken Mr. President, I request the Yeas and Nays.

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 risen a Roll Call is ordered.

The pending question before the Senate is the Passage of Joint Order S. P. 669.

A Yes vote will be in favor of Passage.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Chapman, Collins, Devoe, Emerson, Gill, Hichens, Huber, Katz, McBreaity, Perkins, Pierce, Redmond, Shute, Silverman, Sutton, Teague, Trotzky, Sewall.

NAY — Carpenter, Clark, Conley, Martin, Minkowsky, Najarian, Pray, Trafton, Usher.

ABSENT — Ault, Cote, Danton, Farley, Lovell, O'Leary.

A Roll Call was had.

18 Senators having voted in the affirmative and 9 Senators in the negative, with 6 Senators being absent, the Order receives Passage.

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

Senator KATZ: Mr. President, I request reconsideration.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that the Senate Reconsider its action whereby S. P. 669 was

Passed.

Will all those Senators in favor of reconsideration please say Yes.

Will all those Senators opposed, please say No.

A Viva Voce Vote being had.

The Motion to Reconsider does not prevail.

Senator Katz of Kennebec 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.