

# 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 22, 1980

Senate called to order by the President.

Prayer by The Honorable Bennett D. Katz of Augusta.

Senator KATZ: Let us pray!

Lord, we ask your blessing on the leaders of this nation and on those who aspire to leadership. In the exciting emergence of nationalism sparked by the kidnapping of American citizens in Iran, may we nonetheless be aware of the difference between patriotism and militarism.

May we meet the heavy burdens of the dangers in distant lands with wisdom and with confidence unclouded by emotionalism. We pray for our President, that he may receive wise counsel, so the blessings of liberty with which you have so amply endowed us, may also be the lot of our children, and our children's children forever. Amen.

Reading of the Journal of yesterday.

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

Papers From the House  
House Papers

Bill "An Act to Exempt Church-sponsored Schools and Schools of Religious Charter from Approval of the Department of Educational and Cultural Services." (H. P. 1711) (L. D. 1817)

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

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

Bill "An Act to Establish Mandatory Energy Efficiency Building Performance Standards for the State." (H. P. 1712) (L. D. 1818)

Bill "An Act to Appropriate Money for the Maine Energy Resources Development Fund and to Permit the use of Those Funds for Demonstration Projects." (H. P. 1713) (L. D. 1819)

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 Providing Release Benefits for Certain Persons Discharged from the Maine Correctional Center." (H. P. 1714) (L. D. 1820)

Comes from the House, referred to the Committee on Health and Institutional Services and Ordered Printed.

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

Bill "An Act Concerning Removal of Sex Bias in Child Support Statutes." (H. P. 1715) (L. D. 1821)

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 Provisions for Fish Weirs and Clam Ordinances in Unorganized Territories." (H. P. 1716) (L. D. 1822)

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 Relating to Agricultural Development." (H. P. 1719) (L. D. 1830)

Comes from the House, referred to the Com-

mittee on State Government and Ordered Printed.

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

Bill "An Act to Provide a Manpower Coordinator in the State Development Office and to Establish a Fund to Aid Manpower Services for Economic Development." (H. P. 1717) (L. D. 1823)

Bill "An Act Combining the Offices of Justice of the Peace and Notary Public and to Establish their Appointment by the Secretary of State." (H. P. 1718) (L. D. 1829)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Delete from the Constitution all References to Justices of the Peace and to Clarify the Status of Notaries Public. (H. P. 1721) (L. D. 1825)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Bring into Conformance the Year in which the House and Senate shall be Apportioned. (H. P. 1720) (L. D. 1824)

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 Exempt from Maine Income Tax Interest Earned on Accounts in Maine Financial Institutions." (H. P. 1722) (L. D. 1826)

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.

Bill "An Act to Amend Allocations from the Highway Fund for the Fiscal Years from July 1, 1979 to June 30, 1980 and from July 1, 1980 to June 30, 1981, Decrease the State Aid Bonus from 40% to 20%, and Revise Drivers' License and Examination Fees." (H. P. 1723) (L. D. 1827)

Bill "An Act to Provide for the Registration of a Motor Vehicle when the Previous Registration has Expired for more than 30 Days." (H. P. 1724) (L. D. 1828)

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.

Communications  
SENATE CHAMBER  
President's Office

January 18, 1980

Mrs. May M. Ross  
Secretary of the Senate  
State House  
Augusta, Maine

Dear Mrs. Ross:

Pursuant to my authority under Title 1 M.R.S.A. Chapter 25, Sub-section 1002, I am today re-appointing Joseph B. Campbell, Esquire, of Augusta, Maine, to the Commission on Governmental Ethics and Election Practices.

Sincerely,

S/JOSEPH SEWALL

Which was Read and Ordered Placed on File.

The PRESIDENT: Is it now the pleasure of the Senate to confirm this nomination? According to Title 1, Section 1002 of the Maine Revised Statutes, the confirmation requires the affirmative vote of two-thirds of those Senators present.

Is the Senate ready for the question?

Will all those Senators in favor of the nomination of Joseph B. Campbell, please rise in their places to be counted?

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

27 Senators having voted in the affirmative, and none in the negative, and 27 being more

than two-thirds of the Senators present, it is the vote of the Senate that the nomination of Joseph B. Campbell is confirmed.

SENATE CHAMBER

President's Office

January 18, 1980

Honorable Barbara A. Gill  
Honorable Sandra K. Prescott  
Chairmen, Committee on Health and Institutional Services

State House  
Augusta, Maine

Please be advised that Governor Joseph E. Brennan is nominating Kevin W. Concannon of Portland to serve as Commissioner of the Department of Mental Health and Corrections.

Pursuant to Title 34 MRSA Section 1, this nomination will require review by the Joint Standing Committee on Health and Institutional Services and confirmation by the Senate.

Sincerely,

S/JOSEPH SEWALL

President of the Senate

S/JOHN L. MARTIN

Speaker of the House

(S. P. 711)

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

Sent down for concurrence.

COMMITTEE ON STATE GOVERNMENT

January 18, 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 State Government has had under consideration the nomination of Pamela Gleichman as a member of the Maine Guarantee Authority.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee clerk called the roll with the following result:

YEAS:

Senators 2

Representatives 10

NAYS: 0

ABSENT: 1 (Sen. Sutton of Oxford)

Twelve members of the Committee having voted in the affirmative and none in the negative it was the vote of the Committee that the nomination of Pamela Gleichman as a member of the Maine Guarantee Authority be confirmed.

Sincerely,

S/DAVID R. AULT, Senate Chairman

S/JUDY C. KANY, House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on State Government has recommended that the nomination of Pamela Gleichman be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on State Government 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, Chapman, Collins, Conley, Cote, Danton, Emerson, Gill, Hichens, Katz, Lovell, Martin, McBreairey, Minkowsky,

Najarian, O'Leary, Perkins, Pierce, Pray, Redmond, Shute, Silverman, Sutton, Teague, Trotzky, Usher, Sewall.

ABSENT — Clark, Devoe, Farley, Huber, Trafton.

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 Pamela Gleichman is confirmed.

#### Senate Papers

Senator Clark of Cumberland presented, Bill, "An Act to Increase Real Estate Broker and Salesman License and Examination Fees." (S. P. 705)

Senator Clark of Cumberland presented, Bill, "An Act to Increase License and Examination Fees for Barbers." (S. P. 706)

Senator Chapman of Sagadahoc presented, Bill, "An Act to Amend the Pay Schedule of Physicians to Include Actuaries." (S. P. 707)

Senator Clark of Cumberland presented, Bill, "An Act Relating to the Qualifications for the Licensing of Auctioneers." (S. P. 708)

Which were referred to the Committee on Business Legislation and Ordered Printed. Sent down for concurrence.

Senator Clark of Cumberland presented, Bill, "An Act to Aid Recovery of Medicaid Funds." (S. P. 709)

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

Sent down for concurrence.

Senator Danton of York presented, Bill, "An Act Concerning Tax Anticipation Notes and Tax Collections in the City of Saco." (Emergency) (S. P. 703)

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

Reference to the Committee on Local and County Government is suggested.

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

Senator DANTON: I move that the Rules be Suspended and this Bill be given its First and Second Readings.

The PRESIDENT: The Senator from York, Senator Danton, moves that S. P. 703 be given its First and Second Readings at this time, without Reference to Committee.

Is this the pleasure of the Senate?

It is a vote.

Under Suspension of the Rules, the Bill Read Twice, and Passed to be Engrossed, without reference to Committee.

Sent down forthwith for concurrence.

Senator McBreaity of Aroostook presented, Bill, "An Act to Amend the Charter of the Aroostook-Prestile Treatment District." (Emergency) (S. P. 704)

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

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

Sent down for concurrence.

#### Orders

On Motion by Senator Redmond of Somerset, ORDERED, the House concurring, that, pursuant to Joint Rule 37, two-thirds of the members of both Houses concurring, "An Act to Remove Moose River from the Maine Forestry District" may be introduced during the Second Regular Session of the 109th Legislature. (S. P. 710)

Which was Read.

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

Senator CONLEY: Mr. President, it is my understanding that this Bill was rejected by the Legislative Council. I would pose a question

through the Chair.

The PRESIDENT: The Senator may state his question.

Senator CONLEY: The question is, was this Bill rejected by the Legislative Council?

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

#### Second Readers

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

#### House

Bill, "An Act to Amend the School Administrative Districts Reapportionment Procedure." (H. P. 1619) (L. D. 1729)

Bill, "An Act to Change the Name of the Glen Cove Bible College to the New England Baptist Bible College." (H. P. 1697) (L. D. 1804)

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

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

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

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

#### Orders of the Day

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

JOINT ORDER—relative to Committee on Business Legislation reporting out a Bill making refinements to the Beverage Container Law. (H. P. 1726)

Tabled—January 18, 1980 by Senator Pierce of Kennebec.

Pending—Passage.

Which was Passed, in concurrence.

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

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

Senator HICHENS: Thank you, Mr. President.

We start another week of work within this Senate hall

Deliberating over bills important to us all.

And debate about the pros and cons may heavy be at times,

Giving me but little chance to share my birthday rhymes.

But e'er we get involved with what is right and what is wrong

With legislative goodies as the session goes along

Let's honor one who's served with us the past several years

And had great import in decisions made—once came to tears

With deep emotion when he got himself worked up a bit

On a past Governor's veto of his bill—I tell you—it

Was quite a dissertation that he gave us—one and all

And when the vote was taken we responded to his call,

And with a good majority the veto overrode.

With other legislative tasks this man has borne his load

Of responsible activities—he serves his people well,

And though we sometimes disagree—I often to folk tell

Of how his past philosophies have changed down through the years

And he's responded to the pleas of some who had great fears

That when he returned a Senator after being gone a while

He'd vote against their principles—but he says with a smile

"I ain't the same as once I was—and though I'm not a sage

I've mellowed as the years passed by—you can credit it to age"

But what e'er the reasons, I am pleased to honor him today

And hope that you'll all join in sending wishes on their way,

For a very Happy Birthday—one that is bright and cheery

To the gracious Senator from District 16—Don O'Leary.

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

#### Recess

#### After Recess

Senate called to order by the President.

The PRESIDENT: The Chair laid before the Senate:

Bill "An Act Relating to Agricultural Development." (H. P. 1719) (L. D. 1830), tabled earlier in today's session, pending Reference.

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

Senator HICHENS: I now move that L. D. 1830 be referred to the Committee on Agriculture.

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

Senator MARTIN: Mr. President, and Ladies and Gentlemen of the Senate. I would have to request a Division on that particular motion.

I feel because of the complexity and the re-organizational nature of the bill, that the expertise lies within the State Government Committee. I happen to be both on the State Government and Agriculture Committee, and I have taken a look at the bill. Therefore, I would ask you to defeat the pending motion.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President, and Members of the Senate. It's rather interesting to see how this thing has been bamboozled around, but you know, as a member of the Audit and Program Review Committee, we have quite a bit of input, many hundreds of manhours involved in this particular piece of Legislation.

It seems ironic at this particular stage of the game that the work we have done, the recommendations we have made, are not even recognized by the Department or by this Legislature, who has acted upon it. I sometimes wonder what the rationale was to keep the Committee on Audit and Program Review alive, during this segment of time, especially if our work is not being adhered to.

Here we are asked under Sunset Legislation to cut back, and this Bill calls for the creation of 27 new positions. It even deals with the area of appropriations. Here under the Fiscal Note, we are talking about the transfers and responsive concerns raised by the Joint Standing Committee on Audit and Program Review, it represents a \$76,686 for a total budget request of \$615,000.

Here it's being thrown around between Agriculture, State Government, Appropriations, Audit and Program Review. Here, the people who have been working the hardest on it are not even given a chance to have any input on it.

As I look through the various parts of the Statement of Fact, which also seeks to deal with the inadequacies in the present staff, and the structure of the Department of Agriculture. What in heaven do you think we've been doing during this segment of time if we have not been dealing with inadequacies of the Department of Agriculture.

"That the State officially adopt a policy to encourage the preservation and conservation of Agricultural Lands". We have dealt with that particular aspect of it.

"That the Department of Agriculture be funded to implement the State's Direct Marketing Act". We have dealt with that also.

That we are dealing with Farm Land Loan Program, that was what Senator Carpenter had during the last session of the Legislature, which was turned down.

All these factors that you're going to turn over to either State Government or Agriculture has been addressed by Audit and Program Review.

It's ironic that we are not given the opportunity to really address it fully, since we have developed the expertise along those lines.

The PRESIDENT: Is the Senate ready for the question?

A Division has been requested.

Will all those Senators in favor of the Motion by the Senator from York, Senator Hichens that L. D. 1830 be referred to the Committee on Agriculture, please rise in their places to be counted.

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

11 Senators having voted in the affirmative, and 13 Senators in the negative, the Motion to refer L.D. 1830 to the Committee on Agriculture does not prevail.

On Motion by Senator Minkowsky of Androscoggin, Retabled for 1 Legislative Day.

The PRESIDENT: The Chair laid before the Senate:

JOINT ORDER — relative to introducing a Bill, "An Act to Remove Moose River from the Maine Forestry District." (S. P. 710), tabled earlier in today's session, pending Passage.

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

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

#### Papers from the House Enactor

The Committee on Engrossed Bills reports as truly and strictly engrossed the following:  
**Emergency**

An Act Concerning Tax Anticipation Notes and Tax Collections in the City of Saco. (S. P. 703) (L. D. 1839)

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

Senator DANTON: Mr. President, and Members of the Senate. I've been asked by many of you to explain what this Bill does. I've spoke so much about it for the last week and a half, it reminds me of when I was a youngster, going to school and I'd have to memorize a poem. I'd say it so many times that when the time would come for me to recite the poem, I couldn't remember it, but anyway let me tell you about this bill.

As you all know the City of Saco is in a default situation. It's not near default. It is in default. Now we have a problem trying to borrow money. We're having difficulty trying to borrow money, but we do have one lending institution that's willing to loan us money. They took and gave us 8 different options we have to abide to in order to get the loan.

One of the options was that the legislature would have to take and pass a bill which would allow the City of Saco to set up an escrow account. In other words, to take and put the money in one account so we can take and pay off their note, that they would let us borrow money on.

Then, after the bill came up here, the Attorney General, the Commissioner of Finance and Administration, the State Treasurer, got a hold of the bill and they wanted to add another par-

agraph to it, which would allow the city to pay its present bonds that it also owes on.

So what this bill does, in essence, it allows the city to have an escrow account. All the money that it receives goes into this account, and from this account they will take and they'll pay the bank off, they'll pay their bonds off. That's about the extent of the bill.

Now maybe some of you have questions. I would prefer you ask me the questions. Maybe I can answer them better than explaining the bill. It isn't an easy bill. There is no obligation of the State. That's one thing I want to make very clear to you. There is no obligation on the State. It's something that the bank wants. They want the Legislature to take and pass a bill.

In fact, in the Journal you will see right here in the headlines. "109th Vote Key to Saco Finances." Unless we pass this bill, and get the bill on the Governor's desk today, the City of Saco might have to close shop Thursday and Friday.

Now this is no kidding. I'm very serious. Now look at how lucky we've been this winter. We haven't had to plow. We've had the school vacations. The winter's been mild so they've been really cutting down on the heat. We're really in bad shape in Saco.

I don't want any of you thinking like I've heard in debate in the other body, that because of the Tax Cap we're in this situation. That's not the reason at all. Maybe it doesn't help the situation, but that is not the reason.

They just didn't pay their bills. When the day came for them to take and pay their Tax Anticipation Note last year, the mayor would not sign to borrow money to pay, because he felt that he was in a deficit situation. Well the truth of the matter is, at that particular time he was \$16,000 short of paying his note, but before the day ended, revenues had come in, with taxes paid and what have you, they had collected \$37,000 which gave them a surplus of \$21,000 for that day. So he could have very easily have signed and we could have avoided being in a default situation.

That was not the case, he did not sign. Today we find ourselves in a default situation. That's why we need this legislation today, so the banks will take and loan us money so we can carry on the city's business. Or else from that point on, I don't know what's going to happen. Your guess is as good as mine. If there are any questions, I'd gladly like to have you ask them before we vote on this measure, and I'll try to answer them for you.

This being an emergency measure and having received the affirmative votes of 25 Members of the Senate, with No Senators in the negative, was Passed to be Enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

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

#### Order

An Expression of Legislative Sentiment recognizing that:

Joseph J. Ricci of Falmouth, for his dedication of rehabilitation efforts, was named one of Maine's outstanding young men for 1980 by the State Jaycees. (S. P. 712) is presented by Senator Ault of Kennebec (Cosponsor, Senator Huber of Cumberland.)

Which was Read and Passed.  
Sent down for concurrence.

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