

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

February 4, 1980

Senate called to order by the President.

Prayer by the Honorable Gerard P. Conley of Portland.

Senator CONLEY: Lord, grant us the serenity to accept the things we cannot change; courage to change the things we can; and the wisdom to know the difference. Amen.

Reading of the Journal of yesterday.

Communications
DEPARTMENT OF EDUCATIONAL
AND CULTURAL SERVICES

January 31, 1980

TO: May M. Ross, Secretary of the Senate
Edwin H. Pert, Clerk of the House
FROM: S/HAROLD RAYNOLDS, JR., Commissioner
RE: Report of Advisory Committee on Medical Education

In accordance with the provisions of 20 MRSA, Chapter 304, it is my duty to annually present to the Legislature and the Governor a plan relating to the participation of Maine contract students in medical education programs. It is my pleasure, therefore, to transmit herewith the second status report prepared by the Advisory Committee on Medical Education which summarizes the Committee's activities and recommendations for the period of June 1, 1979 - January 1, 1980.

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

MAINE DEPARTMENT OF AGRICULTURE
January 21, 1980

To Members of the 109th Maine Legislature:
I am submitting herewith my annual report to the Legislature and invite your views and comments.

Your continuing interest in issues facing Maine agriculture is encouraging and appreciated by the State's farming community.

Sincerely,
S/STEWART N. SMITH
Commissioner

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

COMMITTEE ON ENERGY
AND NATURAL RESOURCES

January 30, 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 Energy and Natural Resources has had under consideration the nomination of Margo Holden of Ashland to the position on the Board of Land Use Regulation Commission.

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

YEAS:
Senators — 3
Representatives — 10
NAYS:
Senators — 0
Representatives — 0

ABSENT:
None

Thirteen 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 Margo Holden to the position on the Board of Land Use Regulation Commission be confirmed.

Sincerely,
S/JAMES MCBREAIRTY
Senate Chairman
S/WILLIAM B. BLODGETT
House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Energy and Natural Resources has recommended that the nomination of Margo Holden be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on Energy and Natural Resources 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 — Chapman, Clark, Collins, Conley, Cote, Devoe, Emerson, Farley, Gill, Hichens, Huber, Lovell, McBreairty, Minkowsky, Najarian, O'Leary, Perkins, Pray, Redmond, Shute, Silverman, Sutton, Teague, Trotzky, Usher, Sewall.

ABSENT — Ault, Carpenter, Danton, Katz, Martin, Pierce, Trafton.

No Senators having voted in the affirmative and 26 Senators in the negative, with 7 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 Margo Holden is confirmed.

COMMITTEE ON ENERGY
AND NATURAL RESOURCES

January 30, 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 Energy and Natural Resources has had under consideration the nomination of Susan B. Morris of Waldoboro to the position on the Board of the Land Use Regulation Commission.

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

YEAS: Senators — 3
Representatives — 10
NAYS: Senators — 0
Representatives — 0

ABSENT: None

Thirteen 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 Susan B. Morris to the position on the Board of the Land Use Regulation Commission be confirmed.

Sincerely,
S/JAMES MCBREAIRTY
Senate Chairman
S/WILLIAM B. BLODGETT
House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Energy and Natural Resources has

recommended that the nomination of Susan B. Morris be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on Energy and Natural Resources 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 — Chapman, Clark, Collins, Conley, Cote, Devoe, Emerson, Farley, Gill, Hichens, Huber, Lovell, McBreairty, Minkowsky, Najarian, O'Leary, Perkins, Pray, Redmond, Shute, Silverman, Sutton, Teague, Trotzky, Usher, Sewall.

ABSENT — Ault, Carpenter, Danton, Katz, Martin, Pierce, Trafton.

No Senators having voted in the affirmative and 26 Senators in the negative, with 7 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 Susan B. Morris is confirmed.

DEPARTMENT OF EDUCATIONAL AND
CULTURAL SERVICES

January 31, 1980

TO: Edwin Pert, Clerk of the House
May Ross, Secretary of the Senate
G. William Boker, State Budget Office
FROM: S/Harold Raynolds, Jr., Commissioner

RE: Recommendation for 1980-1981 Funding Level for Adult Education

Pursuant to the provisions of Title 20, M.R.S.A., Chapter 308A, Section 2385, I am required to certify annually prior to February 1 to the Legislature and to the Bureau of the Budget a recommendation for the funding levels for the various program categories in Adult Education.

Please see the recommendation below:

EDUCATION: ADULT EDUCATION

1980-1981

All Other Category 6300 (including Grants to Cities and Towns) \$1,445,600
Which was Read and Ordered Placed on File.

SENATE CHAMBER

President's Office

February 1, 1980

Honorable Samuel W. Collins, Jr.
Honorable Barry J. Hobbins
Chairmen, Committee on Judiciary
State House
Augusta, Maine

Please be advised that Governor Joseph E. Brennan is nominating Donald G. Alexander of Mount Vernon to the Superior Court.

Pursuant to Title 4 MRSA Section 152, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,
S/JOSEPH SEWALL
President of the Senate
S/JOHN L. MARTIN
Speaker of the House
(S. P. 742)

Which was Read and referred to the Committee on Judiciary.
Sent down for concurrence.

Senate Papers

Senator Najarian of Cumberland presented Bill, "An Act to Appropriate Funds to the Health Facilities Cost Review Board." (Emergency) (S. P. 736)

Which was referred to the Committee on Ap-

propriations and Financial Affairs and Ordered Printed.

Sent down for concurrence.

Senator Clark of Cumberland presented, Bill, "An Act to Align Mortgage Loan Authority for Maine Thrift Institutions with Federal Regulation and to Provide Temporary Authority to Adjust Interest Rate Ceilings in Certain Consumer Credit Transactions." (S. P. 739)

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

Sent down for concurrence.

Senator Minkowsky of Androscoggin (Co-sponsors: Senator Clark of Cumberland, Senator Carpenter of Aroostook and Senator O'Leary of Oxford) presented, Bill, "An Act to Authorize a Bond Issue in the Amount of \$4,500,000 for Energy Conservation Improvements for Public School Buildings and the University of Maine." (S. P. 734)

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

Sent down for concurrence.

Senator Najarian of Cumberland presented, Bill, "An Act to Amend the Health Facilities Information Disclosure Act." (Emergency) (S. P. 732)

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

Sent down for concurrence.

Senator Ault of Kennebec presented, Bill, "An Act to Adjust the Administration of the Abandoned Property Law." (S. P. 735)

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

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

(See action later today)

Senator Carpenter of Aroostook presented, Bill, "An Act Relating to the Licensing of School Bus Operators within 60 Days of Examination and the Timing of Inspections of School Buses by the State Police." (S. P. 737)

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

Sent down for concurrence.

Orders

Expressions of Legislative Sentiment recognizing:

Mr. and Mrs. Henry Hodsdon, of Brewer, who will celebrate their 50th wedding anniversary on February 8, 1980. (S. P. 738) is presented by Senator Devoe of Penobscot.

Mr. and Mrs. Clayton L. Witham, Sr. of Augusta who celebrated their 50th wedding anniversary on January 11, 1980. (S. P. 740) is presented by Senator Katz of Kennebec.

Mr. and Mrs. Napoleon St. Hilaire of Augusta who celebrated their 50th wedding anniversary on December 30, 1979. (S. P. 741) is presented by Senator Katz of Kennebec.

Which were Read and Passed.

Sent down for concurrence.

Committee Reports

House

Ought to Pass

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

Reported that the same Ought to Pass.

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

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

Reported that the same Ought to Pass.

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

Which Reports were Read and Accepted, in

concurrence, and the Bills Read Once and Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act to Provide for Per Diem Compensation for Active Retired Judges." (Emergency) (H. P. 1636) (L. D. 1745)

Reports that the same Ought to Pass.

Signed:

Sensors:

COLLINS of Knox

DEVOE of Penobscot

TRAFTON of Androscoggin

Representatives:

HOBBS of Saco

HUGHES of Auburn

SEWALL of Newcastle

SILSBY of Ellsworth

STETSON of Wiscasset

SIMON of Lewiston

LAFFIN of Westbrook

The Minority of the same Committee on the same subject matter reports that the same Ought to Pass as amended by Committee Amendment "A" (H-749).

Signed:

Representative:

GRAY of Thomaston

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

Which Reports were Read.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator O'Leary.

Senator O'LEARY: Mr. President, I'm not sure that I know what this bill actually does. It would seem to me that it was just in the last Regular Session of the Legislature that we passed a bill that permitted them to go throughout the State, and fill in at different courts.

Now they seem to be before us asking for a Per Diem. I don't know whether I have my facts straight or not, I would like some explanation of the bill.

The PRESIDENT: The Senator from Oxford, Senator O'Leary, has posed a question through the Chair to any Member of the Judiciary Committee who may care to answer.

The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President, in response to the question from the Senator from Oxford, Senator O'Leary. I would advise that this is substantially the same bill which was before us last year which we placed on the Appropriations Table, which lost out there because of an absence of funds.

We have found an increasing need for judicial manpower in the State and one of the ways that we are filling it is by greater use of judges who become retired, but are willing to accept active status under which they serve at the assignment of the Chief Justice. If we did not have these Active Retired Judges serving us, I think it is certain that we would have to create 2 or 3 additional judgeships in our court system.

Up until now these Active Retired Judges have not been paid anything for their service. In fact, for some of them it actually costs them money out of pocket, because the cost of travel and meals sometimes exceeds the allowance which is paid them for that purpose.

When a judge become retired he receives a retirement pay amounting to three quarters of a normal or full salary. This extra work that is accepted and requested from these active men has not been compensated for in the past, but because there has been an increasing demand on those judges, we feel it is only fair that they be compensated when they do work. This bill sets up a per day and per half-day stipend for such service.

There is also a provision in the bill that, regardless of how much work they may do, the total amount paid to these Active Retired Judges, shall not exceed the sum which would

be a full salary of an Active Judge, when added to the Retirement Pay. In other words, they cannot be paid in the course of a calendar year more than $\frac{3}{4}$ of a full judges salary, for this assignment work that they are carrying on.

We think that it is only fair that a judge be paid for his work. We think it is very important that we have this service available on an even broader scale, than has been the case in the past. We therefore, recommend to the Senator the Passage of this Bill.

The Majority Ought to Pass Report of the Committee, Accepted, in concurrence and the Bill Read Once, and Tomorrow Assigned for Second Reading.

Senate

Leave to Withdraw

Senator McBreairey for the Committee on Energy and Natural Resources on, Bill, "An Act Relating to Authority of the Town of Crawford to Sell Lots Within its Public Reserved Lands." (S. P. 681) (L. D. 1797)

Reported that the same be granted Leave to Withdraw.

Which Report was Read and Accepted.

Sent down for concurrence.

Ought to Pass

Senator Chapman for the Committee on Business Legislation on, Bill, "An Act to Increase Real Estate Broker and Salesman License and Examination Fees." (S. P. 705) (L. D. 1841)

Reported that the same Ought to Pass.

Senator Gill for the Committee on Health and Institutional Services on, Bill, "An Act to Amend the Provisions of the Maine Certificate of Need Act Governing the Issuance of an Emergency Certificate of Need." (S. P. 697) (L. D. 1833)

Reported that the same Ought to Pass.

Senator O'Leary for the Committee on Transportation on, Bill, "An Act Relating to Winter Closing of Town Ways." (S. P. 673) (L. D. 1777)

Reported that the same Ought to Pass.

Which Reports were Read and Accepted and the Bills Read Once and Tomorrow Assigned for Second Reading.

Ought to Pass — As Amended

Senator Collins for the Committee on Judiciary on, Bill, "An Act to Allow the City of Portland to Sell or Lease its Central Fire Station." (Emergency) (S. P. 678) (L. D. 1785)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-404)

Which Report was Read and Accepted and the Bill Read Once. Committee Amendment "A" (S-404) was Read and Adopted.

Under Suspension of the Rules, on Motion by Senator Conley of Cumberland, the Bill, as amended, given its Second Reading and Passed to be Engrossed.

Sent down for concurrence.

Second Readers

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

House

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

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

Senate

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)

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

Sent down for concurrence.

Enactors

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

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

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)

Which were Passed to be Enacted and having been signed by the President were by the Secretary presented to the Governor for his approval.

Emergency

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

Emergency

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

These being emergency measures and have received the affirmative votes of 28 members of the Senate, with No Senators voting in the negative, were Passed to be Enacted and having been signed by the President, were by the Secretary presented to the Governor for his approval.

Emergency

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

On Motion by Senator Huber of Cumberland, Tabled for 1 Legislative Day, pending Enactment.

Orders of the Day

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

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

Tabled—January 25, 1980 by Senator Hichens of York

Pending—Reference

On Motion by Senator Hichens of York, referred to the Committee on Agriculture, in concurrence.

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 25, 1980 by Senator Pierce of Kennebec.

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

On Motion by Senator Perkins of Hancock, Retabled for 1 Legislative Day.

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

Senator AULT: Mr. President, on Page 5, S. P. 735, I move we reconsider our action whereby that Bill was sent to Judiciary.

The PRESIDENT: The Senator from Kennebec, Senator Ault now moves the Senate reconsider its action whereby Bill, "An Act to Adjust the Administration of the Abandoned Property Law." (S. P. 735) was referred to the Committee on Judiciary.

On Motion by Senator Ault of Kennebec, Referred to the Committee on State Government.

Sent down for concurrence.

On Motion by Senator Perkins of Hancock, adjourned until 11 o'clock tomorrow morning.