

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 29, 1980

Senate called to order by the President.

Prayer by the Reverend R. William Sims of St. Mark's Episcopal Church of Augusta.

Reverend SIMS: Let us pray! Dear Lord we wish to give you thanks this day for the opportunity of living in this beautiful State, for the opportunity of having the responsibilities for guiding it in its future.

We thank you for these dedicated Members of the Senate, their staffs, and for those who carry out the programs which they put into operation.

Give them guidance in making the decisions that come before this body affecting our State in this time of increasing demands and decreasing resources.

We know as mere human beings we do not always carry out our responsibilities for the responsibility of our environment.

Be with us as we continue to try, in the name of your son, Jesus Christ our Lord. Amen.

Reading of the Journal of yesterday.

**Papers From the House
Joint Orders**

Expressions of Legislative Sentiment recognizing:

The Buckfield High School Girls' Basketball team, which won its 5th consecutive Western Maine Class D girls basketball championship. (H. P. 1883)

The Buckfield Bucks, coached by Rodney Millett, winners of the 1979-80 Western Maine Class D boys basketball championship. (H. P. 1882)

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

Senate Papers

Senator McBreairty of Aroostook presented, Bill "An Act to Amend the Maine Sunset Law." (S. P. 773)

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

Reference to the Committee on Audit and Program Review is suggested.

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

Senator McBREAIRTY: Mr. President, and Honorable Members of the Senate, I would much prefer that this bill go to State Government. I don't think you should send us back our own bill. I would move that it go to State Government.

On Motion by Senator McBreairty of Aroostook referred to the Committee on State Government, and Ordered Printed.

Sent down for concurrence.

The Maine Probate Law Revision Commission Pursuant to P&SL 1973, c. 126; P&SL 1975, c. 147, and PL 1977, c. 712, submitted, Bill "An Act to Transfer Probate Jurisdiction to the Superior Court." (S. P. 775)

Reference to the Committee on Judiciary is suggested.

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

Orders

An Expression of Legislative Sentiment recognizing:

Henry Pease, of Jackman, who will celebrate the 100th anniversary of his birth on May 1, 1980. (S. P. 774) is presented by Senator Redmond of Somerset.

Which was Read and Passed.

Sent down for concurrence.

**Committee Reports
House**

Ought to Pass — As Amended

The Committee on Health and Institutional Services on, Bill, "An Act Relating to the Powers of Hospital Administrative District No. 1 in Penobscot County. (Emergency) (H. P. 1818) (L. D. 1946)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-803).

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

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

Second Readers

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

Senate

Bill "An Act to Make Corrections of Errors and Inconsistencies in the Laws of Maine." (Emergency) (S. P. 770) (L. D. 1964)

Which was Read a Second Time.

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

Senate — As Amended

Bill "An Act to Adjust the Administration of the Abandoned Property Law." (S. P. 735) (L. D. 1914)

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

Enactors

The Committee on Engrossed Bills reported as truly and strictly engrossed the following: AN ACT to Develop Elderly Congregate Housing in Maine. (S. P. 724) (L. D. 1873)

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

Orders of the Day

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

JOINT ORDER—relative to Mt. View High School Girls Basketball Team. (H. P. 1877)

Tabled—February 28, 1980 by Senator Pierce of Kennebec.

Pending—Passage.

Which was Passed, in concurrence.

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

JOINT ORDER—relative to the Committee on Audit and Program Review studying the operation and proposed expansion of the Office of Energy Resources. (S. P. 772)

Tabled—February 28, 1980 by Senator Conley of Cumberland.

Pending—Passage.

On Motion by Senator Huber of Cumberland, Retabled for 2 Legislative Days.

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

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

Tabled—February 28, 1980 by Senator Collins of Knox.

Pending—Motion of Senator Conley of Cumberland to Reconsider.

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

Senator COLLINS: Mr. President, yesterday the Senator from Cumberland, Senator Conley, raised a question of whether there should be a Fiscal Note on this bill.

I have in my hand a letter from Ronald H. Lord the Legislative Finance Officer in which

he says: I have talked with Bill Blodgett the Executive Director of the Maine State Retirement System and he confirmed that this Association is now a participating district the same as municipalities and other authorized associations. There is no cost to the State, the costs will be to the individuals involved and the association. The association is charged with their portion of the administrative costs. Therefore there would be no need of any Fiscal Note. I would ask that the Senate to vote no on the pending motion.

The PRESIDENT: The pending motion before the Senate is the Motion by the Senator from Cumberland, Senator Conley, that the Senate Reconsider its action whereby this Bill was Passed to be Enacted.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Thank you very much, Mr. President. The only remark, Mr. President and Members of the Senate, that I have to that, since the question was properly asked yesterday relevant to a Fiscal Note, is that it is going to be an on-going Fiscal Note to the taxpayers in the State of Maine who subsidize the Maine School Management Association. We are talking about long term.

In addition to that we are saying to these people that within the next year or two you will be able to get out of paying your fair-share under the Social Security Program.

Again who does this fall back on? It falls back on the regular taxpayers, the rank and file person in the State of Maine.

I just cannot see subsidizing this organization and giving this type of latitude and flexibility and allow these people not to pay their fair-share under the Social Security. It is not the right precedent that we have in the State of Maine. It is not right to be subsidized fully by municipal government as well as the state government, to keep this organization going for the same reason, why we are elected to be up here to represent these school boards in the State of Maine.

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

Senator COLLINS: Mr. President, I think that the Senator from Androscoggin, Senator Minkowsky, is giving us reverse reasons with respect to cost to the taxpayers.

This organization is presently in the posture of having to support two retirement systems the State System, and Social Security.

If we Enact this bill, we will be making it more likely that they can withdraw from Social Security. This in turn will mean that the local taxpayers will have to pay less rather than more. So the argument that the good Senator made seems to me to be an argument for the position that I support, rather than the one that he supports.

I would point out that this organization represents approximately 1,360 elected representatives of the people of this State. It's a legitimate organization that has been accepted into our system. We might not today make that same decision but that decision was made long ago, and we're simply facilitating some of the internal management of this organization. Thank you, Mr. President.

The PRESIDENT: The Chair will order a Division.

Will all those Senators in favor of Reconsideration, please rise in their places to be counted.

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

8 Senators having voted in the affirmative, and 17 Senators in the negative, the Motion to Reconsider does not prevail.

The Bill, having been signed by the President, was by the Secretary presented to the Governor for his approval.

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

Bill "An Act Authorizing the Bureau of Consumer Protection to Inform and Advise the Public and to Investigate and Prosecute Complaints Under the Fair Credit Reporting Act." (H. P. 1814) (L. D. 1926)

Tabled—February 28, 1980 by Senator Pierce of Kennebec.

Pending—Enactment.

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

The Chair laid before the Senate:

Bill "An Act to Transfer Probate Jurisdiction to the Superior Court." (S. P. 775), tabled earlier in today's session, on motion by Senator Collins of Knox, pending Reference.

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

Senator COLLINS: Mr. President, I would like to make a Parliamentary Inquiry, if I may. Perhaps our good Senate Secretary can help me.

The Report of the Probate Commission relative to Court Structure which has been a long time coming and it is finally here recommends to the Legislature that the Legislature obtain an advisory opinion from the Law Court on 2 questions, vis-a-vis the constitutional requirements about judges.

It was our thought that the most expeditious way to do this would be, as soon as the bill is printed, to Suspend the Rules and give the bill its First Reading. If necessary, move it to Second Reading. Then to have a Solemn Occasion Order sending the matter up to the law court with the 2 questions that were prepared by the consultant to the commission, Professor Loper of the University of Maine Law School.

If that is the proper procedure, then it would probably be in order to table this for one day, while the procedural work is prepared, so that the matter may move along on Monday. I would like to ask the Chair if this is a feasible way to approach this?

The PRESIDENT: The Chair would answer the Senator in the affirmative, that it is the proper procedure.

On Motion by Senator Collins of Knox, Retabled for 1 Legislative Day.

The PRESIDENT: The Chair would advise the Senate that all bills now in Committee or subsequently to be referred to Committee should be reported out by Wednesday, March 12, which is one week from next Wednesday, unless permission to retain the bills in the committees has been granted by both the Speaker and myself, for good cause.

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

Senator Usher of Cumberland was granted unanimous consent to address the Senate, Off the Record.

Senator Pray of Penobscot was granted unanimous consent to address the Senate, Off the Record.

On Motion by Senator Pierce of Kennebec, adjourned until Monday, March 3, at 11 o'clock in the morning.