

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 25, 1980

Senate called to order by the President.

Prayer by Prof. Thomas R. W. Longstaff, Chaplain, Colby College.

Professor LONGSTAFF: Let us pray! Blessed art thou O'Lord God, king of the universe. We proclaim thee as creator of heaven and earth, and we acknowledge that thou hast made us partners in thy creation.

Thou hast created us with freedom of will and of action, so that we are truly masters of our history and destiny.

So we pray for wisdom and compassion, that we may order our private and corporate lives according to thy will.

We pray for the President of the United States, for the Congress, and for all those to whom leadership in government has been given. In these times of crisis and at all times, given them wisdom and courage to govern wisely and well, so that peace and justice may be both our goal and our end.

We pray particularly for the Members of the Maine State Senate, here assembled. Grant to the Members of this Body insight and dedication, so that the laws here enacted may cause our State to prosper and all our citizens to enjoy a quality of life, of which we need never to be ashamed.

Hear us and bless us in all that we do. For we ask it in the name of Jesus Christ. Amen.

Reading of the Journal of yesterday.

(Off Record Remarks)

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

Joint Order relative to introduction of "An Act to Remove Moose River from the Maine Forestry District." (S. P. 710)

In the Senate January 23, 1980, Read and Passed.

Comes from the House, Failed of Passage in non-concurrence.

On Motion by Senator Redmond of Somerset, the Senate voted to Recede and Concur with the House.

House Papers

Bill, "An Act to Revise and Strengthen the Bee Industry" (H. P. 1745) (L. D. 1861)

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 Allow Reasonable Attorney's Fees as a Remedy in an Action under the Maine Human Rights Act." (H. P. 1746) (L. D. 1862)

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 Relating to Group Self-insurers under the Workers' Compensation Act." (H. P. 1747) (L. D. 1863)

Reference to the Committee on Labor is suggested.

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 Clarify the Obligations of Certain Public Utilities Regarding Assessments to Defray Expenses of the Public Utilities Commission." (H. P. 1748) (L. D. 1864)

Comes from the House, referred to the Com-

mittee on Public Utilities and Ordered Printed.

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

Bill, "An Act to Clarify the Law Concerning Income Taxation of Servicemen who are Maine Residents." (H. P. 1749) (L. D. 1865)

Bill, "An Act Relating to Interest on Supplemental Assessments under the Tax Laws." (H. P. 1750) (L. D. 1866)

Bill, "An Act Providing for Administrative Changes in the Maine Revised Statutes Relating to Taxation." (H. P. 1751) (L. D. 1867)

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

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

Bill, "An Act to Revise the Local Registration Program to Authorize the New Registration of Trucks Weighing more than 6,000 Pounds." (H. P. 1752) (L. D. 1868)

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

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

On Motion by Senator Hichens of York, the Senate voted to reconsider its action of earlier in today's session whereby Bill, An Act to Revise and Strengthen the Bee Industry Law (H. P. 1745) (L. D. 1861) was referred to the Committee on Agriculture.

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

Senator HICHENS: I move that this be Tabled for 1 Legislative Day, pending reference.

The PRESIDENT: The Senator from York, Senator Hichens, moves that L. D. 1861 be tabled for 1 Legislative Day, pending reference.

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

**Communications
THE SENATE OF MAINE**

January 23, 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 Douglas I. Hodgkin, of Lewiston, Maine, to the Commission on Governmental Ethics and Election Practices.

Sincerely,

S/BENNETT D. KATZ
Senate Majority Leader

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 Douglas I. Hodgkin, to the Commission on Governmental Ethics and Election Practices, please rise in their places to be counted?

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

23 Senators having voted in the affirmative, and none in the negative, and 23 being more than two-thirds of the Senators present, it is the vote of the Senate that the nomination of Douglas I. Hodgkin is confirmed.

SENATE CHAMBER
President's Office

January 24, 1980

Honorable James A. McBreairty
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 Harvey E. DeVane of Ellsworth to be a member of the Board of Environmental Protection.

Pursuant to Title 38 M.R.S.A. Section 341, 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. 733)

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

STATE PLANNING OFFICE

January 24, 1980

**COMMUNICATION
FOR SENATE CALENDAR**

May Ross

Secretary of the Senate

State House Station #2

Augusta, Maine

Re: Status of Housing in Maine

The State Planning Office is pleased to transmit to the Legislature the first three of seven housing monographs. The housing monographs are prepared by the Planning Office in partial fulfillment of our statutory responsibility to annually inform the Governor and the Legislature of the status of housing in Maine. The completed monographs cover the following subject areas: private financing trends in Maine housing; the cost of housing; and an analysis of current housing conditions and future needs. The four other monographs being prepared cover public investment in housing; the economic impacts of housing construction; an inventory of current housing programs; and a summary of major housing findings and recommendations.

It was the intent of the Legislature through enactment of 5 M.R.S.A. § 3306-A to promote the development of coordinated policies, programs and services in order to address more adequately the basic housing needs of the people of the State of Maine. These monographs encourage such coordination by ensuring that the Governor and the Legislature are periodically informed about the various types of housing programs conducted and services provided in the State to meet such needs. The collected monographs are intended to form the comprehensive report of statewide housing programs and services required by statute. The remaining monographs will be transmitted upon completion. Copies are being distributed to the Chairmen of the Standing Committees on Appropriations and Financial Affairs and State Government. If individual members or your constituents need copies of the monographs, please contact the State Planning Office.

Sincerely,

S/ALLEN PEASE

Director

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

**Department of
EDUCATIONAL AND
CULTURAL SERVICES**

January 10, 1980

Honorable Joseph Sewall
President of the Senate
109th Legislature
State of Maine
State House Station #3
Augusta, ME
Dear Senator Sewall:

It is with pleasure that we transmit the accompanying report, **Early Education for the Handicapped: Final Report on a Coordinated Delivery System for Services to Preschool Handicapped Children**, to the Second Regular Session of the 109th Legislature, in accordance with Private and Special Law 1977, Chapter 104 and Private and Special Law 1979, Chapter 56. It is our hope that this report will assist the members of the 109th Legislature in their deliberations on the preschool handicapped legislation which is a result of this two year pilot effort.

Sincerely,
S/HAROLD RAYNOLDS, Commissioner of the
Department of Educational and Cultural
Services
S/MICHAEL R. PETIT, Commissioner of the
Department of Human Services
S/RONALD R. MARTEL,
Acting Commissioner of
the Department of Mental Health and
Corrections
Which was Read and, with accompanying
papers, Ordered Placed on File.

Orders

Expressions of Legislative Sentiment recognizing that:

William Mack, from Troop 301, York, received the Eagle Scout Award. (S. P. 727)

Thomas Blaisdell, from Troop 301, York, received the Eagle Scout Award. (S. P. 728)

Philip Blay, from Troop 301, York, received the Eagle Scout Award. (S. P. 729)

Michael Moore, from Troop 301, York, received the Eagle Scout Award. (S. P. 730)

Scott Foster, from Troop 301, York, received the Eagle Scout Award. (S. P. 731) are presented by Senator Hichens of York.

Which were Read and Passed.
Sent down for concurrence.

Committee Reports House

Ought Not to Pass

The following Ought Not to Pass report shall be placed in the Legislative Files without further action pursuant to Joint Rule 22 of the Joint Rules:

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

Ought to Pass

The Committee on Labor on, Bill, "An Act to Expand the State's Program to Promote Apprenticeships." (H. P. 1617) (L. D. 1727)

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.

Senate

Ought to Pass

Senator Trotzky for the Committee on Education on, Bill, "An Act to Validate Proceedings Authorizing the Issuance of Bonds and Notes by School Administrative District No. 37." (Emergency) (S. P. 659) (L. D. 1697)

Reported that the same Ought to Pass.
Which Report was Read and Accepted and the Bill Read Once and Tomorrow Assigned for Second Reading.

Second Readers

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

House — As Amended

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." (Emergency) (H. P. 1640) (L. D. 1749)

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

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

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

Senate — As Amended

Bill, "An Act to Amend the Charter of the Lewiston-Auburn Water Pollution Control Authority." (Emergency) (S. P. 657) (L. D. 1696)

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

Sent down for concurrence.

Orders of the Day

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

JOINT ORDER—relative to the Committee on Taxation reporting out a bill regarding the Maine Forestry District. (S. P. 726)

Tabled—January 24, 1980 by Senator Conley of Cumberland.

Pending—Passage.

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

Senator PIERCE: Mr. President, I move that this Joint Order be Indefinitely Postponed.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, moves that S. P. 726 be Indefinitely Postponed.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President, and Members of the Senate, earlier on today's calendar we addressed one issue sponsored by the Senator from Somerset, Senator Redmond, "An Act to Remove Moose River from the Maine Forest District Tax." The other day when he debated that issue, and that item, I, at that time, requested the Senator to table that matter so that we could address the entire issue of the Maine Forest District Tax. Basically, the Joint Order, the proposal that is before us at this time addresses the plantations and the communities that are under the Forest District Tax.

I would like to basically explain to you what this does to some of the communities. For an example, the President of this Senate, represents a town by the name of Lakeville, in the northern part of his district. It has 15 permanent homes, and a population of 35 people.

Last year there was a bill in that myself, the Senator's from Aroostook, Senator Martin and Senator Carpenter co-sponsored, which would have given these communities an option to remove themselves. This proposal received great reception by a number of these communities, particularly Lakeville Plantation. That bill, itself, had been passed by the Taxation Committee, unanimously Ought to Pass. It went through both Houses unanimously, and died on the Appropriations Table.

In reference to Lakeville, and the time period of 1976 to 1979, the Forest District Tax increased by 270%. It's expected by 1980 to have increased in the area of 300%, from the 1976 tax levied on them.

Now that same community could at present rates, buy commercial insurance to cover their liability of a fire at the rate of \$2 per \$1,000 of evaluation, it would be a cost to them of roughly \$300. In 1979 they are scheduled to pay \$7,500 into the Maine Forest District Tax. I think what should be interesting to point out in reference to the Total State Liability is \$18,000. Again I repeat that \$7,500 of that \$18,000 would go to the Maine Forest District Tax for fire protection.

The communities that have been listed on the order itself covers a number of counties. It's all those communities, as I stated earlier, that fall under the Forest District Tax, with a total price tag of \$399,780.

While, I agree that the State of Maine is tight on revenues, and we never like to give revenue away that's coming in, I think there is a question of equity to what we're doing to the small-

er communities.

There are a number of other alternatives that we could address. For an example, under the Spruce Budworm, the system that we used to evaluate the payment into the Spruce Budworm Program gives a cost per acre not based upon evaluation. If these communities had that same type of option, their tax liability would be a lot smaller and it would be something that they could better address.

So I would hope that we could get this proposal before the Taxation Committee, and that they could look at other alternatives. So I would ask for a Division on the motion by the Assistant Majority Floorleader.

The PRESIDENT: Is the Senate ready for the question?

A Division has been requested.

Will all those Senators in favor of the Motion to Indefinitely Postpone S. P. 726, please rise in their places to be counted.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: I request a Roll Call.

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 arisen a Roll call is ordered.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President, and Members of the Senate, just the other day, on January 23, 2 days ago when we had this same issue, the Senator from Somerset, Senator Redmond, had asked for a Roll Call and I have that before us. Looking at the vote on that Roll Call, it was 25 to 3, 25 individuals in this Chamber felt as if this issue on a Roll Call was important enough to be addressed by the Taxation Committee. I notice that the same individual who moved the Indefinite Postponement, had voted to allow this bill in the other day, to allow a similar proposal in reference to Moose River.

I am just a little disappointed on the stand on the Division. That a number of individuals have seemingly changed their minds. I would hope that we'd reflect and remain a little bit more constant, on those issues we felt should be studied by the Legislature in this Session.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Teague.

Senator TEAGUE: A bill on these small towns came in front of the Taxation Committee last year. As the good Senator, Senator Pray, said, they were Indefinitely Postponed.

Also at that same time, there was a House Paper, by the number of 1550, that was introduced on June 8, that was Indefinitely Postponed on June 14. I think the Taxation Committee realized the problem at that time. Leadership did not give us any money to study this total deal. The loss to the State would be roughly around \$400,000. I just don't think in the 37 or 38 days remaining, in this session that the Taxation Committee could come up with a suitable answer.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Redmond.

Senator REDMOND: In view of the comments of the good Senator from Penobscot, Senator Pray, regarding the Joint Order that was presented by the Senator from Somerset, this Bill L. D. 4 had had public hearing. It had been through both houses. At the last end of the session the Appropriations Committee killed it for the simple reason that it was a loss of revenue to the State.

Now I've been doing a little studying on this. The loss of revenue was in the vicinity of \$6,300. It seems quite obvious that at this time if we come back and we ask the Appropriations Committee to remove all these towns and planta-

tions that are involved in the Forestry District. If we remove them all, I understand the loss of revenue would be in the excess of \$400,000. I don't think I'm prejudiced in assuming that, that Bill wouldn't go far, during this session.

I've communicated with the office of David Silsby. They're preparing an Order that would ask the Legislative Council to support a study by a Joint Select Committee of those interested, those municipalities, the Department of Taxation, a member from the Legislative Committee on Taxation, and a member representing the Forest Industry to do a study on the entire problem.

Of course, the matter is still very urgent because the Town of Moose River that I represent, their increase is going to be for 1980 from \$6,300, it's going to increase by \$3,900 in 1980.

I appreciate all these other towns, also. In view of this, this order, as soon as it's ready, the next Legislative Day that's coming, I'll be prepared to present it and hope it will be passed.

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

Senator PRAY: Thank you, Mr. President. I appreciate his patience in this matter. Mr. President, and Members of the Senate, I appreciate also the concerns of the Senator from Somerset, Senator Redmond in reference to his community, and as I pointed out the President of the Senate's community, which I explained their situation, I think is equally important as Moose River's. They are all faced with that same type of increase.

In light of the comments I have just heard from the Senator from Somerset, Senator Redmond, in reference to a Joint Order for a Study, which I supported last year, although it failed to get enough votes out of the Legislative Council to pass that matter. I would withdraw my request for a Roll Call, and would go along with the motion by the Senator from Kennebec, Senator Pierce, pending the fact that we do have a Study Order coming in to put this proposal before us.

The PRESIDENT: Senator Pray of Penobscot, now requests Leave of the Senate to Withdraw his Motion for a Roll Call.

Is it the pleasure of the Senate to Grant this Leave?

It is a vote.

On Motion by Senator Pierce of Kennebec, Indefinitely Postponed.

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

Senator PIERCE: Mr. President, I move reconsideration.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, moves the Senate reconsider its action whereby S. P. 726 was Indefinitely Postponed.

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.

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

HOUSE REPORTS—from the Committee on Transportation—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) Majority Report—Ought Not to Pass; Minority Report—Ought to Pass.

Tabled—January 24, 1980 by Senator Conley of Cumberland.

Pending—Motion of Senator Emerson of Penobscot to accept the Majority (Ought Not to Pass) Report.

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

Senator CONLEY: Mr. President, I move

that this item be tabled for 1 Legislative Day, pending Acceptance of the Majority Ought Not to Pass Report.

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

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

SENATE REPORT—from the Committee on Local and County Government—Bill "An Act to Establish the Boundary between Rockport and Rockland." (S. P. 658) (L. D. 1698) Ought to Pass with Committee Amendment "A" (S-401).

Tabled—January 24, 1980 by Senator Collins of Knox.

Pending—Acceptance of Report.

Which Report was Read and Accepted, the Bill Read Once. Committee Amendment "A" (S-401) Read.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President, the Chairman of the Transportation Committee, Senator Emerson, has prepared a new amendment to this Bill, to clarify an omission and therefore the Committee Amendment will not be necessary. I therefore move that the Committee Amendment be Indefinitely Postponed.

On Motion by Senator Collins, of Knox, Committee Amendment "A" Indefinitely Postponed.

Under Suspension of the Rules, the Bill given its Second Reading.

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

Senator EMERSON: Mr. President, I now present Senate Amendment "A" and move its adoption.

The PRESIDENT: The Senator from Penobscot, Senator Emerson now offers Senate Amendment "A" and moves its adoption.

Senate Amendment "A" (S-403) Read and Adopted.

The Bill, as amended, Passed to be Enacted.

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 Provide Compensation and Benefits Agreed to by the State and the Maine State Troopers Association." (Emergency) (H. P. 1753)

Bill, "An Act to Appropriate Funds for an Increase in Board Rates for Foster Parents and Clothing Allowances for Children under the Care or Custody of the Department of Human Services." (H. P. 1754)

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

Which were referred to the Committee on Appropriations and Financial Affairs and Ordered Printed, in concurrence.

Bill, "An Act to Adopt the Fair Debt Collection Practices Act." (H. P. 1755)

Come 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 Provide for the Education of Preschool Handicapped Children." (H. P. 1756)

Reference to the Committee on Education is suggested.

Come 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 Or-

dered Printed, in concurrence.

Bill, "An Act to Clarify the Education Laws." (H. P. 1758)

Come 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 Amend the Hazardous Waste Statutes in Order that the State May Respond to Dangers to Public Health, Safety or Welfare and Allow Delegation of the Federal Program." (Emergency) (H. P. 1759)

Come 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 to Prohibit Trapping by Game Wardens, except in the Line of Duty." (H. P. 1760)

Come 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 Prohibit Nylon Coated and Plastic Covered Bullets." (H. P. 1763)

Reference to the Committee on Fisheries and Wildlife is suggested.

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

On Motion by Senator Pray of Penobscot, tabled until later in today's session, pending reference.

Bill, "An Act Relating to the Effective Date of Administrative Changes in the Employment Security Law." (Emergency) (H. P. 1762)

Come 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 Establish County Corrections' Improvement Fund." (H. P. 1761)

Come from the House, referred to the Committee on Local and County Government and Ordered Printed.

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

Bill, "An Act to Expand the Kinds of Projects Eligible for Financing under the Maine Guarantee Authority Revenue Obligation Securities Act." (H. P. 1764)

Bill, "An Act Relating to the Administration of the State Employees Group Accident and Sickness or Health Insurance Plan." (H. P. 1765)

Bill, "An Act to Expand the Kinds of Projects Eligible for Financing Under the Municipal Securities Approval Act." (H. P. 1767)

Bill, "An Act to Clarify the Standard of Review for Agency Rulemaking." (H. P. 1768)

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.

Bill, "An Act Relating to the Reorganization of the Board of Trustees of the State Employees Group Accident and Sickness or Health Insurance Plan." (H. P. 1766)

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

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

Bill, "An Act to Establish a Single Maine Estate Tax Based Upon a Percentage of the Federal Gross Estate." (H. P. 1769)

Bill, "An Act to Provide a State Income Tax Credit for Installation of Renewable Energy Systems." (H. P. 1770)

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

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

Study Report — Joint Select Committee on Government Ethics

The Joint Select Committee on Government Ethics to which was referred the study relative to conflicts of interest pursuant to Joint Order (H. P. 1437) have had the same under consideration, and ask leave to submit its findings and to report that the accompanying Bill, "An Act to Require Disclosure of Types of Assets and Future Rights by Legislators" (H. P. 1772) (L. D. 1875) be referred to the Committee on State Government for public hearing and printed pursuant to Joint Rule 17.

Comes from the House, the Report Read and Accepted, and the Bill referred to the Committee on State Government.

Which Report was Read and Accepted, in concurrence, and the Bill referred to the Committee on State Government, in concurrence.

Study Report — Joint Select Committee on Government Ethics

The Joint Select Committee on Government Ethics to which was referred the study relative to conflicts of interest pursuant to Joint Order (H. P. 1437) have had the same under consideration, and ask leave to submit its findings and to report that the accompanying Bill, "An Act to Require Financial Disclosure by Justices and Judges" (H. P. 1773) (L. D. 1876) be referred to the Committee on State Government for public hearing and printed pursuant to Joint Rule 17.

Comes from the House, the Report Read and Accepted, and the Bill referred to the Committee on State Government.

Which Report was Read and Accepted, in concurrence, and the Bill referred to the Committee on State Government, in concurrence.

Study Report — Joint Select Committee on Government Ethics

The Joint Select Committee on Government Ethics to which was referred the study relative to conflicts of interest pursuant to Joint Order (H. P. 1437) have had the same under consideration, and ask leave to submit its findings and to report that the accompanying Bill, "An Act to Clarify the Provisions Relating to Executive Conflict of Interest and to Establish Financial Disclosure Requirements for Policymaking Executive Employees" (H. P. 1774) (L. D. 1877) be referred to the Committee on State Government for public hearing and printed pursuant to Joint Rule 17.

Comes from the House, the Report Read and Accepted, and the Bill referred to the Committee on State Government.

Which Report was Read and Accepted, in concurrence, and the Bill referred to the Committee on State Government, in concurrence.

Study Report — Committee on Business Legislation

The Committee on Business Legislation to which was referred the study relative to Motor Vehicle Warranties and Repairs pursuant to Joint Order (H. P. 1459) have had the same under consideration, and ask leave to submit its findings and to report that the accompanying Bill, "An Act Relating to Motor Vehicle Warranties and Repairs" (H. P. 1777) (L. D. 1878) be referred to this Committee for public hearing and printed pursuant to Joint Rule 17.

Comes from the House, the Report Read and Accepted, and the Bill referred to the Commit-

tee on Business Legislation.

Which Report was Read and Accepted, in concurrence, and the Bill referred to the Committee on Business Legislation, in concurrence.

Joint Orders

Expressions of Legislative Sentiment recognizing that:

The Cooperative Sea Grant Program of the University of Maine and the University of New Hampshire, the first bi-state program accorded Sea Grant College status. (H. P. 1775)

Wellington Higgins of Winthrop, who will celebrate the 106th anniversary of his birth on January 25, 1980. (H. P. 1776)

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

Non-concurrent Matter

Bill, "An Act to Clarify Procedure in Freight Rate Proceedings Before the Public Utilities Commission Involving Railroads and Water Common Carriers." (S. P. 723) (L. D. 1872)

In the Senate January 24, 1980, referred to the Committee on Transportation.

Comes from the House, referred to the Committee on Public Utilities, in non-concurrence.

On Motion by Senator Devoe of Penobscot, the Senate voted to Recede and Concur.

House Papers

Bill, "An Act to Empower the Board of Trustees of the Maine Veterans Home to Borrow Funds and to Issue Bonds, Notes and Other Evidences of Indebtedness. (Emergency) (H. P. 1781)

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 Amend the Maine Securities Act." (H. P. 1779)

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 Enable the State to Protect the People of Maine and its Natural Environment from Damages Resulting from the Discharge of Hazardous Matter." (H. P. 1780)

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 to Establish a Modified Procedure on Matters before the Public Utilities Commission Relating to Contract Carrier Permits and Special and Charter Bus Licenses." (H. P. 1771)

Reference to the Committee on Transportation is suggested.

Comes 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.

Bill, "An Act Creating a Pesticide Review Board." (H. P. 1783)

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 Include Arrangers of Credit under the Maine Consumer Credit Code and to Amend the Law Concerning Agricultural

Loans, Residences, Security and Fines." (H. P. 1784)

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 Authorize Bond Issue in the Amount of \$6,000,000 for Improvements to Vocational-technical Institutes." (Emergency) (H. P. 1757)

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

On Motion by Senator Huber of Cumberland, referred to the Committee on Appropriations and Financial Affairs and Ordered Printed, in non-concurrence.

Sent down for concurrence.

Bill, "An Act Pertaining to the Sale of Urea-formaldehyde Insulation." (H. P. 1782)

Reference to the Committee on Energy and Natural Resources is suggested.

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

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

Bill, "An Act to Increase the Level of the Maine Wage Assurance Fund." (H. P. 1785)

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 Reorganize the Department of Mental Health and Corrections." (H. P. 1786)

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

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

Senator GILL: Mr. President, I would like to move that this be referred to the Health and Institutional Services Committee.

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

Senator AULT: I would hope that it wouldn't be sent to the Health and Institutional Services Committee, but be sent to State Government. May I speak to that?

The PRESIDENT: The Senator has the floor.

Senator AULT: Earlier we were convinced that An Act Relating to Agricultural Development was more a policy establishing piece of legislation than one of reorganization. It was therefore referred to the Agricultural Committee, rather than State Government, which traditionally considers reorganization legislation.

Now it is my understanding that this Bill entitled "An Act to Reorganize the Department of Mental Health and Corrections", is the Governor's plan to remove Corrections from the Department of Mental Health and Corrections.

This is definitely reorganization as the title states and I do believe that the bill should go to State Government, for public hearing.

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

Senator GILL: I asked that it be referred to the Health and Institutional Committee for the reasons that we on the Health and Institutional Committee have dealt with everything dealing with all the Institutions from the Maine Youth Center for the Jail System, everything.

We have people on the Committee who are very knowledgeable in this field. Two of our house members have served, one of them has served on the newly formed Corrections Committee from last year. The House Chairman of the Committee has served and worked very diligently in the Jail System and what reorganization can take place there. I myself serve on

the Governor's Advisory Board of Corrections. We seem to have some knowledge in the area, background knowledge in the area.

I would also say that the State Government Committee seems to have a wealth of bills to take care of this session. Up until this morning they had had 18 bills referred to them. Today I understand that there have been an additional 8 bills referred to them. Which gives them a total of 26 pieces of Legislation to deal with.

They are also dealing with the personal system of the State which is a magnanimous, multitudinous project and I would think would be very timely for them to take care of.

Health and Institutional has 10 bills before us. We are advertised all through next week, we are right in line with our hearings, and our workshops. We feel that we could put the time and the effort into this Bill. I therefore think that it belongs within our committee.

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

Senator MINKOWSKY: Mr. President, and Members of the Senate, this certainly bears out my previous concerns with the Audit and Program Review Committee, of how you people are circumventing exactly what this committee has been attempting to do.

Now either sometime this year or early next session, Audit and Program Review was supposed to go through the Department of Mental Health and Corrections as well as the Department of Human Services. Here is another classic example of Sunset Legislation being circumvented by whoever is in charge of making this particular bill. I'm not going to specify particularly, but I think it could be assumed it is the Executive Branch.

It's absolutely incorrect, if you want the Audit and Program Review Committee to continue with it's work, it's asinine to re-organize before we have attempted to make our recommendations. This is the basic reason why the other day I made that reference back to agriculture, since they are the committee in charge of the particular bills at the present time, until we have an opportunity to screen, evaluate, and analyze the departments.

As I said previously if you don't want the Audit and Program Review Committee to go through the Sunset Legislation, that you have assigned to us, then disband the committee and get rid of it entirely.

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

Senator CARPENTER: Mr. President, Ladies and Gentlemen of the Senate, I would just add my 2 cents worth on behalf of the Committee on Health and Institutional Services. I don't want to take anything away from Senator Minkowsky's Audit and Program Review Committee but it seems to me that maybe the territorial jealousy, between Audit and Program Review and everybody else, in this particular case State Government and Health and Institutional Services, is really getting carried to an extreme.

As far as the comments of the good Senator, Senator Ault, the fact that this is a reorganization bill. If I understand the bill, it's the break-up bill. You stretch your imagination far enough, I think you can find that practically any bill we have in this legislature deals with reorganizing something. So perhaps the best way to solve these problems would be to abolish all the Committees except State Government and Audit and Program Review, and let them do all the work.

I'm really concerned that the territorial integrity of these committees is being guarded. I think it ought to be guarded, but it may be being guarded just a bit too narrowly.

As the good Senator from Cumberland, Senator Gill, said earlier, the Committee on Health and Institutional Services has dealt, ever since I've been in this legislature, with issues dealing with the institution. The Depart-

ment of Corrections, the Bureau of Corrections, Don Allen, practically lives up there in that room on the 4th floor. I really don't think if you're going to match what little expertise there is on any of our parts, I think, as far as the area of Corrections is definitely housed in the Committee on Health and Institutional Services, not in the Committee on State Government.

So I would hope that you would vote for the pending motion and send this bill to the Committee on Health and Institutional Services. Let's get it where the people are used to dealing with both the personalities involved and the issues involved. Thank you.

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

Senator MARTIN: Mr. President, and Ladies and Gentlemen of the Senate, this is the most action I've seen all week. It's a little gratifying.

I just want to say Mr. President that this is clearly a reorganizational bill. It really ought to go to State Government, by the way we have a couple of experts also on Mental Health in State Government.

The PRESIDENT: The Chair recognizes the Senator from Arrostook, Senator McBreairty.

Senator McBREAIRTY: Mr. President, and Honorable Members of the Senate, I have no intent as Chairman of the Audit and Program Review Committee to get into any argument as to where the bills go.

We have got a schedule set up. We're going to try and keep it. If these departments want to reorganize before we get there, more power to them. Hopefully they will reorganize, because I think some of them need to. So just put that bill anywhere but to us.

The PRESIDENT: Is the Senate ready for the question?

The Chair will order a Division.

Will all those Senators in favor of the Motion to refer H. P. 1786 to the Committee on Health and Institutional Services, please rise in their places to be counted.

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

13 Senators having voted in the affirmative, and 13 Senators in the negative, the Motion does not prevail.

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

Senator AULT: I move the Bill be referred to the Committee on State Government.

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

Senator GILL: I would ask for a Division on that Motion.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Washington, Senator Silverman.

Senator SILVERMAN: Thank you, Mr. President. Having served on the State Reorganization Committee and reorganizing all of State Government, I would think that a bill like this would go to State Government. The reason being, on your Agriculture Bill, you were speaking of policies within the Department of Agriculture. On this bill, you're speaking with a major organizational change in Maine State Government. If we're going to take that power away from State Government, you're taking the essential reason for having a State Government Committee.

Therefore, I would hope we put this in the State Government Committee.

The PRESIDENT: Is the Senate ready for the question?

Will all those Senators in favor of referring H. P. 1786 to the Committee on State Government, 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 14 Senators in the negative, the Motion to refer H. P. 1786 to the Committee on State Gov-

ernment does not prevail.

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

Senator GILL: I would move that this Bill be referred to the Health and Institutional Services Committee.

The PRESIDENT: The Senator from Cumberland, Senator Gill moves that H. P. 1786 be referred to the Committee on Health and Institutional Services.

The Chair will order a Division.

Will all those Senators in favor of the Motion to refer H. P. 1786 to the Committee on Health and Institutional Services, please rise in their places to be counted.

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

14 Senators having voted in the affirmative, and 11 Senators in the negative, the Bill was referred to the Committee on Health and Institutional Services and Ordered Printed, in non-concurrence, does prevail.

Sent down for concurrence.

The PRESIDENT: The Chair laid before the Senate:

Bill, "An Act to Revise and Strengthen the Bee Industry Law" (H. P. 1745) (L. D. 1861) tabled earlier in today's session by the Senator from Kennebec, Senator Pierce, pending reference.

On Motion by Senator Hichens of York, Retabled for 1 Legislative Day.

The PRESIDENT: The Chair laid before the Senate: HOUSE REPORTS — from the Committee on Transportation — 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) MAJORITY REPORT — Ought Not to Pass; MINORITY REPORT — Ought to Pass, tabled earlier in today's session by the Senator from Kennebec, Senator Pierce, pending the Motion by Senator Conley of Cumberland.

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

The PRESIDENT: The Chair laid before the Senate:

Bill, "An Act to Prohibit Nylon Coated and Plastic Covered Bullets." (H. P. 1763), tabled earlier in today's session, by Senator Pray of Penobscot, pending Reference.

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

The PRESIDENT: The Chair laid before the Senate: Bill, "An Act Relating to the Reorganization of the Board of Trustees of the State Employees Group Accident and Sickness or Health Insurance Plan" (H. P. 1766), tabled earlier in today's session by Senator Pierce of Kennebec, pending Reference.

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

On Motion by Senator Pierce of Kennebec, there being no objections, all matters previously acted upon were sent down forthwith for concurrence.

On Motion by Senator Pierce of Kennebec, Adjourned until Monday, February 4, 1980 at 12 o'clock noon.