

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 14, 1980

Senate called to order by the President.

Prayer by Pastor Bruce W. Meyer of the Prince of Peace Lutheran Church of Augusta.

Pastor MEYER: Heavenly Father we come together on this St. Valentine's Day, we remember the words of another of your Saints, when he wrote:

"If I speak in the tongues of men and of angels, but have not love, I am a noisy gong or a clanging symbol.

If I have prophetic powers and understand all mysteries and all knowledge, and if I have all faith so as to remove mountains, but have not love, I am nothing.

If I give all I have, and if I deliver my body to be burned, but have not love, I gain nothing.

Love is patient and kind. Love is not jealous or boastful. It is not arrogant or rude. Love does not insist on its own way. It is not irritable or resentful. It does not rejoice at wrong but rejoices in the right.

Love bears all things, believes all things, hopes all things, endures all things. Love never ends.

So faith, hope, love abide these three, but the greatest of these is love.

O Lord, help us to love one another." Amen.

Reading of the Journal of yesterday.

(Off Record Remarks)

**Papers from the House
Joint Orders**

Expressions of Legislative Sentiment recognizing:

The Falmouth Volunteer Fire Department for outstanding service during the emergency resulting from the propane tank truck accident in Falmouth on December 6, 1979. (H. P. 1841)

The Falmouth Police Department for outstanding service during the emergency resulting from the propane tank truck accident in Falmouth on December 6, 1979. (H. P. 1842)

The Falmouth Emergency Medical Team for outstanding service during the emergency resulting from the propane tank truck accident in Falmouth on December 6, 1979. (H. P. 1843)

Come from the House, Read and Passed.

Which were Read and Passed, in concurrence.

House Papers

Bill, "An Act to Appropriate Operational Moneys for the Mattawamkeag Wilderness Park." (Emergency) (H. P. 1845) (L. D. 1950)

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

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

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

**Papers from the House
Joint Order**

An Expression of Legislative Sentiment recognizing:

The League of Women Voters of our State and of our Nation on the 60th anniversary of their founding on February 14, 1920. (H. P. 1840)

Comes from the House, Read and Passed.
Which was Read.

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

Senator TRAFTON: Mr. President, and Members of the Senate, it is a particular pleasure to have this order before us this morning, and also to have some very distinguished

guests in our Senate Chamber to share the exciting day with us.

As the Order mentions it is the 60th anniversary of the founding of the League of Women Voters. The League of Women Voters is an organization which has been working for civic awareness, quality legislation, citizen education and the inclusion of women in the Legislative Process.

In this very body here today we have women whose lives have been fundamentally affected by their involvement with the League of Women Voters. Our Chamber also stands to remind us that women in ever increasing numbers, because of the training opportunities available in such organizations, as the League of Women Voters, are achieving in elective offices.

In the Maine State Senate where we are 4 women members out of our total membership of 33, we rank first in the Nation in terms of the percentage of women participating in our Upper Chamber.

It's also appropriate to look at our legislature in total with our 34 members out of our total membership of 184, we rank 6th in the nation and in fact double the national average for the number of women participating in our Legislative Process.

The League, as we all know is a non-partisan organization, which has made it possible for women of both parties to gain the necessary leadership skills to become active in this very important Legislative Process. Currently they have about 500 members, with 6 local Leagues and a member at large unit. I know this body joins me in sharing the very special day that this is with the League of Women Voters. We had our hopes for at least 60 more years of active work in this State. Thank you.

Which was Passed, in concurrence.

(Off Record Remarks)

**Communications
Committee on Judiciary**

February 13, 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 Judiciary has had under consideration the nomination of Donald G. Alexander to the position of Justice of the Maine Superior Court.

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 2
Representatives 6

NAYS: Senators 0
Representatives 0

ABSENT: Senators 1—Senator Trafton
Representatives 4—Reps. Hughes,

Simon, Laffin & Silsby

8 members of the Committee having voted in the affirmative and 0 in the negative, it was the vote of the Committee that the nomination of Donald G. Alexander be confirmed.

Sincerely,
SAMUEL W. COLLINS, JR.,
Senate Chairman
BARRY J. HOBBINS,
House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Judiciary has recommended that the nomination of Donald G. Alexander be confirmed.

The pending question before the Senate is:

Shall the recommendation of the Committee on Judiciary 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, Clark, Collins, Conley, Cote, Danton, Devoe, Emerson, Farley, Gill, Hichens, Huber, Lovell, Martin, McBreairey, Minkowsky, Najarian, O'Leary, Perkins, Pierce, Pray, Redmond, Shute, Silverman, Sutton, Teague, Trafton, Usher, Sewall.

ABSENT — Katz, Trotzky.

No Senators having voted in the affirmative and 31 Senators in the negative with 2 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 Donald G. Alexander is confirmed.

**Committee Reports
House**

Leave to Withdraw

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

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

Which Report was Read and Accepted in concurrence.

Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act to Amend the Law Regarding the Reporting of Accidents under the Motor Vehicle Laws." (H. P. 1626) (L. D. 1736)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-775)

Signed:

Senators:

COLLINS of Knox
DEVOE of Penobscot
TRAFTON of Androscoggin

Representatives:

HOBBINS of Saco
SEWALL of Newcastle
SILSBY of Ellsworth
GRAY of Rockland
SIMON of Lewiston
CARRIER of Westbrook
HUGHES of Auburn

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as amended by Committee Amendment "B" (H-776).

Signed:

Representative:

STETSON of Wiscasset

Comes from the House, the Bill Passed to be Engrossed, as amended by Committee Amendment "A" (H-775).

Which Reports were Read.

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

Senator MINKOWSKY: Mr. President, may I make an inquiry through the Chair to the Chairman of the Judiciary Committee as to how serious a problem it has been in the State of Maine on people not reporting or giving their names and addresses at the scene of an accident? It's a little bewildering between the 2 amendments, between House Amendment 775

and 776 to really find out what the rationale is relevant to it.

I guess I just want the further explanation as to why we are creating a new criminal provision under this particular bill of this particular requirement.

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, has posed a question through the Chair.

The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President, not every reportable accident situation in Maine involves criminal violations. When there are no criminal violations involved and an officer is at the scene, sometime he's at a disadvantage in obtaining the information that is necessary to complete his records and to create an orderly account of what has happened, and who ought to be responsible to whom.

This bill came on, before our committee, at the request of the Department of Public Safety because of actual experiences in the field by State Police Officers, where participants in an accident, that did not involve criminal violations, declined to give their names, or gave false or fanciful names. This impeded a good investigation and left parties with legitimate concerns for finding responsible recompense in a very difficult spot.

In order to pursue someone to obtain damages to your vehicle or your person, you have to know who it is that caused the accident, or participated in the accident regardless of who's fault it might have been.

So when an officer is on the scene, we felt that he was justified in having the strength of this sanction that the people must give their names and addresses. This basic identification requirement seems to us to be a reasonable help to our police officers in an orderly investigation.

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

Senator MINKOWSKY: Mr. President, does not the individuals license to drive in the State of Maine and the registration for that particular vehicle, more the drivers license a satisfactory verification that that is the individual who is responsible for that particular accident?

Also under section two of the original bill, the penalty is quite severe, here it states; who when at the scene of such an accident fails or refuses when requested by an officer authorized to make arrest to give his correct name and address shall be punished by a fine of not more than \$100 or by imprisonment for not more than 90 days or both.

Is it not more feasible and practical to go through the suspension of your license in lieu of such a drastic measure?

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

Senator COLLINS: I would point out to the good Senator from Androscoggin, that section 2 of the original bill has been replaced by a simple reference making this a Class E Crime, which of course is the lowest category of crimes.

The reference to the drivers license is certainly a pertinent inquiry. But it happens that there are cases where there are accidents where people do not have a drivers license. In fact this has been one of the principle problems, that people who are in accidents are people either driving without a license or driving after suspension of their license. So that they do not have any license.

Of course, this in itself would be a crime, if discovered. The identification of people, and this happens particularly, I am told in areas near the border, near the New Hampshire Border and the Canadian Border, where things happen and people are taking the attitude: well, I don't have to come back to Maine right away and they'll forget about it. So they just decline to give a name or give a fanciful name.

So that's all that this amounts to. If you don't think that people ought to have to give their name and address, when they have been in an accident, they you would vote for the Minority Report. If you think they should, then you would vote to accept the Majority Report.

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

Senator DEVOE: Thank you, Mr. President. If I may supplement the comments made by the good Senator from Knox. The amendment in Section 2 also tightens up the time in which the investigating officer must make his report to Augusta. The old law said that he had to do it within 48 hours after completing the investigation. But it happened that many officers would be taking their sweet old time in completing the investigations. The weeks go by. Inquiries would be made by the parties involved in the accident, the filing of the officers report. They would contact the officer and he would say: Oh I haven't completed my investigation.

So the amendment in Section 2 says that he must complete his investigation, and must send his report to Augusta within 5 days after he has been notified of the accident. So I think this is another reason for voting to accept the Committee Amendment.

The Majority Ought to Pass, as amended, Report of the Committee, Accepted, in concurrence, and the Bill Read Once. Committee Amendment "A" Read and Adopted, in concurrence, and the Bill, as amended, Tomorrow Assigned for Second Reading.

(Off Record Remarks)

Second Readers

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

House — As Amended

Bill, "An Act to Permit Participating Local Districts of the Maine State Retirement System to Amend Retirement Benefits for Policemen and Fire Fighters Prospectively." (H. P. 1665) (L. D. 1774)

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

Senate

Bill, "An Act Establishing Expenditure Limits for Federal Funds Expended by State Departments and Agencies for the Fiscal Year Ending June 30, 1981." (Emergency) (S. P. 757) (L. D. 1944)

Which was Read a Second Time.

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

Senator HUBER: Mr. President, and Members of the Senate, this is the second time we have seen one of these Federal Expenditure Budgets. It is a little understood area and a little understood document, covering enormous federal expenditures in the State.

I suspect that some members of this body may have questions either on specific areas, or on the document in general and to allow time for us to collect these questions, as they may occur and respond to them, when the legislature next considers this bill, I would hope that somebody would move to table this 1 Legislative Day, to allow us this time so that tomorrow we can respond to any questions you may have.

On Motion by Senator Najarian of Cumberland, Tabled for 1 Legislative Day, pending Passage to be Engrossed.

Senate — As Amended

Bill, "An Act to Provide Arthritic Drugs to Eligible Individuals under the Low Cost Drug Program". (S. P. 654) (L. D. 1693)

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

Sent down for concurrence.

(Off Record Remarks)

Senator Sutton of Oxford was granted unanimous consent to address the Senate, Off the Record.

Enactors

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

An Act Relating to Budgetary Hardship in Maintaining Special Education Students. (H. P. 1789) (L. D. 1908)

On Motion by Senator Huber of Cumberland, placed on the Special Appropriations Table, pending Enactment.

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

On Motion by Senator Pierce of Kennebec, Tabled, pending Enactment.

An Act Relating to the Maximum Seating Capacity of School Buses Transporting a Combination of Students Attending Grades Kindergarten through 12. (H. P. 1675) (L. D. 1782)

An Act Relating to State Liability for Damages Suffered on Certain State and State Aid Highways. (H. P. 1686) (L. D. 1794)

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)

An Act to Add the Commissioner of Educational and Cultural Services to the Energy Testing Laboratory of Maine and to Correct References to the Oil and Solid Fuel Burner Technicians Licensing Board. (H. P. 1674) (L. D. 1781)

An Act Relating to Publication of School Records Under the Education Laws. (H. P. 1595) (L. D. 1706)

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

RESOLVE, to Honor James B. Longley. (H. P. 1792) (L. D. 1910)

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Silverman.

Senator SILVERMAN: Mr. President, and Members of the Senate, as we honor former Governor James B. Longley, I think we remind ourselves of purpose, that regardless of our political system, in the United States, a leader can come from the population, win an election and with his convictions set a trend that was needed for the future of Maine.

On the lighter side, I have to say, being raised in Washington County, I was raised in an independent nature, and always was able to make a living for myself. The first person that I ever had the opportunity to work for was Governor James B. Longley. He was my first boss and I certainly had a crash program on how to be a subordinate. I must say to Jim Longley that he certainly was a talented teacher.

This being an emergency measure and having recieved the affirmative votes of 29 Members of the Senate, with No Senators voting 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.

Orders of the Day

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

Bill, "An Act Concerning Mobile Barber Shops." (H. P. 1658) (L. D. 1767)

Tabled—February 13, 1980 by Senator Chapman of Sagadahoc.

Pending—Consideration.

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

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

Bill, "An Act to Authorize Cutting of Trees on State Park Lands." (H. P. 1623) (L. D. 1733)

Tabled—February 13, 1980 by Senator Pierce of Kennebec.

Pending—Motion of Senator McBreairty of Aroostook that Committee Amendment "A" (H-754) be Indefinitely Postponed.

On Motion by Senator McBreairty of Aroostook, Committee Amendment "A" Indefinitely Postponed, in concurrence. House Amendment "A" (H-783) Read and Adopted, in concurrence, and the Bill, as amended, Tomorrow Assigned for Second Reading.

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

Senator PIERCE: Mr. President and Members of the Senate, I notice this morning that the good Minority Leader has appropriately acknowledged the ladies within the caucus on this special day. Although he might describe this person as the one rose among his 19 thorns, we think of her in our caucus as the loveliest flower that we know.

We'd like to acknowledge our own Barbara Gill and wish her the Happiest Valentines Day.

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