

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Tenth  
Legislature***

OF THE

**STATE OF MAINE**

**SECOND REGULAR SESSION**

**January 6, 1982 to April 13, 1982**

**INDEX**

**FOURTH SPECIAL SESSION**

**April 28, 1982 and April 29, 1982**

**INDEX**

**FIFTH SPECIAL SESSION**

**May 13, 1982**

**INDEX**

**SECOND CONFIRMATION SESSION**

**July 16, 1982**

**INDEX**

ning Office have been reduced. A number of employees are not being funded. They were all practically funded by federal dollars. I don't have the exact count, but what we're doing is just replacing a portion of those individuals who are already there just to maintain sort of a bare bones program in those two areas.

Again, in case there is any confusion, the current motion on the floor is to Accept the Minority Report, which had \$1,000,000 restored to AFDC. The Majority Report, which is not before us at this moment, has about \$2,000,000 more for AFDC, money that the Legislature originally appropriated to AFDC. The Governor recommended that we put in an additional \$1,500,000 when he discovered that we no longer needed \$7,900,000 for the highways and freed up \$5,000,000 that was in his original budget.

So I ask you to reject the current motion on the floor so that we can accept the Majority Report, which includes additional money for AFDC families.

The PRESIDENT: Under the Constitution, in order for the Chair to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

Will all those Senators in favor of ordering a Roll Call, please rise and remain standing until counted.

Obviously more than one-fifth having arisen a Roll Call is ordered.

The pending question before the Senate is the motion by the Senator from Cumberland, Senator Huber, that the Senate Accept the Minority Ought to Pass, in New Draft, Report of the Committee.

A Yes vote will be in favor of the motion to Accept the Minority Ought to Pass, in New Draft, Report of the Committee.

A No vote will be opposed.

The Doorkeepers will secure the Chamber. The Secretary will call the Roll.

#### ROLL CALL

YEA—Ault, Collins, Devoe, Emerson, Gill, Hichens, Huber, McBreairty, Perkins, Pierce, Redmond, Sewall, C.; Shute, Sutton, Teague, Trotzky.

NAY—Brown, Bustin, Carpenter, Charette, Clark, Conley, Dutremble, Kerry, Minkowsky, Najarian, Pray, Trafton, Usher, Violette, Wood.

ABSENT—O'Leary.

A Roll Call was had.

16 Senators having voted in the affirmative and 15 Senators in the negative, with 1 Senator being absent, the motion to Accept the Minority Ought to Pass, in New Draft, Report of the Committee, in non-concurrence, does prevail. The Bill, in New Draft, Read Once. Under Suspension of the Rules, the Bill, in New Draft, Read a Second Time.

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

Senator HUBER: Mr. President and Members of the Senate: I now present Senate Amendment "A" to the Bill and move its Adoption.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now offers Senate Amendment "A" to LD 2143 and moves its Adoption.

Senate Amendment "A" (S-475) was Read.

The PRESIDENT: The Senator has the floor. Senator HUBER: Mr. President and Members of the Senate: with great regret I present this Amendment, which represents not the work of the Appropriations Committee, but was a bill discussed in the press today and prepared last night, which faces only the immediate future needs of State government in fiscal year 1982.

Although both of the bills that we were discussing faced a series of needs of State Government, I'm afraid the situation that we're in will prevent passage of either of the Committee Reports.

This Amendment is an attempt to avoid considerable problems and immediate problems in

such areas as funding for housing inmates in county jails, funding at the State prison, various workers' compensation claims, and other immediate needs of State government which may prove to be problems even within the next few weeks.

It, also, does provide the basic education allocation and the subsidy index, which is also of immediate and serious concern to local school districts.

I hope that this Amendment will be adopted.

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

Senator NAJARIAN: Mr. President and Members of the Senate: I don't know who sat the priorities in this Senate Amendment, but there are many, many other things in our budget that are being omitted that are equally as important as anything in this Senate Amendment. There is nothing in there for the Department of Education; nothing in there at all for the Department of Human Services which includes money for general assistance, which includes money that we owe for catastrophic illness; includes nothing for boarding homes, in the first year, or the second year; it includes nothing for child abuse and neglect when we have provided more workers to meet a critical need.

It does, however, Senator Minkowsky will be interested to know, have the Federal State coordinator funded. That is very critical. It has nothing for Thomaston, for the prisons. It has nothing for the correctional, Maine Correctional Center. We had \$75,000 in there for training. I can go on, and on, and on. Every department of the State practically is eliminated from this Amendment except for educational funding and a few, certainly, critical areas, but only a very few.

I hope we reject that Amendment, too.

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

Senator HUBER: Mr. President and Members of the Senate: the Senator from Cumberland, Senator Najarian, is exactly right. In fact, the two Reports, as has been pointed out before, varied in only two areas. This Amendment, proposed Amendment, does not attempt to do anything except address the most immediate needs. It does not address many other State needs, but hopefully would hang State government together for a short period of time, at which point I would hope that the Legislature could do something more responsible.

Senate Amendment "A" was Adopted. The Bill, as amended, Passed to be Engrossed in non-concurrence.

Sent down forthwith for concurrence.

#### Orders of the Day

On motion by Senator Huber of Cumberland, the Senate voted to remove from the Special Appropriations Table:

Bill, "An Act Making Appropriations, Authorizations and Allocations Enabling the State Planning Office to Administer the Small Cities Program Community Development Block Grant." (Emergency) (H. P. 2263) (L. D. 2108)

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

Senator HUBER: Mr. President, Under Suspension of the Rules, I move the Senate Reconsider its action whereby this Bill was Passed to be Engrossed.

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

Senator CONLEY: I object.

The PRESIDENT: The Senator from Cumberland, Senator Conley, has objected to Suspension of the Rules.

The Chair will order a Division.

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

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

16 Senators having voted in the affirmative,

and 15 Senators having voted in the negative, the motion to Suspend the Rules does not prevail.

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

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

Senator HUBER: Mr. President, I move that the following LD's be taken from the Special Appropriations Table: LD's 1721, 1722, 1731, 1756, 1772, 1824, 1847, 1863, 1869, 1877, 1883, 1885, 1886, 1890, 1904, 1909, 1939, 1949, 1956, 1982, 1983, 1985, 1986, 2006, 2007, 2012, 2047, 2050, 2061, 2084, 2091, 2094, 2096, and 2098.

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

Senator CONLEY: Mr. President, may I pose a question through the Chair?

The PRESIDENT: The Senator may state his question.

Senator CONLEY: The LD's that the good Senator from Cumberland has requested to be removed from the Table, am I to assume that these are all the bills that are on the Table with the exception of the block grant legislation that we just put back on the Table?

The PRESIDENT: We'll answer that question as soon as we can determine it.

The Chair recognizes the Senator from Cumberland, Senator Huber.

Senator HUBER: Mr. President and Members of the Senate: It was my intention to take off all the bills on the Appropriations Table except for LD 2108, the Community Development Block Grant Bill, which I some moments before removed and then fouled up the motion and I will deal with later. I do have two other bills which seem to have escaped my net.

The PRESIDENT: The Chair would advise the Senator from Cumberland, Senator Conley, that all bills have been removed from the Table, with the exception of LD 2108, the Community Block Grant Bill.

On motion by Senator Huber of Cumberland, the Senate voted to remove from the Special Appropriations Table:

RESOLVE, Reimbursing Great Pond on Account of Taxes Lost Due to Lands Being Classified Under the Maine Tree Growth Tax Law. (H. P. 1736) (L. D. 1721)

RESOLVE, Reimbursing Certain Municipalities on Account of Taxes Lost Due to the Veterans' Property Tax Exemption. (Emergency) (H. P. 1737) (L. D. 1722)

Bill, "An Act to Clarify Fish Inspection Responsibilities." (H. P. 1742) (L. D. 1731)

Resolution, Proposing an Amendment to the Constitution of Maine to Limit the Life of Bond Authorizations." (S. P. 753) (L. D. 1756)

RESOLVE, Authorizing the City of South Portland to Bring a Civil Action Against the State. (Emergency) (H. P. 1782) (L. D. 1772)

Bill, "An Act to Amend the Maine Medical Compact." (S. P. 766) (L. D. 1824)

Bill, "An Act to Require Reporting of Abuse of Elderly or Incapacitated Adults." (S. P. 779) (L. D. 1847)

Bill, "An Act Concerning Salaries of District Court Judges." (H. P. 1869) (L. D. 1863)

Bill, "An Act Relating to the Selection and Service of Traverse and Grand Jurors." (S. P. 793) (L. D. 1869)

Bill, "An Act to Provide Retired Teachers, State Employees and Beneficiaries with a Cost-of-living Increase." (H. P. 1891) (L. D. 1877)

Bill, "An Act to Revise the Procedure for Municipalities Withdrawing from the Maine Forestry District." (Emergency) (H. P. 1911) (L. D. 1883)

Bill, "An Act to Provide Assistance in the Marketing of Maine Agricultural Products." (H. P. 1900) (L. D. 1885)

Bill, "An Act to Provide a Data Input and Retrieval System for the Workers' Compensation Commission." (H. P. 1901) (L. D. 1886)

Bill, "An Act to Amend the Exemption from Sales and Use Tax for the Sale of Certain Instrumentalities of Interstate or Foreign Commerce." (Emergency) (H. P. 1905) (L. D. 1890)

RESOLVE, Authorizing the Maine Forest Service to Convey by Bid Sale of the State's Interest in Certain Real Estate in the Maine Forestry District and to Use the Proceeds for Energy-saving Improvements to Other Existing Fire Control Buildings. (H. P. 1922) (L. D. 1904)

Bill, "An Act Revising Executive Salary Ranges." (S. P. 813) (L. D. 1909)

Bill, "An Act to Provide Financial Assistance to Students of Osteopathic Medicine." (S. P. 831) (L. D. 1939)

Bill, "An Act to Eliminate the 2¢ Excise Tax Imposed on Jet Fuel Used by International Flights." (Emergency) (H. P. 1974) (L. D. 1949)

Bill, "An Act Relating to State Entitlement of Certain School Administrative Districts." (Emergency) (H. P. 1984) (L. D. 1956)

Bill, "An Act to Provide State Funding for Literacy Volunteers." (S. P. 847) (L. D. 1982)

Bill, "An Act to Equalize Health Insurance Benefits for Retired State Employees." (S. P. 850) (L. D. 1983)

Bill, "An Act to Provide for a Comprehensive Career and Occupational Information System." (H. P. 2015) (L. D. 1985)

Bill, "An Act to Authorize the Treasurer of State to Issue Tax Exempt Commercial Papers." (H. P. 2021) (L. D. 1986)

Bill, "An Act Relating to Harness Racing at Agricultural Fairs, the State Stipend and Parimutuel Pools." (Emergency) (S. P. 864) (L. D. 2006)

Bill, "An Act to Clarify Solar Energy Tax Exemptions." (H. P. 2066) (L. D. 2007)

Bill, "An Act Creating the Housing Opportunities for Maine (HOME) Program and Governing Program Funds Appropriated by this Act to the Maine State Housing Authority." (Emergency) (H. P. 2071) (L. D. 2012)

Bill, "An Act to Provide for the Storage and Disposal of Illegal and Obsolete Pesticides and Handling Empty Pesticides Containers." (Emergency) (S. P. 905) (L. D. 2047)

Bill, "An Act to Authorize the Repair, Maintenance and Improvement of the Building and Grounds of the Statehouse." (H. P. 2144) (L. D. 2050)

Resolution, Proposing an Amendment to the Constitution of Maine to Authorize the Credit of the State to be Loaned to Secure Funds for Loans to Parents of Maine Students Attending Institutions of Higher Education. (S. P. 920) (L. D. 2061)

Bill, "An Act Appropriating Funds for the Agent Orange Information Committee." (Emergency) (S. P. 945) (L. D. 2084)

Bill, "An Act to Adjust Levels of Compensation for Members of the Legislature and the Senate Secretary and House Clerk." (H. P. 2233) (L. D. 2091)

Bill, "An Act to Identify Freshwater Wetlands." (H. P. 2236) (L. D. 2094)

Bill, "An Act to Extend the Health Facilities Information Disclosure Act and to Authorize the Charging of Fees for the Dissemination of Information." (Emergency) (H. P. 2238) (L. D. 2096)

Bill, "An Act Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Law." (Emergency) (H. P. 2239) (L. D. 2098)

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

Senator HUBER: I move that these Bills be referred to the Committee on Appropriations and Financial Affairs.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that these Bills be referred to the Committee on Appropriations and Financial Affairs.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I would pose a question through the Chair. Now that this session is coming to an end, do we have it within the Joint Rules to refer matters on the Appropriations Table, or any bills, to a committee?

The PRESIDENT: The Chair would answer the Senator in the affirmative, that the motion to commit is in order. There is no time specified when it may not be in order in the Joint Rules.

The Senator has the floor.

Senator CONLEY: It is my understanding then that the motion before the Senate is recommit these bills to the Committee on Appropriations and Financial Affairs.

The PRESIDENT: The Chair would answer in the affirmative.

The Chair recognizes the Senator from Cumberland, Senator Huber.

Senator HUBER: I believe the motion is to refer them to Committee, because some have not been in the Appropriations Committee.

The PRESIDENT: The Chair would advise the Senator from Cumberland, Senator Conley, on advice from the Chair's parliamentarian that the motion to refer and the motion to commit are one and the same thing. It's not refer.

The Chair recognizes the Senator from York, Senator Wood.

Senator WOOD: A parliamentary inquiry. If the bills were never referred to that committee in the first place, can we refer a bill to a committee that it was not referred to, harkening back to the days of the Harness Racing Bill. We were told we could not refer a Bill from one committee to another committee, after the Report had been accepted.

The PRESIDENT: The Chair would advise the Senator from York, Senator Wood, that the motion was not to re-refer, but to refer, and that this motion is in order.

The Chair recognizes the Senator from York, Senator Wood.

Senator WOOD: A further parliamentary inquiry. Since some of these bills have been amended, when we were with the Harness Racing Bill, we were told that we could not refer that Bill to another committee, once we had Accepted the Report with an Amendment on it that, that Bill then, we would have to strip off those Amendments if it was going to be sent to another committee. Some of these bills have been amended, is it possible to refer them to a second committee?

The PRESIDENT: The Chair would advise the Senator from York, Senator Wood, that the motion is in order. That when these Bills are reported out from the Appropriations Committee, hopefully, they will be the Appropriations' Bills, and the Amendments will be Appropriations' Amendments.

Is it the pleasure of the Senate that these Bills be referred to the Committee on Appropriations and Financial Affairs?

The Chair recognizes the Senator from Aroostook, Senator Violette.

Senator VIOLETTE: Yes, Mr. President and Ladies and Gentlemen of the Senate, could we have an explanation as to why we are referring these Bills on the last day of the session, and why we are not taking them from the Table, and Enacting them?

The PRESIDENT: The Senator from Aroostook, Senator Violette, has posed a question through the Chair.

The Chair recognizes the Senator from Cumberland, Senator Huber.

Senator HUBER: Mr. President and Members of the Senate: my purpose in doing this is an attempt to keep these bills alive subject to the Study Order, which I will present next, so that at subsequent special sessions, if we care to reconsider these Bills, they will be available in their current form and won't have to be re-generated or recalled from the Legislative files, or generated from scratch. It would keep

the Appropriations Table available for the next special session.

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

Senator TRAFTON: Mr. President, I would like to direct a question to the good Senator from Cumberland, Senator Huber, it seems to me that our charge has been to handle these matters within the 50 days allocated to us in the Second Regular Session.

It strikes me that this is rather a circuitous route to circumvent the nature of a special session which is to allow the Governor to make up the call. I wish that you would respond to that question.

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

The Chair recognizes the Senator from Cumberland, Senator Huber.

Senator HUBER: Mr. President and Members of the Senate, this may be seen as what the Senator from Androscoggin, may be seen as she perceives it, but that is not my intent, my intent is to avoid a lot of mechanical troubles when and if we do again consider these matters.

On motion by Senator Huber of Cumberland, referred to the Committee on Appropriations and Financial Affairs, in non-concurrence.

Sent down forthwith for concurrence.

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

Senator HUBER: I move that L. D. 2106 and 2123 be taken from the Special Appropriations Table.

#### Senate at Ease

The Senate called to Order by the President.

The PRESIDENT: The Chair would advise the Senator from Cumberland, Senator Conley, who inquired earlier about what Bills were left on the Table, that there were 3 Bills remaining on the Table. The first one that was mentioned and these two, which are:

Bill, "An Act to Amend the Maine Certificate of Need Law." (S. P. 967) (L. D. 2123)

Bill, "An Act to Remove Restrictions Preventing State Retirees from Receiving Certain Benefits." (H. P. 2260) (L. D. 2106)

The Chair apologizes for the error.

Is it now the pleasure of the Senate that these 2 Bills be removed from the Special Appropriations Table?

It is a vote.

On motion by Senator Huber of Cumberland, referred to the Committee on Appropriations and Financial Affairs, in non-concurrence.

Sent down forthwith for concurrence.

Out of Order under Suspension of the Rules, on motion by Senator Huber of Cumberland,

Ordered, the House concurring, that the following legislation be held by the Joint Standing Committee on Appropriations and Financial Affairs for the purposes of additional study; and be it further

Ordered, that the committee report out this legislation on the first day of the Fourth Special Session of the 110th Legislature.

(H. P. 1736, L. D. 1721, RESOLVE, Reimbursing Great Pond on Account of Taxes Lost Due to Lands Being Classified Under the Maine Tree Growth Tax Law.)

(H. P. 1737, L. D. 1722, RESOLVE, Reimbursing Certain Municipalities on Account of Taxes Lost Due to the Veterans' Property Tax Exemption.)

(H. P. 1742, L. D. 1731, AN ACT to Clarify Fish Inspection Responsibilities)

(S. P. 753, L. D. 1756, RESOLUTION, Proposing an Amendment to the Constitution of Maine to Limit the Life of Bond Issues.)

(H. P. 1782, L. D. 1772, RESOLVE, Authorizing the City of South Portland to Bring a Civil