

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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**

1733) (L. D. 1849)

An Act Appropriating Funds to the Department of Human Services, the Department of Mental Health and Corrections and the Department of Educational and Cultural Services for Insufficient Payments for Placement of Emotionally Disturbed Children in Residential Treatment Centers for the Fiscal Year Ending June 30, 1981. (H. P. 1868) (L. D. 1958)

An Act to Provide Funds for Vocational Training to Aid Manpower Services for Economic Development. (H. P. 1717) (L. D. 1823)

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

An Act to Amend the Probate Code. (S. P. 792) (L. D. 1990)

An Act to Authorize Operational Moneys for the Mattawamkeag Wilderness Park. (H. P. 1845) (L. D. 1950)

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) (L. D. 1891)

An Act Relating to Requirements for School Bus Operators and to the Inspection of School Buses. (S. P. 737) (L. D. 1916)

An Act to Reorganize the Sales and Use Tax Law and to Encourage Conversion of Coal through Treatment of Coal as Oil for Saltes Tax Purposes. (H. P. 1793) (L. D. 1918)

An Act to Revise the Law Concerning Sales Tax Exemptions. (H. P. 1908) (L. D. 1974)

An Act Prohibiting Nondegradable Connectors for Returnable Beverage Containers. (H. P. 1974) (L. D. 2013)

An Act to Clarify the Education Laws. (H. P. 1965) (L. D. 2011)

An Act to Revise the Small Claims Law. (S. P. 684) (L. D. 1807)

An Act to License Users of Ionizing and Non-ionizing Radiation Equipment. (H. P. 1682) (L. D. 1791)

An Act to Permit the Bingham Water District to Withdraw from the Maine State Retirement System. (H. P. 1678) (L. D. 1787)

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

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

On Motion by Senator Shute of Waldo, Tabled for 1 Legislative Day, Pending Enactment.

An Act to Clarify the Board of Environmental Protections' Responsibility to Regulate Roads under the Site Location Law. (S. P. 696) (L. D. 1832)

On Motion by Senator Pierce of Kennebec, Tabled for 1 Legislative Day, pending Enactment.

An Act to Provide Funds for Residential Energy Conservation (S. P. 766) (L. D. 1963)

On Motion by Senator Pierce of Kennebec, Tabled for 1 Legislative Day, pending Enactment.

Emergency

AN ACT Making Supplemental Appropriations from the General Fund for the Fiscal Year Ending June 30, 1980 to the Department of the Attorney General for the Defense of Land Claims Asserted by the Passamaquoddy Tribe and the Penobscot Nation. (S. P. 719) (L. D. 1869)

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

Emergency

AN ACT to Extend the Period of Insurance and Coverage under the Maine Medical and Hospital Malpractice Joint Underwriting Association Act by One Year. (S. P. 764) (L. D.

1957) (Emergency)

This being an emergency measure and having received the affirmative votes of 23 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.

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution Allowing Either the Constitution or Statutes to Determine the Manner of Selection of Judges of Probate and Justices of the Peace. (S. P. 804) (L. D. 2007)

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

Senator O'LEARY: Mr. President everytime I see one of these Constitutional Amendments I tend to cringe a little bit.

I know that this one is supposed to straighten out the Judges of Probate and Justices of the Peace. However what really concerns me, Mr. President and Members of the Senate, is the fact that we do not send a message often enough to those people who think that they are smarter than the formers of our Constitution who saw the wisdom in electing more of our officials.

It seems that if these people are allowed to run along their merry way, there will be a ballot and it will have the United States Senator and maybe a President, Governor, your Senator and Representative on the ballot and that will be just about it.

Mr. President I hope that the members of this Senate will vote against Enactment of this Constitutional Amendment.

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

Senator COLLINS: Mr. President, if the Senator from Oxford, Senator O'Leary is truly in favor of more elective offices he would be supporting this amendment because the Constitution in its present state, says that if we get to the time when we have full-time judges of probate they shall be appointed.

Then there is another part of the Constitution that raises a question about whether that is really so or not.

This amendment actually moves in the direction that the Senator has espoused because it leaves it to the Legislature, if the Legislature, ever does establish a system of full-time probate court, leave it to the Legislature to decide whether or not those Judges shall be elected or appointed.

I think that the point raised by the good Senator is really not with a full understanding of what this particular amendment does, and I hope that you will support the enactment of the amendment.

The PRESIDENT: Is the Senate ready for the question?

This is a Constitutional Amendment, and in order for its passage it requires the affirmative vote of two-thirds of those members present and voting.

Will all those Senators in favor of passage of this Resolution, please rise and remain standing until counted.

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

20 Senators having voted in the affirmative and 3 Senators in the negative, and 20 being more than the required two-thirds vote, the Resolution was Finally Passed, and having been signed by the President was by the Secretary presented to the Secretary of State.

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

Committee Report

House

Ought to Pass — As Amended

The Committee on Energy and Natural Resources on, Bill, "An Act to Enable the State to

Protect the People of Maine and its Natural Environment from Damage Resulting from the Discharge of Hazardous Matter." (H. P. 1780) (L. D. 1902)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H. 957).

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" Read and Adopted, in concurrence. The Bill, as amended, Tomorrow Assigned for Second Reading.

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

Communications

Committee on Public Utilities

March 20, 1980

The Honorable Joseph Sewall
President of the Senate

State House

Augusta, Maine

Dear President Sewall:

The Committee on Public Utilities is pleased to report that it has completed all business placed before it by the second regular session of the 109th Maine Legislature.

Total Number of Bills	30
Unanimous Reports	28
Ought to Pass	5
Ought to Pass as Amended	12
Ought Not to Pass	6
Leave to Withdraw	5
Divided Reports	2

Respectfully yours,

DANA DEVOE

Senate Chairman

Which was Read, and Ordered Placed on File.

Committee on Energy and Natural Resources

March 20, 1980

The Honorable Joseph Sewall
President of the Senate

State House

Augusta, Maine

Dear President Sewall:

The Committee on Energy and Natural Resources is pleased to report that it has completed all business placed before it by the Second Regular Session of the 109th Legislature.

Bills Received in Committee	17
Unanimous Reports	11
Ought to Pass	2
Leave to withdraw	2
Ought to Pass as amended	7
Divided Reports	6
Recommitted	0

Respectfully,

S/Senator

Chairman

JAMES McBREAIRTY

Which was Read, and Ordered Placed on File.

Enactor

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

An Act to Expand the Kinds of Projects Eligible for Financing Under the Municipal Securities Approval Act. (H. P. 1767) (L. D. 1898)

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

RESOLVE, Authorizing the Exchange of Certain Public Reserved Lands, Georgia-Pacific Corporation. (H. P. 1895) (L. D. 1971)

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

Senator SILVERMAN: Mr. President and Members of the Senate: I would like to make