

# 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 15, 1980

Senate called to order by the President

Prayer by the Honorable Michael E. Carpenter of Houlton.

Senator CARPENTER: Let us pray! Our heavenly Father, we ask your guidance, your direction, your care, as we begin this third legislative week.

Always keep us mindful that we are here to do the people's work, and your work. Amen.

Reading of the Journal of yesterday.

**Papers from the House**  
**Non-concurrent Matter**

Bill, "An Act Relating to School Buses and the Transportation of School Children." (S. P. 667) (L. D. 1721)

In the Senate January 2, 1980 referred to the Committee on Transportation, and Ordered Printed.

Comes from the House, Indefinitely Postponed, in non-concurrence.

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

Senator CARPENTER: Mr. President, I move the Senate Recede and Concur.

The PRESIDENT: The Senator from Aroostook, Senator Carpenter, moves that the Senate Recede and Concur with the House.

Is this the pleasure of the Senate?

The Motion Prevailed.

**Joint Order**

An Expression of Legislative Sentiment recognizing that: Mike Caramihalis, Captain of the Sanford High wrestling team and 3-time Maine State Champion, swept the 140 pound class and was named most outstanding wrestler at the 5th Annual Redskin Invitational Wrestling Tournament. (H. P. 1677)

Comes from the House. Read and Passed.

Which was Read and Passed, in concurrence.

**House Papers**

Bill, "An Act to Permit the Bingham Water District to Withdraw from the Maine State Retirement System." (H. P. 1678) (L. D. 1787)

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 Concerning Regulation of Milk by the Maine Milk Commission in Municipalities which Vote for Decontrol." (H. P. 1679) (L. D. 1788)

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 Expand the State's Tourism Promotion Effort." (H. P. 1680) (L. D. 1789)

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 Amend the Maine Consumer Credit Code to Exempt Extension of Credit for Agricultural Purposes." (H. P. 1681) (L. D. 1790)

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 License Users of Ionizing and Nonionizing Radiation Equipment." (H. P. 1682) (L. D. 1791)

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 Providing for Return of Patients to Mental Health Institutions." (H. P. 1683) (L. D. 1792)

Bill, "An Act to Eliminate Restrictions on Grants Made by the Bureau of Mental Retardation." (Emergency) (H. P. 1684) (L. D. 1793)

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 State Liability for Damages Suffered on Certain State and State Aid Highways." (H. P. 1686) (L. D. 1794)

Bill, "An Act to Increase Interest Rates on Judgment Debts." (H. P. 1687) (L. D. 1795)

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 Redefine Golf Club, under the liquor Laws, to include Clubs with over 1,200 Yards per 9 Holes." (H. P. 1688) (L. D. 1796)

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 Amend the Capitol Planning Commission Law." (H. P. 1669) (L. D. 1786)

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.

**Senate Papers**

Senator Redmond of Somerset presented, Bill, "An Act to Increase Compensation to Municipal Clerks and other Issuing Agents for the Issuance of Certain Fish and Game Licenses." (S. P. 682)

(Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

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

Sent down for concurrence.

Senator Pierce of Kennebec presented, Bill, "An Act to Revise the Small Claims Law." (S. P. 684)

(Approved by a Majority of the Legislative Council pursuant to Joint Rule 27.)

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

Sent down for concurrence.

Senator Usher of Cumberland (Cosponsor: Senator Martin of Aroostook) presented, Bill, "An Act to Encourage Car Pools and Van Pools." (S. P. 683)

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

Sent down for concurrence.

**Orders**

Expressions of Legislative Sentiment recognizing that: Susan G. Grant, of Cape Elizabeth, who has been named by the State Jaycee Women as one of 1980's outstanding young women of Maine. (S. P. 685) is presented by Senator Gill of Cumberland.

Janet E. Danforth, of Hampden Highlands, who has been named by the State Jaycee Women as one of 1980's outstanding young women of Maine. (S. P. 686) is presented by Senator Emerson of Penobscot.

Which were Read and Passed.

Sent down for concurrence.

**Committee Reports**  
**House**

**Ought to Pass**

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

Reported that the same Ought to Pass.

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

Which Report was Read and Accepted in concurrence, and the Bill Read Once and Tomorrow Assigned for Second Reading.

**Second Readers**

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

**Senate**

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) (L. D. 1699)

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

Sent down for concurrence.

**Orders of the Day**

The PRESIDENT: The Chair laid before the Senate, the first tabled and specially assigned matter:

Bill, "An Act Concerning Right of Access, Performance Standards, Public Farm Workers, Supervisory Salaries and Firemen's Wages Under the Labor Laws." (H. P. 1663) (L. D. 1772)

Tabled—January 10, 1980 by Senator Katz of Kennebec.

Pending—Reference.

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

Senator PIERCE: Mr. President, I move this Bill be Indefinitely Postponed.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, moves that L. D. 1772 be Indefinitely Postponed.

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Senator TROTZKY: May I inquire through the Chair as to what reason the Senator from Kennebec wants to Indefinitely Postpone this Bill?

I would also mention that I believe that we are setting a bad precedent in Indefinitely Postponing Bills, before they have public hearing.

There are going to be Bills, coming into Senate's not this one but other Senate's where the lobbyists are going to end up Indefinitely Postponing, having Bills Indefinitely Postponed. I don't think the public is being served when Bills are Indefinitely Postponed, indiscriminately.

The PRESIDENT: The Senator from Penobscot, Senator Trotzky, has posed a question through the Chair to any Senator who may care to answer.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President and Members of the Senate. I would suggest to the good Senator that a precedent can't be set 3 or 4 times. It is either set or it isn't. Last week we did set a precedent, I did not agree with it but we set it, so we certainly are not setting another one now.

Checking with both management types, labor union types, and so forth, I can't find any kind of support for this measure, whatsoever.

Last year, I think all of us will recall we had a record number of Labor Bills, both pro-management, and pro-labor, however you want to

call them, and we went round and round and round at great length on all of them.

It was generally agreed among many people, certainly not among all, but among many that it would not be appropriate for us to get back into a lot of labor management type hassels this session. As a result virtually no Labor Bills were allowed in.

This Bill evidently comes from the bureaucracy somewhere along the line. I can't identify any support for it, that is the reason that I did move for its Indefinite Postponement.

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

Senator CONLEY: Mr. President and Members of the Senate.

Mr. President after listening to the good Senator from Kennebec, Senator Pierce, and noting his remarks the other day about his Governor and your Governor and our Governor, how much he supported him, and I have always supported our Governor.

I pose a question through the Chair, to the good Senator from Kennebec, is this a Bill of the Governor? Our Governor's, that he is moving to Indefinitely Postpone this morning?

The PRESIDENT: The Senator from Cumberland, Senator Conley has posed a question through the Chair.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President, I understand that this is a Bill of one of the Governor's commissioners, presented through the Governor's office.

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

Senator PRAY: I move that this item lie on the table, 1 Legislative Day.

The PRESIDENT: The Senator from Penobscot, Senator Pray, moves that L. D. 1772 be Retabled, for 1 Legislative Day.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President, I would ask for a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of Tabling L. D. 1772, 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 14 Senators in the negative, the Motion to Table does not prevail.

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

Senator TROTZKY: Mr. President and Members of the Senate: I have seen other Legislatures, such as the Legislature in Massachusetts, the Legislature in Rhode Island.

A lot of bills don't have public hearings, they are decided in committee and in smoke filled rooms. The one thing that I have always been proud of is the Maine Legislature, and whenever I see Legislators from out-of-state that is one of the first things that we talk about our Legislature. I say that it is an open Legislature and it is an honest Legislature.

I am proud of this and I feel we may have set somewhat of a precedent, as the Senator from Kennebec states, in Indefinitely Postponing a few Bills this session, but if we keep this up we are really going to set up a strong precedent for the future and it is not going to be in the public interest, if we keep this up. So I would hope that the Senate would oppose the motion to Indefinitely Postpone this Bill.

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

Senator PRAY: Thank you, Mr. President. Mr. President and Members of the Senate: I become concerned at the comments of the Assistant Majority Leader when he states that the two sides of the aisle of this issue, those who

are in labor and those in management, have come to an agreement that the Bill is not needed.

I have not heard from either side, and I do serve on the Labor Committee, in reference to the Bill, as to the fact that they all of a sudden have no desire to have the Bill before us.

That fact be as it may. I'm not down here at the beck and call of those who represent Labor in the halls or those who represent Business Management out here in the halls. My concern, as I look at the Bill are the number of issues that are being addressed. I think they should probably be addressed, as the Senator from Penobscot, Senator Trotzky, pointed out, at a public hearing.

The reason I moved a few minutes ago to Table this was to verify some of the statements that have been made, as to the reason that we will be Indefinitely Postponing this Bill. It's a Bill that set on the Table, not on one occasion, but on several occasions, by the Majority Floor leader, who isn't here today. I would only hope that somebody else would move to Table this Bill, so that we could find out definitely what the motives are behind the attempt to subvert the Legislative Process.

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

Senator PIERCE: Mr. President, I would only suggest to the good Assistant Minority Floorleader that undoubtedly he will have an opportunity to do that, because we probably will see the Bill again.

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

Senator CARPENTER: Mr. President, Ladies and Gentlemen of the Senate, back up on my feet for the same reason I was up last week, and probably with the same outcome. It's not all that often I get up to agree with the good Senator from Penobscot, Senator Trotzky, but hold on! What are we doing here?

Now let's stop and take a look at this, this bill just came to my attention, I don't have any love for the Bill, but as the Senator from Penobscot, Senator Trotzky, has already pointed out, you know we have, okay, a reputation to protect.

I teased my floorleader this morning when he came in because the Maine Sunday Telegram this last week editorialized on the public's right to appear before the Legislature and let its voice be heard.

Now, all of a sudden, because last week the great human and cry was that it wasn't an emergency. This week the word seems to be that there is no support for it. Well, you know, the point is that the Bill is legitimately before us.

We talk about precedents and I'm really concerned that the precedent may have been set last week, but it sure as heck is going to be strengthened this morning that because somebody in leadership doesn't like a Bill, and the something could start to happen at the other end of the hall, and I really hope it doesn't.

We know some of these Bills aren't going anywhere when they come in here, but I guess I'm really hung up on the principle of this whole thing, that the public has a right to a public hearing, if a Bill is legitimately brought in before this Legislature.

By gosh, that's the way it's been for 5 years since I've been here. It is very frightening to me to see us start to reverse this trend and start to arbitrarily kill Bills for, I think, very capricious reasons.

I've heard two and I'll state them again; 1, it's not an emergency, and nobody's given me a definition of that word yet; and 2, there doesn't seem to be any support. We know that any group, the Majority Party in this body, or the Majority Party in the other body probably can kill the Bill at any stage.

But we've always kind of been judicious with that power and held off and let the Bills go to hearing. Let them come out. We go through the

process and maybe we learn something by that process.

I've seen the Senator from Oxford, Senator Sutton, change his position on Labor Bills. I've seen the Senator from Penobscot, Senator Pray, change his position on Labor Bills, after a public hearing, or we work on a compromise, or we work out some kind of an accommodation.

Well, there's darn little room for accommodation if you zap the Bill before it even gets to a committee for crying out loud! I'm really concerned about just exactly the direction this Legislature or this body in particular seems to be heading.

I've visited other Legislatures, too. Believe me, they aren't run anything like the Maine Legislature is run. This is one area, that I, like the Senator from Penobscot, have always been very proud of. I really wish, even though you may hate this Bill, if you do dislike this Bill, just because of the Title, or maybe because of who put it in, or whatever reason, you're going to have a chance to kill it, so let's let it go out and let the public say what they've got to say on it. Let's not kill it this morning before it even goes to a committee. Let's find out if there is any support out there for it. Thank you.

On Motion by Senator Pierce of Kennebec, Retabled for 1 Legislative Day, pending the Motion by the Senator from Kennebec, Senator Pierce, to Indefinitely Postpone.

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

**Communications  
Senate Chamber  
President's Office**

January 15, 1980

Honorable James A. McBreairey  
Honorable William B. Blodgett  
Chairmen, Committee on  
Energy and Natural Resources  
State House  
Augusta, Maine

Please be advised that Governor Joseph E. Brennan is nominating Susan B. Morris of Wal-doboro for public membership on 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.

Sincerely,  
S/JOSEPH SEWALL  
President of the Senate  
S/JOHN L. MARTIN  
Speaker of the House  
(S. P. 687)

Which was Read and Referred to the Committee on Energy and Natural Resources.  
Sent down for concurrence.

Senate Chamber  
President's Office

January 15, 1980

Honorable James A. McBreairey  
Honorable William B. Blodgett  
Chairmen, Committee on  
Energy and Natural Resources  
State House  
Augusta, Maine

Please be advised that Governor Joseph E. Brennan is nominating Margo Holden of Ashland for public membership on 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.

Sincerely,  
S/JOSEPH SEWALL  
President of the Senate  
S/JOHN L. MARTIN  
Speaker of the House  
(S. P. 688)

Which was Read and Referred to the Com-

mittee on Energy and Natural Resources.

Sent down for concurrence.

**(Senate at Ease)**

The Senate called to order by the President.

On Motion by Senator Pierce of Kennebec,  
Adjourned until 11:30 o'clock tomorrow morning.