

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 6, 1980

Senate called to order by the President.

Prayer by Dr. Richard Cleaves of Augusta Mental Health Institute.

Doctor CLEAVES: May we pray! Eternal God we ask your guidance of us each day, but especially on those occasions when we act in our conscience for the well-being of all the people.

Help us to be true to the trusts that they place in us, not only this day, but all days.

Guide us, strengthen us, and keep us in thy wisdom. Amen.

Reading of the Journal of yesterday.

Papers from the House
Joint Order

An Expression of Legislative Sentiment recognizing:

Clyde and Verna Mailman of Saco who will celebrate their 60th wedding anniversary on February 5, 1980. (H. P. 1801)

Comes from the House, Read and Passed.

Which was Read and Passed, in concurrence.

House Papers

Bill, "An Act Relating to Games of Chance at Agricultural Fairs." (H. P. 1797) (L. D. 1919)

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

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

Bill, "An Act to Constitute and Validate the Establishment of the Monson Utilities District." (Emergency) (H. P. 1798) (L. D. 1920)

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.

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Undedicate the Highway Fund. (H. P. 1799) (L. D. 1921)

Reference to the Committee on Transportation is suggested.

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

On Motion by Senator Katz of Kennebec, referred to the Committee on Transportation, and Ordered Printed, in non-concurrence.

Sent down for concurrence.

Communication
Senate Chamber
President's Office

February 5, 1980

Honorable Howard M. Trotzky
Honorable Laurence E. Connolly
Chairman, Joint Standing
Committee on Education
State House
Augusta, Me

Please be advised that Governor Joseph E. Brennan is nominating Inge Foster of Dresden for reappointment as a member of the State Board of Education.

Pursuant to Title 20 MRSA Section 51, this nomination will require review by the Joint Standing Committee on Education and confirmation by the Senate.

Sincerely,
S/JOSEPH SEWALL
President of the Senate
S/JOHN L. MARTIN
Speaker of the House
(S. P. 747)

Which was Read and referred to the Committee on Education.

Sent down for concurrence.

Orders

Expressions of Legislative Sentiment recognizing:

Bud Dillihunt for his dedication and contribution towards the cause of socio and economic advancement in the Jackman area. (S. P. 745) is presented by Senator Redmond of Somerset.

The inauguration of Trans-Quebec #75, the "Beauceron Snowmobile Trail," President Laurent Caouette and the many enthusiastic clubs and participants involved. (S. P. 748) is presented by Senator Redmond of Somerset (Cosponsor Representative Berube of Lewiston).

Which were Read and Passed.

Sent down for concurrence.

On motion by Senator Redmond of Somerset (Cosponsor Senator Pray of Penobscot), ORDERED, the House concurring, that the Joint Standing Committee on Taxation report out that a bill to the House to equalize the tax burden between organized and unorganized territories for the purpose of funding the Maine Forestry District without cost to the State. (S. P. 746)

Which was Read and Passed.

Committee Reports

House

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 to Provide the Issuance of a Nonconformance Sticker under the Motor Vehicle Laws." (H. P. 1615) (L. D. 1725)

Ought to Pass

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

Reported that the same Ought to Pass.

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

The Committee on Fisheries and Wildlife on, Bill, "An Act to Amend the Law Dealing with the Identity of Fish Produced by Aquaculture." (H. P. 1710) (L. D. 1815)

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 to Increase the Debt Limit of the Kingfield Water District from \$80,000 to \$350,000." (H. P. 1660) (L. D. 1769)

Reported that the same Ought to Pass.

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

The Committee on Transportation on, Bill, "An Act Concerning the Brake Requirements on Farm Registered Vehicles under the Motor Vehicle Laws." (H. P. 1627) (L. D. 1737)

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.

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

Reported that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed as amended by House Amendment "A" (H-762).

Which Report was Read and Accepted, in concurrence, and the Bill Read Once. House Amendment "A" was Read and Adopted, in concurrence, and the Bill as amended, Tomorrow assigned for Second Reading.

Ought to Pass — As Amended

The Committee on Business Legislation on, Bill, "An Act Concerning Mobile Barber Shops." (H. P. 1658) (L. D. 1767)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-758).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A".

The Committee on Education on, Bill, "An Act to Amend the Laws Relating to the Maine Student Incentive Scholarship Program." (H. P. 1622) (L. D. 1732)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-756).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A".

The Committee on Health and Institutional Services on, Bill, "An Act Providing Release Benefits for Certain Persons Discharged from the Maine Correctional Center." (H. P. 1714) (L. D. 1820)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-759).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A".

The Committee on Marine Resources on, Bill, "An Act to Limit the Activities Authorized by the Wholesale Seafood License." (H. P. 1625) (L. D. 1735)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-761).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A".

The Committee on Public Utilities on, Bill, "An Act to Clarify the Statutes Relating to Natural Gas Pipeline Companies." (H. P. 1593) (L. D. 1704)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-757).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A".

The Committee on State Government on, Bill, "An Act to Amend the Capital Planning Commission Law." (H. P. 1669) (L. D. 1786)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-760).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A".

The Committee on Energy and Natural Resources on, Bill, "An Act to Establish \$10,000,000 as the Limit of the Maine Coastal Protection Fund." (H. P. 1618) (L. D. 1728)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-755).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A".

Which Reports were Read and Accepted, in concurrence, and the Bills Read Once. Committee Amendments "A" were Read and Adopted, in concurrence, and the Bills, as amended, Tomorrow Assigned for Second Reading.

Ought to Pass in New Draft

The Committee on Education on, Bill, "An Act Relating to the Vocational-technical Institutes." (Emergency) (H. P. 1393) (L. D. 1613)

Reported that the same Ought to Pass in New Draft under same title. (H. P. 1788) (L. D. 1907)

Comes from the House, the Bill, in New Draft, Passed to be Engrossed.

The Committee on Education on, Bill, "An Act Relating to Budgetary Hardship in Maintaining Special Education Students." (H. P.

1594) (L. D. 1705)

Reported that the same Ought to Pass in New Draft under same title. (H. P. 1789) (L. D. 1908)

Comes from the House, the Bill, in New Draft, Passed to be Engrossed.

Which Reports were Read and Accepted, in concurrence, and the Bills, in New Draft, Read Once and Tomorrow Assigned for Second Reading.

Senate Ought to Pass

Senator Gill for the Committee on Health and Institutional Services on, Bill, "An Act to Aid Recovery of Medicaid Funds." (S. P. 709) (L. D. 1845)

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

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)

Which was Read a Second Time.

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

Senator O'LEARY: Mr. President, I have an amendment for this bill and it's presently being prepared. I would appreciate it if someone would table it until later in today's session.

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

Bill, "An Act Relating to Maine Educational Advisory Organizations." (H. P. 1646) (L. D. 1756)

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

House — As Amended

RESOLVE, Authorizing the Attorney General to Convey the State's Interest in a Certain Parcel of Land and Buildings in Augusta to the Community Shelters for Children, Inc." (H. P. 1606) (L. D. 1717)

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

Senate

Bill, "An Act to Encourage Car pools and Van pools. (S. P. 683) (L. D. 1806)

Which was Read a Second Time.

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

Senate — As Amended

Bill, "An Act to Increase License and Examination Fees for Barbers." (S. P. 706) (L. D. 1842)

Bill, "An Act to Amend the Pay Schedule of Physicians to Include Actuaries." (S. P. 707) (L. D. 1843)

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

Sent down for concurrence.

Orders of the Day

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

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

Tabled—February 5, 1980 by Senator Katz of Kennebec.

Pending—Enactment.

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

The Chair laid before the Senate the second

tabled and specially assigned matter:

Bill, "An Act Pertaining to the Granting of Preference in the Letting of State Contracts to State of Maine Resident Bidders." (H. P. 1620) (L. D. 1730)

Tabled—February 5, 1980 by Senator Katz of Kennebec.

Pending—Enactment.

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

The PRESIDENT: The Chair laid before the Senate:

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) tabled earlier in today's session by Senator Pierce of Kennebec, pending Passage.

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

Senator O'LEARY: Mr. President, I present Senate Amendment "B" to L. D. 1700, under Filing Number S-410 and move it's adoption.

The PRESIDENT: The Senator from Oxford, Senator O'Leary, offers Senate Amendment "B" to L. D. 1700 and moves it's adoption.

Senate Amendment "B" (S-410) Read and Adopted.

The Bill, as amended, Passed to be Engrossed, in non-concurrence.

Sent down for concurrence.

The Chair laid before the Senate:

Bill, "An Act to Encourage Car Pools and Van pools. (S. P. 683) (L. D. 1806), tabled earlier in today's session by Senator Katz of Kennebec, pending Passage to be Engrossed.

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

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

Order

Expression of Legislative Sentiment recognizing:

The Border Riders Snowmobile Club and President Louise Shelly for the many courtesies and excellent work extended in inaugurating the Trans-Quebec #75 Snowmobile Trail. (S. P. 749) is presented by Senator Redmond of Somerset.

Which was Read and Passed.

Sent down forthwith for concurrence.

On Motion by Senator Perkins of Hancock, the Senate voted to remove from the Unassigned Table:

Bill, "An Act to Permit the Public Utilities Commission to Include in the Fuel Adjustment Clause Capacity Purchases from Small Power Producers and Cogenerators." (H. P. 1739) (L. D. 1857), tabled by Senator Perkins of Hancock, pending Reference.

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

On Motion by Senator Katz of Kennebec, the Senate voted to reconsider its action of earlier in today's session whereby, Joint Order relative to the Taxation Committee reporting out a Bill, (S. P. 746) was Passed.

On Motion by Senator Katz of Kennebec, Tabled for 1 Legislative Day, pending Passage.

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

Senator PIERCE: Mr. President, and Members of the Senate, this is just a reminder that the Continuing Legal Education Seminars which were scheduled to begin last week, but were postponed because of the recess, will begin today.

The first one will be held at 4 o'clock this afternoon in Room 228. Thank you.

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

On Motion by Senator Pierce of Kennebec, adjourned until 10 o'clock tomorrow morning.