

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 3, 1980

Senate called to order by the President.

Prayer by the Reverend George C. Bland, Jr., South Parish Congregational Church, of Augusta.

Reverend BLAND: Let us pray! O'Lord you have placed us in a world of many new beginnings. Are there so many because we are so slow to learn that we will never be truly saved by an accident of history?

The new year will not prove happy for all, nor will the new decade permit a simple trade-in of a past that has been hard used, for a bright shiny future. We are never truly saved by an accident of history.

But, O'Lord, we are not without your resources. We embrace the full reality of past and future. We shape up the inevitable troubles, problems, cans of worms, so that they can be seen as the opportunities, the challenges. Yes, the duties to be carried through.

Faithful to the high trust to which we are called by the community and by you, O God. Amen.

Reading of the Journal of yesterday.

Out of Order and Under Suspension of the Rules:

On motion of Mr. Pierce of Kennebec, ORDERED, the House concurring that when the House and Senate adjourn, they adjourn to Monday, January 7, 1980 at twelve o'clock noon. (S. P. 670)

Which was Read and Passed.

Sent down forthwith for concurrence.

Communications
BUREAU OF TAXATION

December 28, 1979

To the Members of the 109th Legislature:

The accompanying report of State-owned delinquent tax lands is submitted in accordance with the provisions of Title 36 MRSA, section 1283.

A similar report was submitted to the 108th Legislature. The report listed a total of three parcels or interests at that time owned by the State on account of tax delinquency. The 108th Legislature authorized such property to be disposed of by the State Tax Assessor, either by sale to designated persons or by sale to the highest bidder. The following action has been taken on the three parcels or interests which the State Tax Assessor was authorized to dispose of by sale.

Sold to designated persons	1
Sold to highest bidder	2
Total received from authorized disposal of three parcels or interests.....	\$1,562.45

The current report includes five parcels or interests acquired through liens maturing since the last session of the Legislature. Review has been made of each parcel on the basis of the descriptive material and recommendations included in the present report are made.

In the case of each parcel, this report shows the entire amount of tax, interests and costs that would have accrued had the property remained in taxation to date. This tax amount is given as an indication of the total amount of tax liability that should be considered outstanding in the case of each parcel.

Respectfully submitted,

R.L. HALPERIN

State Tax Assessor

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

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.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 Bernard M. Devine to the position of Judge of the District Court of Maine.

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 — 3
Representatives — 8

NAYS:

Senators — 0
Representatives — 0

ABSENT:

Senators 0
Representatives 2 — Rep. Laffin,
Rep. Silsby

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 Bernard M. Devine be confirmed.

Sincerely,

SAMUEL W. COLLINS, JR.

Senate Chairman

BARRY J. 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 Bernard M. Devine 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 Cumberland, Senator Gill.

Senator GILL: Mr. President and Members of the Senate, it gives me really particular pleasure today to be here to vote on this confirmation, for the reappointment.

Judge Devine is a long time personal friend of myself and my family. He is held in very high esteem in our community and also in the community at large over which he presides.

When I think of a person, the role model of judge, Judge Bernard Devine comes to mind to me. He possesses all the qualities of a good character, that I think a judge should have. It gives me a great deal of pleasure today to be able to vote on this. I urge all my colleagues to do the same.

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, Collins, Conley, Danton, Devoe, Emerson, Gill, Hichens, Katz, Martin, McBairty, Minkowsky, Najarian, O'Leary, Perkins, Pierce, Pray, Redmond, Shute, Silverman, Sutton, Teague, Trafant, Trotzky, Usher, Sewall.

ABSENT — Ault, Clark, Cote, Farley, Huber, Lovell.

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 Bernard

M. Devine is confirmed.

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

Senator HICHENS: Thank you Mr. President.

It doesn't seem a year ago since I stood on my feet beginning a new session— and Senators to greet. And where the time has gone is like a mystery to me as I reflect on what has been— and now is history. And as the Year goes on— we all the older get with only one Alternative to growing old— you bet. And on this January 3rd— as in past years, I stand to wish a Happy Birthday— to one who has command of the not so stilled minority— for he is often heard expressing his opinions in motions and in word. And his Irish temper shows itself when sometimes he is riled but his Irish humor off prevails— on occasion— meek & mild. He's won his way into the hearts of all who know him well and e'er in disagreement— we all think he is swell. So on this January 3rd— I hope you'll join with me in wishing Happy Birthday to our Gerald Conley.

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

Senator CONLEY: Thank you Mr. President. Mr. President, I annually have to get up. I guess out of compulsion and a love for the good Senator from York, Senator Hichens, who really must spend a tremendous amount of time laboring at these jewels that he keeps coming up with, it seems to me almost every week.

I just want him to know that I thank God it's he that has to write them because I just hit the big 50 this morning. It seems to me that after a half a century, senility is rapidly taking over. So I think I'll sit down while I'm ahead.

Order

An Expression of Legislative Sentiment recognizing that:

Eliza Nichols, Orono's eldest citizen, will celebrate her 101st birthday on January 28, 1980. (S. P. 668) is presented by Senator Devoe of Penobscot. (Co-sponsor: Representative: Gavett of Orono.)

Which was Read and Passed.

Sent down for concurrence.

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

Papers from the House

House Papers

Bill, "An Act to Revise the Administration of the Election Laws." (Emergency) (H. P. 1641) (L. D. 1750)

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

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

Bill, "An Act to Provide Supplemental Funds to the Judicial Department." (Emergency) (H. P. 1635) (L. D. 1744)

Bill, "An Act to Provide for Per Diem Compensation for Active Retired Judges." (Emergency) (H. P. 1636) (L. D. 1745)

Bill, "An Act to Increase the Amount which the District Court is Allowed to Deposit into the District Court Building Fund from \$3,000 per Month to \$120,000 Per Year. (H. P. 1640) (L. D. 1749)

Bill, "An Act Relating to Suspension on Non-appearance under the Motor Vehicle Laws." (H. P. 1644) (L. D. 1753)

Bill, "An Act to Eliminate the Requirement for Certain Adjudicatory Proceedings before the Board of Registration in Medicine." (H. P. 1642) (L. D. 1753)

Come from the House, referred to the Com-

mittee on Judiciary and Ordered Printed.

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

Bill, "An Act to Prohibit Radar Detectors." (H. P. 1634) (L. D. 1754)

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

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

Senator CONLEY: Mr. President and Members of the Senate: I call the attention of the Senate to this particular item, and although I have the greatest respect for the Chief Executive, and perhaps not as much respect for the Commissioner on Public Safety, hardly do I think that this Bill is one of an emergency nature, and therefore I move its Indefinite Postponement.

The PRESIDENT: The Senator from Cumberland, Senator Conley, moves that L. D. 1754 be Indefinitely Postponed, in non-concurrence.

Is this the pleasure of the Senate?

It is a vote.

Sent down for concurrence.

Bill, "An Act to Require Public Utilities Commission Review of Proposed Construction Plans by Telephone, Electric and Gas Utilities." (H. P. 1637) (L. D. 1746)

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

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

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Amend the Referendum and Initiative Provisions. (H. P. 1638) (L. D. 1747)

Bill, "An Act to Amend the Lobbyists Disclosure Law." (H. P. 1639) (L. D. 1748)

Bill, "An Act Concerning Recording, Comments and Notice Dates Under Administrative Procedure Laws." (H. P. 1643) (L. D. 1752)

Come 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.

Order

An Expression of Legislative Sentiment recognizing that:

Mrs. Elizabeth M. Garand, of Kennebunkport, will celebrate her 100th birthday on January 6, 1980. (H. P. 1583)

Comes from the House, Read and Passed.

Which was Read and Passed, in concurrence.

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

The Adjournment Order having been returned from the House, Read and Passed, in concurrence.

On Motion by Senator Pierce of Kennebec, adjourned until Monday, January 7, 1980 at 12 noon.